

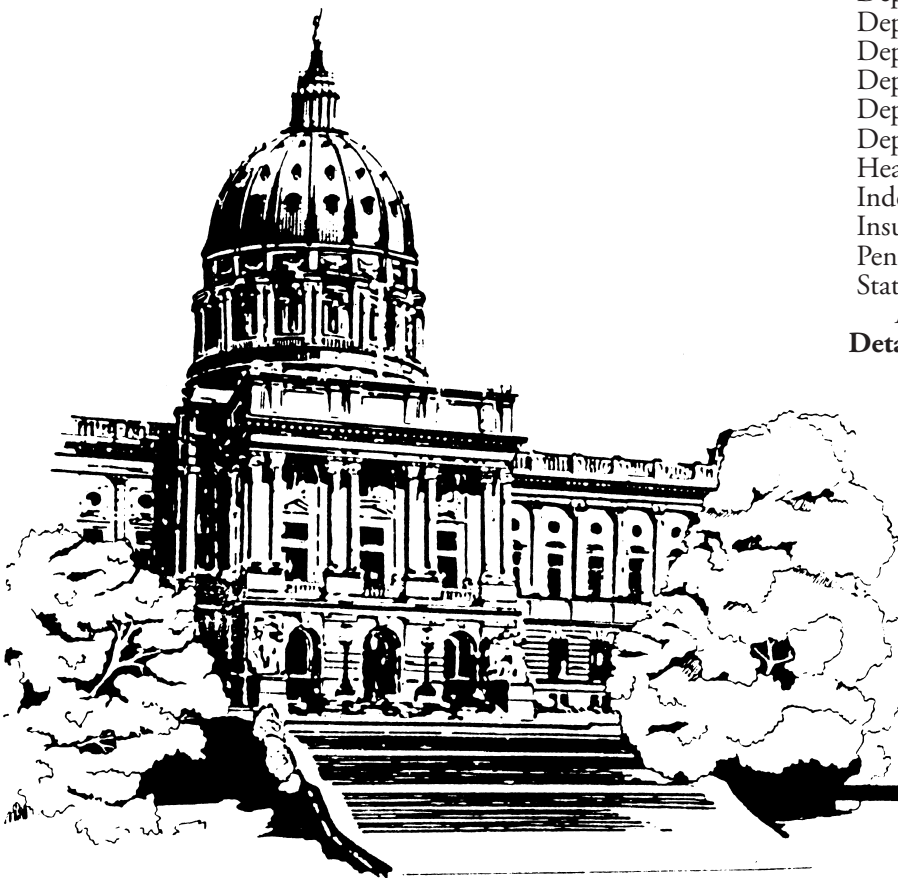
PENNSYLVANIA BULLETIN

Volume 51
Saturday, February 27, 2021 • Harrisburg, PA
Number 9
Pages 995—1118

Agencies in this issue

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Board of Coal Mine Safety
Capitol Preservation Committee
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Department of Banking and Securities
Department of Education
Department of Environmental Protection
Department of Health
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Department of Military and Veterans Affairs
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Independent Regulatory Review Commission
Insurance Department
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State Board of Examiners of Nursing Home
Administrators

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

No. 555, February 2021

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BULLETIN

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$87.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198
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(800) 524-3232 ext. 2340 (toll free, in State)

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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.

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed Adoption of Pa.R.C.P. No. 242

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Rule 242 for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by April 23, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Civil Procedural
Rules Committee*

JOHN J. HARE,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

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

Rule 242. Citation of Authorities.

Citation of authorities in matters subject to these rules shall be in accordance with Pa.R.A.P. 126.

Official Note: See also 210 Pa. Code § 65.37 and *Wenk v. State Farm Fire and Casualty Co.*, 228 A.3d 540,

552 n.11 (Pa. Super. 2020) for citing to non-precedential decisions of the Superior Court; and Pa.R.A.P. 3716 and 210 Pa. Code § 69.414 for citing to non-precedential decisions of the Commonwealth Court.

PUBLICATION REPORT

The Civil Procedural Rules Committee received a request to consider a rule allowing the citation of non-precedential appellate court decisions for their persuasive value in the trial courts. Specifically, the Committee was asked to consider such a rule following the amendment of Pa.R.A.P. 126 (Citation of Authorities) permitting such citation in the appellate courts.

The Rules of Civil Procedure are silent as to the citation of authorities in the trial courts; there is likewise no prohibition to the citation of non-precedential appellate court decisions. In the absence of any prohibition, it is assumed these decisions may be cited.

The Committee observed that permitting citation to these decisions could have significant benefits to the bench and bar including:

- promoting consistency among the trial courts on routine issues, as well as a more informed analysis on controversial issues;
- providing the trial courts with more guidance about the current state of the law, which in turn should bring more predictability in resolving all civil matters as well as more efficiency and cost-effectiveness for parties and the courts;
- allowing the use of similar fact patterns or legal analyses to support or refute position;
- allowing the citation of opinions that may be more illustrative and more current than binding precedent; and
- retaining the trial court's discretion to give appropriate weight to these decisions as persuasive value.

Notwithstanding these benefits, the Committee recognized that the intermediate appellate courts have imposed limitations for citing to each court's respective non-precedential decisions for their persuasive value. See Superior Court O.P. § 65.37 regarding citation to Superior Court non-precedential decisions and Pa.R.A.P. 3716 and Commonwealth Court I.O.P. § 414 regarding citation to Commonwealth Court non-precedential decisions.

Accordingly, the Committee proposes new Rule 242 to make explicit the assumption that non-precedential appellate court decisions may be cited in the trial courts. However, respectful of the limitations the intermediate appellate courts have placed on the citation of their decisions, the Committee proposes within Rule 242 to cross-reference and incorporate Pa.R.A.P. 126 for the specific requirements when citing to non-precedential appellate court decisions for their persuasive value in the trial courts. A note to the proposed rule is intended to inform practitioners of the Superior Court and Commonwealth Court operating procedures.

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

[Pa.B. Doc. No. 21-273. Filed for public inspection February 26, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200, 1000, 2950 AND 3000] Proposed Adoption of Pa.R.C.P. No. 243 and Proposed Amendment of Pa.R.C.P. Nos. 237.1, 1037, 2955, 3031, 3103 and 3146

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Rule 243 and the amendment of Rules 237.1, 1037, 2955, 3031, 3103, and 3146 for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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*By the Civil Procedural
Rules Committee*

JOHN J. HARE,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

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

Rule 243. Servicemembers Civil Relief Act. Affidavit.

(a) In any civil action in which a defendant does not make an appearance, the plaintiff shall comply with the requirements of the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 *et seq.*

(b) For every individual defendant, the plaintiff shall file an affidavit indicating that

- (1) the defendant is in military service;
- (2) the defendant is not in military service; or

(3) the plaintiff is unable to determine whether the defendant is in military service.

(c) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the form affidavit required by subdivision (b). The latest version of the form shall be available on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

Rule 237.1. Notice of *Praecepte* for Entry of Judgment of *Non Pros* for Failure to File Complaint or by Default for Failure to Plead.

(a)(1) As used in this rule,

“judgment of *non pros*” means a judgment entered by *praecepte* pursuant to Rules 1037(a) and 1659;

Official Note: When a defendant appeals from a judgment entered in a magisterial district court, Pa.R.C.P.M.D.J. **No.** 1004(b) authorizes the appellant to file a *praecepte* for a rule as of course upon the appellee to file a complaint or suffer entry of a judgment of *non pros*. The entry of the judgment of *non pros* is governed by [Pa.R.C.P. No.] **Rule** 1037(a) and is subject to this rule.

“judgment by default” means a judgment entered by *praecepte* pursuant to Rules 1037(b), [**1511(a),**] 3031(a) and 3146(a).

(2) No judgment of *non pros* for failure to file a complaint or by default for failure to plead shall be entered by the prothonotary unless the *praecepte* for entry includes a certification that a written notice of intention to file the *praecepte* was mailed or delivered

(i) in the case of a judgment of *non pros*, after the failure to file a complaint and at least ten days prior to the date of the filing of the *praecepte* to the party's attorney of record or to the party if unrepresented, or

(ii) in the case of a judgment by default, after the failure to plead to a complaint and at least ten days prior to the date of the filing of the *praecepte* to the party against whom judgment is to be entered and to the party's attorney of record, if any.

The ten-day notice period in subdivision (a)(2)(i) and (ii) shall be calculated forward from the date of the mailing or delivery, in accordance with Rule 106.

Official Note: The final sentence of Rule 237.1(a)(2) alters the practice described in the decision of *Williams v. Wade*, 704 A.2d 132 (Pa. Super. 1997).

(3) A copy of the notice shall be attached to the *praecepte*.

(4) The notice and certification required by this rule may not be waived.

Official Note: A certification of notice is a prerequisite in all cases to the entry by *praecepte* of a judgment of *non pros* for failure to file a complaint or by default for failure to plead to a complaint. Once the ten-day notice has been given, no further notice is required by the rule even if the time to file the complaint or to plead to the complaint has been extended by agreement.

See Rule 237.4 for the form of the notice of intention to enter a judgment of *non pros* and Rule 237.5 for the form of the notice of intention to enter a judgment by default.

(b) This rule does not apply to a judgment entered

- (1) by an order of court,
- (2) upon *praecepte* pursuant to an order of court, or
- (3) pursuant to a rule to show cause.

Official Note: See Rule 3284 which requires that in proceedings to fix fair market value of real property sold, notice must be given pursuant to the requirements of Rule 237.1 *et seq.*

See Rule 243 for the affidavit required by the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 *et seq.*, setting forth facts showing whether the defendant is in military service as a prerequisite to the entry of a default judgment.

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

JUDGMENT UPON DEFAULT OR ADMISSION

Rule 1037. Judgment Upon Default or Admission. Assessment of Damages.

(a) If an action is not commenced by a complaint, the prothonotary, upon *praecipe* of the defendant, shall enter a rule upon the plaintiff to file a complaint. If a complaint is not filed within [**twenty**] **20** days after service of the rule, the prothonotary, upon *praecipe* of the defendant, shall enter a judgment of *non pros*.

Official Note: See Rule 237.1(a)(2) which requires the *praecipe* for judgment of *non pros* to contain a certification of written notice of intent to file the *praecipe*.

(b) The prothonotary, on *praecipe* of the plaintiff, shall enter judgment against the defendant for failure to file within the required time a pleading to a complaint which contains a notice to defend or, except as provided by subdivision (d), for any relief admitted to be due by the defendant's pleadings.

Official Note: See Rule 237.1 which requires the *praecipe* for default judgment to contain a certification of written notice of intent to file the *praecipe*.

While the prothonotary may enter a default judgment in an action legal or equitable, only the court may grant equitable relief. See subdivision (d).

(1) The prothonotary shall assess damages for the amount to which the plaintiff is entitled if it is a sum certain or which can be made certain by computation, but if it is not, the damages shall be assessed at a trial at which the issues shall be limited to the amount of the damages.

(2) In all actions in which the only damages to be assessed are the cost of repairs made to property

(i) the prothonotary on *praecipe* of the plaintiff, waiving any other damages under the judgment, and the filing of the affidavits provided by subparagraphs (ii) and (iii) shall assess damages for the cost of the repairs;

(ii) the *praecipe* shall be accompanied by an affidavit of the person making the repairs; the affidavit shall contain an itemized repair bill setting forth the charges for labor and material used in the repair of the property; it shall also state the qualifications of the person who made or supervised the repairs, that the repairs were necessary, and that the prices for labor and material were fair and reasonable and those customarily charged;

(iii) the plaintiff shall send a copy of the affidavit and repair bill to the defendant by registered mail directed to

the defendant's last known address, together with a notice setting forth the date of the intended assessment of damages, which shall be not less than [**ten**] **10** days from the mailing of the notice and a statement that damages will be assessed in the amount of the repair bill unless prior to the date of assessment the defendant by written *praecipe* files with the prothonotary a request for trial on the issue of such damages; an affidavit of mailing of notice shall be filed.

Official Note: By Definition Rule 76, registered mail includes certified mail.

(c) In all cases, the court, on motion of a party, may enter an appropriate judgment against a party upon default or admission.

Official Note: For the form of notice to defend, see Rule 1018.1.

(d) In all cases in which equitable relief is sought, the court shall enter an appropriate order upon the judgment of default or admission and may take testimony to assist in its decision and in framing the order.

See Rule 243 for the affidavit required by the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 *et seq.*, setting forth facts showing whether the defendant is in military service as a prerequisite to the entry of a default judgment.

CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

Rule 2955. Confession of Judgment.

(a) The plaintiff shall file with the complaint a confession of judgment substantially in the form provided by Rule 2962.

(b) The attorney for the plaintiff may sign the confession as attorney for the defendant unless an Act of Assembly or the instrument provides otherwise.

Official Note: [**There are local rules in some counties requiring the filing of an affidavit of non-military service. See also the Servicemembers Civil Relief Act, 50 U.S.C.A. Appendix § 521.] See Rule 243 for the affidavit required by the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 *et seq.*, setting forth facts showing whether the defendant is in military service as a prerequisite to the entry of a default judgment.**

CHAPTER 3000. JUDGMENTS

Subchapter B. REVIVAL OF JUDGMENT LIENS

Rule 3031. Judgment upon Default or Admission. Assessment of Damages.

(a) The prothonotary, on *praecipe* of the plaintiff, shall enter judgment against a defendant or terre tenant for failure within the required time to plead to the writ or for any relief admitted to be due by the defendant's or terre tenant's pleading. The prothonotary shall assess damages as directed in the *praecipe* for judgment.

Official Note: [**See the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. § 520 requiring an affidavit setting forth facts showing that the defendant is not in military service as a prerequisite to the entry of a default judgment.]**

See Rule 243 for the affidavit required by the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 et seq., setting forth facts showing whether the defendant is in military service as a prerequisite to the entry of a default judgment.

See Rule 237.1 *et seq.* which requires a ten-day notice as a prerequisite to the entry of a default judgment.

(b) In all cases the court, on motion of a party, may enter an appropriate judgment against a party upon default or admission.

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3103. [Commencement; issuance] Commencement. Issuance.

(a) Execution shall be commenced by filing a *praecipe* for a writ of execution with the prothonotary of any county in which judgment has been entered. Except as otherwise prescribed by Rule 2963 governing a judgment entered by confession, the *praecipe* shall be in the form prescribed by Rule 3251.

Official Note: The following Acts of Assembly contain special procedures in connection with the issuance of the writ:

Section 428 of the Act approved June 2, 1915, P.L. 736, as amended, 77 P.S. § 951, providing for filing with the prothonotary an affidavit of default in payments before execution may issue on workmen's compensation judgments.

Section 712 of the Act approved May 15, 1933, P.L. 565, as amended, 71 P.S. § 733-712 requiring leave of court for execution against a financial institution of which the Secretary of Banking is in possession as receiver.

Section 3377 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 3377, providing that execution may not issue on judgments against decedents other than on mortgages, ground rents or conditional sales of real or personal property without agreement in writing of the personal representative or approval of the Orphans' Court.

The [**Soldiers' and Sailors'] Servicemembers Civil Relief Act, [50 U.S.C.A. Appendix 520] 50 U.S.C. § 3901 et seq.**

(b) A writ issued by the prothonotary of the county in which judgment was entered originally or by transfer or certification from another court in the same county may be directed to the sheriff of any county within the Commonwealth.

Official Note: Rule 2959(a)(1) authorizes the defendant in a confessed judgment to move to open judgment either in the county of entry or of execution.

(c) When a judgment is transferred to another county, a writ issued by the prothonotary of the transferee county may be directed only to the sheriff of his county.

(d) Writs may be issued at the same or different times or to the sheriffs of different counties without a prior return of any outstanding writ.

(e) Upon issuance of the writ the prothonotary shall transmit it directly to the sheriff to whom it is directed or upon plaintiff's request deliver it to the plaintiff or the plaintiff's representative for transmittal.

Rule 3146. Judgment against [garnishee upon default or admission in answer to interrogatories] Garnishee upon Default or Admission in Answer to Interrogatories.

(a)(1) If the garnishee within the time allowed by these rules fails to file an answer to interrogatories containing a notice to answer, the prothonotary on *praecipe* of the plaintiff shall enter judgment unliquidated in amount, in favor of the plaintiff and against the garnishee. The amount of the judgment shall thereafter be assessed by the court on motion, notice to the garnishee with a copy to the defendant in the form provided by subdivision (a)(2), and hearing. At the hearing the garnishee may raise defenses against the judgment debtor available under Rule 3145, provided that written notice thereof has been given to all parties not less than [**ten**] **10** days prior to the hearing. If the garnishee appears, the court shall determine and enter judgment for the value of the property of the defendant in the hands of the garnishee but shall not enter judgment in excess of the judgment of the plaintiff against the defendant together with interest and costs. If the garnishee fails to appear, or if appearing offers no evidence, the amount of the judgment shall thereupon be entered in the amount of the plaintiff's judgment against the defendant together with interest and costs, and the court may also award to the plaintiff reasonable expenses including attorney's fees.

(2) The notice required by subdivision (a)(1) shall be in substantially the following form:

* * * * *

(b)(1) Subject to [**paragraph (2) of this**] subdivision **(b)(2)**, the prothonotary, on *praecipe* of the plaintiff, shall enter judgment against the garnishee for the property of the defendant admitted in the answer to interrogatories to be in the garnishee's possession, subject to any right therein claimed by the garnishee, but no money judgment entered against the garnishee shall exceed the amount of the judgment of the plaintiff against the defendant together with interest and costs. The entry of judgment shall not bar the right of the plaintiff to proceed against the garnishee as to any further property or to contest any right in the property claimed by the garnishee.

(2) If the garnishee is a bank or other financial institution, the prothonotary, in the absence of an order of court, shall not enter judgment pursuant to paragraph (1) of this subdivision as to funds of any account of the defendant that is identified in the garnishee's answer to interrogatory no. 7 or 8.

Official Note: See Rule 243 for the affidavit required by the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 et seq., setting forth facts showing whether the defendant is in military service as a prerequisite to the entry of a default judgment.

PUBLICATION REPORT

The Civil Procedural Rules Committee received a request to determine whether certain requirements of the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 *et seq.* should be added to the Rules of Civil Procedure to ensure that an eligible defendant receives the protections of the Act.

The Act provides, in pertinent part, "for the temporary suspension of judicial administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service." *Id.* §§ 3931(a), 3951. The Act applies to all civil actions in which the defendant does not appear and requires the

plaintiff to file an affidavit prior to the entry of default judgment stating (1) whether the defendant is in military service and showing necessary facts to support the affidavit; or (2) the plaintiff is unable to determine whether the defendant is in military service. *See id.* § 3931.

The Rules of Civil Procedure presently reference the Act or its predecessor, the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. § 520, in Rule 2955 (Confession of Judgment), Rule 3031 (Judgment Upon Default or Admission), Rule 3103 (Commencement of Execution of Judgment for the Payment of Money), and Rule 1920.46 (Affidavit of Non-Military Service). The specific requirements of the affidavit are left for the practitioner or self-represented party to determine. The Committee observed that many judicial districts currently have local rules governing affidavits of non-military service with varying degrees of specificity as to when they are required and their content.

The Committee was asked to consider whether additional guidance on the requirements of the Act with regard to non-military service affidavits should be expanded in the present rules and incorporated into other Rules of Civil Procedure. Having reviewed the Act and local rules, the Committee believes there is merit in a uniform statewide rule setting forth the requirements in the Act for the affidavit. In doing so, the rules would provide certainty that eligible defendants receive the protections of the Act, inform practitioners and self-represented persons alike of the need to evaluate whether an affidavit is required, and set forth the specific requirements found in the Act for the content of the affidavit.

Accordingly, the Committee is considering proposing new Rule 243 to codify the requirements of Section 3931 of the Act into the Rules of Civil Procedure, as well as amendments to existing rules to cross reference the new rule and the Act.

New Rule 243 includes the following: Subdivision (a) provides that a party must comply with the requirements of the Act in any civil action in which the defendant does not make an appearance. Subdivision (b) requires the plaintiff to file the affidavit indicating the status of military service of the defendant. Subdivision (c) authorizes a form affidavit to be developed by the Administrative Office of Pennsylvania Courts, upon consultation with the Committee, and published on the UJS website (www.pacourts.us) for ease of use by both practitioners and self-represented parties.

In addition to the new rule, notes have been added to Rule 237.1 (Notice of *Praecipe* to Enter Judgment of *Non Pros* or Default), Rule 1037 (Judgment Upon Default or Admission), Rule 2955 (Confession of Judgment), Rule 3031 (Judgment Upon Default or Admission), Rule 3146 (Judgment Against Garnishee Upon Default or Admission in Answer to Interrogatories) to cross reference new Rule 243 and cite to the Act. The citation to the Act in the note to Rule 3103 has been updated and stylistic changes have been made throughout the rules.

It is anticipated the Domestic Relations Procedural Rules Committee will address any warranted amendment of Rule 1920.46.

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

[Pa.B. Doc. No. 21-274. Filed for public inspection February 26, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1900, 1910, 1915, 1920 AND 1930]

Proposed Amendments of Pa.R.C.P. No. 1901, 1901.3, 1910.11, 1910.12, 1915.4-2, 1915.4-3, 1920.1, 1920.31, 1920.33, 1920.42, 1920.45, 1920.46, 1920.51, 1920.53, 1920.54, 1920.55-1—1920.55-3, 1920.61, 1920.74, 1920.91, 1930.7 and 1931

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania amendments to Pa.R.C.P. No. 1901, 1901.3, 1910.11, 1910.12, 1915.4-2, 1915.4-3, 1920.1, 1920.31, 1920.33, 1920.42, 1920.45, 1920.46, 1920.51, 1920.53, 1920.54, 1920.55-1—1920.55-3, 1920.61, 1920.74, 1920.91, 1930.7, and 1931 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by May 14, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations
Procedural Rules Committee*

THE HONORABLE DANIEL J. CLIFFORD,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

Rule 1901. Definitions.

As used in this chapter:

* * * * *

Fees—means any costs associated with the filing, issuance, registration, service or appeal of a Protection From Abuse matter, including any foreign protection order.

[*Master for Emergency Relief*—means an attorney, admitted to the practice of law by the Supreme Court of Pennsylvania and appointed pursuant to 23 Pa.C.S.A. § 6110(e), to hear petitions for emergency protection from abuse.]

Temporary Order—An ex parte order entered by the court pursuant to 23 Pa.C.S.A. § 6107.

* * * * *

Rule 1901.3. Commencement of Action.

(a) Except as provided in subdivision (b), [**an action shall be commenced**] **a plaintiff shall commence an action** by presenting to the court or filing with the prothonotary a petition setting forth the alleged abuse by the defendant. The petition shall be substantially in the form set forth in [**Rule**] **Pa.R.C.P. No.** 1905(b) and shall have as its first page the Notice of Hearing and Order set forth in [**Rule**] **Pa.R.C.P. No.** 1905(a).

(b) An action may be commenced by filing with the prothonotary a certified copy of an emergency order entered pursuant to 23 [**Pa.C.S.A.**] **Pa.C.S.** § 6110, including orders issued by [**masters for emergency relief**] **a hearing officer**.

(c) Any fees associated with this action shall not be charged to the plaintiff.

(d) The [**master for emergency relief**] **hearing officer** shall follow the procedures set forth in the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges for emergency relief under the Protection From Abuse Act.

Official Note: See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

(a) *Office Conference.*

(1) A conference officer shall conduct the office conference.

(2) A lawyer serving as a conference officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer[, **permanent or standing master**], or judge of the same judicial district.

Official Note: Conference officers preside at office conferences under Pa.R.C.P. No. 1910.11. Hearing officers preside at hearings under Pa.R.C.P. No. 1910.12. The appointment of [**masters**] **a hearing officer** to hear actions in divorce or for annulment of marriage is authorized by Pa.R.C.P. No. 1920.51.

* * * * *

Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) *Office Conference.* There shall be an office conference as provided by [**Rule**] **Pa.R.C.P. No.** 1910.11(a)

through (d). The provisions of [**Rule**] **Pa.R.C.P. No.** 1910.11(d)(3) and (4) regarding income information apply in cases proceeding pursuant to [**Rule**] **Pa.R.C.P. No.** 1910.12.

(b) *Conference Conclusion.*

(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not scheduled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in [**Rule**] **Pa.R.C.P. No.** 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

(2) If either party, having been properly served, fails to attend the conference, the court may enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in [**Rule**] **Pa.R.C.P. No.** 1910.27(e). Within [**twenty**] **20** days after the date of receipt or the date of mailing of the interim order, whichever occurs first, either party may demand a hearing before a hearing officer. If no hearing is requested, the order shall become final.

(3) Any lawyer serving as a hearing officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer[, **permanent or standing master**], or judge of the same judicial district.

Official Note: Conference officers preside at office conferences under [**Rule**] **Pa.R.C.P. No.** 1910.11. Hearing officers preside at hearings under [**Rule**] **Pa.R.C.P. No.** 1910.12. The appointment of [**masters**] **a hearing officer** to hear actions in divorce or for annulment of marriage is authorized by [**Rule**] **Pa.R.C.P. No.** 1920.51.

(c) *Separate Listing.*

(1) Except as provided in subdivision (c)(2), promptly after **the conference's** conclusion [**of the conference**], a party may move the court for a separate listing of the hearing [**where**] **if**:

(i) there are complex questions of law, fact or both; [**or**]

(ii) the hearing will be protracted; or

(iii) the orderly administration of justice requires that the hearing be listed separately.

(2) [**Where**] **When** the conference and hearing are scheduled on the same day, all requests for separate listing [**must**] **shall** be presented to the court at least seven days prior to the scheduled court date.

(3) If the motion for separate listing is granted, discovery shall be available in accordance with [**Rule**] **Pa.R.C.P. No.** 4001 *et seq.*

Official Note: The rule relating to discovery in domestic relations matters generally is [**Rule**] **Pa.R.C.P. No.** 1930.5.

* * * * *

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.4-2. Partial Custody. Office Conference. Hearing Record. Exceptions. Order.

* * * * *

(b) Hearing.

(1) The hearing shall be conducted by a hearing officer who must be a lawyer, and a record shall be made of the testimony. A hearing officer who is a lawyer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer [, permanent or standing master], or judge of the same judicial district.

* * * * *

Rule 1915.4-3. Non-Record Proceedings. Trials.

(a) Non-Record Proceedings. In judicial districts utilizing an initial non-record proceeding, i.e., office conference, if an agreement is not finalized by the conclusion of the proceeding, the conference officer shall promptly notify the court that the matter should be listed for trial. A lawyer employed by, or under contract with, a judicial district or appointed by the court to serve as a conference officer to preside over a non-record proceeding shall not practice family law before a conference officer, hearing officer [, permanent or standing master], or judge of the same judicial district.

* * * * *

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.1. Definitions. Conformity to Civil Action.

(a) As used in this chapter [,]:

* * * * *

“divorce,” divorce from the bonds of matrimony or dissolution of a civil union;

“hearing officer,” shall have the same meaning as “master” as that term is used in the Divorce Code, 23 Pa.C.S. §§ 3101, et seq.

“marital property rights” means those rights created solely by Section 3501 of the Divorce Code; and

* * * * *

Rule 1920.31. Joinder of Related Claims. Ancillary Claims. Alimony. Counsel Fees. Costs and Expenses.

(a) Ancillary Claims.

(1) If a party has raised a claim for alimony, counsel fees, or costs and expenses, the parties shall file a true copy of the most recent federal income tax return, pay stubs for the preceding six months, a completed Income Statement in the form required by Pa.R.C.P. No. 1910.27(c)(1), and a completed Expense Statement in the form required by Pa.R.C.P. No. 1910.27(c)(2)(B).

(i) A party may not file a motion for the appointment of a [master] hearing officer or a request for court action regarding alimony, counsel fees, or costs and expenses until at least 30 days following the filing of that party’s tax returns, Income Statement, and Expense Statement.

(ii) The other party shall file the tax returns, Income Statement, and Expense Statement within 20 days of service of the moving party’s documents.

* * * * *

(b) Alimony.

(1) Orders for alimony may be enforced as provided by the rules governing actions for support and divorce, and in the Divorce Code.

* * * * *

Rule 1920.33. Joinder of Related Claims. Equitable Division. Enforcement.

(a) If a pleading or petition raises a claim for equitable division of marital property under Section 3502 of the Divorce Code, the parties shall file and serve on the other party an inventory, which shall include the information in subdivisions [(1) through (3)] (a)(3)(i)—(iii), and shall be substantially in the form set forth in Pa.R.C.P. No. 1920.75.

(1) Within 20 days of service of the moving party’s inventory, the non-moving party shall file an inventory.

(2) A party may not file a motion for the appointment of a [master] hearing officer or a request for court action regarding equitable division until at least 30 days following the filing of that party’s inventory.

Official Note: See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

(3) The inventory shall set forth as of the date of separation:

[(1)] (i) a specific description of the marital assets, which either or both parties have a legal or equitable interest, individually or jointly with another person, the name of the co-owners, if applicable, and the marital liabilities, which either party incurred individually or jointly with another person, and the name of any co-debtors, if applicable;

[(2)] (ii) a specific description of the assets or liabilities claimed to be non-marital and the basis for such claim; and

[(3)] (iii) the estimated value of the marital and non-marital assets and the amount due for each marital and non-marital liability.

* * * * *

Rule 1920.42. Obtaining Divorce Decrees Under Section 3301(c) or Section 3301(d) of the Divorce Code. Affidavits and Counter-Affidavits. Requirements of the Affidavit of Consent. Ancillary Claims. Orders Approving Grounds for Divorce. Notice of Intention to File the Praecepto to Transmit Record. Praecepto to Transmit Record.

(a) Obtaining a divorce decree under Section 3301(c)(1) of the Divorce Code.

* * * * *

(3) After the court enters an order approving grounds for divorce, a party may request, consistent with the judicial district’s local rules and procedures, that the court either hears the ancillary claims or appoints a [master] hearing officer to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

Official Note: See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of [Master] Hearing Officer.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce

but before the court enters an order disposing of the ancillary claims, the parties shall file a Praeceptum to Transmit Record requesting the court enter the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

(b) *Obtaining a divorce decree under Section 3301(c)(2) of the Divorce Code.*

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and a party has been convicted of a personal injury crime against his or her spouse, the court shall enter a decree in divorce after:

* * * * *

(iii) the filed affidavits and a blank Counter-Affidavit under Section 3301(c)(2) of the Divorce Code have been served on the other party consistent with Pa.R.C.P. No. 1930.4, and the other party has admitted or failed to deny the averments in the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code;

(A) If a party files a Counter-Affidavit under Section 3301(c)(2) of the Divorce Code denying an averment in the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code, either party may present a motion requesting the court resolve the issue.

(B) After presentation of the motion in subdivision (A), the court may hear the testimony or, consistent with Pa.R.C.P. No. 1920.51(a)(1)(ii)(D), appoint a [**master**] hearing officer to hear the testimony and to issue a report and recommendation.

* * * * *

(3) After the court enters an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a [**master**] hearing officer to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

Official Note: See Pa. R.C.P. No. 1920.74 for the Motion for Appointment of [**Master**] Hearing Officer.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a Praeceptum to Transmit Record requesting the court enter the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

(c) *Obtaining a divorce decree under Section 3301(d) of the Divorce Code.*

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and the requisite separation period has elapsed, the court shall enter a decree in divorce after:

* * * * *

(iii) the filed affidavit and a blank Counter-Affidavit under Section 3301(d) of the Divorce Code have been served on the other party consistent with Pa.R.C.P. No. 1930.4, and the other party has admitted or failed to deny the averments in the Affidavit under Section 3301(d) of the Divorce Code;

(A) If a party files a Counter-Affidavit under Section 3301(d) of the Divorce Code denying an averment in the

Affidavit under Section 3301(d) of the Divorce Code, including the date of separation, either party may present a motion requesting the court resolve the issue.

(B) After presentation of the motion in subdivision (A), the court may hear the testimony or, consistent with Pa.R.C.P. No. 1920.51(a)(1)(ii)(D), appoint a [**master**] hearing officer to hear the testimony and to issue a report and recommendation.

* * * * *

(3) After the court enters an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a [**master**] hearing officer to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

Official Note: See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of [**Master**] Hearing Officer.

* * * * *

Rule 1920.45. Counseling.

* * * * *

(d) If the court has referred a divorce action to a [**master**] hearing officer and a party requests counseling pursuant to the Divorce Code, without leave of court, the [**master**] hearing officer may require counseling and continue the hearing pending the counselor's report.

Rule 1920.46. Affidavit of Non-Military Service.

If the defendant fails to appear in the action, the plaintiff shall file an affidavit regarding military service with the motion for appointment of a [**master**] hearing officer, prior to a trial by the court, or with the plaintiff's affidavit required by Pa.R.C.P. No. 1920.42(b)(1)(ii) and (c)(1)(ii).

* * * * *

Rule 1920.51. Hearing by the Court. Appointment of [**Master] Hearing Officer. Notice of Hearing.**

(a) In an action of divorce or annulment:

(1) the court may:

(i) hear the testimony; or

(ii) upon motion of a party or of the court, appoint a [**master**] hearing officer;

* * * * *

(2) the court shall not appoint a [**master**] hearing officer;

* * * * *

Official Note: Section 3321 of the Divorce Code prohibits the appointment of a [**master**] hearing officer as to the claims of custody and paternity. However, as set forth in Pa.R.C.P. No. 1920.91(3), the Supreme Court of Pennsylvania suspended Section 3321 insofar as that section prohibits the appointment of [**masters**] a hearing officer in partial physical custody cases.

(3) The Motion for the Appointment of a [**Master**] Hearing Officer and the order shall be substantially in the form prescribed by Pa.R.C.P. No. 1920.74. The order appointing the [**master**] hearing officer shall specify the issues or ancillary claims that are referred to the [**master**] hearing officer.

(4) A permanent or standing [**master**] hearing officer employed by or under contract with a judicial district

or appointed by the court shall not practice family law before a conference officer, hearing officer, permanent or standing [**master**] **hearing officer**, or judge of the same judicial district.

Official Note: Conference officers preside at office conferences under Pa.R.C.P. No. 1910.11. Hearing officers preside at hearings under Pa.R.C.P. No. 1910.12. The appointment of [**master**] **hearing officer** to hear actions in divorce or annulment is authorized by Section 3321 of the Divorce Code.

(b) Written notice of the hearing shall be given to each attorney of record by the [**master**] **hearing officer**. If a [**master**] **hearing officer** has not been appointed, the prothonotary, clerk, or other officer designated by the court shall give the notice.

(c) If no attorney has appeared of record for a party, notice of the hearing shall be given to the party by the [**master**] **hearing officer** or if a [**master**] **hearing officer** has not been appointed, by the prothonotary, clerk, or other officer designated by the court, as follows:

* * * * *

Rule 1920.53. Hearing by [**Master**] **Hearing Officer**. Report.

In an action for divorce or annulment that has been referred to a [**master**] **hearing officer**, the [**master's**] **hearing officer's** report and recommendation shall include findings of fact, conclusions of law, and a recommended disposition of the case or issue.

(a) The findings of fact shall include, as appropriate for the circumstances and issues before the [**master**] **hearing officer**:

- (1) the method and date of service of process;
- (2) the manner and date of service of the notice of the [**master's**] **hearing officer's** hearing or the [**master's**] **hearing officer's** efforts to notify the parties;

* * * * *

(b) The conclusions of law shall include a discussion of the law as it relates to the facts, as well as the legal conclusions reached by the [**master**] **hearing officer**.

(c) If a divorce or an annulment is recommended, the [**master**] **hearing officer** shall attach a proposed decree to the report and recommendation.

Rule 1920.54. Hearing by [**Master**] **Hearing Officer**. Report. Related Claims.

(a) If claims for counsel fees and costs and expenses have been referred to a [**master**] **hearing officer** pursuant to Pa.R.C.P. No. 1920.51(a), the [**master's**] **hearing officer's** report shall contain a separate section captioned "Counsel Fees and Costs and Expenses". The report may be in a narrative form stating the reasons for the recommendation and shall include a proposed order stating:

* * * * *

(b) If a claim for alimony has been referred to a [**master**] **hearing officer**, the report shall contain a separate action captioned "Alimony." The report shall conform to the requirements of subdivision (a) and, in addition, shall set forth:

* * * * *

(c) If a claim for the determination and distribution of existing property rights and interests between the parties

has been referred to a [**master**] **hearing officer**, the report shall contain a separate section captioned "Division of Property." The section shall be divided into two parts[,]:

* * * * *

Rule 1920.55-1. Alternative Hearing Procedures for Matters Referred to a [**Master**] **Hearing Officer**.

(a) Matters referred to a [**master**] **hearing officer** for hearing shall proceed as prescribed by Pa.R.C.P. No. 1920.55-2 unless the court by local rule adopts the alternative procedure of Pa.R.C.P. No. 1920.55-3.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all divorce proceedings which are referred to a [**master**] **hearing officer** in that county are conducted in accordance with either Pa.R.C.P. No. 1920.55-2 or Pa.R.C.P. No. 1920.55-3. The certification shall be filed with the Domestic Relations Procedural Rules Committee and shall be substantially in the following form:

I hereby certify that _____ County conducts its divorce proceedings that are referred to a [**master**] **hearing officer** in accordance with Pa.R.C.P. No. ____ .

(PRESIDENT JUDGE)
(ADMINISTRATIVE JUDGE)

* * * * *

Rule 1920.55-2. [**Master's**] **Hearing Officer's** Report. Notice. Exceptions. Final Decree.

(a) After conclusion of the hearing, the [**master**] **hearing officer** shall:

- (1) file the record and the report within:
 - (i) twenty days in uncontested actions; or [;]
 - (ii) thirty days from the last to occur of the receipt of the transcript by the [**master**] **hearing officer** or close of the record in contested actions; and

(2) immediately serve upon counsel for each party, or, if unrepresented, upon the party, a copy of the report and recommendation and written notice of the right to file exceptions.

(b) Within [**twenty**] **20** days of the date of receipt or the date of mailing of the [**master's**] **hearing officer's** report and recommendation, whichever occurs first, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final decree, leave is granted to file exceptions raising those matters.

(c) If exceptions are filed, any other party may file exceptions within [**twenty**] **20** days of the date of service of the original exceptions. The court shall hear argument on the exceptions and enter a final decree.

* * * * *

Rule 1920.55-3. [**Master's**] **Hearing Officer's** Report. Notice. Hearing De Novo. Final Decree.

* * * * *

(b) After the conclusion of hearing, the [master] hearing officer shall:

(1) file the report within:

- (i) twenty days in uncontested actions; or [;]
(ii) thirty days in contested actions; and

(2) immediately serve upon counsel for each party, or, if unrepresented, upon the party, a copy of the report and recommendation, and written notice of the right to demand a hearing de novo.

(c) Within [twenty] 20 days of the date the [master's] hearing officer's report is mailed or received, whichever occurs first, any party may file a written demand for a hearing de novo. If a demand is filed, the court shall hold a hearing de novo and enter a final decree.

(d) If no demand for de novo hearing is filed within the [twenty-day] 20-day period, the court shall review the report and recommendation and, if approved, shall enter a final decree.

* * * * *

Rule 1920.61. Testimony Outside the County.

On motion of a party and upon such terms as it may order, the court may authorize and direct the [master] hearing officer to take testimony of witnesses within any other county of the Commonwealth or in any other state or territory subject to the jurisdiction of the United States, or in any foreign country.

Rule 1920.74. Form of Motion for Appointment of [Master] Hearing Officer. Order.

(a) The motion for appointment of a [master] hearing officer shall be substantially in the following form:

(Caption)

MOTION FOR APPOINTMENT OF [MASTER] HEARING OFFICER

_____ (Plaintiff) (Defendant) moves the court to appoint a [master] hearing officer with respect to the following claims:

- () Divorce
() Annulment
() Alimony
() Equitable Division of Marital Property
() Counsel Fees
() Costs and Expenses
() Other: _____

and in support of the motion states:

(1) Discovery (is) (is not) complete as to the claim(s) for which the appointment of a [master] hearing officer is requested.

(2) The non-moving party (has) (has not) appeared in the action (personally) (by his or her attorney, _____, Esquire).

(3) The statutory ground(s) for divorce (is) (are).

(4) If the [master's] hearing officer's appointment is for resolution of a divorce, an annulment, or ancillary claims, the parties have complied with Pa.R.C.P. Nos. 1920.31, 1920.33, and 1920.46, as applicable.

(5) Check and complete the applicable paragraph(s):

- [] (a) The action is not contested.
[] (b) An agreement has been reached with respect to the following claims:
[] (c) The action is contested with respect to the following claims:

(6) The action (involves) (does not involve) complex issues of law or fact.

(7) The hearing is expected to take _____ (hours) (days).

(8) Additional information, if any, relevant to the motion:

Date: _____ Attorney for (Plaintiff) (Defendant)

(b) The order appointing a [master] hearing officer shall be substantially in the following form:

(Caption)

ORDER APPOINTING [MASTER] HEARING OFFICER

AND NOW, _____, 20____, _____, Esquire, is appointed [master] hearing officer with respect to the following claims: _____

BY THE COURT:

MOVING PARTY NON-MOVING PARTY

Name: Name:

Attorney's Name: Attorney's Name:

Attorney's Address: Attorney's Address:

Attorney's Telephone #: Attorney's Telephone #:

Attorney's E-Mail: Attorney's E-Mail

Party's Address and Telephone Party's Address and Telephone

if not represented by counsel: # if not represented by counsel:

Official Note: See Pa.R.C.P. No. 1920.51(a)(1)(ii) for the issues and claims for which the court may appoint a [master] hearing officer. It is within the discretion of the court to determine the point at which a [master] hearing officer should be appointed in a case.

Rule 1920.91 Suspension of Acts of Assembly.

The following Acts of Assembly are suspended insofar as they apply to the practice and procedure in actions for divorce or annulment of marriage to the extent hereinafter set forth:

* * * * *

(3) Section 3321 of the Domestic Relations Code, 23 Pa.C.S. § 3321, insofar as it prohibits the appointment of [masters] hearing officers in partial custody or visitation matters.

Official Note: Suspended Section 3321 of the Divorce Code states that the court may appoint a [master]

hearing officer to hear testimony on all issues relating to a divorce except custody or paternity.

(4) And all other Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.7. Status Conference.

At any time in the proceedings, the court, the court's designee or the [**master**] **hearing officer**, *sua sponte* or upon application of any party, may hold a status conference, in person or by any other means permitted by these rules, with counsel or with counsel and the parties in order to review the case status and expedite the litigation.

Rule 1931. Family Court Rules.

(a) *Actions Governed by These Rules* [:].

* * * * *

(b) *Commencement of Action.*

(1) *Unified Family Court Docketing.* All actions under these Family Court Rules which involve identical parties shall be entered on the court's docket under the same primary case number. Additional letters or numbers may be added parenthetically to specify the type of action, judge assigned or other identifying information.

(2) *Custody Agreements.* If, at a support proceeding, it appears that resolution of custody issues will facilitate compliance with the child support order, the conference officer [,] **or** hearing officer [**or master**] may provide the parties with a form custody complaint and form custody agreement, along with information as to where to file the completed documents, the filing fee, and how to contact the lawyers referral service. The support conference officer [,] **or** hearing officer [**or master**] shall not participate in custody negotiations, preparation of the forms, or provide legal advice.

(c) *Consolidation of Family Court Matters.*

(1) *General Rule.* Two or more actions under these Family Court Rules involving the same parties and common questions of law and/or fact shall be consolidated for hearing or trial unless the court determines that it is inappropriate or impractical to do so.

(2) *Trial Continuity.* Trials before a judge or hearings before a [**master**] **hearing officer** shall be scheduled to be heard on consecutive days or within a ten [(10)]-day period. If not completed within the time allotted, the trial or hearing shall be concluded within [**ninety (90)**] 90 days of the date of the commencement of the trial or hearing, unless a shorter time frame is required by statute or another procedural rule.

(3) *Prompt Decisions.*

(i) Except as provided in subdivision [(ii) below] (c)(3)(ii), in any matter brought under these Family Court Rules, a decision by a conference officer, [**master**] **hearing officer**, or judge shall be entered, filed, and served upon counsel for the parties, or any party not represented by counsel, not later than [**thirty (30)**] 30 days after the conference, hearing, or trial concludes, unless a shorter time frame is required by statute or another procedural rule.

(ii) The time for entering and filing a decision may be extended if, within [**thirty (30)**] 30 days of the conclusion of the conference, hearing, or trial, the court extends the date for such decision by order entered of record showing good cause for the extension. In no event shall an extension delay entry of the decision more than [**sixty (60)**] 60 days after the conclusion of the conference, hearing, or trial.

(d) *Continuing Education for Family Court Personnel.*

* * * * *

(2) *Initial Training.* Within one [(1)] year of assignment to cases governed by these Family Court Rules, each [**master**,] hearing officer, conciliator, mediator, and other court personnel designated by the president or administrative judge of each judicial district shall successfully complete the coursework developed or approved by the AOPC.

(3) *Continuing Education.* Each [**master**,] hearing officer, conciliator, mediator, and other court personnel designated by the president or administrative judge who is assigned to cases governed by these Family Court Rules shall successfully complete six [(6)] hours of continuing education developed or approved by the AOPC each calendar year following the calendar year in which the initial training was completed.

(4) *Compliance.* The AOPC shall monitor compliance with the educational requirements of this rule.

**PUBLICATION REPORT
RULE PROPOSAL 183**

The Domestic Relations Procedural Rules Committee (Committee) is proposing an amendment to the Domestic Relations rules that eliminates the term "master" and, instead, replaces with the term "hearing officer." Historically, the legal term "master" has identified a quasi-judicial officer for centuries; however, the term has also become known as a racially divisive term, as well. Several judicial districts have replaced the term "master" with other nomenclature. The Committee is proposing numerous rule amendments eliminating the term across the domestic relations statewide rules.

Practically, the rule proposal substitutes the term hearing office for master throughout the domestic relations rules. However, the Protection from Abuse Act identifies two judicial officers that can hear emergency petitions: (1) a hearing officer; and (2) a master for emergency relief. The current PFA rules utilize these terms, as well. A master for emergency relief is an attorney appointed by a judicial district president judge. Also, statutorily, a master for emergency relief is a hearing officer. *See* Pa.R.C.P. No. 1901 and 23 Pa.C.S. § 6102(a). A hearing officer under the PFA Act is a Magisterial District Judge, a Philadelphia Municipal Judge, an arraignment judge, and a master for emergency relief. The proposed rule simply eliminates the term master for emergency relief from the rules, which obviously does not impact the statutorily defined position and its role in the PFA process.

All other instances of the term master have been replaced by the term hearing officer across the domestic relations rules.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 21-275. Filed for public inspection February 26, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Proposed amendment of Pa.R.C.P. No. 1915.11

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania an amendment to Pa.R.C.P. No. 1915.11 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by May 14, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations
Procedural Rules Committee*

THE HONORABLE DANIEL J. CLIFFORD,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

[**Rule 1915.11. Appointment of Attorney for Child.
Interview of Child. Attendance of Child at Hearing
or Conference.**

(a) The court may on its own motion, or the motion of a party, appoint an attorney to represent the child in the action. Counsel for the child shall represent the child's legal interests and zealously represent the child as any other client in an attorney-client relationship. Counsel for the child shall not perform the role of a guardian *ad litem* or best interests attorney. The court may assess the cost of the child's attorney upon the parties in such proportions as the court deems appropriate or as otherwise provided by law. The order appointing an

attorney to represent the child shall be in substantially the form set forth in Pa.R.C.P. No. 1915.19.

(b) The court may interview a child, whether or not the child is the subject of the action, in open court or in chambers. The interview shall be conducted in the presence of the attorneys and, if permitted by the court, the parties. The attorneys shall have the right to interview the child under the supervision of the court. The interview shall be part of the record.

(c) Unless otherwise directed by the court, the child who is the subject of the action shall not be required to attend a hearing before the court or a conference.

Official Note: A party may bring a child to a conference or hearing but, in the absence of an order of court, is not required to do so.]

Rule 1915.11. Attorney Appointment for Child. Child Interview. Child Attending Proceedings.

(a) Attorney Appointment for Child.

(1) Upon its own motion or a motion of a party, the court may appoint an attorney to represent a child, who is the subject of the action.

(2) The court's order appointing the child's attorney, as set forth in Pa.R.C.P. No. 1915.19, may apportion to the parties the reasonable cost of the child's attorney.

(3) The child's attorney:

(i) shall represent the child's legal interest;

(ii) shall zealously represent the child as any other client in an attorney-client relationship; and

(iii) shall not act as the child's guardian *ad litem* or best interest attorney.

Official Note: See Pa.R.C.P. No. 1915.11-2 for the appointment of a guardian *ad litem*.

(b) Child Interview.

(1) The court may interview a child in open court or in chambers.

(2) The court shall conduct the child's interview on the record.

(3) A party's attorney or, if permitted by the court, a party may observe the interview.

(4) As part of the interview process, the court shall permit either:

(i) a party's attorney to question the child under the court's supervision; or

(ii) a party's attorney or a self-represented party to submit to the court written questions, which the court may include in its interview.

(c) Child Attending Proceedings. Unless ordered by the court or otherwise compelled to testify on the record, a child's attendance at a conference, hearing, or trial is not required.

[Explanatory] Comment—1991

[**Rule 1915.15(b)**] **Pa.R.C.P. No. 1915.15(c)** provides a form of order to appear at a conference or hearing in [an action for custody, partial custody or visitation of minor children. Prior to its recent amendment, the form required that one or more children who

are the subject of the action attend the hearing or conference] a custody action.

However, the presence of a child in court is not always necessary or desirable. The experience may be traumatic and disruptive. Consequently, the child should not be required to attend a hearing or conference in every case. When the presence of a child is required and the custodial party does not voluntarily bring the child, the court may issue an order for the child's attendance.

Subdivision (c) has been added to [**Rule 1915.11**] **Pa.R.C.P. No. 1915.11** to provide that, in the absence of an order of court, a child who is the subject of the action need not be brought to a conference or a hearing before the court. The form of order to appear provided by [**Rule 1915.15(b)**] **Pa.R.C.P. No. 1915.15(c)** has been revised to implement this policy.

Comment—2021

Although the rule states that a child is not required to attend a conference, hearing, or trial, the terminology used by a judicial district may vary for these court proceedings. The rule's intent is to limit the child's participation to only those proceedings in which the child will actively participate as a witness or the court's interview.

PUBLICATION REPORT—REPUBLICATION

Rule Proposal 178

The Domestic Relations Procedural Rules Committee (Committee) is proposing an amendment to Pa.R.C.P. No. 1915.11. This rule addresses the appointment of an attorney for a child in a custody case, the child interview by the court, and a child attending various court proceedings. The Committee previously published the Rule Proposal at 50 Pa.B. 3834 (August 1, 2020). After receiving comments, the Committee revised the proposal and is republishing the Rule Proposal for additional comments.

The republished Rule Proposal address the comments, including those suggesting that permitting a parent into the court's interview could be problematic, and that many judges incorporate a party into the process by allowing the self-represented parent to provide written questions to the judge for inclusion into the child's interview in lieu of directly questioning the child. The Committee has adopted this practice into the Rule Proposal.

Other changes from the first publication include clarifying that the court may interview a child, which includes the subject child or any other child testifying in the action, in open court or in chambers. The court's interview is on the record. Subdivision (c) is rewritten to clarify that a child should only participate in proceedings in which the child will actually testify or participate in the court's interview. The intent is to eliminate a parent needlessly bringing the child to every proceeding.

Finally, the rule is rewritten in its entirety and is in an outline format. As part of the rewrite, the Committee proposes deleting the Note following the rule text as it is confusing and could be interpreted to conflict with subdivision (c).

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 21-276. Filed for public inspection February 26, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1920 AND 1932]

Proposed Rescission of Pa.R.C.P. No. 1920.46 and Adoption of Pa.R.C.P. No. 1932

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the rescission of Pa.R.C.P. No. 1920.46 and adopted of Pa.R.C.P. No. 1932 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by May 14, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Domestic Relations Procedural Rules Committee

THE HONORABLE DANIEL J. CLIFFORD,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.46. [Affidavit of Non-military Service] Rescinded.

[If the defendant fails to appear in the action, the plaintiff shall file an affidavit regarding military service with the motion for appointment of a master, prior to a trial by the court, or with the plaintiff's affidavit required by Pa.R.C.P. No. 1920.42(b)(1)(ii) and (c)(1)(ii).

Official Note: The Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901—4043, requires that in cases in which the defendant does not make an appearance, the plaintiff must file an affidavit of nonmilitary service before the court may enter judgment.

If the defendant is in the military service and an attorney has not entered an appearance on behalf of the defendant, a judgment shall not be entered until the court appoints an attorney to represent the defendant and protect his or her interest.

Actions for divorce under Section 3301(c)(2) and (d)(1)(i) of the Divorce Code are governed by Pa.R.C.P. No. 1920.42(b) and (c), respectively.

EXPLANATORY COMMENT—2003

35 P.S. § 450.602 previously required a certificate of each divorce or annulment decreed in the Commonwealth to be transmitted to the Vital Statistics Division of the Commonwealth of Pennsylvania Department of Health. The statute was amended October 30, 2001, P.L. 826, No. 82, § 1, effective in 60 days, to require that the prothonotary submit a monthly statistical summary of divorces and annulments, rather than individual forms for each decree. Thus, subdivision (a) of Rule 1920.46, requiring the filing of the vital statistics form, is no longer necessary. Former subdivision (b) now comprise the entirety of the rule and the title has been amended to reflect that the rule applies only to the affidavit regarding military service.]

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

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1932. Servicemembers Civil Relief Act.

(a) In a domestic relations action in which a party fails to appear after proper service and notice to appear, the party initiating the action shall conduct an investigation into the nonappearing party's military service status as set forth in subdivision (d).

Official Note: See Servicemembers Civil Relief Act, 50 U.S.C. § 3911, for the definition of military service.

(b) For purposes of this rule, the term "fails to appear" shall have the following meanings in the indicated actions.

(1) *Support.* When a party or an attorney on the party's behalf does not attend an office conference as set forth in Pa.R.C.P. No. 1910.11 or 1910.12.

(2) *Custody.*

(i) *Initial Proceeding or Modification.* When a party or an attorney on the party's behalf does not attend an office conference as set forth in Pa.R.C.P. No. 1915.4-2 or non-record proceeding as set forth in Pa.R.C.P. No. 1915.4-3; or

(ii) *Relocation.* When a party proposes a relocation as set forth in Pa.R.C.P. No. 1915.17 and after service of the Notice of Proposed Relocation, the non-relocating party does not return or file the counter-affidavit within the specified time.

(3) *Divorce or Annulment.*

(i) *Sections 3301(a) or (b) or Section 3303.* When a party or an attorney on the party's behalf does not attend a judicial or divorce hearing officer's conference or conciliation; or

(ii) *Sections 3301(c)(2) or (d).* When a party does not file a counter-affidavit within the specified time after service of the affidavit required by Pa.R.C.P. No. 1920.42(b)(1)(ii) or (c)(1)(ii).

(4) *Paternity.*

(1) *Civil Action.* When a putative father initiates a civil action to establish paternity and requests genetic testing pursuant to Pa.R.C.P. No. 1930.6, the mother or an attorney on the mother's behalf does not attend the hearing as provided in Pa.R.C.P. No. 1930.6(d).

(2) *Support or Custody Action.* When a paternity issue is raised in a support or custody action, a party or an attorney on the party's behalf does not attend the proceeding as provided in subdivision (b)(1) or (b)(2)(i), respectively.

(c) *Pending Actions.*

(1) In an action pending before the court, a party shall complete and file the affidavit when:

(i) a party knows or is uncertain whether a nonappearing party is on active duty military service; and

(ii) the party is requesting relief from the court, including but not limited to contempt proceedings and requests for special or emergency relief, which will adversely affect another party's civil rights who may be on active duty military service; or

(iii) directed by the court.

(2) Due to the ongoing nature of domestic relations actions, a party may have to conduct more than one investigation into another party's military service status during the action.

(d) *Investigating and Determining Military Service Status.* When a party is required to file an affidavit regarding another party's military status, the party shall:

(1) obtain the non-appearing party's Status Report Pursuant to Servicemembers Civil Relief Act from the U.S. Department of Defense Servicemembers Civil Relief Act website at <https://scra.dmdc.osd.mil/>;

(2) attach the Status Report Pursuant to Servicemembers Civil Relief Act to the affidavit; and

(3) complete the affidavit and include additional facts that may assist the court in determining the other party's military service status.

Official Note: The Servicemembers Civil Relief Act Affidavit is available at <http://www.pacourts.us>.

Comment—2021

The Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, requires that in cases in which a party does not make an appearance, the moving party is required to file an affidavit of the nonappearing party's military service status before the court may enter judgment or an order that may adversely affect the putative Servicemember's civil rights during military service. If the party is in the military service and an attorney has not entered an appearance on behalf of the party or the party has not otherwise appeared in the action, the court shall not enter a judgment or an order against a nonappearing party until the court appoints an attorney to represent the party to protect the putative servicemember's interest.

Unlike other civil actions, domestic relations actions do not require a party to answer pleadings in most circumstances so knowing when a party has failed to appear in the action, which would trigger the affidavit filing requirement for the nonappearing party's military service status, is not as clear as in other civil actions and also

varies based on the type of domestic relations action. The rule provides a clear triggering event in each action for the party to prepare and file the affidavit.

**PUBLICATION REPORT
RULE PROPOSAL 179**

The Domestic Relations Procedural Rules Committee (Committee) is proposing rescinding Pa.R.C.P. No. 1920.46 and adopting Pa.R.C.P. No. 1932. The proposed new rule addresses the Servicemembers' Civil Relief Act (SCRA), 50 USC §§ 3901, *et seq.* Also, the Civil Procedural Rules Committee is publishing a companion rule proposal to address the SCRA in other civil actions. In addition to SCRA procedures, an affidavit indicating the nonappearing party's military status applicable to all procedural rules is proposed for use in all bodies of rules and will be included on the Unified Judicial Systems (UJS) forms webpage at <http://www.pacourts.us>.

Currently, the domestic relations rules address the SCRA in divorce actions only under Pa.R.C.P. No. 1920.46—Affidavit of Non-Military Service. However, the SCRA applies to all civil actions, which would include divorce, custody, and support. The SCRA requires that in cases in which a party does not make an appearance, the plaintiff is required to investigate the nonappearing party's military service status and file an affidavit of that party's military status before the court may enter judgment or an order that may adversely affect the putative Servicemember's civil rights during military service. If the party is in the military service and an attorney has not entered an appearance on behalf of the party or the party has not otherwise appeared in the action, the court cannot enter a judgment or an order against the nonappearing party until the court appoints an attorney to represent the party to protect the putative Servicemember's interest.

Inherently and unlike most civil actions (*e.g.*, landlord/tenant, contract actions), domestic relations actions, such as child custody and support, are ongoing with future modification proceedings that may span years. Generally, the SCRA requires that the plaintiff must file an affidavit when the defendant fails to appear and the plaintiff is requesting relief from the court (often a default judgment); however, the domestic relation rules do not require a party to answer pleadings in most circumstances and do not permit default judgments so knowing when a party has failed to appear in the action, which would trigger the nonappearing party's military service affidavit filing requirement, is not as clear as in other civil actions. Moreover, the type of domestic relations action could impact the timing of when a party has failed to appear. The proposed rule provides a clear triggering event in each domestic relations action for the moving party to prepare and file the affidavit.

Similarly, in domestic relations actions, the plaintiff may be the servicemember, who is on active duty or gets called to active duty during the course of an action, and is the nonappearing party in a modification proceeding. As such, the Rule Proposal recognizes that either party can be the moving party and does not use the same nomenclature as the SCRA that refers to the moving party exclusively as the plaintiff. The proposed rule refers to the parties as the moving party or nonappearing party rather than plaintiff and defendant. As such, either party in a domestic relations action may be required to file multiple affidavits and conduct multiple investigations into another party's military service status over the course of the action.

As the SCRA is applicable to divorce, custody, and support actions, the Committee is proposing adding the proposed rule to the 1930s series of rules rather than a separate rule in each of the rules. As such, the Committee is proposing that the current divorce rule, Pa.R.C.P. No. 1920.46, addressing the SCRA would be rescinded. For uniformity in the practice, an affidavit that is required in all rules' bodies will be added to the UJS website.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 21-277. Filed for public inspection February 26, 2021, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Suspension

Notice is hereby given that Adam Luke Brent having been suspended from the practice of law in the State of New Jersey; the Supreme Court of Pennsylvania issued an Order dated February 10, 2021 suspending Adam Luke Brent from the practice of law in this Commonwealth for a period of three years, effective March 12, 2021. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 21-278. Filed for public inspection February 26, 2021, 9:00 a.m.]

RULES AND REGULATIONS

STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Continuing Education; Advance Notice of Final Rulemaking

The State Board of Examiners of Nursing Home Administrators (Board) is publishing an advance notice of final rulemaking (ANFR) seeking additional comment regarding the requirements for continuing education. The proposed rulemaking was published at 50 Pa.B. 668 (February 1, 2020).

Statutory Authority

Section 9(b) of the Nursing Home Administrators License Act (act) (63 P.S. § 1109(b)) requires licensees to complete not less than 24 hours of Board-approved continuing education courses and programs as a condition of biennial renewal. Section 4(a)(9) of the act (63 P.S. § 1104(a)(9)) provides the statutory authority for the proposed continued competency provision. Section 4(a)(9) also authorizes the Board to develop standards of professional practice and standards of professional conduct appropriate to establish and maintain a high level of integrity and performance in the practice of nursing home administration. Additionally, section 4(c) of the act authorizes the Board to promulgate regulations to effectuate the act.

Background and Summary

On February 1, 2020, the Board published the proposed rulemaking seeking, among other things, to reduce the number of continuing education clock hours required as a condition of biennial renewal from 48 to 36. The Board made this proposal because a review of the continuing education requirements for nursing home administrators in the Northeast geographic region, including Ohio, West Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont and Maine, indicated that the Board's requirement of 48 hours was one of the highest continuing education requirements in the region.

The Board entertained public comment for 30 days during which time the Board received comments from Leading Age PA and the Pennsylvania Coalition of Affiliated Healthcare and Living Communities (PACAH). Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC), as well as the House Professional Licensure Committee (HPLC).

Leading Age Pa indicated that they do not support the reduction of continuing education clock hours. The group spoke to the tremendous value of education and noted that some educational topics are needed but are not eligible for continuing education credit. Further, the group stated that many educational activities, such as reading articles to keep up on new trends and requirements, do not earn continuing education units. Members noted that they would prefer if a larger proportion of the continuing education units could be attained through serving as an instructor, authoring an article, or serving as a supervisor in a Board-approved Administrator in Training (AIT) program. They urged the Board to leave in place the 12 clock hours previously allocated to these continuing education units, rather than reducing them to

9 clock hours. They also suggest that the number of continuing education units available for published articles remain at 24 clock hours and that clock hours for supervising an AIT remain at 24 clock hours rather than being reduced to 18 clock hours.

The PACAH also opposed the proposed reduction on continuing education clock hours. Its comments cite to the reports released in 2016 from the Pennsylvania Auditor General and the Nursing Home Quality Improvement Task Force. Both reports indicate that Pennsylvania needs to focus on improving quality of care within facilities. In light of this, PACAH indicated that they do not support a reduction in the continuing education requirements for nursing home administrators. The association stated there is an obvious correlation between quality of care and increased education in any field, but especially healthcare. With an increasing aging population, increasing acuity levels and increasing regulatory requirements, there is no logical explanation for decreasing educational requirements, especially if there is a desire to enhance the quality of care. Additionally, PACAH members stated that they have no issue obtaining their 48 credit hours biennially. PACAH pointed out the continuing education requirements in other states. If Pennsylvania reduced its continuing education requirement from 48 to 36 continuing education units biennially, it would have one of the lowest continuing education requirements in the country.

The comments from the HPLC also concerned the proposed reduction in continuing education units and compared it to the requirements in other states. The Committee questioned whether the reduction would have any impact on Pennsylvania licensees seeking licensure in one of those contiguous states.

IRRC reiterated the opposition to reducing the continuing education requirements because it would result in Pennsylvania having a lower continuing education requirement than several contiguous states. IRRC expressed concern about the impact on Pennsylvania licensees who would seek licensure in any of those states. IRRC recommended the Board explain how lowering the continuing education requirement would adequately protect the public health safety and welfare as well as how it will affect the regulated community who seek licensure in other states.

The Board reviewed these comments, among others, and concluded that a reduction of the continuing education units from 48 biennial to 36 would not be in the best interests of the licensees or the public. Instead, the Board is now proposing to keep the current continuing education requirement at 48 clock hours biennially, but to require that 12 of the 48 clock hours be completed in the areas of emergency preparedness and infection control. During the course of developing the final-form rulemaking, the Board witnessed how the novel coronavirus (COVID-19) pandemic affected the industry and the importance of nursing home administrators being prepared to handle and navigate these difficult circumstances in order to protect the residents in the facilities which they oversee. Additionally, the Board proposes to revise the proposed rulemaking's allocation of continuing education clock hours for authoring various types of publications, and to restore the proportions of continuing education awarded for serving as an instructor or as a supervisor in a Board-approved AIT program.

To assure that the public has a full opportunity to comment on these proposed revisions to the final-form rulemaking, the Board voted to publish this ANFR seeking additional comments from the public.

Contact Person, Availability of Draft Final Regulations and Submission of Comments

The Board will accept written comments as well as comments transmitted by means of e-mail on the draft final-form rulemaking. Comments will not be accepted by facsimile, telephone or voice mail. Comments sent by means of e-mail must include the following in the subject heading of the transmission: "Comments on 16A-6219—Continuing Education ANFR." E-mail transmissions as

well as written comments must include the commentator's name and address. Written comments must be received by the Board within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. To request a copy of the draft final-form rulemaking or to provide a comment, contact Alexandra Sacavage, Board Counsel, State Board of Examiners of Nursing Home Administrators, P.O. Box 65923, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov.

SHARON McDERMOND,
Chairperson

[Pa.B. Doc. No. 21-279. Filed for public inspection February 26, 2021, 9:00 a.m.]

PROPOSED RULEMAKING

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) proposes to amend 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 proposes 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: "[T]he 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). It 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 in Annex A on October 27, 2020.

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 de-

lay in case processing. Any 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 11.32 months through the first 9 months of 2020. Although timeliness has improved from 2015, when the average time to decision as closer to 15 months, the processing times remain unreasonably long. The Board's 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 seven argument sessions a year in Philadelphia; six in Pittsburgh, Harrisburg and Scranton; and three in Erie. Most of these sessions are for multiple days. The Board's travel costs for fiscal year 2018-2019 totaled nearly \$60,000. 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 Department 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 regulations and the rationale for them 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 regulation. This 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 humanitar-

ian 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, these proposed regulations 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. This proposed rulemaking was also 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 regulatory amendments outlined in Annex A with members of the Workers' Compensation Rules Committee on April 24, 2020. The Board voted to adopt this proposed rulemaking in Annex A on October 27, 2020.

Purpose

This proposed 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 proposed rulemaking also permits arguments to be conducted by telephone or other electronic means, giving the Board the flexibility to timely schedule arguments regardless of the location of the parties. These proposed changes will streamline the processing and disposition of appeals, reduce the time for decision in some cases, and achieve cost savings to both the Board and the parties.

Affected Persons

The persons affected by this proposed 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.

Fiscal Impact

This proposed 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 Proposed Rulemaking

§ 111.13. Processing of appeals and cross appeals.

The proposed minor 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 proposed amendments to this section address the time for filing briefs. This section is proposed to be 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 proposed amendments require that briefs filed with the Board include a summary of the argument, not to exceed one page.

§ 111.17. Oral argument.

The proposed amendments to this section authorize oral argument to be conducted by telephone or other electronic means. This section is proposed to be amended to provide that argument will be scheduled following the close of the briefing schedule.

§ 111.18. Decisions of the Board.

This section is proposed to be 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 Appeal 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.

Reporting, Recordkeeping and Paperwork Requirements

This proposed 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 proposed rulemaking. The Board will periodically monitor this proposed rulemaking and submit amendments as needed.

Effective Date

This proposed rulemaking will be effective on publication of the final-form regulation in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Kelly K. Smith, Executive Deputy Chief Counsel, 651 Boas Street, Harrisburg, PA 17121, fax (717) 787-1303, kellysmith@pa.gov within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 16, 2021, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Labor and Industry Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

ALFONSO FRIONI, Jr., Esq.,
Chairperson
Workers' Compensation Appeal Board

Fiscal Note: 12-105. (1) Worker's compensation Administration Fund; (2) Implementing Year 2020-21 is \$700,000; (3) 1st Succeeding Year 2021-22 through 5th succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$2,954,095; 2018-19 Program—\$2,925,834; 2017-18 Program—\$2,868,708; (8) recommends adoption. Funds have been included in the budget to cover 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 [**the**] 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 [**at or before the date of oral argument. If oral argument is waived, petitioner shall file a brief**] 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 [oral argument. Otherwise, the respondent shall file a brief with the Board within 60 days of the date of the Board's acknowledgment of receipt of the appeal as set forth in § 111.13] 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 [**Secretary of the**] Board [**or upon oral request at the time of oral argument**], and with notice to all parties, the Board may extend [**or shorten**] the time for filing of the party's brief only for good cause shown. A party shall [**present**] **file** a request to extend [**or shorten**] the time [**at or**] **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 § 111.12(e) (relating to filing, service and proof of service) insofar as applicable.

(f) [**An original brief shall be filed**] (**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 [**will**] **may** be conducted in Harrisburg, Philadelphia and Pittsburgh [**and in**] **or** other locations [**throughout**] **in** this Commonwealth, **or by telephonic or electronic means**, as the Board may [**schedule, or, as is appropriate in the Board's judgment**] **determine**.

(c) Oral argument will be scheduled at the earliest possible date [**pursuant to the schedule as established by the Secretary of the Board**] **following the close of the briefing schedule.**

(d) [**Parties shall be advised**] **The Board will notify parties of the scheduling of oral argument** as far in advance as possible of the [**date of oral**] argument [**by the acknowledgment of appeal or cross appeal as specified in § 111.13(b) (relating to processing of appeals and cross appeals)**] **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) [**Decisions of the Board on an appeal shall be issued under section 441 of The Administrative Code of 1929 (71 P.S. § 151)] (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. 21-280. Filed for public inspection February 26, 2021, 9:00 a.m.]

NOTICES

BOARD OF COAL MINE SAFETY

Board of Coal Mine Safety Meeting Cancellation

The Board of Coal Mine Safety (Board) meeting scheduled for Tuesday, March 2, 2021, has been cancelled. The next Board meeting is scheduled for Tuesday, June 1, 2021. The meeting will begin at 10 a.m. in Conference Rooms 1A and 1B, Department of Environmental Protection, Cambria Office, 286 Industrial Park Road, Ebensburg, PA. Due to the novel coronavirus (COVID-19) precautions and limitations in place, only Board members and essential Department of Environmental Protection (Department) staff to the Board may meet at the Ebensburg location and must follow social distancing protocols. All other interested individuals who wish to join the meeting may do so remotely.

Call-in information, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Board of Coal Mine Safety," then "2021").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the June 1, 2021, meeting can be directed to Peggy Scheloske at mscheloske@pa.gov or (724) 404-3143.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Peggy Scheloske at (724) 404-3143 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 21-281. Filed for public inspection February 26, 2021, 9:00 a.m.]

CAPITOL PRESERVATION COMMITTEE

Request for Proposals

CPC 20.173: Preservation Maintenance of Finishes and Fixtures of the Ryan Office Building. This project involves the following: dusting and general cleaning of walls, beam drops, soffits, moldings, metal and stone railings, bronze and stone sculpture, gilded surfaces, finished woodwork, painted art work and miscellaneous architectural materials and finishes; and the use of qualified artisans to repair historic finishes: plaster, scagliola, leafing, faux painting and the like.

The issue date of the request for proposals will be on March 15, 2021. A virtual preproposal conference will be held on March 24, 2021, by means of Microsoft Teams at 9 a.m. Interested proposers will need to contact Tara Pyle, tpyle@cpc.state.pa.us and register their intentions to

participate. The proposal receipt date is April 14, 2021, at 2 p.m. Project documents may be obtained by contacting Tara Pyle, tpyle@cpc.state.pa.us.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 21-282. Filed for public inspection February 26, 2021, 9:00 a.m.]

CAPITOL PRESERVATION COMMITTEE

Request for Proposals

CPC 20.175: Bronze Conservation of Exterior Fixtures and Doors. This project involves the following: inspection, cleaning and conservation maintenance of bronze architectural exterior light fixtures located at the center main entry to the Capitol Building; removal of and off site refinishing and reinstallation of existing bronze rail caps; yearly maintenance cleaning of miscellaneous building accessories; rinsing of selected masonry walls, ceiling and façade areas; inspection, cleaning and conservation maintenance of the west main entry doors; north wing, center wing and south wing, in addition, the vestibule enclosures of the north and south wing entry points; and repair, preparation, refinishing and reinstallation of the center wing revolving door hardware.

The issue date of the request for proposals will be on March 15, 2021. A virtual preproposal conference will be held on March 24, 2021, by means of Microsoft Teams at 1 p.m. Interested proposers will need to contact Tara Pyle, tpyle@cpc.state.pa.us and register their intentions to participate. The proposal receipt date is April 14, 2021, at 2 p.m. Project documents may be obtained by contacting Tara Pyle, tpyle@cpc.state.pa.us.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 21-283. Filed for public inspection February 26, 2021, 9:00 a.m.]

CAPITOL PRESERVATION COMMITTEE

Request for Proposals

CPC 20.176: Bronze Conservation: Statuary. This project involves the following: inspection, cleaning and conservation maintenance of exterior bronze sculptures located at the South Capitol Plaza (Hartranft Memorial) and South Capitol Park (Boise Penrose Monument).

The issue date of the request for proposals will be on March 15, 2021. A virtual preproposal conference will be held on March 24, 2021, by means of Microsoft Teams at 11:30 a.m. Interested proposers will need to contact Tara Pyle, tpyle@cpc.state.pa.us and register their intentions to

participate. The proposal receipt date is April 14, 2021, at 2 p.m. Project documents may be obtained by contacting Tara Pyle, tpyle@cpc.state.pa.us.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 21-284. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Farm-to-School Grant Program; 2020-2021 Program Guidelines

The Department of Agriculture (Department) announces the program requirements and application period for grants under the Farm-to-School Program (Program). The Program is a grant program authorized under the Farm-to-School Act (3 Pa.C.S. §§ 10901—10910). These Program guidelines have been developed in consultation with the Commission for Agricultural Excellence and the Department of Health.

1. Program objectives.

The purpose of the Program is to educate prekindergartners through fifth graders and their families about the importance of choosing healthy, locally produced foods and increase awareness of agriculture in this Commonwealth. This initiative will also aid farmers in this Commonwealth in gaining access to new markets within this Commonwealth.

2. Eligible applicants and projects.

(a) *Eligible applicants.* A school district, charter school or private school with prekindergarten classes, a kindergarten program or elementary school classes through the fifth grade, that is located and operates within this Commonwealth, may submit an application for funding.

(b) *Eligible projects.* Grants will be awarded to develop the Program in prekindergarten classes, kindergarten classes or elementary school classes through the fifth grade in this Commonwealth. Eligible projects are those that do all of the following:

(1) Educate prekindergartners through fifth graders and their families about the importance of choosing healthy, locally produced foods and increase awareness of agriculture in this Commonwealth.

(2) Achieve one or more of the following objectives of the Program:

(i) Nutrition education involving student participation which is integrated into regular subjects in the curriculum of primary and secondary education institutions.

(ii) Focusing on locally grown foods provided from farms in this Commonwealth.

(iii) Equipping teachers and other educators to incorporate nutrition and agriculture education into their instruction.

(iv) Providing for new direct marketing opportunities for farmers in this Commonwealth.

(v) Providing for family and community involvement, including parent, caregiver and community group participation in education activities.

(vi) Visits to nearby farms for school children so they may understand and learn more about the sources of their food.

(3) Contain one or more of the following elements:

(i) A list of farmers in this Commonwealth who have agreed to supply food products from farms in this Commonwealth, verifiable by the Department.

(ii) Nutrition and agriculture education, including integration into regular classroom subjects.

(iii) Training of teachers and other educational staff on nutrition and agriculture education.

(iv) The inclusion of parents, caregivers and community groups in educational activities.

(v) Field trips to farms in this Commonwealth or other direct agricultural educational experiences which teach children about sources of food and agriculture in this Commonwealth.

(vi) Provision for reimbursement of up to 75% of the costs for purchasing locally grown foods provided from farms in this Commonwealth and foods purchased directly from farmers in this Commonwealth in order to meet the objectives set forth in subparagraphs (2) (ii) and (iv).

3. Definitions.

The following words and terms have the following meanings:

“*Department.*” The Department of Agriculture of the Commonwealth.

“*Program.*” The Farm-to-School Program.

“*Secretary.*” The Secretary of the Department.

4. Limitations on grants.

(a) *Total funds available.* The sum of \$500,000 is available for grants under the Program for Fiscal Year 2020-2021. Grants funds will be awarded on a funds-available basis.

(b) *Project duration.* A project must have a completion date of no later than June 30, 2021.

(c) *Reimbursement grants.* Grant funds will be awarded as reimbursement grants.

(d) *Percentage cap.* A single grant shall be limited to 75% of the cost of the project identified in the grant application.

(e) *Per-school cap.* Grant amounts shall not exceed \$15,000 annually, per school.

(f) *In-kind support.* Grant recipients may use the value of in-kind support to match the amount granted.

(g) *Additional restrictions.* The Secretary may impose additional restrictions or special conditions upon the issuance of a grant.

5. Applications.

(a) *Electronic applications only.* Interested applicants must submit a complete grant application using the Department of Community and Economic Development’s Electronic Single Application web site at www.esa.dced.state.pa.us.

(b) *Application content.* The application shall require the applicant to explain how the project for which grant funds are sought is an eligible project as described in section 2(b) and other information as the Department may reasonably require.

(c) *Application window.* Completed applications may be electronically submitted beginning March 1, 2021. All applications must be received by no later than 4:59 p.m. on March 30, 2021.

6. *Review of application.*

The Secretary will review and evaluate applications and supporting documents for completeness, and will evaluate applications based on the following considerations:

- (1) The ability of the applicant to complete the Program.
- (2) The ability of the applicant to incorporate all of the Program requirements.
- (3) The location of the school in an area where a high percentage of the children receive free or reduced-price school meals.
- (4) The potential of the Program to increase knowledge about nutrition and healthy eating habits for the children, their caregivers and the community.
- (5) The potential of the Program to increase knowledge about agriculture in this Commonwealth for the children, their caregivers and the community.
- (6) The ability of the applicant to procure locally grown foods for the applicant's Program.
- (7) The potential of the Program to increase markets for local agricultural producers.
- (8) The number of people who will be served by the Program.
- (9) The ability of the applicant to sustain the Program.
- (10) The overall performance of the applicant if a grant was received in a previous year.

7. *Notice of disposition of application.*

The Department will provide an applicant written notice (by regular mail or e-mail) of the acceptance or rejection of a grant application.

8. *Grant agreement.*

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

9. *Verification of project completion.*

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

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

- (1) copies of invoices for goods or services directly related to the project, along with the written certification of the president or treasurer of the applicant that the goods or services that are the subject of the invoices have been delivered or provided to the applicant; and
- (2) a certificate of completion, signed by its president or treasurer, verifying completion of the subject project and stating that the grant funds will reimburse the

applicant for a portion of the costs incurred by the applicant in completing the subject project.

10. *Questions and additional information.*

Questions on this Program, including the online application process may be directed to Patrick Andrews, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408, (717) 772-1429, patriandrew@pa.gov.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 21-285. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Program Requirements for the Urban Agricultural Infrastructure Grant Program

The Department of Agriculture (Department) hereby provides notice of the standards and requirements for the Urban Agricultural Infrastructure Grant Program (Program).

The Program is established under authority of the act of July 1, 2019 (3 Pa.C.S. §§ 10701—10705), referred to as the Urban Agricultural Infrastructure Grant Program Act (act). The Program allows the Department to award reimbursement grants for certain eligible projects to improving urban agricultural infrastructure in an urban area, improve or facilitate the aggregation of agricultural products in an urban area, entail the sharing of resources among urban agricultural entities or community organizations and support community development in the project area.

This notice establishes the procedures by which grant applications will be solicited and reviewed, and by which grants will be awarded, drawing on \$500,000 in funding available in Fiscal Year 2020-2021.

1. *Program Objectives.* The Program's objective is to provide grants to reimburse some portion of the costs of implementing projects that improve agriculture infrastructure in urban areas and that focus on aggregation of agricultural products, sharing of resources and support for community development resources.

2. *Definitions.* The following words and phrases apply to the Program:

Department. The Department of Agriculture of the Commonwealth.

Eligible project. A project that the department determines does all of the following:

- a. Improves agricultural infrastructure in an urban area.
- b. Improves or facilitates the aggregation of agricultural products in an urban area.
- c. Entails the sharing of resources among urban agricultural operations, agricultural producers or community organizations.
- d. Supports community development in the project area.

Person. An individual, partnership, association, firm, corporation or any other legal entity.

Program. The Urban Agricultural Infrastructure Grant Program.

Secretary. The Secretary of the Department.

3. *Reimbursement Grant Program.* Program grants shall be reimbursement grants. The following shall apply:

a. The amount of reimbursement is based on actual eligible costs submitted by an approved applicant for an approved project during any fiscal year in which grants are offered.

b. Grant reimbursement money is limited to 50% or less of the costs of an eligible project.

c. Grant reimbursement money shall not be used to reimburse any portion of an in-kind contribution to an eligible project.

d. Grant money may not be used to pay or reimburse wages or salaries of grant recipient staff.

e. Grant money may not be used to reimburse any portion of the project costs which are being paid or reimbursed under another Federal or State grant program.

f. A single applicant may not be awarded more than \$100,000 in grants in any 5-year period, calculated from the date the Department awards the grant.

4. *Eligibility.* A person may apply to the Department for a grant under the Program.

5. *Grant Types.* An applicant for a grant under the Program shall specify whether the applicant seeks a Microgrant or a Collaboration Grant.

a. A "Microgrant" shall be awarded for one-time project or to a single entity applicant. The maximum amount of a Microgrant shall be the lesser of \$2,500 or 50% of project costs. No more than \$50,000 of available funds in FY 2020-2021 shall be used for microgrants.

b. A "Collaboration Grant" shall be awarded for an eligible project (as defined in Paragraph No. 2) for which a Microgrant is not sought. An application for a Collaboration Grant may be submitted by multiple partners on a single project. The maximum amount of a Collaborative shall be the lesser of \$50,000 or 50% of project costs.

6. *Application procedure.*

a. *Online Applications Only.* An applicant for a grant under the Program shall be submitted through the Commonwealth's Single Application for Assistance online application system at www.esa.dced.state.pa.us.

b. *Application Window.* Applications must be submitted through the Single Application for Assistance online application system between 8 a.m. on Monday, March 1, 2021, and 5 p.m. on Friday, April 16, 2021. Applications received outside of that application window will not be considered or reviewed.

c. *Application Requirements.* An application for a grant under the Program shall contain the following information:

i. The applicant's name, business address and contact information.

ii. A statement as to whether the applicant seeks a Microgrant or a Collaboration Grant.

iii. The details of the project for which reimbursement grant money is sought, including the following:

A. A project budget.

B. A statement of the maximum amount of grant money sought for the project, not to exceed 50% of project costs.

C. A project construction and implementation schedule.

D. A narrative identifying each entity that will assist in, participate in and benefit from the project.

iv. Separate descriptions of how the project would meet each of the following statutory requirements:

A. Improve agricultural infrastructure in an urban area.

B. Improve or facilitates the aggregation of agricultural products in an urban area.

C. Entail the sharing of resources among urban agricultural operations, agricultural producers or community organizations.

D. Support community development in the project area.

v. An attestation signed by the applicant, verifying the accuracy of the information presented on the application.

7. *Disposition and Review of Grant Applications.* The Department will review each application, and supporting documentation submitted therewith, for completeness and accuracy. If an application is found to be incomplete or inaccurate, the Department may request additional documentation and may discontinue further processing of the application until the requested information is received.

8. *Agreement Required.* If the Secretary approves a grant application, and as a precondition to the Department's release of grant moneys to a successful applicant, the Department and the applicant shall execute a Grant Agreement which describes the terms and conditions subject to which the grant is made.

9. *Distribution of Grant Money.* As Program grants are reimbursement grants, the Department will not issue grant money until the successful applicant submits all of the following to the Department:

a. A verified statement that the eligible project has been completed or implemented.

b. A verified statement of the project completion date.

c. Photos of the completed or implemented project with a narrative explanation of each photo.

d. Bills and invoices demonstrating that expenses were incurred for which reimbursement grant funds are sought.

Documents submitted to the Department under this Paragraph shall be directed to the Department of Agriculture, Bureau of Market Development, Attn: Agricultural Infrastructure Grant Program Coordinator, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

10. *Additional Information:* Additional information may be obtained from the Department by contacting Michael Roth, (717) 787-6257, michroth@pa.gov.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 21-286. Filed for public inspection February 26, 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 February 16, 2021.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-11-2021	William Penn Bank Levittown Bucks County	10 North Main Street Yardley Bucks County	Approved
02-16-2021	CNB Bank Clearfield Clearfield County	827 Hopkins Road Amherst Erie County, NY	Opened

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-14-2020	Northwest Bank Warren Warren County	650 East Carmel Drive Carmel Hamilton County, IN	Closed
12-14-2020	Northwest Bank Warren Warren County	4100 Edison Lakes Parkway Mishawaka Saint Joseph County, IN	Closed
12-14-2020	Northwest Bank Warren Warren County	2850 West Cleveland Road South Bend Saint Joseph County, IN	Closed
12-14-2020	Northwest Bank Warren Warren County	1441 Monroe Avenue Rochester Monroe County, NY	Closed
12-14-2020	Northwest Bank Warren Warren County	600 Kendall Drive Oberlin Lorain County, OH	Closed
12-14-2020	Northwest Bank Warren Warren County	4300 Kent Road U1 Stow Summit County, OH	Closed
12-14-2020	Northwest Bank Warren Warren County	204 West Beaver Avenue State College Centre County, PA	Closed
12-14-2020	Northwest Bank Warren Warren County	3140 Cape Horn Road Red Lion York County, PA	Closed
12-14-2020	Northwest Bank Warren Warren County	342 Main Street Wampum Lawrence County, PA	Closed
12-14-2020	Northwest Bank Warren Warren County	105 South Main Street Springboro Crawford County, PA	Closed
12-15-2020	Northwest Bank Warren Warren County	893 East Main Street Greenwood Johnson County, IN	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-15-2020	Northwest Bank Warren Warren County	4330 Elkhart Road Goshen Elkhart County, IN	Closed
12-15-2020	Northwest Bank Warren Warren County	2113 Chili Avenue Rochester Monroe County, NY	Closed
12-15-2020	Northwest Bank Warren Warren County	42935 North Ridge Road Elyria Lorain County, OH	Closed
12-15-2020	Northwest Bank Warren Warren County	70 Richmond Street Painesville Lake County, OH	Closed
12-15-2020	Northwest Bank Warren Warren County	118 South Main Street Zelienople Butler County, PA	Closed
12-15-2020	Northwest Bank Warren Warren County	1625 Old Philadelphia Pike Lancaster Lancaster County, PA	Closed
12-15-2020	Northwest Bank Warren Warren County	85 West Washington Street Bradford McKean County, PA (Limited Service Facility)	Closed
12-15-2020	Northwest Bank Warren Warren County	1328 East Grandview Boulevard Erie Erie County, PA	Closed
12-15-2020	Northwest Bank Warren Warren County	225 Franklin Street Johnstown Cambria County, PA	Closed
12-16-2020	Northwest Bank Warren Warren County	445 West 250 North Warsaw Kosciusko County, IN	Closed
12-16-2020	Northwest Bank Warren Warren County	1309 West Main Street Mitchell Lawrence County, IN	Closed
12-16-2020	Northwest Bank Warren Warren County	295 Main Street Buffalo Erie County, NY	Closed
12-16-2020	Northwest Bank Warren Warren County	27095 Bagley Road Olmstead Cuyahoga County, OH	Closed
12-16-2020	Northwest Bank Warren Warren County	1903 Hubbard Road Madison Lake County, OH	Closed
12-16-2020	Northwest Bank Warren Warren County	2134 Marietta Avenue Lancaster Lancaster County, PA	Closed
12-16-2020	Northwest Bank Warren Warren County	6284 Library Road Bethel Park Allegheny County, PA	Closed
12-16-2020	Northwest Bank Warren Warren County	301 Broad Street New Bethlehem Clarion County, PA	Closed
12-16-2020	Northwest Bank Warren Warren County	2102 Rice Avenue Lake City Erie County, PA	Closed
12-16-2020	Northwest Bank Warren Warren County	5 Buckingham Street Tidioute Warren County, PA	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-17-2020	Northwest Bank Warren Warren County	4916 Illinois Road Fort Wayne Allen County, IN	Closed
12-17-2020	Northwest Bank Warren Warren County	1301 North Walnut Street Bloomington Monroe County, IN	Closed
12-17-2020	Northwest Bank Warren Warren County	3150 Sheridan Drive Amherst Erie County, NY	Closed
12-17-2020	Northwest Bank Warren Warren County	30 East Main Street Geneva Ashtabula County, OH	Closed
12-17-2020	Northwest Bank Warren Warren County	38 East Roseville Road Lancaster Lancaster County, PA	Closed
12-17-2020	Northwest Bank Warren Warren County	14457 Main Street Wattsburg Erie County, PA	Closed
12-17-2020	Northwest Bank Warren Warren County	30 West Street Galeton Potter County, PA	Closed
12-17-2020	Northwest Bank Warren Warren County	1811 McKees Rocks Road McKees Rocks Allegheny County, PA	Closed
12-18-2020	Northwest Bank Warren Warren County	3613 North Broadway Muncie Delaware County, IN	Closed
12-18-2020	Northwest Bank Warren Warren County	147 West Broad Street Lyons Greene County, IN	Closed
12-18-2020	Northwest Bank Warren Warren County	3488 Amelia Drive Orchard Park Erie County, NY	Closed
12-18-2020	Northwest Bank Warren Warren County	1040 Lake Avenue Ashtabula Ashtabula County, OH	Closed
12-18-2020	Northwest Bank Warren Warren County	1759 West Main Street Ephrata Lancaster County, PA	Closed
12-18-2020	Northwest Bank Warren Warren County	101 East Lincoln Avenue McDonald Washington County, PA	Closed

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 21-287. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF EDUCATION**Availability of Grant Funds**

The Department of Education, Bureau of Postsecondary and Adult Education, Division of Adult Education announces the availability of a maximum of \$2,090,000 in Federal grant funds to be awarded under section 223 of the State Leadership Activities of the Workforce Innovation and Opportunity Act (29 U.S.C.A. § 3303) to

support activities that comprise a system of professional development and technical assistance to division-funded adult education and family literacy programs. The Division of Adult Education has identified seven priorities for funding that support the required and permissible activities under this section.

Applicants for this funding must have documented experience in the delivery of services that are outlined for the individual priorities for which they are applying. Each applicant's experience with proposed activities will

be taken into account when making funding decisions. Successful applicants will be required to submit documentation that verifies experience and education requirements have been met. All successful applicants will have expertise in the following areas:

- Adult learning.
- The Federally funded adult education and family literacy system.
- Professional development and training for educators.
- Technologically delivered professional development.

Further details regarding this funding opportunity will be posted to the Division of Adult Education Grant Competitions webpage at <https://www.education.pa.gov/Postsecondary-Adult/Adult%20and%20Family%20Literacy%20Education/Grants/Pages/GrantCompetitions.aspx> as they become available.

NOE ORTEGA,
Acting Secretary

[Pa.B. Doc. No. 21-288. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Proposed Grant Application by the Department of Education under Part B of the Individuals with Disabilities Education Act for Federal Fiscal Year 2021

Public comment is invited regarding the Department of Education's (Department) proposed grant application under Part B of the Individuals with Disabilities Education Act (IDEA-B). The annual grant application provides assurances that the Commonwealth's policies and procedures in effect are consistent with the Federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age, including children who have been suspended or expelled from school. The current IDEA-B policies and procedures are available for viewing at <https://www.education.pa.gov/K-12/Special%20Education/IDEA/Pages/default.aspx>.

Section 300.165 of 34 CFR (relating to public participation) requires that the Commonwealth provide notice and opportunity for public comment to ensure reasonable opportunities for participation by local agencies, represen-

tatives of the class of individuals affected by this program, and other interested institutions, organizations and individuals in the planning for the provision of special education and related services. Each state must publish the proposed IDEA-B grant application. Copies of the proposed IDEA-B grant application for 2021 are available by viewing the documents at <https://www.education.pa.gov/K-12/Special%20Education/IDEA/Pages/default.aspx>. Alternative formats of the documents (for example, Braille, large print, CD) can be made available to members of the public upon request. Public comment is welcomed in alternative formats such as Braille, recorded comments and telephone comments for individuals with disabilities. Individuals who are disabled and wish to submit comments by telephone should contact Aaron Ios at (717) 772-3500.

Written public comment will be accepted beginning March 1, 2021, until April 29, 2021. The written comments should be directed to Jeanette Alexander, Special Education Adviser, Bureau of Special Education, Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333, jeaalexand@pa.gov.

Additionally, opportunity for verbal testimony will be held by the Department's Bureau of Special Education for individuals wishing to present verbal testimony on the proposed IDEA-B application and the current Commonwealth plan. One written copy of verbal testimony prior to the time of presentation would be appreciated. Presentations should be limited to 15 minutes.

Verbal testimony regarding the proposed grant application and current policies and procedures will be scheduled virtually on March 22, 2021, from 3 p.m. to 6 p.m.

To schedule an opportunity to present verbal testimony, or for persons with a disability and who require an accommodation to participate in the proceeding, contact Aaron Ios at (717) 772-3500, aioos@pa.gov no later than March 12, 2021. Individuals will be provided with a link to participate.

Following receipt of all written and verbal comments, the Department will consider all comments and make any necessary modifications to the proposed grant application before submission of the 2021 IDEA-B grant application to the Secretary of the United States Department of Education.

NOE ORTEGA,
Acting Secretary

[Pa.B. Doc. No. 21-289. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not

limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP's website at www.dep.pa.gov/CWPublicNotice.

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. 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.

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications and NOIs may be reviewed at the DEP office that received the application or NOI. Contact information for each DEP office for Sections I & II is listed as follows. Contact information for Section III is available within the table. Members of the public are encouraged to use DEP's website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs in Sections I & II and to submit comments for those application and NOIs, when applicable, is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if DEP determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6709202	Industrial Waste Individual WQM Permit	Amendment	Brunner Island LLC P.O. Box 221 York Haven, PA 17370	East Manchester Township York County	SCRO
PA0275620	Industrial Stormwater Individual NPDES Permit	Transfer	Diamonex 7331 William Avenue Allentown, PA 18106	Upper Macungie Township Lehigh County	NERO
0413800	Joint DEP/PFBC Pesticides Permit	Amendment	David Oleary 360 River Road Beaver, PA 15009-2816	South Beaver Township Beaver County	SWRO
0621801	Joint DEP/PFBC Pesticides Permit	New	Donald L Jr & Janet M Moore 906 N Reading Avenue Boyertown, PA 19512-8955	Colebrookdale Township Berks County	SCRO
0916805	Joint DEP/PFBC Pesticides Permit	Renewal	Tanglewood HOA 950 Town Center Drive Suite B25 Langhorne, PA 19047-1866	Lower Makefield Township Bucks County	SERO
1013806	Joint DEP/PFBC Pesticides Permit	Renewal	Cranberry Township Butler County 2525 Rochester Road Cranberry Township, PA 16066	Cranberry Township Butler County	NWRO
1013808	Joint DEP/PFBC Pesticides Permit	Renewal	Lakeland Country Estates 304 Green Lake Drive Mars, PA 16046-2108	Adams Township Butler County	NWRO
1018805	Joint DEP/PFBC Pesticides Permit	Renewal	Butler CC P.O. Box 348 Butler, PA 16003-0348	Penn Township Butler County	NWRO
1513885	Joint DEP/PFBC Pesticides Permit	Renewal	Anthony Lubrano 1610 Fairview Road Glenmoore, PA 19343-2626	East Nantmeal Township Chester County	SERO
1521802	Joint DEP/PFBC Pesticides Permit	New	Ryan Haezebrouck 205 Nottingham Drive Spring City, PA 19475-3424	East Vincent Township Chester County	SERO
1521806	Joint DEP/PFBC Pesticides Permit	New	Green Hill Sewer Association 1389 E Boot Road West Chester, PA 19380-5934	East Goshen Township Chester County	SERO
2018801	Joint DEP/PFBC Pesticides Permit	Renewal	Conneaut Lake Mgt Assoc P.O. Box 49 Conneaut Lake, PA 16316-0049	Conneaut Lake Borough Crawford County	NWRO
2513814	Joint DEP/PFBC Pesticides Permit	Renewal	Erie Western PA Port Authority 208 E Bayfront Parkway Erie, PA 16507	Erie City Erie County	NWRO
2516802	Joint DEP/PFBC Pesticides Permit	Renewal	Thomas Makowski 11103 Route 19 N Waterford, PA 16441-5111	Waterford Township Erie County	NWRO
2521802	Joint DEP/PFBC Pesticides Permit	New	Rob Wright 9620 Oliver Road Waterford, PA 16441-3322	McKean Township Erie County	NWRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2613800	Joint DEP/PFBC Pesticides Permit	Amendment	Nemacolin Woodlands Inc. 1001 Lafayette Drive Farmington, PA 15437-9754	Wharton Township Fayette County	SWRO
2616801	Joint DEP/PFBC Pesticides Permit	Amendment	Seven Springs Mountain Resort 777 Water Wheel Drive Champion, PA 15622-4007	Middlecreek Township Somerset County	SWRO
3821801	Joint DEP/PFBC Pesticides Permit	New	Briar Lake Unit Owners Association 320 Granite Run Drive Lancaster, PA 17601-6806	North Lebanon Township Lebanon County	SCRO
4620805	Joint DEP/PFBC Pesticides Permit	Amendment	Doylestown Green HOA 721 Dresher Road Horsham, PA 19044-2220	Doylestown Township Bucks County	SERO
5116802	Joint DEP/PFBC Pesticides Permit	Renewal	Philadelphia Parks & Recreation Department 1515 Arch Street 10th Floor Philadelphia, PA 19102-1501	Philadelphia City Philadelphia County	SERO
5613806	Joint DEP/PFBC Pesticides Permit	Amendment	Stoughton Lake P.O. Box 262 Jennerstown, PA 15547-0262	Jennerstown Borough Somerset County	SWRO
6513804	Joint DEP/PFBC Pesticides Permit	Amendment	Edwin Gott 2853 State Route 711 Ligonier, PA 15658-2696	Ligonier Township Westmoreland County	SWRO
6513809	Joint DEP/PFBC Pesticides Permit	Amendment	Laurel Valley Golf Course P.O. Box 435 Ligonier, PA 15658-0435	Ligonier Township Westmoreland County	SWRO
6520800	Joint DEP/PFBC Pesticides Permit	Amendment	First Wimmerton Comm Assoc Inc. 206 N Shenandoah Drive Latrobe, PA 15650-2552	Unity Township Westmoreland County	SWRO
6716801	Joint DEP/PFBC Pesticides Permit	Renewal	Myers Hollow LLC 420 Pine Grove Road Hanover, PA 17331-7702	Hanover Borough York County	SCRO
6721801	Joint DEP/PFBC Pesticides Permit	New	John Sieck 1038 Pinetown Road Lewisberry, PA 17339-9148	Fairview Township York County	SCRO
PA0112534	Minor Sewage Facility \geq 0.05 MGD and $<$ 1 MGD Individual NPDES Permit	Transfer	Stone Fortress Commercial LLC 100 E 8th Street Milton, PA 17847-1414	Delaware Township Northumberland County	NCRO
NOEX13802	No Exposure Certification	Renewal	United States Cold Storage LLC 1102 N Park Drive Hazle Township, PA 18202-9721	Hazle Township Luzerne County	NERO
NOEX13902	No Exposure Certification	Renewal	United States Cold Storage LLC 15 Emery Street Bethlehem, PA 18015	Bethlehem City Northampton County	NERO
NOEXSC357	No Exposure Certification	New	Kalas Manufacturing Inc. 167 Greenfield Road Lancaster, PA 17601-5814	Denver Borough Lancaster County	SCRO
NOEXSE275	No Exposure Certification	Renewal	US Cold Storage LLC 1050 Heller Road Quakertown, PA 18951	Quakertown Borough Bucks County	SERO
PAG056271	PAG-05 NPDES General Permit for Groundwater Cleanup	New	Catanese Bros 6400 Brooktree Court Suite 250 Wexford, PA 15090-9271	West Deer Township Allegheny County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG123591	PAG-12 NPDES General Permit for CAFOs	Renewal	Sam J King 75 Blaine Avenue Leola, PA 17540-1402	Bethel Township Berks County	SCRO
PAG123641	PAG-12 NPDES General Permit for CAFOs	Renewal	Randall S Andrews 421 Penn Grant Road Lancaster, PA 17602	West Lampeter Township Lancaster County	SCRO
PAG123651	PAG-12 NPDES General Permit for CAFOs	Renewal	Lawrence Z Nolt 94 Creek Road East Berlin, PA 17316-9119	Washington Township York County	SCRO
PAG123657	PAG-12 NPDES General Permit for CAFOs	Renewal	Melvin J Huber 457 Cold Springs Road Elizabethtown, PA 17022	Rapho Township Lancaster County	SCRO
PAG123662	PAG-12 NPDES General Permit for CAFOs	Renewal	Harvest Lane Farm LLC 910 Jake Landis Road Lititz, PA 17543-8491	Manheim Township Lancaster County	SCRO
PAG123663	PAG-12 NPDES General Permit for CAFOs	Renewal	David Rosenberry 3709 N Colebrook Road Manheim, PA 17545-9594	Mount Joy Township Lancaster County	SCRO
PAG123715	PAG-12 NPDES General Permit for CAFOs	Renewal	Curtis M Lehman 514 Bricker Road Bernville, PA 19506-8722	Jefferson Township Berks County	SCRO
PAG123740	PAG-12 NPDES General Permit for CAFOs	Renewal	Belview Valley Farms LLC 458 Gemmill Road Delta, PA 17314-8866	Peach Bottom Township York County	SCRO
PAG123741	PAG-12 NPDES General Permit for CAFOs	Renewal	Delmar R Martin 1375 West Route 897 Denver, PA 17517	West Cocalico Township Lancaster County	SCRO
PAG123805	PAG-12 NPDES General Permit for CAFOs	Renewal	Star Rock Farms LLC 175 Chestnut Grove Road Conestoga, PA 17516-9317	Manor Township Lancaster County	SCRO
PAG123817	PAG-12 NPDES General Permit for CAFOs	Renewal	Franklin View Farms 1700 Prospect Road Washington Borough, PA 17582-9674	Manor Township Lancaster County	SCRO
PAG123829	PAG-12 NPDES General Permit for CAFOs	Renewal	Noah W Kreider & Sons LLP 1461 Lancaster Road Manheim, PA 17545-9768	Lower Swatara Township Dauphin County	SCRO
PAG123881	PAG-12 NPDES General Permit for CAFOs	Renewal	Matthew Nolt 131 Krumstown Road Myerstown, PA 17067	Millcreek Township Lebanon County	SCRO
PAG123905	PAG-12 NPDES General Permit for CAFOs	Renewal	Stewhills Farm LLC 950 Muddy Creek Forks Road Airville, PA 17302-9303	Chanceford Township York County	SCRO
PAG123909	PAG-12 NPDES General Permit for CAFOs	Renewal	Glendon Nolt 252 Millbach Road Newmanstown, PA 17073-9233	Greenwich Township Berks County	SCRO
PAG124824	PAG-12 NPDES General Permit for CAFOs	Renewal	Rodney E Lane 1982 Harrison Fox Hill Road Harrison Valley, PA 16927-9426	Harrison Township Potter County	SCRO
PAG124845	PAG-12 NPDES General Permit for CAFOs	Renewal	Dale Maneval 11203 Route 35 Mt Pleasant Mills, PA 17853-8476	West Perry Township Snyder County	SCRO
PAG124847	PAG-12 NPDES General Permit for CAFOs	Renewal	Keister Family Farms LLC 105 Keisters Farm Lane Middleburg, PA 17842-9298	Franklin Township Snyder County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1519407	Sewage Land Application Individual WQM Permit	Amendment	Franklin Township Chester County 20 Municipal Lane P.O. Box 118 Kemblesville, PA 19347	Franklin Township Chester County	SERO
1521401	Sewage Treatment Facilities Individual WQM Permit	New	Patricia A McVey & Alan S McVey 226 Valley Green Drive Coatesville, PA 19320	West Caln Township Chester County	SERO
2721401	Sewage Treatment Facilities Individual WQM Permit	New	Dotty & Roger Shreve 141 Butcher Knife Hill Road Pleasantville, PA 16341-5101	Harmony Township Forest County	NWRO
3399402	Sewage Treatment Facilities Individual WQM Permit	Transfer	Wayne Hindman 100 Foxcroft Drive Butler, PA 16001-3422	Barnett Township Jefferson County	NWRO
3408401	Sewage Treatment Facilities Individual WQM Permit	Transfer	Ivan Diem Jr 549 Jones Road Mifflintown, PA 17059	Delaware Township Juniata County	SCRO
3686420	Sewage Treatment Facilities Individual WQM Permit	Transfer	Graystone Comm LLC P.O. Box 633 Mount Joy, PA 17552-0633	Martic Township Lancaster County	SCRO
3915403	Sewage Treatment Facilities Individual WQM Permit	Amendment	Allentown City Lehigh County Department of Public Works 435 Hamilton Street Allentown, PA 18101	Allentown City Lehigh County	NERO
3921401	Sewage Treatment Facilities Individual WQM Permit	New	Parkland School District 2219 N Cedar Crest Boulevard Allentown, PA 18104-9665	South Whitehall Township Lehigh County	NERO
4321401	Sewage Treatment Facilities Individual WQM Permit	New	Patricia Scullo 711 Bradley Road Stoneboro, PA 16153-3221	Worth Township Mercer County	NWRO
4621401	Sewage Treatment Facilities Individual WQM Permit	New	Pottstown Borough Authority Montgomery County 100 East High Street Pottstown, PA 19464	Pottstown Borough Montgomery County	SERO
PA0222976	Single Residence STP Individual NPDES Permit	Transfer	Wayne Hindman 100 Foxcroft Drive Butler, PA 16001-3422	Barnett Township Jefferson County	NWRO
WQG02152103	WQG-02 WQM General Permit	New	Valley Township Chester County P.O. Box 467 1145 West Lincoln Highway Coatesville, PA 19320-0467	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

PA0041131, Sewage, SIC Code 8249, **Columbia Montour Area Vocational Tech School**, 5050 Sweppenheiser Drive, Bloomsburg, PA 17815-8919. Facility Name: Columbia Montour Area Vocational Tech. This existing facility is located in South Centre Township, **Columbia 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 Susquehanna River (CWF), is located in State Water Plan watershed 5-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	5	XXX	10
May 1 - Oct 31	XXX	XXX	XXX	3	XXX	6

In addition, the permit contains the following major special conditions:

- Other Requirements.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

PA0113956, Sewage, SIC Code 4952, **Locust Township Municipal Authority**, 1223A Numidia Drive, Catawissa, PA 17820-8632. Facility Name: Slabtown Wastewater Treatment Plant. This existing facility is located in Locust Township, **Columbia County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary of Roaring Creek (CWF), is located in State Water Plan watershed 5-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 0.01 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.5
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	2.1	3.3	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	2.5	3.8	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

Northwest Regional Office

PA0221244, Industrial, SIC Code 3312, **Salem Tube, Inc.**, 951 4th Street, Greenville, PA 16125-8253. Facility Name: Salem Tube Manufacturing. This existing facility is located in Pymatuning Township, **Mercer 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, an Unnamed Tributary to the Big Run (WWF), is located in State Water Plan watershed 20-A 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 0.108 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Suspended Solids	2.92	7.8	XXX	Report	Report	67
Oil and Grease	XXX	1.94	XXX	XXX	Report	30
Trichloroethylene	XXX	XXX	XXX	XXX	Report	XXX
Vinyl Chloride	XXX	XXX	XXX	0.006	XXX	0.0145

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0067 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
			Inst Min			

In addition, the permit contains the following major special conditions:

- 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.

PA0288934, Sewage, SIC Code 4952, 8800, **Patricia Sciuillo**, 711 Bradley Road, Stoneboro, PA 16153-3221. Facility Name: Patricia Sciuillo SRSTP. This proposed facility is located in Worth 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), South Sandy Creek, is located in State Water Plan watershed 16-G and is classified 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 .0007 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

PA0267295, Sewage, SIC Code 1521, **John & Jennifer Smith**, 686 Still Meadow Lane, York, PA 17404. Facility Name: Jennifer & John Smith Properties. This proposed facility is located in Huntington Township, **Adams 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 Bermudian Creek (WWF, MF), is located in State Water Plan watershed 7-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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	5.0 Inst Min XXX	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southeast Regional Office

PA0012637 A-1, Industrial, SIC Code 2911, **Monroe Energy LLC**, Trainer Refinery, 4101 Post Road, Trainer, PA 19061-5052. Facility Name: Trainer Refinery. This existing facility is located in Trainer Borough, **Delaware County**.

Description of Existing Activity: The application is for an NPDES permit amendment for an existing discharge of treated industrial waste.

The receiving streams, Delaware River Estuary Zone 4 (WWF, MF), Stoney Creek (WWF), Marcus Hook Creek (WWF) and Marcus Hook Creek (WWF, MF), are located in State Water Plan watershed 3-G and are classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 69.27 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .0432 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 Daily Max	6.0 Inst Min XXX	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02 Avg Mo	XXX	0.05
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids Intake	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids Effluent Net	XXX	XXX	XXX	Report Avg Mo 30.0	Report 60.0	XXX 75
Total Dissolved Solids Intake	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Dissolved Solids Effluent Net	XXX	XXX	XXX	Report Avg Mo 15	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report Avg Mo 15	XXX	30

The proposed effluent limits for Outfall 002 are based on a design flow of .0432 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>	
Aluminum, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Copper, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Copper, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Silver, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Silver, Total Intake	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 005 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	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 008 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 012 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
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 013 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
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 015 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 65.77 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 Quarterly</i>	<i>Daily Maximum</i>	
Aluminum, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Intake	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Iron, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Lead, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 65.77 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 Quarterly</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	0.16 Avg Mo	XXX	0.5
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Heat Rejection Rate (MBTUs/day) (MBTUs/day)	XXX	67,470	XXX	XXX	XXX	XXX
Total Suspended Solids Effluent Net	16,460	32,920	XXX	30.0 Avg Mo	60.0	75
Intake	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Dissolved Solids Effluent Net	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Intake	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Oil and Grease	8,230	XXX	XXX	15 Avg Mo	XXX	30
Total Organic Carbon Intake	XXX	XXX	XXX	XXX	XXX	Report
Effluent Net	XXX	XXX	XXX	XXX	XXX	Report 5.0

The proposed effluent limits for Outfall 201 are based on a design flow of 3.5 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>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 3.5 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	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.16	XXX	0.50
Biochemical Oxygen Demand (BOD ₅)	1,000	2000	XXX	34.0	68.0	85
BOD, carbonaceous, 20-day, 20 C	1,500	XXX	XXX	XXX	XXX	XXX
Chemical Oxygen Demand (COD)	17,608	33,130	XXX	603.0	1,135.0	1,508
Total Suspended Solids	875	1,750	XXX	30.0	60.0	75
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Effluent Net Intake	29,190	58,380	XXX	1,000.0	2,000.0	2,500
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Total Nitrogen	438	876	XXX	15.0	30.0	30
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	1020	2,040	XXX	35.0	70.0	87
Aluminum, Total	58	83	XXX	2.0	4.0	5
Antimony, Total	Report	135	XXX	Report	4.64	4.64
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	1.1	2.4	XXX	0.04	0.08	0.1
Cyanide, Free	13	37	XXX	0.45	1.27	1.27
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfide, Total	0.88	1.75	XXX	0.03	0.06	0.08
Phenolics, Total	13	30	XXX	0.45	1.03	1.13
	11	34	XXX	0.38	1.16	1.16

Stormwater Outfalls 003, 011, and 014 are not required to be monitored.

In addition, the permit contains the following major special conditions:

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. BAT/ELG
- D. Chlorine Optimization
- E. TMDL/WLA Analysis
- F. 316(a) Modification
- G. WQM Permits
- H. Stormwater Credits
- I. WETT Requirement
- J. Chemical Additives
- K. Heat Rejection Rates
- L. PCB/PMP Requirement
- M. Cooling Water Intake
- N. Hydrostatic Discharge
- O. Stormwater 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 not in effect.

PA0056413, Sewage, SIC Code 4952, 8811, **Lower Salford Township Authority**, P.O. Box 243, Harleysville, PA 19438-0243. Facility Name: Lower Salford Township Mainland STP. This existing facility is located in Lower Salford Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Skippack 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 0.9 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	135.0	205.0	XXX	18.0	27.0	37.0
May 1 - Oct 31	65.0	100.0	XXX	9.0	13.0	18.0
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	225	335	XXX	30.0	45.0	60
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	31.5	XXX	XXX	4.2	XXX	8.4
May 1 - Oct 31	10.5	XXX	XXX	1.4	XXX	2.8
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Nov 1 - Mar 31	15	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	7.5	XXX	XXX	1.0	XXX	2
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Avg. Qrtly Report	XXX	XXX
Hardness, Total (as CaCO ₃)	XXX	XXX	XXX	Avg. Qrtly Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- Notification of designation of responsible operator
- Hauled-in waste restriction
- Solids management for non-lagoon system
- DRBC Fecal Coliform limits

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.

PA0244066, Sewage, SIC Code 4952, **Bedminster Municipal Authority Bucks County**, 442 Elephant Road, Perkasio, PA 18944-4163. Facility Name: Pennland Farms STP. This existing facility is located in Bedminster Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Deep Run (WWF), is located in State Water Plan watershed 2-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .06 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
UV Intensity (mW/cm ²)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	50 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	10	XXX	20
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	0.5	XXX	1.0

In addition, the permit contains the following major special conditions:

- No Stormwater
- Property Rights
- Collected Screenings Sludges
- Optimize Chlorine Dosage
- Responsible Operator
- Fecal Coliform

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.

Southwest Regional Office

PA0022241, Sewage, SIC Code 4952, **Borough of California**, 225 3rd Street, California, PA 15419. Facility Name: California Borough STP. This existing facility is located in California Borough, **Washington County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Monongahela River (WWF), is located in State Water Plan watershed 19-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 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	250	375	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	300	450	XXX	30	45	60
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

Sludge use and disposal description and location(s): Dewatered sludge hauled to the Chestnut Valley Landfill (Permit No. 100419).

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.

PA0026778, Sewage, SIC Code, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963-2059. Facility Name: Ingleside STP. This existing facility is located in Richland Township, **Cambria 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), Stonycreek River (WWF) and UNT to Stonycreek River (CWF), is located in State Water Plan watershed 18-E and is classified for Warm Water Fishes and 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 4 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	830	1,250	XXX	25.0	37.5	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	1,000	1,500	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	Report	Report Daily Max	XXX	Report	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ultraviolet light transmittance (%) Ammonia-Nitrogen	XXX	XXX	Report	200 Geo Mean	XXX	1,000
Nov 1 - Apr 30	765	XXX	XXX	XXX	XXX	46
May 1 - Oct 31	260	XXX	XXX	7.8	XXX	15
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Copper, Total	Report	Report	XXX	Report	Daily Max Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	Daily Max 3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	Daily Max 2.0	XXX
Selenium, Total	Report	Report	XXX	Report	Daily Max Report	XXX
Zinc, Total	Report	Report	XXX	Report	Daily Max Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX

Sludge use and disposal description and location(s): Digested biosolids are dewatered via belt filter press and disposed of at a sanitary landfill.

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.

PA0032182, Sewage, SIC Code 5271, **Mingo Park Estates Inc.**, 92 Little Mingo Road, Finleyville, PA 15332-3715. Facility Name: Mingo Park Estates STP. This existing facility is located in Nottingham Township, **Washington County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to Mingo Creek (HQ-TSF), is located in State Water Plan watershed 19-C and is classified for 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 0.012 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
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	9.0	XXX	18.0
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report Daily Max	XXX

In addition, the permit contains the following major special conditions:

- Other Requirements.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0038237, Sewage, SIC Code 4952, **Rostraver Township Sewer Authority**, 1744 Rostraver Road, Rostraver Township, PA 15012. Facility Name: Pollock Run WPCP. This existing facility is located in Rostraver Township, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Youghiogheny River (WWF), is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Avg Mo 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	310	475	XXX	25.0	38.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	375	560	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report Daily Max	XXX

Sludge use and disposal description and location(s): Digested biosolids are dewatered via belt filter press and disposed of at a sanitary landfill.

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.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD150197	New	Brandolini Wallace, LP 1301 Lancaster Avenue Berwyn, PA 19312	Wallace Township Chester County	SERO
PAD510195	New	City of Philadelphia 1401 JFK Blvd Suite 730 Philadelphia, PA 19102	City of Philadelphia Philadelphia County	SERO
PAD230051	New	Tom Smith 274 Bodley Road Aston, PA 19014	Edgmont Township Delaware County	SERO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD390003 A-1	Major Amendment	The Fields at Indian Creek LLC 5930 Hamilton Blvd. Wescosville, PA 18106	Upper Milford Township Lower Macungie Township Emmaus Borough Lehigh County	NERO
PAD480134	New	Lehigh Township Municipal Authority c/o Carl Sharpe 1069 Municipal Road Walnutport PA 18088-9718	Lehigh Township Northampton County	NERO
PAD450013 A-1	Major Amendment	DEPG Mosier Associates, LP 1000 Fayette Street Conshohocken, PA 19428	Smithfield Township Monroe County	NERO
PAD440010	New	Mifflin County School District 501 6th St Lewistown, PA 17044	Derry Township Mifflin County	SCRO
PAD440011	New	Geisinger Clinic 100 North Academy Avenue Danville, PA 17822	Brown Township Mifflin County	SCRO
PAD070017	New	Oak Grove Partnership 50 West Pine Street P.O. Box 688 Phillipsburg, PA 16866	Antis Township Blair County	SCRO
PAD340001	New	Fayette Township 181 Bunkertown Road McAllisterville, PA 17049	Fayette Township Juniata County	SCRO
PAD260013 A-1	New	Nemacolin Woodlands Resort 1001 LaFayette Drive Farmington, PA 15437	Wharton Township Fayette County	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497
PAD300014	New	Peoples Natural Gas Company, LLC 195 Donohoe Road Greensburg, PA 15601	Freeport Township Gilmore Township Jackson Township Springhill Township Greene County	Greene County Conservation District 22 West High Street Suite 204 Waynesburg, PA 15370

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Kenis Snader Sunset Family Farms, LLC 221 Sunset Drive Fredericksburg, PA 17026	Lebanon County	154.3	382.35	Broilers	NA	Renewal
Meadow Wood Farm Robert Bomberger 2075 Colebrook Road Lebanon, PA 17042	Lebanon County	512	1,198.05	Dairy	N/A	Renewal
Kevin Brubaker 778 Summer Mountain Rd. Bernville, PA 19506	Berks County	70.2	235.34	Poultry	N/A	New

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 1521503, Public Water Supply.

Applicant **The Whip Tavern**
1383 North Chatham Road
West Marlborough, PA 19320

Township West Marlborough
County **Chester County**
Responsible Official Kenneth C. Kulp
1383 North Chatham Road
West Marlborough, PA 19320
Type of Facility PWS
Consulting Engineer CSC Technology, Inc.
170 Netherwood Drive
West Brandywine, PA 19320
Application Received Date February 9, 2021
Description of Action Nitrate Reduction/Removal

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3120503, Public Water Supply.

Applicant **Alexandria Borough
Water Authority**
Municipality Alexandria Borough
County **Huntingdon County**
Responsible Official Kenneth Bost
Chairman
7561 Fridge Street, Suite No. 3
P.O. Box 336
Alexandria, PA 16611
Type of Facility Public Water Supply
Consulting Engineer Christopher M. Eckenrode, P.E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602

Application Received: June 10, 2020

Description of Action Water treatment facility upgrades, waterline and meter replacements, and reservoir and intake upgrades.

Permit No. 3820506, Public Water Supply.

Applicant **Yellow Breeches
Education Center**
Municipality Annville Township

County **Lebanon County**
 Responsible Official Patty Carns
 Business Manager
 755 PA-934
 Annville, PA 17003

Type of Facility Public Water Supply
 Consulting Engineer Sean Sweeney, P.E.
 Barton & Loguidice
 3901 Hartzdale Drive
 Camp Hill, PA 17011

Application Withdrawn: December 29, 2020
 Description of Action Installation of disinfection, iron and manganese removal and nitrate removal treatment.

Permit No. 0620525, Public Water Supply.

Applicant **Shillington Municipal Authority**
 Municipality Cumru Township
 County **Berks County**
 Responsible Official Scott D. Brossman
 Borough Manager
 75 Commerce Drive
 Wyomissing, PA 19610

Type of Facility Public Water Supply
 Consulting Engineer Nicholas R. Johnson, P.E.
 Great Valley Consultants
 75 Commerce Drive
 Wyomissing, PA 19610

Application Received: November 10, 2020
 Description of Action Modification of the Overbrook Pump Station.

Permit No. 3820508, Public Water Supply.

Applicant **O'Yes Apartments**
 Municipality East Hanover Township
 County **Lebanon County**
 Responsible Official Steven E. Holland, Member
 508 Bald Eagle Court
 Lancaster, PA 17601

Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew II, P.E.
 James R. Holley &
 Associates, Inc.
 18 South George Street
 York, PA 17401

Application Received: December 2, 2020
 Description of Action pH adjustment and the addition of chlorine contact tanks.

Permit No. 3620533 MA, Public Water Supply.

Applicant **Warwick Township Municipal Authority**
 Municipality Warwick Township
 County **Lancaster County**
 Responsible Official Todd Kauffman
 Facilities Manager
 7 South Broad Street
 P.O. Box 336
 Lititz, PA 17543

Type of Facility Public Water Supply
 Consulting Engineer Steven E. Riley, P.E.
 Entech Engineering, Inc.
 201 Penn Street
 P.O. Box 336
 Reading, PA 19603

Application Received: September 2, 2020
 Description of Action Addition of a continuous chlorine analyzer at Rothsville Well No. 1.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental

Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

BASF Corporation, 300 Brookside Avenue, Ambler, PA 19002, Lower Gwynedd Township, **Montgomery County**. John M. (Jay) Ash, PG, AMO Environmental Decisions, 875 North Easton Road, Suite 10, Doylestown, PA 18902 on behalf of Edward Vanyo, BASF Corporation, 100 Park Avenue, Florham, NJ 07932 submitted a Notice of Intent to Remediate. Groundwater at the site has been contaminated with VOCs, lead and metals. The proposed future use of the property will be non-residential. The proposed cleanup standard for the site is Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in the *Ambler Gazette* on December 15, 2020.

2500-2530 Welsh Road, 2500-2530 Welsh Road, Philadelphia, PA 19152, City of Philadelphia, **Philadelphia County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Peter Clelland, BT Tremont, LP, 200 Dryden Road, Suite 2000, Dresher, PA 19025 submitted a Notice of Intent to Remediate. Soil and groundwater have been impacted with the release of lead, barium, cadmium and inorganics. The subject property is proposed for redevelopment into a retail Wawa-brand gasoline filling station and convenience store. The proposed cleanup standard for the site is Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in the *Northeast Times* on July 1, 2020.

Devon BP, 891 Lancaster Avenue, Devon, PA 19333, Tredyffrin Township, **Chester County**. Michael Napolitan, Taylor Geoservices, 38 Bishop Hollow Road # 200, Newtown Square, PA 19073 on behalf of Fred Terpolilli, Lee Transportation Systems LLC, 228 Garden Road, Pittsgrove Township, NJ 08318 submitted a Notice of Intent to Remediate. Soil has been contaminated with unleaded gasoline and diesel fuel. Currently, there is no intended change to the use of the property. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Sunday Times* and the *Daily Times* on January 22, 2021.

Court and State Street, 215 South State Street, Newtown, PA 18940, Newtown Borough, **Bucks County**. Rocco Mercuri, PG, Gilmore & Associates, Inc., 65 East Butler Avenue, Suite 100, New Britain, PA 18901 on behalf of Scott Torok, Court and State, LLC, 1125 Mill Creek Road, Southampton, PA 18966 submitted a Notice of Intent to Remediate. Soil was contaminated with the release of diesel fuel and lead. The 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 *Bucks County Courier Times* on December 27, 2020.

Sharswood Development, 2015-2077 Ridge Avenue, Philadelphia, PA 19121, City of Philadelphia, **Philadel-**

phia County. Shad Manning, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142 on behalf of Leslie Smallwood-Lewis, Sharswood Partners, LLC, 3525 I Street, Philadelphia, PA 19134 submitted a Notice of Intent to Remediate. Soil has been contaminated with VOCs, SVOCs and metals. The site is currently undeveloped land. Proposed use of the site will include commercial and residential structures. The proposed cleanup standard for the site is the Site-Specific Standard. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on November 23, 2020.

1200 Calcon Hook Investments, LLC, 1100-1200 Calcon Hook Road, Sharon Hill, PA 19079, Darby Township, **Delaware County**. Justin R. Lauterbach, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Kenneth Cohen, 1200 Calcon Hook Investment, LLC, c/o Gelcor Realty, 416 Bethlehem Pike, Fort Washington, PA 19034 submitted a Notice of Intent to Remediate. Soil and groundwater have been contaminated with VOCs, PAHs and metals. The planned future use of the site is commercial. The proposed cleanup standard for the site is Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in the *Sunday Times* and the *Daily Times* on December 22, 2020.

Wawa Store No. 8088, 101 Easton Road, Horsham, PA 19044, Horsham Township, **Montgomery County**. Geoff Kristof, PG, Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381 on behalf of Joseph Standen Jr., PG, Wawa, Inc., 260 West Baltimore Pike, Media, PA 19063 submitted a Notice of Intent to Remediate. Soil has been contaminated with unleaded gasoline. The site remains an active Wawa Convenience Store. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Montgomery News Digital* on November 1, 2020.

1313 McCay Avenue, 1313 McCay Avenue, Boothwyn, PA 19061, Upper Chichester Township, **Delaware County**. Paul Crosby, The Vertex Companies, Inc., 700 Turner Way, Suite 105, Aston, PA 19014 on behalf of Michael Cooley, Provc Pineville Boothwyn, LLC, 795 East Lancaster Avenue, Suite 200, Villanova, PA 19085 submitted a Notice of Intent to Remediate. Soil and groundwater have been impacted with the release of No. 2 fuel oil. The existing building (a former schoolhouse) will be renovated for use as offices. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Philly Metro* on November 19, 2020.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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.

15-0037I: Idemia America Corporation (523 James Hance Court, Exton, PA 19341), for the modification of an

existing screen press, designated as Screen Press No. 5 (Source ID 101G), at their facility located in West Whiteland Township, **Chester County**. This facility is a Title V facility. Source ID 101G has a projected potential-to-emit of 5.21 tons of VOC per year and less than 0.1 ton of HAP per year. All emissions will be fugitive. The permittee is subject to a Plantwide Applicability Limit (PAL) of 47.895 tons per year for VOC. The facility will continue to comply with the PAL. The Plan Approval will contain monitoring and recordkeeping requirements designed to keep the lithographic press operating within the allowable emissions and all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit (or plan approval) can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

61-00206: RenovEx, Inc. (1028 Stevenson Rd, Grove City, PA 16127-7918). The Department intends to issue the renewal State-Only Operating Permit of a facility, which reprocesses used propane cylinders, located in Barkeyville Borough, **Venango County**. Permitted air contamination sources at the facility include a spray paint booth, a cylinder wash, shot blasting operations, and a curing oven. The spray paint booth is subject to a 25-TPY VOC restriction established through PA 61-206A. For permitting purposes, the facility is Natural Minor. In this renewal, 25 Pa. Code § 129.52d is incorporated into the permit and replaces § 129.52. Under the authority of § 135.3(a), annual emission inventory reporting pursuant to §§ 135.3, 135.4, and 135.5 is added as a permit condition.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

35-00010C: Mactac, Inc. (802 East Corey Street, Scranton, PA 18505) for their facility in Moosic Borough, **Lackawanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection

(DEP) has received and intends to issue a Plan Approval to Mactac, Inc. (802 East Corey Street, Scranton, PA 18505) for their facility in Moosic Borough, Lackawanna County. This Plan Approval No. 35-00010C will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No.35-00010C is for the modification to an existing hot melt coater line and extruder (ID120, 121) to increase coating output by 300 lbs/hr. Volatile organic compounds (VOC) emissions from the plant will remain under the 50 TPY threshold limit, 12-month rolling sum. The company shall also be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. 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 18711.

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.: 35-00010C and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

40-00119A: PF Nonwovens LLC (101 Green Mountain Road, Hazleton, PA 18202) for their facility located in Hazle Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to PF Nonwovens LLC (101 Green Mountain Road, Hazleton, PA 18202) for their facility located in Hazle Township, Luzerne County. This Plan Approval No. 40-00119A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00119A is for the installation of an air filtration system consisting of three (3) identical fume filtration systems per line used to control particulate matter (PM) emissions from the existing extruder lines 3 and 4. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate matter emissions and 25 Pa. Code § 123.41 for visible emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain

additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00119A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the

requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	

Alkalinity greater than acidity¹

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).

Permit No. 03981301 and NPDES Permit No. PA0215198. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 to revise the permit and related NPDES permit to add/delete 14.1 acres and add a new NPDES outfall for Parkwood Mine in Plumcreek Township, **Armstrong County** affecting - 14.1 proposed surface acres. Receiving stream(s): Crooked Creek classified for the following use(s): WWF. The application was considered administratively complete on January 28, 2021. Application received: November 23, 2020.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, (Contact: Melanie Ford-Wigfield).

Permit No. 56140103 and NPDES No. PA0279315. Fieg Brothers, P.O. Box 38, Berlin, PA 15530, renewal of a bituminous surface and auger mine in Southampton and Fairhope Townships, **Somerset County**, affecting 291.3 acres. Receiving streams: unnamed tributaries to Wills Creek to Potomac River classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 9, 2021.

Permit No. 56140104 and NPDES No. PA0279636. Fieg Brothers, P.O. Box 38, Berlin, PA 15530, renewal of a bituminous surface & auger mine in Brothersvalley Township, **Somerset County**, affecting 79.5 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek and Buffalo Creek to Casselman River classified for the following uses: cold water fishes and warm water fishes. The first downstream potable water supply intake from the point of discharge is Youghiogheny River. Application received: February 9, 2021.

Permit No. 56140105 and NPDES No. PA0269506. Fieg Brothers, P.O. Box 38, Berlin, PA 15530, renewal of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 41.5 acres. Receiving streams: unnamed tributaries to/and Tubs Run to Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 9, 2021.

Permit No. 32900108. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, renewal for reclamation only of a bituminous surface and auger mine in South Mahoning Township, **Indiana County**, affecting 74.4 acres. Receiving streams: Ross Run, unnamed tributary to Little Mahoning Creek, classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 11, 2021.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, (Contact: Ashley Smith).

Permit No. 17990102 and NPDES No. PA0238236. RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Decatur Township, **Clearfield County** affecting 344.2 acres. Receiving stream(s): Unnamed Tributary to Little Laurel Run and Little Laurel Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 3, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 26050110 and NPDES Permit No. PA0250783. Albert F. Stiffler, 141 Locust Road, Box 42-C, Normalville, PA 15649. Renewal application for continued mining to an existing bituminous surface mine, located in Saltlick Township, **Fayette County**, affecting 156.9 acres. Receiving streams: unnamed tributaries to Little Champion Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 10, 2021.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 54773005R7. Reading Anthracite Company (P.O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in St. Clair Borough, Blythe and East Norwegian Townships, **Schuylkill County** affecting 2,108.0 acres. Receiving stream: Mill Creek, classified for the following use: cold water fishes. Application received: January 8, 2021.

Permit No. 54850108R7. Locust Valley Culm Co., LLC (P.O. Box 279, St. Clair, PA 17970), renewal for reclamation activities only of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in New Philadelphia Borough and Blythe Township, **Schuylkill County** affecting 36.6 acres. Receiving stream: Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: January 14, 2021.

Permit No. 54793206C50. Reading Anthracite Company (P.O. Box 1200, Pottsville, PA 17901), correction update the post-mining land use from forestland to unmanaged natural habitat of an existing anthracite surface mine, coal refuse reprocessing and preparation plant operation in Mahanoy Township and Shenandoah Borough, **Schuylkill County** affecting 3,038.0 acres. Receiving stream: Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: January 29, 2021.

Permit No. GP12-54793206R. Reading Anthracite Company (P.O. Box 1200, Pottsville, PA 17901), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54793206 in Mahanoy Township and Shenandoah Borough, **Schuylkill County**. Application received: January 29, 2021.

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).

Permit No. 30841312 and NPDES Permit No. PA0013790. The Monongalia County Coal Company, 46226 National Road, St. Clairsville, OH 43950, to revise the permit and related NPDES Permit for installation of fourteen (14) degasification and CCR boreholes in 9W and 8W panels for Monongalia County Mine located in Gilmore and Wayne Townships, **Greene County**, affecting 22.4 proposed surface acres. No additional discharges. The application was considered administratively complete on January 22, 2018. Application received: October 16, 2017. Permit Withdrawn: February 2, 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.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, (Contact: Melanie Ford-Wigfield).

Permit No. 56010301 and NPDES Permit No. PA0279790, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, applying for an NPDES permit in Jefferson Township, **Somerset County**. The permit area is 138.6 acres. Receiving stream: unnamed tributary to Kooser Run, classified for the following use: high-quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 9, 2021.

Permit No. 6875SM5 and NPDES No. PA0595128. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of an NPDES Permit, located in Oliver Township, **Mifflin County**. Receiving stream: unnamed tributary to Strodes Run classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 11, 2021.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).

Permit No. 16950306. Terra Works, Inc., 49 South Sheridan Road, Clarion, PA 16214, transfer of an existing large industrial minerals surface mine from Ancient Sun, Inc. in Perry and Toby Townships, **Clarion County**, affecting

58.0 acres. Receiving stream(s): Unnamed tributary to Black Fox Run and Black Fox Run classified for the following use(s): WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 4, 2021.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, (Contact: Ashley Smith).

Permit No. 08112501 and NPDES No. PAM211002. M.R. Dirt, Inc., 21186 Route 187, Towanda, PA 18848, commencement, operation, and restoration of a GP-105 (industrial minerals) operation located in Wyalusing Township, **Bradford County** affecting 12.0 acres. Receiving stream(s): Unnamed Tributary to Billings Creek classified for the following use(s): WWF. Application received: January 29, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 65210301 and NPDES Permit No. PA0278491. Ligonier Stone & Lime Company, 117 Marcia Street, Latrobe, PA 15650. Application for commencement, operation and restoration of large noncoal surface mine, located in Derry Township, **Westmoreland County**, affecting 224.2 acres. Receiving streams: unnamed tributaries to Stony Run, to Stony Run, to Conemaugh River, unnamed tributaries to McGee Run, to McGee Run to Conemaugh River, unnamed tributaries to Conemaugh River and Conemaugh River, classified for the following use: CWF, TSF, WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: February 10, 2021.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 64940302C15 and NPDES Permit No. PA0223387. Bedrock Quarries, Inc., P.O. Box 79, Skippack, PA 19474, renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Damascus Township, **Wayne County** affecting 98.0 acres. Receiving stream: unnamed tributary to North Branch Calkins Creek, classified for the following use: HQ—cold water fishes. Application received: January 11, 2021.

Permit No. 64212501 and NPDES Permit No. PA0226149. Leo's 848 Products, LLC, P.O. Box 277, Lake Como, PA 18437, NPDES Permit for discharge of treated mine drainage from a GP105 quarry operation in Preston Township, **Wayne County** affecting 10.0 acres. Receiving stream: unnamed tributary to Kinneysville Creek, classified for the following use: HQ—cold water and migratory fishes. Application received: January 27, 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. PA0603465 (Permit No. 33813020). Original Fuels, Inc., P.O. Box 343, Punxsutawney, PA 15767, Renewal of an NPDES permit for a bituminous surface mine in Winslow Township, **Jefferson County**, affecting 285.2 acres. Receiving stream(s): Unnamed tributaries to Front Run and unnamed tributaries to Trout Run classified for the following use(s): CWF. TMDL: None. Application received: November 13, 2020.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to unnamed tributaries to Front Run and unnamed tributaries to Trout Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
0009	N
0010	N
0011	N
0012	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>30-Day Minimum</i>	<i>Daily Average</i>	<i>Instant. Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
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

¹ The parameter is applicable at all times.

The following outfalls discharges to unnamed tributaries to Front Run and unnamed tributaries to Trout Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
0001	N
0002	N
0003	N
0004	N
0005	N
0006	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>30-Day Minimum</i>	<i>Daily Average</i>	<i>Instant. Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
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

¹ The parameter is applicable at all times.

The following outfalls discharge to unnamed tributaries to Front Run and unnamed tributaries to Trout Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
0007	N
0008	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>30-Day Minimum</i>	<i>Daily Average</i>	<i>Instant. Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
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

¹ The parameter is applicable at all times.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.

NPDES No. PA0219932 (Mining Permit No. 14940101), Junior Coal Contracting, Inc., 2330 Six Mile Road, Philipsburg PA 16866, renewal of an NPDES permit for bituminous surface coal mine in Rush Township, **Centre County**, affecting 500.0 acres. Receiving stream(s): Unnamed Tributaries to Moshannon Creek, classified for the following use(s): Cold Water Fishes (CWF). This receiving stream is included in the Moshannon Creek Watershed TMDL. Application received: December 16, 2020.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to Unnamed Tributary to Moshannon Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Treatment Facility 1
003	N	Sedimentation Pond 2
004	N	Sedimentation Pond 3
005	N	Sedimentation Pond 4
006	N	Sedimentation Pond 5
007	Y	Treatment Facility 2
008	Y	Treatment Facility 3

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001, 007 and 008 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	1.6	3.2	4.0
Aluminum (mg/L)	0.75	1.5	1.8
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kilogram)			Monitor & Report
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 003—006 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	1.6	3.2	4.0
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Aluminum (mg/l)			Monitor & Report

Outfalls: 003—006 (All Weather Conditions)
Parameter

*30-Day
 Average*

*Daily
 Maximum*

*Instant.
 Maximum*

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.

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code Chapter 87, Subchapter F, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code Chapter 87.102(a), Group A, whichever is least stringent.

Noncoal NPDES Draft Permits

Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.

NPDES No. PA0226939 (Permit No. 16940308). County Landfill, Inc. Republic Services, 11 Boggs Road, P.O. Box 47, Imperial, PA 15126, renewal of an NPDES permit for a large industrial minerals surface mine in Farmington Township, **Clarion County**, affecting 203.4 acres. Receiving stream(s): Unnamed tributary to Toby Creek classified for the following use(s): CWF. TMDL: Lower Clarion River. Application received: December 21, 2020.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following outfall discharges to an unnamed tributary to Toby Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
SP1	N

The proposed effluent limits for the previously listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Iron (mg/l)		3.0	6.0	7.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0

¹ The parameter is applicable at all times.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.

Permit No. PAM216003-GP104. Anthony P. Bennett, 3657 Old Stage Coach Road, Wyalusing, PA 18853. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 08162501 located in Pike Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to Williams Creek to Williams Creek to Gaylord Creek to N Br Wyalusing Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: December 28, 2020. Notice of Intent for Coverage issued: February 8, 2021.

Permit No. PAM216007-GP104. Cynthia E. Russell, 2640 Greenville Pike, Grampian, PA 16835. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 14050302 located in Howard Township, **Centre County**. Receiving stream(s): Bald Eagle Creek classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: October 23, 2020. Notice of Intent for Coverage issued: February 8, 2021.

Permit No. PAM221003-GP104. Robert J. Johnson, 3658 Old Stagecoach Road, Wyalusing, PA 18853. Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 08982801 located in Stevens Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to Bennet Creek classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: December 16, 2020. Notice of Intent for Coverage issued: February 9, 2021.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the

FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant state requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting,

identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.

Permit No. E1501221-003, Aqua Pennsylvania, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010, West Vincent Township, **Chester County**, ACOE Philadelphia District.

Aqua Pennsylvania, Inc., is proposing to install an 8-inch diameter water main at two locations under Birch Run (EV, MF) associated with the overall 3,012 linear foot Birchrun Road Water Main Project. The water obstruction and encroachment activities are as follows:

1. To construct and maintain an 8-inch diameter ductile iron water main by trenching and tunneling under the 36-inch diameter Birchrun Road culvert resulting in 0.7 linear feet (2 square feet) of permanent impact, 67 square feet of permanent floodway impact, and 250 square feet of temporary floodway impact. This activity is located adjacent to the Birchrun Road and Westover Lane intersection (USGS PA Downingtown Quadrangle—Latitude: 40.120523 N, Longitude: 75.696311 W).

2. To construct and maintain an 8-inch diameter HDPE water main by directional drill under Westover Lane box culvert resulting in 0.7 linear feet (2 square feet) of permanent watercourse impact, 67 square feet of permanent floodway impact, and 50 square feet of temporary floodway impact. This activity is located north of the Westover Lane and Wingate Drive intersection (USGS PA Downingtown Quadrangle—Latitude: 40.120224 N, Longitude: 75.683113 W).

Water obstruction activities will be performed within the roadway and the overall project is mainly located on Birchrun Road and Westover Lane in West Vincent Township, Chester County.

Permit No. E2301221-003, Radnor Township, 301 Iven Avenue, Wayne, PA 19087, Radnor Township, **Delaware County**, ACOE Philadelphia District.

Radnor Township is proposing to extend an existing 91-foot long, 9.25-foot by 6.5-foot corrugated metal pipe arch culvert an additional 127 feet and will construct and maintain a total of 218-foot long stream enclosure adjacent to Robinhood Road carrying Valley Run (CWF-MF). This activity also includes the placement of fill, the concrete encasement of an existing 8-inch sewer main, and the placement of riprap rock protection along the slopes and outlet of stream enclosure headwall as well as temporary bypass to perform the work. These activities will result in 127 linear feet (2,011 square feet) of permanent watercourse impact, 130 linear feet (1,684 square feet) of temporary watercourse impact for the construction of the stream enclosure, 21 linear feet (381 square feet) of permanent watercourse impact associated with the placement of riprap rock apron, and 3,979 square feet of permanent floodway impact, and 53 square feet of temporary floodway impact due to grading and E&S measures.

This project is located near the intersection of Robinhood and South Robert Roads in Radnor Township, Delaware County (USGS PA Norristown Quadrangle—Latitude: 40.018771 N, Longitude: 75.341128 W).

Permit No. E2301121-004, Pennsylvania Department of Transportation, Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Aston Township, **Delaware County**, ACOE Philadelphia District.

The Pennsylvania Department of Transportation (PennDOT District 6-0) is proposing to remove existing deteriorated twin 60-inch metal corrugated pipe culvert carrying Baldwin Run (WWF-MF) and in their place, construct and maintain two 65-foot long, 48-inch diameter smooth-bore plastic pipe culvert resulting in 65 linear feet (715 square feet) of permanent watercourse impact.

This project is located on Dutton Mill Road (SR 3020) east of Turner Industrial Highway in Aston Township, Delaware County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. E0503120-026, PA Department of Transportation Engineering District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA in West St. Clair Township and Pleasantville Borough, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structure and to install and maintain an 88-linear foot, 5.25 foot by 8.16 foot elliptical pipe with 1 foot uniform depression in a UNT Barefoot Run (WWF, MF) for the purpose of improving transportation safety in West St. Clair Township and Pleasantville Borough, Bedford County (40.1782°, -78.6111°). The project proposes to permanently impact 172 linear feet of stream channel and 0.01 acre of wetland with 233 linear feet of temporary stream channel impacts.

Permit No. E2803220-023, Cumberland Valley Regional Development Corporation, 100 Lincoln Way East, Chambersburg, PA 17201, in Southampton Township, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain 1) a Conspan culvert with a span of 36.0-feet, height of 10.0-feet and length of 65.0-feet in and across Furnace Run (CWF, MF), and 2) a 12.0-inch water main, 4.0-inch gas main, and 4" conduit containing electric and communication lines utility crossings in and under Furnace Run (CWF) all for the purpose of developing the United Business Park. The project is

located adjacent to SR 1065 (Mainsville Road) and I-81 in Southampton Township, Franklin County (Latitude: 40° 01' 6.62"; Longitude: -77° 31' 16.56"). No wetland impacts are proposed with the project.

Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. E6505220-032, SolRiver Capital, LLC, 475 17th St., Suite 570, Denver, CO 80202, Hempfield Township, **Westmoreland County**; Pittsburgh ACOE District.

The applicant proposes to:

Operate and maintain fill in 96 square feet of wetlands to construct a 3MW solar generation facility. This project will also temporarily impact 1 acre of wetlands. Permanent wetland impacts will be mitigated through the purchase of 0.2 wetland mitigation credits from the Shrader Hollow Mitigation Bank within the Youghiogheny River Sub-basin 19.

The project site is located approximately 1,500 feet east of the intersection of Russ More Rd and Hunker Waltz Mill Rd., (Smithton, PA USGS topographic quadrangle; N: 40°, 12', 55.9227"; W: -79°, 38', 42.4739"; Sub-basin 19D; USACE Pittsburgh District), in Hempfield Township, Westmoreland County.

Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh, PA 15222.

Permit No. E0407220-021: ETC Northeast Field Services, LLC, 6051 Wallace Road Extension, Suite 300, Wexford, PA 15090, Economy Borough, **Beaver County**, ACOE Pittsburgh District.

ETC Northeast Field Services, LLC is proposing to remediate a slope failure near Station 3+00 of the B15 Well Connect natural gas pipeline (40° 38' 23", -80° 10'

52"). The project requires permanent impacts to wetlands due to subsurface drains and reconstruction of the slope with engineered soil fill.

The project is located within the Baden USGS 7 1/2 Minute Quadrangle Map.

Resource	Permanent Direct	Temporary Direct	Temporary Indirect
PEM (ac.)	0.021	0.03	-----
PSS (ac.)	0.008	0.15	0.018
Total	0.029	0.015	0.018

Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. E2506220-027, North East Township Supervisors, 10300 West Main Road, North East, PA 16428. Twentynine Creek Dredging, in North East Township, **Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 42°, 15', 46.6841"; W: -79°, 47', 4.3075").

The applicant is proposing to preform perpetual maintenance dredging to remove accumulated gravel, sediment, and debris as needed, in order to reduce flooding at the mouth of Twentymile Creek at Lake Erie in North East Township, Erie County.

Permit No. E2506220-026, North East Township Supervisors, 10300 West Main Road, North East, PA 16428. Sixteen Mile Creek Dredging, in North East Township, **Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 42°, 14', 33.7106"; W: -79°, 49', 56.7872").

The applicant is proposing to perform perpetual maintenance dredging to remove accumulated gravel, sediment, and debris as needed, in order to reduce flooding at the mouth of Sixteenmile Creek at Lake Erie in North East Township, Erie County.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a, including links to Individual NPDES and WQM Permits, may be reviewed by generating the "Final Actions Report" on DEP's website at www.dep.pa.gov/CWPublicNotice.

DEP office contact information to review official files relating to the final actions in Section I. is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES_Permits@pa.gov.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0221686	Industrial Stormwater Individual NPDES Permit	Issued	MacDonald & Owen Veneer & Lumber Co. Inc. 11424 Route 36 Brookville, PA 15825-8656	Oliver Township Jefferson County	NWRO
0279202	Industrial Waste Individual WQM Permit	Issued	Neville Chemicals Co. 2800 Neville Road Pittsburgh, PA 15225-1496	Neville Township Allegheny County	SWRO
0113805	Joint DEP/PFBC Pesticides Permit	Issued	Whippoorwill Lane HOA 12304 Captain Smith Court Potomac, MD 20854-6211	Hamiltonban Township Adams County	SCRO
0616801	Joint DEP/PFBC Pesticides Permit	Issued	Jesse Landis 8 Conestoga Boulevard Lancaster, PA 17602-3810	Upper Tulpehocken Township Berks County	SCRO
0618803	Joint DEP/PFBC Pesticides Permit	Issued	Gretchen Lea 138 S Grims Mill Road Boyertown, PA 19512-8549	Colebrookdale Township Berks County	SCRO
1120800	Joint DEP/PFBC Pesticides Permit	Issued	Johnstown Rod & Gun Club 429 Admiral Perry Highway Vintondale, PA 15961	Jackson Township Cambria County	SWRO
1521801	Joint DEP/PFBC Pesticides Permit	Issued	New Daleville HOA P.O. Box 299 Spring City, PA 19475-0299	Londonderry Township Chester County	SERO
1521803	Joint DEP/PFBC Pesticides Permit	Issued	Amanda Burtka 375 Walter Road Cochranville, PA 19330-9204	London Grove Township Chester County	SERO
1521806	Joint DEP/PFBC Pesticides Permit	Issued	Green Hill Sewer Association 1389 E Boot Road West Chester, PA 19380-5934	East Goshen Township Chester County	SERO
1713804	Joint DEP/PFBC Pesticides Permit	Issued	Sabula Outing Club 552 Sabula Outing Club Road Dubois, PA 15801-6982	Sandy Township Clearfield County	NCRO
2113804	Joint DEP/PFBC Pesticides Permit	Issued	Roy Weidner P.O. Box 109 Lemoyne, PA 17043-0109	Silver Spring Township Cumberland County	SCRO
2113811	Joint DEP/PFBC Pesticides Permit	Issued	Enola Sportsmen Assoc P.O. Box 739 Enola, PA 17025-0739	East Pennsboro Township Cumberland County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2213805	Joint DEP/PFBC Pesticides Permit	Issued	Lakeside Marine Inc. 21 Thornwood Road Harrisburg, PA 17112-2956	Lower Paxton Township Dauphin County	SCRO
3613819	Joint DEP/PFBC Pesticides Permit	Issued	Herr W Frantz Jr 746 Hershey Mill Road Mountville, PA 17554-1705	Manor Township Lancaster County	SCRO
3613821	Joint DEP/PFBC Pesticides Permit	Issued	Steve Jones 1086 Central Manor Road Lancaster, PA 17603-9484	Manor Township Lancaster County	SCRO
3613839	Joint DEP/PFBC Pesticides Permit	Issued	High Assoc Ltd 1853 William Penn Way Lancaster, PA 17605	East Lampeter Township Lancaster County	SCRO
3616803	Joint DEP/PFBC Pesticides Permit	Issued	Wetherburn Commons Community 1525 Oregon Pike Suite 702 Lancaster, PA 17601-4374	Manheim Township Lancaster County	SCRO
3617805	Joint DEP/PFBC Pesticides Permit	Issued	Doug Weidman 1032 Buchanan Avenue Lancaster, PA 17603-3103	Elizabeth Township Lancaster County	SCRO
3618802	Joint DEP/PFBC Pesticides Permit	Issued	Larry Hufford P.O. Box 4174 Harrisburg, PA 17111	East Cocalico Township Lancaster County	SCRO
3619802	Joint DEP/PFBC Pesticides Permit	Issued	Kissell Hill Commons 616 Paxton Place Lititz, PA 17543-8274	Manheim Township, Lancaster County	SCRO
3619804	Joint DEP/PFBC Pesticides Permit	Issued	Deb Werner 1864 Schwanger Road Mount Joy, PA 17552-8744	Mount Joy Township Lancaster County	SCRO
3813802	Joint DEP/PFBC Pesticides Permit	Issued	Mary Hoover 4 N Willow Street Myerstown, PA 17067-1145	Jackson Township Lebanon County	SCRO
3813803	Joint DEP/PFBC Pesticides Permit	Issued	Leon E Houser 625 S 14th Avenue Lebanon, PA 17042-8805	Heidelberg Township Lebanon County	SCRO
3813805	Joint DEP/PFBC Pesticides Permit	Issued	Henry Charles 266 Butler Road Lebanon, PA 17042-8939	West Cornwall Township Lebanon County	SCRO
3815801	Joint DEP/PFBC Pesticides Permit	Issued	Lebanon Co. Historical Society 924 Cumberland Street Lebanon, PA 17042-5139	North Lebanon Township Lebanon County	SCRO
3817803	Joint DEP/PFBC Pesticides Permit	Issued	John Wengert 630 Old Mount Gretna Road Lebanon, PA 17042-4853	South Annville Township Lebanon County	SCRO
4620805	Joint DEP/PFBC Pesticides Permit	Issued	Doylestown Green HOA 721 Dresher Road Horsham, PA 19044-2220	Doylestown Township Bucks County	SERO
6713811	Joint DEP/PFBC Pesticides Permit	Issued	Larry Hatter P.O. Box 1218 Mechanicsburg, PA 17055-1218	Warrington Township York County	SCRO
PA0000493	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Pittsburgh Allegheny County Thermal Ltd 120 Cecil Place Pittsburgh, PA 15222-3303	Pittsburgh City Allegheny County	SWRO
PA0040321	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	ABB Installation Products Inc. 131 Phoenix Crossing Bloomfield, CT 06002	East Rockhill Township Bucks County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0020800	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	White Deer Township Municipal Authority Union County 10456 River Road New Columbia, PA 17856-9215	White Deer Township Union County	NCRO
NOEXNW112	No Exposure Certification	Issued	First Student Inc. 905 Sampson Street New Castle, PA 16101-8911	New Castle City Lawrence County	NWRO
NOEXSE248	No Exposure Certification	Issued	Idemia American Corp 523 James Hance Court Exton, PA 19341	West Whiteland Township Chester County	SERO
PAG030031	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Rhoads Church LLC 205 Hazel Street Lancaster, PA 17603	Parquesburg Borough Chester County	SERO
PAG030113	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: Na Environmental Department Seattle, WA 98108-0842	Bristol Township Bucks County	SERO
PAG036275	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	JJ Kennedy Inc. P.O. Box 69 Zelienople, PA 16063-0069	Robinson Township Washington County	SWRO
PAG036289	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	ABF Freight System Inc. 3801 Old Greenwood Road Fort Smith, AR 72903-5937	Hempfield Township Westmoreland County	SWRO
PAG038393	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Reynolds Service Inc. 860 Brentwood Drive Greenville, PA 16125-8865	Pymatuning Township Mercer County	NWRO
PAR808372	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Champion Carrier Corp 2755 Kirila Boulevard Hermitage, PA 16148-9019	Hermitage City Mercer County	NWRO
0120402	Sewage Treatment Facilities Individual WQM Permit	Issued	John & Jennifer Smith 686 Still Meadow Lane York, PA 17404	Huntington Township Adams County	SCRO
2512402	Sewage Treatment Facilities Individual WQM Permit	Issued	Megan Caldwell & Ravi Chekka 5814 Forest Crossing Erie, PA 16506-7004	Springfield Township Erie County	NWRO
2519411	Sewage Treatment Facilities Individual WQM Permit	Issued	Scott W Kawski 7465 Garfield Avenue Harborcreek, PA 16421-1404	Harborcreek Township Erie County	NWRO
4818406	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Wind Gap Borough Municipal Authority Northampton County 578 Abel Colony Road Wind Gap, PA 18091-9506	Plainfield Township Northampton County	NERO
PA0263982	Single Residence STP Individual NPDES Permit	Issued	Megan Caldwell & Ravi Chekka 5814 Forest Crossing Erie, PA 16506-7004	Springfield Township Erie County	NWRO
PA0272230	Single Residence STP Individual NPDES Permit	Issued	Scott W Kawski 7465 Garfield Avenue Harborcreek, PA 16421-1404	Harborcreek Township Erie County	NWRO
PA0275751	Single Residence STP Individual NPDES Permit	Issued	Dennis B Hassler 6936 Mountain Road Macungie, PA 18062-9398	Lower Macungie Township Lehigh County	NERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
WQG012229	WQG-01 WQM General Permit	Issued	Dennis B Hassler 6936 Mountain Road Macungie, PA 18062-9398	Lower Macungie Township Lehigh County	NERO
WQG02152016	WQG-02 WQM General Permit	Issued	Caln Township Chester County 253 Municipal Drive Thorndale, PA 19372-1015	Caln Township Chester County	SERO

II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD480023	Individual NPDES	Issued	Tatamy Farms LLC c/o Michael Tuskes 4511 Falmer Drive Bethlehem PA 18020	Tatamy Borough Northampton County	NERO
PAC390109	PAG-02 General Permit	Issued	RG Hanover, LLC 92 Headquarters Plaza North Tower 9th Floor Morristown, NJ 07960	Hanover Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Rd Suite 105 Allentown, PA 18104 610-391-9583
PAC130021	PAG-02 General Permit	Issued	Little Leaf Farms, LLC c/o Paul Sellow P.O. Box 2069 Devens, MA 01434	Banks Township Carbon County	Carbon County Conservation District 5664 Interchange Road Lehigh PA 18235 610-377-4894
PAC010085	PAG-02 General Permit	Issued	Conewago Valley School District 130 Berlin Road New Oxford, PA 17350	Oxford Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC070084	PAG-02 General Permit	Issued	Hopper Commons, LP 500 South Front Street 10th Floor Columbus, OH 43215	Frankstown Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC220271	PAG-02 General Permit	Issued	Kalbach Associates, LLP 4402 Gettysburg Road Camp Hill, PA 17011	Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220269	PAG-02 General Permit	Issued	Guy Julian 365 Grove Drive Hegins, PA 17938	Halifax Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220265	PAG-02 General Permit	Issued	Teddy W. Kemble, Jr. 88 Porter Road Tower City, PA 17980	Halifax Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC220013	PAG-02 General Permit	Issued	Susquehanna Area Regional Airport Authority One Terminal Drive Suite 300 Middletown, PA 17057	Lower Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC360578	PAG-02 General Permit	Issued	PPL Electric Utilities Corporation 2 North Ninth Street GENN4 Allentown, PA 18101	Earl Township New Holland Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360544	PAG-02 General Permit	Issued	David Lapp 245 Mentzer Road New Holland, PA 17557	Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360589	PAG-02 General Permit	Issued	Samuel Stoltzfus 618 Creek Road Christiana, PA 17509	Sadsbury Township Colerain Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360609	PAG-02 General Permit	Issued	Kramer Real Estate, LLC 100 West Millport Road Lititz, PA 17543	Warwick Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360553	PAG-02 General Permit	Issued	Frederick Steudler, Jr. 7335 River Road Conestoga, PA 17516	Providence Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360477 A-1	PAG-02 General Permit	Issued	Heat and Control 21121 Cabot Boulevard Hayward, CA 94545	East Hempfield Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360575	PAG-02 General Permit	Issued	Elizabethtown Church of the Brethren 777 South Mount Joy Street Elizabethtown, PA 17022	Elizabethtown Borough, Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360569	PAG-02 General Permit	Issued	Anthony Zimmerman 33 Picnic Woods Run Lititz, PA 17543	Warwick Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360597	PAG-02 General Permit	Issued	J. Hans Richter 1021 Commercial Avenue East Petersburg, PA 17520	East Hempfield Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360584	PAG-02 General Permit	Issued	White Horse Machine 5566 Old Philadelphia Pike Gap, PA 17527	Salisbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360576	PAG-02 General Permit	Issued	William Flynn Partners, LLC 1419 Rose Virginia Road Reading, PA 19611	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC440014	PAG-02 General Permit	Issued	First Quality Baby Products 97 Locust Road Lewistown, PA 17044	Granville Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717.248.4695
PAC440015	PAG-02 General Permit	Issued	AJM Real Estate Holdings 685 Skywagon Drive Reedsville, PA 17084	Brown Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717.248.4695
PAC440012	PAG-02 General Permit	Issued	Tri-Valley Properties, LLC 2610 Green Tech Drive State College, PA 16803	Derry Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717.248.4695
PAC440016	PAG-02 General Permit	Issued	Rushmore Properties, LLC 4021 Jacks Mountain Road Belleville, PA 17004	Union Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717.248.4695
PAC500028	PAG-02 General Permit	Issued	Adam Smith 330 Center Road Newport, PA 17074	Buffalo Township Perry County	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717.582.8988, ext. 4
PAC170043	New	Issued	Sandy Township Industrial Drive and Shaffer Road DuBois, PA 15801	Sandy Township Clearfield County	NCRO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD180020	New	Issued	Nicholas Meats, LLC Sustainable Resource Project 508 East Valley Road Loganton, PA 17747	Greene Township Clinton County	NCRO
PAC020285	PAG-02 General Permit	Issued	Allegheny Health Network 120 Fifth Avenue Suite 2900 Pittsburgh, PA 15222	Pine Township Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020496 A-1	PAG-02 General Permit	Issued	United States Department of Energy Naval Reactors Laboratory Field Office P.O. Box 109 West Mifflin, PA 15122-0109	West Mifflin Borough Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020424	PAG-02 General Permit	Issued	Rich Perkoski Fill Project 3716 Liberty Way McKeesport, PA 15133	Lincoln Borough Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020616	PAG-02 General Permit	Issued	Verizon Wireless Bridgeville 115 Flanders Road Westborough, MA 01581	South Fayette Township Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020148	PAG-02 General Permit	Issued	Moon Township Park Improvements 1000 Beaver Grade Road Moon Township, PA 15108-2906	Moon Township Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020623	PAG-02 General Permit	Issued	79 N Industrial Park Parcel B Suite 105 4 Radnor Corporate Center Radnor, PA 19087	Aleppo Township Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020625	PAG-02 General Permit	Issued	Baldwin Borough 3344 Churchview Avenue Pittsburgh, PA 15227	Baldwin Borough Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020479	PAG-02 General Permit	Issued	23RR Associates, LLC 2645 Railroad Street Suite 3222 Pittsburgh, PA 15222	City of Pittsburgh Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020583	PAG-02 General Permit	Issued	Burgettstown Road Associates, LP 100 Leetsdale Industrial Drive Leetsdale, PA 15056	Findlay Township Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020656	PAG-02 General Permit	Issued	Pittsburgh Water and Sewer Authority Penn Liberty Plaza 1200 Penn Avenue Pittsburgh, PA 15222	City of Pittsburgh Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC110074	PAG-02 General Permit	Issued	DLP Conemaugh Memorial Medical Center 1086 Franklin Street Johnstown, PA 15905	City of Johnstown Cambria County	Cambria County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC030035	PAG-02 General Permit	Issued	Evergreen Outfitters Inc 360 Adams Road Kittanning, PA 16201	Cowanshannock Township Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC370054	PAG-02 General Permit	Issued	Fulena Reality LLC 881 Glenn Road New Castle, PA 16105	Neshannock Township Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512

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 AT&T 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>
Cedar Hill Poultry 120 Harbold Altland Road Wellsville, PA 17365	York County	19.5	417.44	Poultry	NA	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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 2820501, Public Water Supply.

Applicant	Mercersburg Water Authority
Municipality	Peters Township
County	Franklin County
Responsible Official	Derek Stoy Assistant Authority Manager 113 South Main Street Mercersburg, PA 17236
Type of Facility	Buck Run Well disinfection system.
Consulting Engineer	Lance S. Kegerreis, P.E. Dennis E. Black Engineering Inc. 2400 Philadelphia Avenue Chambersburg, PA 17201
Permit to Construct Issued	January 11, 2021

Permit No. 3620525, Public Water Supply.

Applicant	Eden Glen Village LLC
Municipality	Eden Township
County	Lancaster County

Responsible Official	Bruce Hostetter President 575 Millcross Road Lancaster, PA 17603
Type of Facility	Installation of cation exchange for radium removal treatment.
Consulting Engineer	Bruce McClure, P.E. EBA Engineering Inc. 320 Granite Run Drive Suite 200 Lancaster, PA 17601
Permit to Construct Issued	January 8, 2021

Operation Permit No. 0617515 issued to: **Berks Properties, Inc. (PWS ID No. 3060095)**, Longswamp Township, **Berks County** on February 5, 2021 for facilities at Mountain Village Mobile Home Park approved under Construction Permit No. 0617515.

Operation Permit No. 3619509 issued to: **Pequea Valley School District (PWS ID No. 7360948)**, Salisbury Township, **Lancaster County** on December 23, 2020 for facilities at Salisbury Elementary School approved under Construction Permit No. 3619509.

Operation Permit No. 0120508 MA issued to: **LPL Little Italy V, Inc. (PWS ID No. 7010395)**, Franklin Township, **Adams County** on February 4, 2021 for facilities at Little Italy V approved under Construction Permit No. 0120508 MA.

Operation Permit No. 2120507 MA issued to: **Shipensburg Borough Authority (PWS ID No. 7210043)**, Southampton Township, **Cumberland County** on December 18, 2020 for facilities approved under Construction Permit No. 2120507 MA.

Operation Permit No. 3820507 MA issued to: **Fredericksburg Sewer and Water Authority (PWS ID No. 7380035)**, Bethel Township, **Lebanon County** on January 6, 2021 for facilities approved under Construction Permit No. 3820507 MA.

Operation Permit No. 3620534 MA issued to: **Borough of Lititz (PWS ID No. 7360126)**, Lititz Borough, **Lancaster County** on January 11, 2021 for facilities approved under Construction Permit No. 3620534 MA.

Operation Permit No. 0120513 issued to: **Gettysburg Municipal Authority (PWS ID No. 7010019)**, Gettysburg Borough, **Adams County** on February 5, 2021 for facilities approved under Construction Permit No. 0120513.

Operation Permit No. 7220036 issued to: **Pennsylvania American Water Company (PWS ID No. 7220036)**, Steelton Borough, **Dauphin County** on January 6, 2021 for facilities at Steelton Borough Water System submitted under Application No. 7220036.

Operation Permit No. 4420502 MA issued to: **Municipal Authority of the Borough of Lewistown (PWS ID No. 4440010)**, Armagh Township, **Mifflin County** on February 1, 2021 for facilities approved under Construction Permit No. 4420502 MA.

Comprehensive Operation Permit No. 3060094 issued to: **Diakon Lutheran Social Ministries (PWS ID No. 3060094)**, Longswamp Township, **Berks County** on February 1, 2021 for the operation of facilities approved under Construction Permit No. 0619507 MA.

Operation Permit No. 0619509 issued to: **Econo Lodge—Douglassville (PWS ID No. 3060854)**, Amity

Township, **Berks County** on February 1, 2021 for facilities approved under Construction Permit No. 0619509.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Operations Permit issued to: **Montgomery Water Authority**, 35 South Main Street, Montgomery, PA 17752, **PWSID No. 4410161**, Montgomery Borough and Clinton Township, **Lycoming County** on February 12, 2021 for the operation of facilities approved under construction permit # 4171501-T1; Permit No. MA(3/18/11)-T1; 4115505-T1; Permit No. 4114506MA-T1; Permit No. 4114501MA-T1; Permit No. 4191502-T1; Permit No. 4112501-T1; Cancellation. This permit for Montgomery Borough and Clinton Township, is transferred from Montgomery Water and Sewer Authority to Montgomery Water Authority. The Montgomery Water Authority water system consists of Wells No. 1, 3 and 4. Wells No. 1, 3 and 4 each have their own chlorine gas disinfection. The water system also includes a booster pump station and 1,000,000-gallon pre-cast concrete water storage tank. Please note that Permit No. 4112501 will be cancelled in its entirety since the reservoir is no longer in operation and the pump station was relocated as approved under Permit No. 4114506MA.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

Borough	Borough Address	County
Felton Borough	88 Main Street Felton, PA 17322	York County

Plan Description: Approval of a revision to the official plan of Felton Borough, York County. The project is known as the Felton Borough Act 537 Plan Update Special Study. The plan provides for private takeover of the Borough's entire sewerage system and wastewater treatment plant, and it encompasses all of the public sewer areas of Felton Borough. The York Water Company will purchase and acquire the Borough's system. 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 C1-67922-ACT and the APS Id is 1342391. Any permits must be obtained in the name of the York Water Company.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Plan Location:

Borough	Borough Address	County
Hartleton Borough	P.O. Box 31 Hartleton, PA 17829	Union County

Plan Description: The approved plan provides for construction of a new 23,000 gallon per day wastewater treatment plant (WWTP) to replace their existing badly deteriorated WWTP of the same capacity. The new WWTP will be constructed on the same property and within the existing fenced area of the existing WWTP. The plan also includes rehabilitation and upgrade to an existing pump station and adoption and implementation of a sewage management plan. All existing and proposed sewerage

facilities are owned and operated by the Hartleton Borough Municipal Authority. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

Township	Township Address	County
Maidencreek Township	1 Quarry Road Blandon, PA 19510	Berks County

Plan Description: The exemption from the requirement to revise the Official Plan for the Titan C Development, DEP Code No. A3-06942-131-3E, APS Id 1031838, is disapproved. The proposed development consists of a new commercial mushroom production facility. The proposed development is located on Park Road in Maidencreek Township. This plan is disapproved because it does not qualify as an exemption from the requirement to revise the Official Plan. It does not qualify because the project proposes the connection to or an extension of a privately owned treatment facility as per Chapter 71, Section 71.51(b)(2).

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Plan Location:

Township	Township Address	County
Perry Township	18 Hoffman Hill Road Mount Pleasant Mills, PA 17853	Snyder County

Plan Description: The submitted plan was denied since it was administratively incomplete. The submitted plan called for replacement of the existing sewage treatment plant owned by Perry Township Municipal Authority with a new Membrane Bioreactor sewage treatment plant that would be sized for additional sewage flow from a proposed extension of public sewer on the PA-104 corridor in the township.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of

contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.

Cunningham Residence, 550 West Cherry Street, Quakertown, PA 18951, Springfield Township, **Bucks County**. Alexander Ulmer, PG, Barry Isett and Associates, 1003 Egypt Road, Phoenixville, PA 19460 on behalf of Mike Domenic, Environmental Restoration Inc., 191 Courtdale Avenue, Courtdale, PA 18704 submitted a Final Report concerning remediation of site soil contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

Devon BP, 891 Lancaster Avenue, Devon, PA 19333, Tredyffrin Township, **Chester County**. Michael Napolitan, Taylor Geoservices, 38 Bishop Hollow Rd # 200, Newtown Square, PA 19073 on behalf of Fred Terpolilli, Lee Transportation Systems LLC, 228 Garden Road, Pittsgrove Township, NJ 08318 submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide health standard.

Latch-Rosen Property, 3800 Post Road, Trainer, PA 19061, Trainer Borough, **Delaware County**. Catherine Grzybek, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Deborah LaMond, Phillips 66, 1400 Park Avenue, Room BOB S-206, Linden, NJ 07036 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the site-specific Standard.

Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Former Green Shingle Service & Restaurant, 6468 Sterrettania Road, Fairview, PA 16415, McKean Township, **Erie County**. Environmental Geo-Services, 678 Georgetown Road, Hadley, PA 16130 on behalf of Old PID, Inc., c/o Eldorado Resorts, 100 West Liberty Street, Suite 1150, Reno, NV 89501 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with Benzene, Ethylbenzene, Cumene, Methyl Tert Butyl Ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylenes and site groundwater contaminated with Benzene, Ethylbenzene, Naphthalene, and 1,2,4-Trimethylbenzene. 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 man-

ager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Alpha Recycling, 2 Katz Drive, Stroudsburg, PA 18360, Stroudsburg Borough, **Monroe County**. Gilmore & Associates, 65 East Butler Avenue, Suite 100, New Britain, PA 18901, on behalf of Alpha Recycling Hwy 80 Inc., 2 Katz Drive, Stroudsburg, PA 18360, submitted a combined Remedial Investigation Report and Cleanup Plan concerning remediation of soil contaminated with lead from historic use as a machine shop, locomotive engine repair shop, and scrap yard. The report was approved by DEP on February 12, 2021.

Alfano Property, 496 Sheldon Road, Susquehanna, PA 18847, Jackson Township, **Susquehanna County**. Practical Environmental Solutions, 11-13 Broad Street, Washington, NJ 07882, on behalf of Kevin Alfano, 496 Sheldon Road, Susquehanna, PA 18847, submitted supplemental Final Report information concerning remediation of soil contaminated by heating oil from an aboveground storage tank. The revised Final Report demonstrated attainment of Statewide health standards and was approved by DEP on February 11, 2021.

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Janeway Towing, 1516 Butler Pike, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. Richard Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Jane Dougherty, Janeway Towing, 1516 Butler Pike, Conshohocken, PA 19428 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on January 27, 2021.

2001 Beach Street, 2001 Beach Street, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Thomas Petrecz, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Devin Tuohey, The Concordia Group, 161 Leverington Avenue, Suite 101, Philadelphia, PA 19127 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil contaminated with inorganics. The Report was reviewed by the Department which issued a technical deficiency letter on January 29, 2021.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP19-54-001: Fabcon Precast LLC (1200 Morea Road, Mahanoy City, PA 17948) on February 11, 2021 for the renewal of a sand blasting operation with dust collector at the facility located in Allentown, **Lehigh County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

AG5-10-00004A (a.k.a. GP5-10-394C): AXIP Producer Services—Marcellus I, LLC, AXIP Constellation Facility (160 Whitmire Road, West Sunbury, PA 16061) on December 16, 2020, for the authority to continue operating their natural gas compression facility (BAQ-GPA/GP5) located at their facility in Oakland Township, **Butler 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—Telephone: 484-250-5920.

23-0119E: Sunoco Partners Marketing & Terminals, LP (SPMT) (100 Green Street, Marcus Hook, PA 19061-0426) on February 12, 2021, for the reevaluation of all projects related to the natural gas liquids (NGLs) processing, storage, and distribution operations at its existing Title V facility located in Marcus Hook Borough, **Delaware County**, as a single aggregated project, as ordered by the Environmental Hearing Board in its remand of the original Plan Approval No. 23-0119E, to determine the applicability of Prevention of Significant Deterioration of Air Quality (PSD) and New Source Review (NSR) requirements.

Based on the emissions increases of carbon monoxide [CO], greenhouse gases (GHG) [CO₂e], lead [Pb], nitrogen oxides [NO_x] (all NO_x also treated as nitrogen dioxide [NO₂]), particulate matter [PM], PM less than 10 μm in aerodynamic diameter [PM₁₀], PM less than 2.5 μm in aerodynamic diameter [PM_{2.5}], sulfur oxides [SO_x] (all SO_x also treated as sulfur dioxide [SO₂]), sulfuric acid mist [H₂SO₄], and volatile organic compounds [VOCs] for the respective sources and equipment comprising the single aggregated project, and other contemporaneous increases and decreases in actual emissions of these pollutants at the facility, DEP has determined that the single aggregated project is not subject to PSD requirements, and is subject to NSR requirements for NO_x and VOCs.

To satisfy NSR requirements for the single aggregated project, SPMT has surrendered an additional 46.35 tons of NO_x Emission Reduction Credits (ERCs) and 59.07 tons of VOC ERCs under revised Plan Approval No. 23-0119E and will also surrender 49.93 tons of VOC ERCs under Plan Approval No. 23-0119J.

Revised Plan Approval No. 23-0119E includes all other monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements, including Lowest Achievable Emission Rate (LAER) requirements.

23-0119J: Sunoco Partners Marketing & Terminals, LP (SPMT) (100 Green Street, Marcus Hook, PA 19061-0426) on February 12, 2021, to authorize the installation and temporary and/or continued operation of two new 600,000-barrel refrigerated ethane storage tanks; a new amine treatment system; a new dehydration train system; two new demethanizers; two new refrigeration systems; two new wet surface air cooling systems; a new elevated, air-assisted Project Phoenix Cold Flare; and all associated piping and components at its existing Title V facility located in Marcus Hook Borough, **Delaware County**.

DEP has determined that this project is not subject to PSD requirements and is subject to NSR requirements for volatile organic compounds (VOCs). To satisfy NSR requirements, SPMT will obtain and surrender 49.93 tons of VOC Emission Reduction Credits (ERCs) for Project Phoenix.

Plan Approval No. 23-0119J includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements, including Lowest Achievable Emission Rate (LAER) requirements.

09-0032A: Eureka Stone Quarry, Inc. (800 Lower State Rd., Chalfont, PA 18914) on February 8, 2021, for the installation of a nonmetallic mineral processing plant controlled by a water spray suppression system to replace the existing nonmetallic mineral processing plant currently at their facility located in Warrington Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

67-03105A: Minerals Technologies, Inc. (600 Lincoln Street, York, PA 17401-3317) on February 8, 2021, for the ownership change and modification of venting existing, controlled, sources outside of the building at the facility in York City, **York County**.

44-03025A: Spectra Wood, Inc. (50 Industrial Park Road, Lewistown, PA 17044-9312) on February 8, 2021, for the construction of five new wood furniture spray booths at the new Lewistown Facility in Lewistown Borough, **Mifflin County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

09-0235A: CP Converters Inc. (181 Rittenhouse Cir, Bristol, PA 19007-1617) on February 12, 2021 an extension for the installation and temporary operation of a new press (Source ID 240—Press 24—Allstein Hydro 10-color

with an existing permanent total enclosure (PTE) and an existing Regenerative Thermal oxidizer (C01—RTO). The facility is in Bristol Township, **Bucks County**.

09-0024J: Waste Management PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067-6702) on February 8, 2021 an extension to construct with interim and permanent landfill gas collection and treatment systems for the sale and for the on-site use of landfill gas in engine source ID C110 at their location in Tullytown Borough, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05146D: EPP Renewable Energy, LLC (3049 River Road, Conestoga, PA 17516) on February 5, 2021, for the recommissioning of the Source ID # 201 landfill gas-fired engine at the EPP Renewable Energy LLC landfill gas-to-energy plant at the Frey Farm Creswell Landfill located in Manor Township, **Lancaster County**. The plan approval was extended.

06-05069AB: East Penn Manufacturing Co., Inc. (P.O. Box 147, Lyon Station, PA 19536) on February 9, 2021, for the installation of battery manufacturing equipment controlled by baghouses, mist eliminators or filtration systems. The equipment will be installed in the Industrial Battery Manufacturing Facility located at East Penn's Lyon Station Plant in Richmond Township, **Berks County**. The plan approval was extended.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

26-00535B: Dynegy Fayette II, LLC (100 Energy Drive, Masontown, PA 15461-2588) plan approval extension effective February 28, 2021, with expiration on August 28, 2021, to extend the period of temporary operation of the modified combustion gas turbines ("CGT") at Fayette Energy Center located in German Township, **Fayette County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

24-083W: Mersen USA Saint Marys—PA Corporation (1032 Trout Run Road, Saint Marys, PA 15857) on January 27, 2021, effective January 27, 2021, has issued a plan approval extension to allow for assessment of stack test results in Saint Marys City, **Elk County**. This is a Title V facility. This will expire on July 31, 2021.

24-083X: Mersen USA Saint Marys—PA Corporation (1032 Trout Run Road, Saint Marys, PA 15857) on January 27, 2021, effective January 27, 2021, has issued a plan approval extension to allow more time for a plan approval compliance assessment in Saint Marys City, **Elk County**. This is a Title V facility. This will expire on July 31, 2021.

25-069Q: BASF Corporation (1729 East Avenue, Erie, PA 16503) on January 27, 2021, effective January 27, 2021, has issued a plan approval extension for awaiting the results of source testing review of the stack test report in Erie City, **Erie County**. This is a State Only facility. This will expire on July 27, 2021.

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.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

26-00534: Fayette Thermal, LLC (399 LaBelle Road, East Millsboro, PA 15433-1139) on February 11, 2021, the Department of Environmental Protection issued a renewed synthetic minor State-Only Operating Permit for the continued operation of a steam generating facility located in Luzerne Township, **Fayette County**. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable provisions of 40 CFR Part 60 Subpart Dc. The permit includes emission restrictions, operating requirements, monitoring requirements, work practice standards, and recordkeeping requirements for the site.

65-00865: DNP Imagingcomm America Corporation (1001 Technology Drive, Mt. Pleasant, PA 15666) on February 4, 2021, a State Only Operating Permit (Synthetic Minor) to DNP Imagingcomm America Corporation to authorize the continued operation of their thermal transfer ribbons manufacturing plant located in Mount Pleasant, East Huntingdon Township, **Westmoreland County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

TVOP-04-00059: IPSCO Koppel Tubulars, LLC (P.O. Box 750, Beaver Falls, PA 15010-0750) on February 9, 2021 an Administrative Amendment to the Title V Operating Permit to change the name of the Responsible Official. The facility located in the Boroughs of Koppel and Big Beaver, **Beaver County**.

TVOP-04-00227: IPSCO Koppel Tubulars, LLC (P.O. Box 410, Ambridge, PA 15003) on February 9, 2021 an Administrative Amendment to the Title V Operating Permit to change the name of the Responsible Official. The facility known as the Ambridge Plant, located in Harmony Township, **Beaver County**.

63-00955: National Fuel Gas Supply Corporation (6363 Main Street, Williamsville, NY 14221). Amendment, issued on December 24, 2020, to remove non applicable language which requires recordkeeping for testing that is no longer required. No emissions at the facility changed as a result of this amendment. The Buffalo Compressor Station is natural gas pipeline compressor station, located in Buffalo Township, **Washington County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).

Permit No. 32090104 and NPDES No. PA0262897. Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, permit renewal for the continued operation and restoration of a bituminous surface mine in Banks Township, **Indiana County** affecting 23.2 acres. Receiving streams: unnamed tributaries to Cush Creek and Horton Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 10, 2020. Permit issued: February 9, 2021.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).

Permit No. 17851501 and NPDES No. PA0215694 and GP12-17851501. RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for continued operation and restoration of a bituminous surface coal mine located in Boggs Township, **Clearfield County** affecting 50.4 acres. Receiving stream(s): Long Run, Clearfield Creek/Clearfield Creek Watershed classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: July 24, 2020. Permit issued: February 8, 2021.

Permit No. 17030109 and NPDES PA0243515. Tamburlin Bros. Coal Company, P.O. Box 1419, Clearfield, PA 16830, permit renewal for continued operation and restoration of a bituminous surface coal mine located in Huston Township, **Clearfield County** affecting 147.5 acres. Receiving stream(s): Grapevine Run and Heath Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2020. Permit issued: February 8, 2021.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 54763209R7. Gilberton Coal Company (10 Gilberton Road, Gilberton, PA 17934), renewal of an

existing anthracite coal refuse reprocessing and refuse disposal operation in Butler Township and Ashland Borough, **Schuylkill County** affecting 109.0 acres. Receiving stream: Mahanoy Creek. Application received: October 2, 2020. Permit issued: February 11, 2021.

Permit No. 54763209C3. Gilberton Coal Company (10 Gilberton Road, Gilberton, PA 17934), correction to update the post-mining land use of an existing anthracite coal refuse reprocessing and refuse disposal operation in Butler Township and Ashland Borough, **Schuylkill County** affecting 109.0 acres. Receiving stream: Mahanoy Creek. Application received: October 2, 2020. Correction issued: February 11, 2021.

Permit No. PAM111079R2. Gilberton Coal Company (10 Gilberton Road, Gilberton, PA 17934), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54763209 in Butler Township and Ashland Borough, **Schuylkill County**, receiving stream: Mahanoy Creek. Application received: October 2, 2020. Renewal issued: February 11, 2021.

Noncoal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).

Permit No. 4274SM26 and NPDES Permit No. PA0599174, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, in Cromwell Township, **Huntingdon County**. Receiving stream: Shade Creek, classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: November 10, 2020. Permit issued: February 9, 2021.

Permit No. 11130301 and NPDES No. PA0269255. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, revision of an existing large noncoal (industrial minerals) mine to add the Clarion Sandstone to the mining plan located in Jackson Township, **Cambria County**, affecting 206 acres. Receiving streams: unnamed tributaries to Bracken Run and unnamed tributary to South Branch of Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2020. Permit issued: February 9, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 26970401 and NPDES Permit No. PA0202100. Laurel Aggregates of Delaware, LLC, 2480 Springhill Furnace Road, Lake Lynn, PA 15451. NPDES permit renewal issued for continued mining to an existing noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 871.8 acres. Receiving streams: Rubles Run and unnamed tributaries to Rubles Run and Patterson Run. Application received: January 17, 2018. Renewal permit issued: February 11, 2021.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 15830602C20 and NPDES Permit No. PA0614203. Allan Myers, LP dba Allan Myers Materials, 638 Lancaster Avenue, Malvern, PA 19355, correction to relocate NPDES Permit Outfall 001 of an NPDES Permit for discharge of treatment mine drainage from a

quarry operation in Charlestown Township, **Chester County**. Receiving stream: Pickering Creek. Application received: May 11, 2020. Correction issued: February 12, 2021.

Permit No. PAM11010R2. Waste Management of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 09050302 in Falls Township, **Bucks County**, receiving stream: Biles Creek. Application received: October 2, 2020. Renewal issued: February 12, 2021.

Permit No. PAM111002R2. Hunlock Sand & Gravel, Co., 121 Gravel Road, Hunlock Creek, PA 18621, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 6475SM8 in Hunlock Township, **Luzerne County**, receiving stream: Roaring Brook. Application received: November 30, 2020. Renewal issued: February 12, 2021.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 48214104. Rock Work, Inc., 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Green Pond Development in Bethlehem Township, **Northampton County** with an expiration date of February 1, 2022. Permit issued: February 8, 2021.

Permit No. 23214101. M3 Explo, LLC, P.O. Box 528, Brownsville, PA 15417, construction blasting for Ponds Edge 2 in Middletown Township, **Delaware County** with an expiration date of February 8, 2022. Permit issued: February 10, 2021.

Permit No. 45214101. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, construction blasting for Northeast Site Contractors in Smithfield Township, **Monroe County** with an expiration date of February 5, 2022. Permit issued: February 10, 2021.

Permit No. 36214107. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for Missick's Headquarters in Rapho Township, **Lancaster County** with an expiration date of February 4, 2022. Permit issued: February 11, 2021.

Permit No. 40214108. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for Hanover Street Lot 11B & C in Wilkes-Barre Township, **Luzerne County** with an expiration date of February 10, 2022. Permit issued: February 11, 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. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under Section 401 of the FWPCA.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@a.gov.

Permit No. E1501220-028, Mine Road Partners, L.P., 70 East Lancaster Avenue, Frazer, PA 19355, Tredyffrin Township, **Chester County**, ACOE Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with the Berwyn Sports Club. The proposed project involves the construction on an indoor and outdoor sports field and parking and requires the installation of a stormwater outfall to the UNT to Little Valley Creek (EV, MF). The project proposes 28 square feet of permanent stream impact, 252 square feet of permanent floodway impact, and 900 square feet of temporary floodway impact. There are no impacts to the floodplain and wetlands.

The site is approximately located at 850 Cassatt Road, Berwyn, PA (Valley Forge, PA Latitude: 40° 03' 36"; Longitude: -75° 27' 27") in Tredyffrin Township, Chester County. Permit issued February 9, 2021.

Permit No. E5101220-025, Roosevelt Boulevard Associates, L.P., 10901 Dutton Road, Philadelphia, PA 19154, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with the Walton Run Near Bennett Road. The proposed project involves approximately 1,300 linear feet of stream restoration and daylighting and floodplain restoration along Walton Run (WWF/MF). The project proposes 9,247 sq feet of permanent stream impacts, 48,927 sq feet of permanent floodway impacts, 312 sq feet of temporary stream impacts, and 22,264 sq feet of temporary floodway impacts. There are no impacts in wetlands.

The site is approximately located at 11500 Roosevelt Boulevard-Walton Run and adjacent wooded parcel west of Bennett Road cul-de-sac, Philadelphia (Frankford, PA and Beverly, NJ, Latitude: 40° 06' 29.38"; Longitude: -75° 00' 43.85") in the City of Philadelphia, Philadelphia County. Permit issued January 27, 2021.

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

E5802220-027, Rail-Trail Council of NEPA, P.O. Box 32, Union Dale, PA 18470, Harmony Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a prefabricated steel truss pedestrian bridge with concrete deck over Starrucca Creek (CWF, MF) as a part of a Rail-Trail project. The proposed structure will replace a previously demolished railroad bridge and will have a 100-foot span, 12-foot width and a 15'-8" underclearance with concrete abutments. Rip rap will be utilized upstream as stream bank stabilization and gabion wingwalls will be utilized on the upstream and downstream sides of the proposed structure. The project is located to the right of State Route 1009 approximately 0.4 mile west of the State Route 1009 and State Route 1011 junction (Susquehanna, PA Quadrangle Latitude: 41° 57' 33" Longitude: -75° 31' 53") in Harmony Township, Susquehanna County.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E1804220-021: Nicholas Meat, LLC, 508 East Valley Road, Loganton, PA 17747. Nicholas Meats Sustainable Resource Project, Greene Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Loganton Quadrangle; Latitude: 41° 02' 23"; Longitude: -77° 17' 05").

The permittee is authorized to construct and maintain a waste recycling center and all necessary appurtenances adjacent to an existing meat processing plant along and within a UNT within Fishing Creek Basin (HQ-CWF, MF). The project proposes the following permanent aquatic resource impacts: .48-acre direct watercourse

impact, and 3.16-acre direct floodway impact. Additionally, the permittee is authorized temporary wetland, temporary and permanent floodway impacts necessary for creating .5 acre of forested wetland and 12.03 forested buffer associated with the approved "Mitigation Plan—Forested Riparian Buffer and Constructed Wetlands" for the mitigation site located at 41° 05' 47" N; 77° 30' 29" W.

Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E3005120-024, PennDOT District 12-0, 825 North Gallatin Ave Ext, Uniontown, PA 15401, Perry Township, **Greene County**; Pittsburgh ACOE District.

Has been given consent to:

Remove the existing 9.5' wide, 6.2' high, 34.17' long Concrete Slab Bridge, and construct and maintain a replacement 11' wide, 5.5' high, 34.54' long Concrete Box Culvert, having a permanent impact of 103 LF to Shannon Run (WWF).

Place and maintain R-6 rip rap, log deflectors and toe log cribbing along the bank of Wades Run (WWF).

The project will permanently impact approximately 103' by 10' of the Shannon Run (WWF) and 238' by 17' of Wades Run (WWF).

For the purpose of replacing the structure carrying S.R. 0019 over Shannon Run (WWF).

The project site is located near the intersection of Wades Run Road and S.R. 0019 (Garards Fort, PA USGS topographic quadrangle; N: 39°, 43', 43"; W: -80°, 3', 44"; Sub-basin 20C; USACE Pittsburgh District), in Perry Township, Greene County.

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

E6629220-023, Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Windham Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Tiffany Surface Water Withdrawal Project, which consists of one 65-foot long, 10-inch maximum diameter intake line with a 1.3-foot by 6-foot intake screen for the withdrawal of fresh water from the Susquehanna River, which will be used to hydro fracture natural gas wells. The proposed intake line and intake screen will be placed at-grade along the existing riverbed. The project will impact 99.0 linear feet of the Susquehanna River (WWF) and 25,560 square feet of temporary floodway impacts (Laceyville, PA Quadrangle, Latitude: N 41° 38' 27.06", Longitude: W 76° 09' 12.81").

Permit No. E5829220-030, Williams Field Services Company, LLC, 310 State Rt 29 N, Tunkhannock, PA 18657-6817, Natural Gas Pipeline, Gibson Township, **Susquehanna County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

1) a 10-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,479 square feet (0.08 acre) of palustrine emergent wetlands (PEM) (Clifford, PA Quadrangle; Latitude: 41° 44' 19", Longitude: -75° 36' 26"),

2) a 10-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 110 lineal feet of Bear Swamp Creek (CWF-MF) (Clifford, PA Quadrangle; Latitude: 41° 44' 19", Longitude: -75° 36' 26").

The Williams Merritt M. P1 Well Connect pipeline proposes to construct approximately 0.36 mile of 10-inch diameter pipeline Gibson Township, Susquehanna County. The project will result in 110 lineal feet of stream impacts, and 3,479 square feet (0.08 acre) of PEM wetlands for the purpose of providing safe reliable storage and conveyance of Marcellus Shale natural gas to market.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

ESCGP-3 # ESG150190041-01 Fleegeer 2 Well Development Impoundment Renewal
Applicant Name PennEnergy Resources LLC
Contact Person Richard M. Watson
Address 1000 Commerce Drive, Park Place One, Suite 400
City, State, Zip Pittsburgh, PA 15275
County Butler County
Township Clay
Receiving Streams and Classifications Tributary 34164 to Muddy Creek (CWF) and Tributary 34167 to Muddy Creek (CWF)
Secondary: Muddy Creek (HQ-CWF)

ESCGP-3 # ESG080320006-00
Alexander Lindsay Gas Pipeline ESGP-2
Applicant Name Mtn Gathering LLC
Contact Person Aaron Tucker
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086-7528
County Armstrong County
Township(s) South Buffalo Township
Receiving Stream(s) and Classification(s) Buffalo Creek (HQ-TSF), UNT to Buffalo Creek (HQ-TSF) and Pine Run (HQ-TSF)

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.

ESCGP-3 # ESG076320014-00
 Applicant Name EQM Gathering OPCO LLC
 Contact Person Michael Provencher
 Address 625 Liberty Ave, Suite 1700
 City, State, Zip Pittsburgh, PA 15222-3114
 County Washington County
 Township(s) Amwell Township
 Receiving Stream(s) and Classification(s) UNT to Bane Creek (HQ-TSF) UNT to Little Tenmile Creek (HQ-TSF) and Little Tenmile Creek (HQ-TSF)

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

ESCGP-3 # ESG295820056-00
 Applicant Name Williams Field Services Company, LLC
 Contact Person Barry Mahar
 Address 30351 Route 6
 City, State, Zip Wysox, PA 18854
 County Susquehanna County
 Township(s) Gibson
 Receiving Stream(s) and Classification(s) Bear Swamp (CWF, MF)
 Secondary: Tunkhannock Creek (CWF, MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Stephanous SVC STA, 23-32291, 2319 W. Marshall Rd., Lansdowne, PA 19050, Upper Darby Township, **Delaware County**. Keystone Petroleum Equipment, Ltd., 981 West Trindle Road, Mechanicsburg, PA 17055, on behalf of Stephanou's Service Station, 2319 W. Marshall Rd., Lansdowne, PA 19050, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

121 Point Breeze Term, 51-07149 6310 Passyunk Ave., Philadelphia, PA 19134, **City of Philadelphia**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Kinder Morgan Liquids Terminals, LLC, 1 Terminal Road, Carteret, NJ 07008, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with ethanol and unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health and site-specific standards.

823 N Broad St BP, 51-29714, 823 N. Broad St., Philadelphia, PA 19123, **City of Philadelphia**. The ELM Group, Inc., 345 Wall Street, Research Park, Princeton, NJ 08540, on behalf of Philadelphia Broad Street, L.P., 1401 Broad Street, Suite 200, Clifton NJ, 07013, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with ethanol and unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

Main Line Citgo, 23-45906, 700 W. Haverford Rd., Bryn Mawr, PA 19010, Haverford Township, **Delaware County**. Comstock Environmental Services, LLC, 806 Fayette Street, Conshohocken, PA 19428, on behalf of Sun and Raj LLC, 700 Haverford Road, Haverford, Bryn Mawr, PA 19010, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

Cumberland Gulf 160755 L, 51-09165, 9699 Ashton Rd, Philadelphia, PA 19114, **City of Philadelphia**. Arcadis U.S., Inc., 6041 Wallace Road Ext, Suite 300, Wexford, PA 15090, Geoscience, Inc. 2120 Bellemead Avenue, Suite 14-2, Havertown, PA 19083-2250, on behalf of Durkin Contacting Company, Inc., 3030 Grant Avenue, Philadelphia, PA 19114-2401 submitted a Remedial Action Completion Addendum concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site-specific standards.

Getty 97199, 51-23928, 144-146 W. Roosevelt Blvd, Philadelphia, PA 19120, **City of Philadelphia**. Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ

08002, on behalf of Getty Properties Corp., Two Jericho Plaza, Suite 110, Wing C, Jericho, NY 11753, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential site-specific standards.

F Street Sunoco, 51-43814, 3951 Roosevelt Blvd, Philadelphia, PA 19124, **City of Philadelphia**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of 3951 Roosevelt Blvd. Realty Corp., 439 S. Prince Boulevard, Essington, PA 19029, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Convenient Food Mart 3029, Storage Tank ID # 35-08517, 330 Northern Boulevard, Clarks Summit, PA 18411, South Abington Township, **Lackawanna County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Convenient Food Marts of Pennsylvania, 215 Clark Avenue, Clarks Summit, PA 18411, has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

Former Michael's Auto Service, Storage Tank ID # 48-24040, 3780 Airport Road, Allentown, PA 18103, Hanover Township, **Northampton County**. Rettew Associates, 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Lehigh-Northampton Airport Authority, 3311 Airport Road, Allentown, PA 18109, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report is intended to document remediation of the site to site-specific standards.

Al's Quick Stop 7, Storage Tank ID # 64-12561, 1042 Main Street, Newfoundland, PA 18445, Dreher Township, **Wayne County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of Dunne Manning Realty LP, 645 Hamilton Street, Suite 500, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Plan is intended to document the remedial actions for meeting site-specific standards.

Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Gregory Bowman, Environmental Group Manager.

All American Truck Stop, Storage Tank Facility ID # 05-07847, 167 Post House Road, East Providence Township, **Bedford County**. Keystone Environmental Health and Safety Services, Inc., LLC, 1111 12th Avenue, Altoona, PA 16601, on behalf of Bedford County Oil Company, 167 Post House Road, Breezewood, PA 15533 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum.

The plan is intended to document remediation of the site to meet a combination of the Statewide health standard and the site-specific standard.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

7 Eleven 40233, Storage Tank Facility ID # 10-32642, 19090 Perry Highway, Mars, PA 16046, Cranberry Township, **Butler County**. Groundwater & Environmental Consultants, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, and methyl tert-butyl ether. The report is intended to document remediation of the site to meet the site-specific standard.

Kwik Fill M-175, Storage Tank Facility ID # 61-14854, 3670 State Route 257, Seneca, PA 16346, Cranberry Township, **Venango County**. ATC Group Services LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of United Refining of Pennsylvania, 15 Bradley Street, Warren, PA 16365, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents (unleaded gasoline and blended ethanol). The plan is intended to document the remedial actions for meeting the Statewide health standard.

Sasol Chemical USA Oil City Plant, Storage Tank Facility ID # 61-04258, 292 State Route 8, Oil City, PA 16301, Cornplanter Township, **Venango County**. Letterle & Associates, Inc., 191 Howard Street, Suite 108, Franklin, PA 16323, on behalf of Sasol Chemicals USA, LLC, P.O. Box 19029, Houston, TX 77224, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with PC99, which contains 99% para-cresol (4-methylphenol) with 1% meta-cresol (2-methylphenol). The plan is intended to document the remedial actions for meeting the Statewide health standard.

Penelec Oil City, Storage Tank Facility ID # 61-18226, 1600 West First Street, Oil City, PA 16301, City of Oil City, **Venango County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of FirstEnergy—Pennsylvania Electric Company, 800 Cabin Hill Drive, Greensburg, PA 15601 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with petroleum constituents (diesel fuel). The report is intended to document remediation of the site to meet the Statewide health standard.

Joy Cone Manufacturing, Storage Tank Facility ID # 43-16530, 3435 Lamor Road, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Compliance Environmental Services, Inc., P.O. Box 186, West Middlesex, PA 16159, on behalf of Joy Cone Company, 3435 Lamor Road, Hermitage, PA 16148 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents (unleaded gasoline). The report is intended to document remediation of the site to meet the Statewide health standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101–6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Pa Air Natl Guard Willow Grove ARS, 46-25723, 2164 McGuire St., Willow Grove, PA 19090, Horsham Township, **Montgomery County**. HydroGeoLogic, Inc., 11107 Sunset Hills Road, Suite 400, Reston, VA 20190, on behalf of Department of the Air Force, 772 ESS/PKB, 2261 Hughes Avenue, Suite 163, JBSA Lackland Air Force Base, TX 78236-9853, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report was acceptable to meet residential Statewide health standards and was approved by DEP on February 8, 2021.

Lukoil 69711, 23-43626, 501 W. Lancaster Ave., Strafford, PA 19087, Radnor Township, **Delaware County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2&3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ

08057, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline, diesel fuel, and waste oil. The Remedial Action Plan was acceptable to meet the site-specific standard and was approved by the Department on February 10, 2021.

Speedway 6806, 23-14496, 5301 Township Line Road, Drexel Hill, PA 19026, Upper Darby Township, **Delaware County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with kerosene. The report was not acceptable to meet the nonresidential Statewide health standard and was disapproved by the Department on February 10, 2021.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Leffler's Service Station, Storage Tank ID # 13-50651, 1103 North Street, Jim Thorpe, PA 18229, Jim Thorpe Borough, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Subhash Patel, 1103 North Street, Jim Thorpe, PA 18229, has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil contaminated with gasoline. The report was acceptable to meet site-specific standards and was approved by DEP on February 12, 2021.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Cherie Campbell, Soil Scientist.

Suburban Heating Oil Partners LLC Gettysburg, Storage Tank Facility ID # 01-26387, 1744 York Road, Gettysburg, PA 17325-8273, Straban Township, **Adams County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Suburban Heating Oil Partners, P.O. Box 206, Whippany, NJ 07981-0206 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of the non-residential Statewide health standard and was approved by DEP on February 11, 2021.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

BFS Grove City West Main, Storage Tank Facility ID # 43-14158, 201 West Main Street, Grove City, PA 16127, Grove City Borough, **Mercer County**. Antea USA, Inc., 10320 Little Patuxent Parkway, Suite 200, Columbia, MD 21044, on behalf of Remediation Management Services Company (BP Products North America, Inc. affiliate), P.O. Box 101925, Arlington, VA 22210, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline constituents. The Remedial Action Plan was not acceptable to meet the site-specific and Statewide standards and was disapproved by DEP on February 9, 2021.

SPECIAL NOTICES

**WATER PROGRAMS
REQUEST FOR COMMENT**

Proposed Total Maximum Daily Loads (TMDLs) for the Cove Run Watershed in Fulton County.

Central Office: Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774.

The Department of Environmental Protection will accept comments on the proposed “TMDLs” developed for the **Cove Run Watershed in Fulton County** under Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included stream segments impaired for aquatic life in the watershed. The impairments addressed by this document were caused by excessive siltation and nutrients due to agriculture.

There currently are no State or Federal in-stream numerical water quality criteria for sediment or nutrients. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL document sets allowable loading of sediment and nutrients in the Cove Run Watershed. The “TMDLs” included allocations for nonpoint sources, reserves for future point sources, as well as margin of safety factors. Nonpoint source load allocations were made for cropland, hay/pasture land, streambank, and farm animal source sectors present in the watershed. Data used in establishing the TMDL were primarily generated using a water quality analysis model (Model My Watershed) made available through the Stroud Water Research Center.

The following table shows the estimated current sediment loadings within the watershed, the prescribed “TMDL” values, and % reductions needed under annual average conditions.

<i>Summary of “TMDL”—Based Load Reductions (expressed as annual averages) in the Cove Run Watershed</i>				
<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>“TMDL” (lbs/yr)</i>	<i>% Reduction</i>
Cove Run	Sediment	1,488,866	741,787	50
Cove Run	Phosphorus	2,180	1,516	30

The following table shows the estimated current sediment loading within the watershed, the prescribed “TMDL” values, and % reductions needed under 99th percentile daily loading conditions.

<i>Summary of “TMDL”—Based Load Reductions (expressed as 99th percentile daily loading) in the Cove Run Watershed</i>				
<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/d)</i>	<i>TMDL (lbs/d)</i>	<i>% Reduction</i>
Cove Run	Sediment	56,257	28,564	49
Cove Run	Phosphorus	91	63	31

The proposed TMDL document can be viewed at <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/CoveRunTMDL.pdf>.

Otherwise, copies of the proposed TMDL document or supporting information may be requested by emailing Michael Morris at michamorri@pa.gov.

Written/typed comments will be accepted at the previously listed email address. Comment submissions must be submitted within 30 days after publication of this notice in the February 27, 2021 issue of the *Pennsylvania Bulletin*. The Department will consider all written/typed comments submitted within the deadline prior to submitting the final TMDL to EPA for approval. To ensure timely receipt of comments given the office closure and work from home order, please do not mail hard copies of comments. Rather please submit them by email at michamorri@pa.gov. If comments cannot be emailed, please call Michael Morris at 717.772.5670 to request another method of comment submission.

Notice of Lodging of Proposed Consent Decree.

United States and Commonwealth of Pennsylvania Department of Environmental Protection v. American Zinc Recycling Corporation, Civil Action No. 3:21—cv—00098—RDM

On January 19, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Middle District of Pennsylvania in the lawsuit entitled *United States and Commonwealth of Pennsylvania Department of Environmental Protection v. American Zinc Recycling Corporation*, Civil Action No. 3:21—cv—00098—RDM.

If entered, the Consent Decree would resolve claims by the United States and the Commonwealth of Pennsylvania, Department of Environmental Protection (“Plaintiffs”) against American Zinc Recycling Corp. (“AZR” or “Defendant”) related to AZR’s zinc reclamation and processing facility located in Palmerton, PA. Plaintiffs’ claims are based on a number Federal and State environmental statutes and regulations, as well as permit conditions.

The proposed Consent Decree requires AZR to perform a number of actions to address its violations of the various environmental statutes, regulations, and permit conditions. With regard to its Clean Air Act, PA Air Pollution Control Act, and Title V Permit violations, AZR will install a new bag leak detection system in the product collectors at each of its four kilns at the facility, and a new emergency generator at one kiln. In addition, the company will continuously monitor various pollutant parameters at its kilns and product collectors, will implement new air emission stack testing

requirements and implement a fugitive dust plan. To redress its Resource Conservation and Recovery Act and PA Solid Waste Management Act violations, AZR will ensure that only compliant wastes are placed into its waelzing and calcining kilns, and will implement various measures to ensure that it remains in compliance with RCRA lead storage requirements. It will also implement a number of new operating procedures and hazardous waste management and storage plans. In connection with its Clean Water Act, PA Clean Streams Law and NPDES Permit violations, the Consent Decree requires AZR to perform investigations of stormwater, process water, and non-contact cooling water systems at the Palmerton Facility. AZR will implement the facility's Stormwater Pollution Prevention Plan and other stormwater control measures. AZR must also revise and/or correct the Palmerton facility's Integrated Preparedness, Prevention, and Contingency Plan.

The Consent Decree also requires AZR to pay a civil penalty of \$3,300,000, which will be evenly split between the United States and the Pennsylvania Department of Environmental Protection. The Palmerton facility is currently under an existing environmental consent decree that this new proposed Consent Decree is intended to replace. A motion to terminate the existing consent decree will be filed when the Plaintiffs move to enter the proposed Consent Decree after the required thirty (30) day public comment period.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be labeled or identified as: "COMMENTS ON PROPOSED AZR CONSENT DECREE." All comments must be submitted no later than thirty (30) days after the publication date of this notice.

Comments may be submitted either by email at coconnolly@pa.gov or by mail to Colleen Connolly, DEP Community Relations Coordinator, 2 Public Square, Wilkes-Barre, PA 18701-1915.

During the public comment period, the Consent Decree may be examined and downloaded from the Department's website at <https://www.dep.pa.gov/About/Regional/Northeast-Regional-Office/Pages/default.aspx>, by clicking on the Community Information tab, followed by the American Zinc Recycling tab, and then opening the link to the AZR Proposed Consent Decree and its associated appendices (A through E).

[Pa.B. Doc. No. 21-290. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

Final Technical Guidance: Substantive Revision

DEP ID: 562-4180-306. **Title:** Civil Penalty Assessments for Coal Mining Operations. **Description:** This guidance is used when assessing civil penalties for violations that occur at active coal mining operations. The existing guidance document was last revised in 2005 and was in need of substantive revisions. The revisions included in this final TGD clarify terminology, include appropriate regulatory citations, and explain the proce-

dures for assessing civil penalties. A new section has also been added to more clearly define the civil penalty assessment procedures for water quality violations and incorporate the factors considered for such civil penalty calculations in keeping with The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance). The guidance document was available for public comment from October 3, 2020, to November 2, 2020. The Department received comments from two public commenters, and no revisions were made to the TGD as a result of the comments received.

Contact: Questions regarding this TGD can be directed to Eric Oliver at eoliver@pa.gov or (814) 342-8200.

Effective Date: February 27, 2021

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-291. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Interstate Pollution Transport Reduction; Proposed 2021 Ozone Season Nitrogen Oxide Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is providing notice and an opportunity for public comment on the proposed Nonelectric Generating Unit (non-EGU) 2021 Ozone Season (OS) Nitrogen Oxide (NO_x) emission limitations established under 25 Pa. Code § 145.8(d) (relating to transition to CAIR NO_x trading programs). The 17-day public comment period will close Monday, March 15, 2021.

Specifically, 25 Pa. Code § 145.8(d) establishes a non-EGU NO_x Trading Program budget of 3,619 tons of NO_x, less a specified adjustment amount, to serve as a Statewide Ozone Season NO_x emissions cap for new and existing non-EGUs. This NO_x emissions cap also applies to Clean Air Interstate Rule (CAIR) exempt EGUs that are subject to the NO_x Budget Trading Program. If total emissions from all the units exceed the Statewide NO_x emissions cap of 3,438 tons, the owners and operators of non-EGUs must comply with the NO_x emission limitations established under 25 Pa. Code § 145.8(d). The proposed NO_x emissions limitations for individual units ensure that non-EGUs in this Commonwealth continue to meet the emission limits of the NO_x Budget Trading Program. The difference between the calculated total OS NO_x limit for all units in the following Table 1 and the total NO_x limit of 3,438 tons is due to rounding when calculating the NO_x limit for each individual unit.

The Statewide cap for 2020 was not exceeded. Therefore, non-EGUs do not need to purchase allowances to meet their 2020 Ozone Season NO_x emission limitations established under 25 Pa. Code § 145.8(d). The NO_x emissions for the 2020 Ozone Season (May through September) reported to the United States Environmental Protection Agency by the owners and operators of the affected non-EGUs are 644 tons. The Department's permanent retirement of 3,438 NO_x allowances under 25 Pa. Code § 145.8(b) covers all the NO_x emissions from the affected non-EGUs in 2020.

In addition to the 3,438-ton non-EGU cap previously described, 25 Pa. Code § 145.8(d)(12) provides 181 tons of NO_x emissions annually for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously

participated in the NO_x Budget Trading Program. The Department may use a portion of the 181 tons of the budgeted NO_x emissions, if necessary, to address mistakes or miscalculations. This year, the Department is not proposing to use any of the 181 tons of NO_x for accounting adjustments or to make corrections.

The following "Proposed Non-EGU 2021 Ozone Season NO_x Emission Limits" table lists the following: the 'facility name,' 'ORIS code,' the 'unit ID' for each non-EGU unit, the '2020 NO_x mass' or the 2020 Ozone Season emissions, the '2020 heat input' for the 2020 Ozone Season, the 'county' location of the facility, the calculated '2021 rate,' and the '2021 Ozone Season (OS) limit.'

Interested persons may submit written comments on the proposed non-EGU 2021 Ozone Season NO_x Emission Limits through Monday, March 15, 2021. All 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 or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Proposed non-EGU 2021 Ozone Season NO_x emission limits" as the subject line in written communication.

Questions concerning this notice can be directed to Randy Bordner at ranbordner@pa.gov or (717) 772-3921. Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-3921 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Table 1: Proposed Non-EGU 2021 Ozone Season NO_x Emission Limits

<i>Facility Name</i>	<i>Oris Code</i>	<i>Unit Id</i>	<i>2020 NO_x Mass (tons)</i>	<i>Heat Input (MMBtu)</i>	<i>County</i>	<i>2021 Rate (lbs/MMBtu)</i>	<i>2021 OS Limit (tons NO_x)</i>
AdvanSix Resins & Chemicals, LLC	880007	52	33.236	837,284.3	Philadelphia	0.35	145
Armagh Compressor Station	880071	31301	0	0	Indiana	0.35	0
Bernville Station	880049	32001	0	0	Berks	0.35	0
Domtar Paper Company, LLC	54638	40	15.978	514,307.1	Elk	0.35	89
Domtar Paper Company, LLC	54638	41	17.544	560,079.9	Elk	0.35	97
Entriken Compressor Station	880072	31601	0	0	Huntingdon	0.35	0
Kimberly-Clark Tissue Company	50410	34	9.372	12,456.9	Delaware	0.35	2
Merck & Company—West Point	52149	39	5.825	136,373.6	Montgomery	0.35	24
Merck & Company—West Point	52149	40	18.395	1,492,642	Montgomery	0.35	259
Philadelphia Refinery	52106	150137	0	0	Philadelphia	0.35	0
Philadelphia Refinery	52106	150138	0	0	Philadelphia	0.35	0
Philadelphia Refinery	52106	150139	7.802	536,072.8	Philadelphia	0.35	93
Philadelphia Refinery	52106	150140	0	0	Philadelphia	0.35	0
Philadelphia Refinery	52106	150145	2.763	251,420.1	Philadelphia	0.35	44

<i>Facility Name</i>	<i>Oris Code</i>	<i>Unit Id</i>	<i>2020 NO_x Mass (tons)</i>	<i>Heat Input (MMBtu)</i>	<i>County</i>	<i>2021 Rate (lbs/MMBtu)</i>	<i>2021 OS Limit (tons NO_x)</i>
Pixelle Specialty Solutions	50397	36	131.597	1,162,005	York	0.35	202
Pixelle Specialty Solutions	50397	38	7.81	503,820.2	York	0.35	88
Pixelle Specialty Solutions	50397	39	11.815	575,300.3	York	0.35	100
Procter & Gamble Paper Products	50463	328001	112.456	1,898,640	Wyoming	0.35	330
Procter & Gamble Paper Products	50463	328002	8.148	2,043,043	Wyoming	0.35	355
SPMT Marcus Hook Industrial Complex	880107	AB01	8.374	618,497.7	Delaware	0.35	107
SPMT Marcus Hook Industrial Complex	880107	AB03	3.402	274,242.3	Delaware	0.35	48
SPMT Marcus Hook Industrial Complex	880107	AB04	7.032	825,834.9	Delaware	0.35	144
Shermans Dale Station	880050	31801	0	0	Perry	0.35	0
Trainer Refinery	880025	34	1.672	674,101.5	Delaware	0.35	117
Trainer Refinery	880025	35	1.694	691,976.9	Delaware	0.35	120
Trainer Refinery	880025	53	0.685	692,857.9	Delaware	0.35	120
US Steel (Clairton Coke)	50729	CLBLR1	104.722	907,994.4	Allegheny	0.35	158
US Steel (Clairton Coke)	50729	CLBLR2	59.666	617,262.3	Allegheny	0.35	107
US Steel (Edgar Thomson)	50732	ETBLR1	26.688	1,678,967	Allegheny	0.35	292
US Steel (Edgar Thomson)	50732	ETBLR2	20.401	1,577,070	Allegheny	0.35	274
US Steel (Edgar Thomson)	50732	ETBLR3	16.261	1,288,377	Allegheny	0.35	224
Veolia Energy Philadelphia—Edison Station	880006	1	0	0	Philadelphia	0.35	0
Veolia Energy Philadelphia—Edison Station	880006	2	0.296	1,522.7	Philadelphia	0.35	0
Veolia Energy Philadelphia—Edison Station	880006	3	2.122	16,903.7	Philadelphia	0.35	3
Veolia Energy Philadelphia—Edison Station	880006	4	1.318	7,541	Philadelphia	0.35	1
Veolia Energy Philadelphia—Schuylkill	50607	23	0	0	Philadelphia	0.35	0
Veolia Energy Philadelphia—Schuylkill	50607	24	0	0	Philadelphia	0.35	0
Veolia Energy Philadelphia—Schuylkill	50607	26	6.356	108,603	Philadelphia	0.35	19
Veolia Energy Philadelphia—Schuylkill	50607	RSB1	0.263	56,116.37	Philadelphia	0.35	10
Veolia Energy Philadelphia—Schuylkill	50607	RSB2	0.303	53,797.38	Philadelphia	0.35	9
<i>Totals:</i>			643.996	19,777,827			3,436

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-292. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Proposed Revision to the State Implementation Plan to Meet the Requirements of Reasonably Available Control Technology Set Forth by the Clean Air Act Under the 2008 8-hour Ozone National Ambient Air Quality Standards

Sections 172(c)(1), 182(b) and 184 of the Clean Air Act Amendments of 1990 (42 U.S.C.A. §§ 7502(c)(1), 7511a and 7511c) require the Department of Environmental Protection (Department) to submit a State Implementation Plan (SIP) revision on behalf of the City of Philadelphia (Philadelphia) to the United States Environmental Protection Agency (EPA) demonstrating that Philadelphia has implemented all necessary Reasonably Available Control Technology (RACT) controls on all existing major stationary sources of volatile organic compounds (VOC) and oxides of nitrogen (NO_x) as well as any VOC sources subject to Control Technique Guidelines (CTG) for the 2008 ozone national ambient air quality standard (NAAQS).

The Philadelphia Department of Public Health, Air Management Services (AMS) is now seeking public comment on a proposed SIP revision package that identifies RACT requirements for major NO_x and major non-CTG VOC sources in Philadelphia for purposes of implementing the 2008 8-hour ozone NAAQS. The proposed SIP revision package consists of a certification that RACT has been addressed for all major existing NO_x and major non-CTG VOC sources in Philadelphia as supported by the following: (1) a determination that previously adopted RACT regulations in the Commonwealth SIP that were approved by the EPA under the 1997 8-hour ozone NAAQS continue to represent RACT for 2008 ozone NAAQS implementation purposes; and (2) in cases where previously adopted RACT controls are insufficient to implement RACT under the 2008 ozone NAAQS, the adoption of new or more stringent regulations that represent RACT control levels. Philadelphia AMS is a delegated local air pollution control agency under section 12 of the Air Pollution Control Act (35 P.S. § 4012).

This proposed SIP revision and other supporting information are available for inspection at the offices of AMS during normal business hours or on the AMS web site at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/>.

Interested persons may submit written comments or a request for a public hearing on the proposed SIP revision package to Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, Attn: Jason Li or by e-mail to jiazheng.li@phila.gov. Use "2008 Ozone RACT SIP Revision" as the subject line in written communication.

All written comments or a request, or both, for a public hearing must be received by AMS no later than Monday, March 29, 2021. Based on advice from the Philadelphia Department of Public Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), AMS will offer a virtual public hearing, only if requested, to receive comments on the proposed SIP revision on Friday, April 9, 2021, at 2 p.m. Persons wishing to join the hearing may do so remotely. Information will be provided on the AMS web site at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/>.

Persons wishing to present testimony should contact Jason Li at jiazheng.li@phila.gov or (215) 685-9440 to reserve a time. Witnesses will be limited to 10 minutes and should provide two written copies of their testimony. Persons with a disability who desire to attend the virtual meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact (215) 685-9440 to discuss how AMS may accommodate their needs.

If no request for a public hearing is received by Monday, March 29, 2021, the hearing will be cancelled and a notice of cancellation will be published on the AMS web site at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/> on Friday, April 2, 2021.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-293. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Cathedral Village
600 East Cathedral Road
Philadelphia, PA 19128
FAC ID # 030402

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

New Eastwood Healthcare and Rehabilitation Center
2125 Fairview Avenue
Easton, PA 18402
FAC ID # 050102

Pine Run Health Center
777 Ferry Road
Doylestown, PA 18901
FAC ID # 680502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-294. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of the Renewal of the Office of Developmental Programs' Adult Autism Waiver

The Department of Human Services (Department) is making available for public review and comment, Appendices A—H of the Office of Developmental Programs' (ODP) request for renewal of the Adult Autism Waiver.

Background

Home and Community-Based Waivers permitted under section 1915(c) of the Social Security Act (42 U.S.C.A. § 1396n(c)) are approved by the Centers for Medicare & Medicaid Services (CMS) for a 5-year renewal period. The current Adult Autism Waiver expires on June 30, 2021; therefore, the proposed Adult Autism Waiver renewal is to be submitted to CMS no later than April 1, 2021.

In the request for renewal of the Adult Autism Waiver, the Department proposes the following substantive changes to Appendices A—H effective July 1, 2021:

- Promote health, wellness and safety by adding Homemaker/Chore as a new service.
- Support individuals with complex needs through the addition of reserved capacity for individuals that are discharged from a State center and individuals that are disenrolled from the Adult Autism Waiver due to incarceration for more than 6 months.
- Simplify the system through additional alignment of all Waivers administered by ODP. This includes:
 - Revising the service definitions, service limitations and provider qualifications for Day Habilitation, Residential Habilitation, Life Sharing and Respite services in the Adult Autism Waiver to align with the three other ODP-administered Waivers, where possible.
 - Removing Temporary Supplemental Services as a discrete service from the Adult Autism Waiver. Supplemental Habilitation is being added to residential services and 2:1 staff-to-individual ratios are being added to the Community Support and Respite services to meet the needs of individuals who require more intensive staffing.
 - Refining the definitions of critical incidents, protocols, oversight of medication administration, and oversight of restraints and restrictive procedures to comply with 55 Pa. Code Chapter 6100 (relating to services for individuals with an intellectual disability or autism) regulations and ODP Incident Management policy.
 - The alignment of quality improvement strategies to include the use of the Independent Monitoring for Quality process and the Plan-Do-Check-Act Model.

- Develop and support qualified staff through revisions to provider qualifications for Supports Coordinator Supervisors and Supports Coordinators.

- Promote choice and control by adding independent living technology as a component of Assistive Technology services.

- Removing Therapies (Counseling and Speech/Language Therapy) to ensure that the Adult Autism Waiver does not duplicate services covered under the Medical Assistance State plan.

The Department will be publishing a separate notice announcing the availability of Appendices I and J for public comment upon completion of the rate setting process.

Fiscal Impact

It is anticipated that there will be no increase or decrease in costs associated with the proposed changes in Appendices A—H of the Adult Autism Waiver renewal.

Public Comment

The proposed renewal of the Adult Autism Waiver is available at <https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/Adult-Autism-Waiver-Renewal.aspx>.

Interested persons are invited to submit written comments regarding the proposed Adult Autism Waiver renewal. Comments should be addressed to Laura Cipriani, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA 17120. Comments may also be submitted to the Department at RA-odpcomment@pa.gov using subject header "AAW Renewal."

Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed renewal of the Adult Autism Waiver.

The Department will also hold a webinar to receive comments on the proposed renewal of the Adult Autism Waiver. Date, time and link for registration to attend this webinar are as follows:

March 16, 2021
2 p.m. to 4 p.m.

The following link must be used to register for the previously listed webinar: <https://attendee.gotowebinar.com/register/408654799932370446>. Anyone who is interested in participating in the webinars may do so by phone but will need a computer to provide comments during the webinars. To assist the Department in accurately capturing comments provided during the webinar, individuals are asked to submit a written copy of their comments by e-mail or mail to the previously listed address.

Persons who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the toll-free numbers: (800) 654-5984 (TDD users), (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish).

Copies of this notice and the Adult Autism Waiver proposed renewal may be obtained by contacting the Office of Developmental Programs, Bureau of Supports for Autism and Special Populations, P.O. Box 2675, Harrisburg, PA 17105, RA-odpautismwaiver@pa.gov.

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1423. No fiscal impact; (8) recommendations adoption.

[Pa.B. Doc. No. 21-295. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Payments and Supplemental Hospital Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds in Fiscal Year (FY) 2020-2021 for several classes of inpatient Disproportionate Share payments and supplemental payments to Medical Assistance (MA) enrolled, qualifying inpatient acute care general hospitals. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments. The qualifying criteria and payment methodology for each payment are described in Pennsylvania's Medicaid State Plan.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual Disproportionate Share Hospital (DSH) allotment and that no hospital may receive DSH payments in excess of its hospital-specific limit.

The allocation of the funds for DSH payments described as follows is contingent on the availability of Federal financial participation for these payments.

Allocation of Funds

The Department intends to allocate \$0.837 million in total funds for DSH payments to qualifying acute care general hospitals that have a low commercial-payer ratio, a negative trend in their net patient revenue and are located in an area of the Commonwealth with a disproportionate need for MA services in order to promote continued access to care for the MA population upon approval by the Centers for Medicare & Medicaid Services (CMS).

The Department intends to allocate \$1.570 million in total funds for DSH payments to qualifying acute care general hospitals to promote access to acute care services for MA eligible persons in less urban areas of this Commonwealth upon approval by CMS.

The Department intends to allocate \$18.109 million in total funds for DSH payments to MA enrolled acute care general hospitals that qualify as a trauma center for the purpose of improving access to readily available and coordinated trauma care for the citizens of this Commonwealth upon approval by CMS.

The Department intends to allocate \$9.283 million in total funds for DSH payments to qualifying acute care general hospital burn centers upon approval by CMS.

The Department intends to allocate \$13.977 million in total funds for DSH payments to qualifying acute care general hospitals providing obstetrical and neonatal services upon approval by CMS.

The Department intends to allocate \$0.500 million in total funds for DSH payments to qualifying teaching hospitals that provide psychiatric services to MA beneficiaries in order to help offset medical education costs of psychiatrists that are incurred by hospitals providing assistance to MA beneficiaries and uninsured persons upon approval by CMS.

The Department intends to allocate \$29.498 million in total funds for DSH payments to critical access and qualifying rural hospitals upon approval by CMS.

The Department intends to allocate \$0.690 million in total funds for DSH payments to qualifying acute care general hospitals that, in partnership with an independent facility listed as a Cleft and Craniofacial Team by the American Cleft Palate-Craniofacial Association, provide surgical services to patients with cleft palate and craniofacial abnormalities upon approval by CMS.

The Department intends to allocate \$14.622 million in total funds for DSH payments to qualifying acute care general hospitals that serve the indigent population of cities in this Commonwealth with an average per capita income significantly below the Statewide average upon approval by CMS.

The Department intends to allocate \$0.730 million in total funds funding for DSH payments made to qualifying MA enrolled acute care general hospitals that provide a high volume of inpatient services to MA eligible and low-income populations upon approval by CMS.

The Department intends to allocate \$4.290 million in total funds for DSH payments to qualifying acute care general hospitals that qualify as academic medical centers upon approval by CMS.

The Department intends to allocate \$23.706 million in total funds for DSH payments to qualifying acute care general hospitals to provide additional support for the operation of academic medical programs through the medical education of health care professionals needed to treat the MA population upon approval by CMS.

The Department intends to allocate \$7.323 million in total funds DSH payments to qualifying acute care general hospitals that participate in an academic medical program upon approval by CMS.

The Department intends to allocate \$9.415 million in total funds for DSH payments to qualifying acute care general hospitals that provide a high volume of services to the MA population to promote continued access to inpatient and ancillary outpatient services in this Commonwealth and to support academic medical programs that provide integrated patient-centered medical services upon approval by CMS.

The Department intends to allocate \$5.858 million in total funds for DSH payments to qualifying acute care general hospitals to promote the availability of professional medical services to MA populations in less urbanized areas of this Commonwealth by supporting medical education and academic medical programs upon approval by CMS.

The Department intends to allocate \$0.900 million in total funds for supplemental payments to qualifying acute care general hospitals that provide a substantial portion of their inpatient services to MA beneficiaries upon approval by CMS.

The Department intends to allocate \$3.139 million in total funds for supplemental payments to qualifying acute care general hospitals that provide a high volume of services to MA and low-income populations in medically underserved areas in order to promote the hospitals' continued participation in the MA Program upon approval by CMS.

Fiscal Impact

The FY 2020-2021 impact, as a result of the funding allocation for these payments, is \$144.447 million in total funds.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1422. (1) General Fund;

(7) MA—Fee-for-Service; (2) Implementing Year 2021-21 is \$7,686,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$344,107,000; 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,690,000;

(7) MA—Critical Care Hospitals; (2) Implementing Year 2021-21 is \$12,272,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$8,850,000; 2018-19 Program—\$10,400,000; 2017-18 Program—\$6,997,000;

(7) MA—Hospital-Based Burn Centers; (2) Implementing Year 2021-21 is \$3,862,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$3,792,000; 2018-19 Program—\$3,792,000; 2017-18 Program—\$3,792,000;

(7) MA—Obstetric and Neonatal Services; (2) Implementing Year 2021-21 is \$5,815,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$2,709,000; 2018-19 Program—\$3,681,000; 2017-18 Program—\$3,681,000;

(7) MA—Academic Medical Centers; (2) Implementing Year 2021-21 is \$20,612,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$21,092,000; 2018-19 Program—\$24,681,000; 2017-18 Program—\$24,681,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2021-21 is \$1,742,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$7,502,000; 2018-19 Program—\$10,071,000; 2017-18 Program—\$10,071,000;

(7) Autism Intervention; (2) Implementing Year 2021-21 is \$392,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$27,052,000; 2018-19 Program—\$30,842,000; 2017-18 Program—\$27,669,000;

(7) MA—Trauma Centers; (2) Implementing Year 2021-21 is \$7,534,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$7,397,000; 2018-19 Program—\$8,656,000; 2017-18 Program—\$8,656,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-296. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by County Nursing Facilities; County Nursing Facility Supplementation Payment for Fiscal Year 2020-2021

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain county nursing facilities in Fiscal Year (FY) 2020-2021.

Proposed Payment

The Department intends to make a county nursing facility supplementation payment to each qualified county nursing facility. To qualify, a county nursing facility must be located in a home rule county that was formerly a county of the second class A, have more than 725 beds and a Medicaid acuity of 0.79 as of August 1, 2015. The number of beds will be the number of licensed beds as of August 1, 2015, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2015, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate the qualifying county nursing facility's supplementation payment for FY 2020-2021 by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in an estimated cost of \$4.808 million (\$2.000 million in State funds) for FY 2020-2021.

Public Comment

Interested persons are invited to submit written comments regarding the county nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Montrell Fletcher, P.O. Box 8025, Harrisburg, PA 17105-8025, RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1424. (1) General Fund; (2) Implementing Year 2020-21 is \$2,000,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26

are \$0; 2019-20 Program—\$470,244,000; 2018-19 Program—\$850,149,000; 2017-18 Program—\$1,099,000,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-297. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Add-on Payment for Fiscal Year 2020-2021

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment in Fiscal Year (FY) 2020-2021 to nonpublic and county nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015.

Proposed Payment

The Department intends to make an additional supplemental ventilator care and tracheostomy care payment to qualified nonpublic and county nursing facilities. This additional payment will be made to nonpublic and county nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015 with a percentage of Medical Assistance residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

The Department will calculate the FY 2020-2021 add-on payment to qualified nonpublic and county nursing facilities by dividing the total funds for the supplemental ventilator care and tracheostomy care payment by the number of qualified nonpublic and county nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in an estimated cost of \$1.803 million (\$0.750 million in State funds) for FY 2020-2021.

Public Comment

Interested persons are invited to submit written comments regarding this supplemental ventilator care and tracheostomy care add-on payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Montrell Fletcher, P.O. Box 8025, Harrisburg, PA 17105-8025, RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1425. (1) General Fund; (2) Implementing Year 2020-21 is \$750,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$470,244,000; 2018-19 Program—\$850,149,000; 2017-18 Program—\$1,099,000,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-298. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the Eighth Class; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2020-2021

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain nonpublic nursing facilities in a county of the eighth class in Fiscal Year (FY) 2020-2021 to ensure access to necessary nursing home care in that county.

Proposed Payment

The Department intends to make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. To qualify, a nonpublic nursing facility must be located in a county of the eighth class, have more than 119 beds and a Medicaid acuity of 1.09 as of August 1, 2019. The number of beds will be the number of licensed beds as of August 1, 2019, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2019, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate the qualifying nonpublic nursing facility's supplementation payment for FY 2020-2021 by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in an estimated cost of \$12.019 million (\$5.000 million in State funds) for FY 2020-2021.

Public Comment

Interested persons are invited to submit written comments regarding the nonpublic nursing facility supple-

mentation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Montrell Fletcher, P.O. Box 8025, Harrisburg, PA 17105-8025, RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1426. (1) General Fund; (2) Implementing Year 2020-21 is \$5,000,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$470,244,000; 2018-19 Program—\$850,149,000; 2017-18 Program—\$1,099,000,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-299. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by a Special Rehabilitation Facility Located in a County of the First Class; Special Rehabilitation Facility Payment for Fiscal Year 2020-2021

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment to certain nonpublic nursing facilities in a county of the first class in Fiscal Year (FY) 2020-2021 to ensure access to necessary nursing care in that county.

Proposed Payment

The Department intends to make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. To qualify, a special rehabilitation facility in Peer Group number 13 must be located in a county of the first class, have more than 55 beds and a Medicaid acuity of 1.43 as of May 1, 2020. The number of beds will be the number of licensed beds as of May 1, 2020, and the Medicaid acuity will be determined using the Case Mix Index Report for the May 1, 2020, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate the FY 2020-2021 add-on payment to qualified nursing facilities by dividing the total funds for the supplemental payment by the number of qualified nonpublic nursing facilities. The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in an estimated cost of \$843 thousand (\$351 thousand in State funds) for FY 2020-2021.

Public Comment

Interested persons are invited to submit written comments regarding the nonpublic nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Montrell Fletcher, P.O. Box 8025, Harrisburg, PA 17105-8025, RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1427. (1) General Fund; (2) Implementing Year 2020-21 is \$351,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$470,244,000; 2018-19 Program—\$850,149,000; 2017-18 Program—\$1,099,000,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-300. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Per Diem Rates at Pennsylvania State Veterans' Homes

The Department of Military and Veterans Affairs (Department) has established the following per diem rates for the costs of care for residents at Pennsylvania's six State Veterans' Homes. These rates are based on costs of care for the period July 1, 2019, to June 30, 2020. The Department has implemented and will continue to implement cost-savings measures for the State Veterans' Homes, which are reflected in these per diem rates.

These per diem rates are effective February 4, 2021, until further notice:

<i>Hollidaysburg Veterans' Home, Hollidaysburg:</i>	
Nursing Care	\$459
Personal Care (Domiciliary)	\$258
<i>Pennsylvania Soldiers' and Sailors' Home, Erie:</i>	
Nursing Care	\$449
Personal Care (Domiciliary)	\$219
<i>Southeastern Veterans' Center, Spring City:</i>	
Nursing Care	\$447
Personal Care (Domiciliary)	\$211
<i>Gino J. Merli Veterans' Center, Scranton:</i>	
Nursing Care	\$411
Personal Care (Domiciliary)	N/A
<i>Southwestern Veterans' Center, Pittsburgh:</i>	
Nursing Care	\$404
Personal Care (Domiciliary)	N/A

Delaware Valley Veterans' Home, Philadelphia:
Nursing Care \$442
Personal Care (Domiciliary) N/A

MARK J. SCHINDLER,
Major General, PAARNG
The Acting Adjutant General

[Pa.B. Doc. No. 21-301. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Bang Boom Ka-Pow Fast Play Game 5114

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Bang Boom Ka-Pow (hereinafter "Bang Boom Ka-Pow"). The game number is PA-5114.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *BONUS*: The area on a Bang Boom Ka-Pow ticket containing three play symbols that, when matched according to the instructions, determine whether the player wins a prize of \$20. The "BONUS" is played separately.

(d) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *PROGRESSIVE TOP PRIZE*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased, and then resets to the minimum prize amount whenever a top prize winning ticket is sold.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Bang Boom Ka-Pow ticket is \$5.

4. *Description of Bang Boom Ka-Pow Fast Play lottery game*:

(a) Bang Boom Ka-Pow lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Bang Boom Ka-Pow tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Bang Boom Ka-Pow is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. A bet slip is not used to play this game.

(c) Bang Boom Ka-Pow tickets contain a "BONUS" area. When each of the three play symbols appears in the play area to spell Bang Boom Ka-Pow, the player wins a prize of \$20. The "BONUS" is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) Bang Boom Ka-Pow tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Bang Boom Ka-Pow ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Bang Boom Ka-Pow ticket and select the Bang Boom Ka-Pow option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Bang Boom Ka-Pow ticket characteristics*:

(a) Bang Boom Ka-Pow tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Bang Boom Ka-Pow tickets will contain a "WINNING NUMBERS" area, a "YOUR NUM-

BERS” area and a “BONUS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRT). The “BONUS” play symbols, located in the “BONUS” area, are: WHOOPS symbol, ZAP Symbol, CRACK symbol, SPLAT symbol, BLAM symbol, POP symbol, WHAM symbol, BOING symbol, ARGH symbol, PLOP symbol, ZOOM symbol, BANG symbol, BOOM symbol and a KA-POW symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$15^{.00} (FIFTEEN), \$20^{.00} (TWENTY), \$25^{.00} (TWY FIV), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and PROG (TOP PRIZE).

(d) *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$500, \$1,000 and the “PROGRESSIVE TOP PRIZE.” The “PROGRESSIVE TOP PRIZE” amount starts at \$50,000 and increases by \$0.80 every time a Bang Boom Ka-Pow ticket is purchased. When a “PROGRESSIVE TOP PRIZE” winning ticket is sold, the “PROGRESSIVE TOP PRIZE” resets to \$50,000. A player can win up to 13 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 1,200,000 tickets will be available for sale for the Bang Boom Ka-Pow lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Bang Boom Ka-Pow prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of PROG (TOP PRIZE) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of a “PROGRESSIVE TOP PRIZE.” The amount won under this paragraph is the amount of the “PROGRESSIVE TOP PRIZE,” determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$50,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING

NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50^{.00} (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25^{.00} (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20^{.00} (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which each of the three “BANG,” “BOOM,” and “KA-POW” symbols appear in the “BONUS” area to spell Bang Boom Ka-Pow, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15^{.00} (FIFTEEN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“BONUS:”</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$5		\$5	6.94	172,800
\$5 × 2		\$10	31.25	38,400

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$10		\$10	31.25	38,400
\$5 × 3		\$15	111.11	10,800
\$10 + \$5		\$15	111.11	10,800
\$15		\$15	125	9,600
\$5 × 4		\$20	200	6,000
\$15 + \$5		\$20	166.67	7,200
	\$20 w/ BONUS	\$20	66.67	18,000
\$20		\$20	250	4,800
\$5 × 5		\$25	10,000	120
\$15 + \$10		\$25	10,000	120
\$20 + \$5		\$25	10,000	120
\$5	\$20 w/ BONUS	\$25	1,250	960
\$25		\$25	10,000	120
\$25 × 2		\$50	12,000	100
\$15 × 2	\$20 w/ BONUS	\$50	1,500	800
(\$20 × 2) + \$10		\$50	12,000	100
\$15 + \$10 + \$5	\$20 w/ BONUS	\$50	1,500	800
\$20 + \$10	\$20 w/ BONUS	\$50	1,500	800
\$25 + \$5	\$20 w/ BONUS	\$50	1,714	700
\$50		\$50	12,000	100
\$20 × 4	\$20 w/ BONUS	\$100	24,000	50
\$25 × 4		\$100	120,000	10
\$50 × 2		\$100	120,000	10
(\$5 × 5) + \$25 + \$20 + \$10	\$20 w/ BONUS	\$100	12,000	100
\$50 + \$15 + \$10 + \$5	\$20 w/ BONUS	\$100	12,000	100
\$50 + \$20 + \$10	\$20 w/ BONUS	\$100	12,000	100
\$50 + \$25 + \$5	\$20 w/ BONUS	\$100	12,000	100
\$100		\$100	120,000	10
\$100 × 5		\$500	120,000	10
(\$100 × 3) + (\$25 × 4) + (\$20 × 3) + (\$10 × 2)	\$20 w/ BONUS	\$500	60,000	20
(\$100 × 3) + (\$50 × 3) + (\$15 × 2)	\$20 w/ BONUS	\$500	120,000	10
(\$100 × 3) + (\$50 × 4)		\$500	120,000	10
(\$100 × 4) + (\$50 × 2)		\$500	120,000	10
(\$100 × 4) + \$50 + \$20 + \$10	\$20 w/ BONUS	\$500	120,000	10
\$500		\$500	120,000	10
\$500 × 2		\$1,000	120,000	10
(\$100 × 4) + (\$50 × 2) + \$500		\$1,000	120,000	10
(\$100 × 5) + \$500		\$1,000	120,000	10
\$1,000		\$1,000	120,000	10
\$50,000		\$50,000	400,000	3

BONUS: When each of the three symbols below appear in the "YOUR NUMBERS" area to spell Bang Boom Ka-Pow, win \$20 instantly. BONUS is played separately.

*PROGRESSIVE TOP PRIZE: The minimum value of the PROGRESSIVE TOP PRIZE is \$50,000. The PROGRESSIVE TOP PRIZE increases by \$0.80 every time a ticket is purchased, and resets to \$50,000 whenever a top prize winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *"PROGRESSIVE TOP PRIZE" restrictions:*

(a) An amount of \$0.80 from the sale of each Bang Boom Ka-Pow ticket will be accumulated in the "PROGRESSIVE TOP PRIZE" pool.

(b) *Prize Amount:* The amount of the "PROGRESSIVE TOP PRIZE" at the time a ticket is purchased can only be verified through the Lottery's Central Computer System. Any advertisement or any materials describing the amount of the "PROGRESSIVE TOP PRIZE" are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the Bang Boom Ka-Pow game, this notice and the data contained in the Lottery's Central Computer System shall govern.

(c) The "PROGRESSIVE TOP PRIZE" and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a "PROGRESSIVE TOP PRIZE" being reset without the actual sale of a "PROGRESSIVE TOP PRIZE" winning ticket, all prize money that had accumulated into the "PROGRESSIVE TOP PRIZE" pool (i.e. \$0.80 from the sale of each ticket) shall be awarded as part of the next "PROGRESSIVE TOP PRIZE" won.

(d) Prizes payable to "PROGRESSIVE TOP PRIZE" winners will be paid as a one-time cash payment. For the purposes of calculation of the prize to be paid to "PRO-

GRESSIVE TOP PRIZE” winners, the “PROGRESSIVE TOP PRIZE” amount will be rounded up to the nearest \$0.50.

15. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Bang Boom Ka-Pow lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

16. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer’s license without the Lottery’s prior written authorization.

17. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Bang Boom Ka-Pow lottery game tickets.

18. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

19. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Bang Boom Ka-Pow or through normal communications methods.

20. *Applicability:* This notice applies only to the Bang Boom Ka-Pow lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-302. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash Stampede Fast Play Game 5113

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Cash Stampede (hereinafter “Cash Stampede”). The game number is PA-5113.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(f) *Play:* A chance to participate in a particular Fast Play lottery game.

(g) *Play Area:* The area on a ticket which contains one or more play symbols.

(h) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(i) *PROGRESSIVE TOP PRIZE:* The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased, and then resets to the minimum prize amount whenever a top prize winning ticket is sold.

(j) *Prize:* A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *TUMBLEWEED WINALL BONUS:* The area on a Cash Stampede ticket containing three play symbols that, when matched according to the instructions, determine whether the player wins all 15 prizes shown in the “YOUR NUMBERS” area.

(l) *WINNING NUMBERS:* The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(m) *Winning ticket:* A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS:* The numbers, letters, symbols or other characters found in the play area that, when

matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price:* The price of a Cash Stampede ticket is \$10.

4. *Description of Cash Stampede Fast Play lottery game:*

(a) Cash Stampede lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Cash Stampede tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Cash Stampede is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) Cash Stampede tickets contain a “TUMBLEWEED WINALL BONUS” area. Whenever a player matches any of the play symbols in the “TUMBLEWEED WINALL BONUS” area, to any of the play symbols in the “WINNING NUMBERS” area, the player wins all 15 prizes shown.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) Cash Stampede tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Cash Stampede ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Cash Stampede ticket and select Cash Stampede option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Cash Stampede ticket characteristics:*

(a) Cash Stampede tickets shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols:* Cash Stampede tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “TUMBLEWEED WINALL BONUS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, the “YOUR NUMBERS” area and the “TUMBLEWEED WINALL BONUS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT).

(c) *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$10⁰⁰

(TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and PROG (TOP PRIZE).

(d) *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$40, \$50, \$100, \$500, \$1,000 and the “PROGRESSIVE TOP PRIZE.” The “PROGRESSIVE TOP PRIZE” amount starts at \$100,000 and increases by \$1.20 every time a Cash Stampede ticket is purchased. When a “PROGRESSIVE TOP PRIZE” winning ticket is sold, the “PROGRESSIVE TOP PRIZE” resets to \$100,000. A player can win up to 15 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 1,200,000 tickets will be available for sale for Cash Stampede lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Cash Stampede prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of PROG (TOP PRIZE) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of a “PROGRESSIVE TOP PRIZE.” The amount won under this paragraph is the amount of the “PROGRESSIVE TOP PRIZE,” determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$100,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any of the “TUMBLEWEED WINALL BONUS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in five of the “Prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the “TUMBLEWEED WINALL BONUS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in two of the “Prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “Prize” areas, a prize symbol of \$40⁰⁰ (FORTY) appears in two of the “Prize” areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in six of the “Prize” areas, a prize symbol of \$500 (FIV HUN) appears in one of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any of the “TUMBLEWEED WINALL BONUS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in five of the “Prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in eight of the “Prize” areas, a prize symbol of \$500 (FIV HUN) appears in one of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any of the “TUMBLEWEED WINALL BONUS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in seven of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in six of the “Prize” areas, a prize symbol of \$500 (FIV HUN) appears in one of the “Prize” areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any of the “TUMBLEWEED WINALL BONUS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the “Prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in two of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in four of the “Prize” areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in four of the “Prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any of the “TUMBLEWEED WINALL BONUS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “Prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in six of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in six of the “Prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any of the “TUMBLEWEED WINALL BONUS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in three of the “Prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in two of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the “Prize” areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in four of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in four of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any of the “TUMBLEWEED WINALL BONUS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in two of the “Prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “Prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in two of the “Prize” areas, a prize symbol of

\$20⁰⁰ (TWENTY) appears in three of the “Prize” areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in four of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$10	\$10	7.69	156,000
\$15	\$15	12.5	96,000
\$10 × 2	\$20	47.62	25,200
\$20	\$20	45.45	26,400
\$10 × 3	\$30	125	9,600

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$15 × 2	\$30	125	9,600
\$20 + \$10	\$30	142.86	8,400
\$30	\$30	142.86	8,400
\$10 × 4	\$40	166.67	7,200
\$20 × 2	\$40	142.86	8,400
(\$15 × 2) + \$10	\$40	166.67	7,200
\$30 + \$10	\$40	166.67	7,200
\$40	\$40	166.67	7,200
(\$10 × 2) + \$30	\$50	4,000	300
(\$15 × 2) + \$20	\$50	2,400	500
(\$20 × 2) + \$10	\$50	2,400	500
\$30 + \$20	\$50	2,400	500
\$50	\$50	4,000	300
\$20 × 5	\$100	4,000	300
\$50 × 2	\$100	12,000	100
(\$20 × 4) + (\$10 × 2)	\$100	24,000	50
(\$30 × 2) + (\$20 × 2)	\$100	12,000	100
(\$20 × 2) + \$50 + \$10	\$100	12,000	100
(\$30 × 3) + \$10	\$100	12,000	100
\$50 + \$30 + \$20	\$100	12,000	100
\$100	\$100	12,000	100
\$100 × 5	\$500	120,000	10
TUMBLEWEED WINALL BONUS w/ ((\$100 × 2) + (\$50 × 2) + (\$30 × 2) + (\$20 × 3) + (\$15 × 4) + (\$10 × 2))	\$500	12,000	100
TUMBLEWEED WINALL BONUS w/ ((\$100 × 3) + (\$30 × 2) + (\$20 × 2) + (\$15 × 4) + (\$10 × 4))	\$500	12,000	100
TUMBLEWEED WINALL BONUS w/ ((\$50 × 2) + (\$30 × 6) + (\$20 × 6) + \$100)	\$500	24,000	50
TUMBLEWEED WINALL BONUS w/ ((\$50 × 4) + (\$30 × 2) + (\$20 × 4) + (\$15 × 4) + \$100)	\$500	24,000	50
\$500	\$500	120,000	10
\$500 × 2	\$1,000	120,000	10
TUMBLEWEED WINALL BONUS w/ ((\$50 × 7) + (\$20 × 6) + \$500 + \$30)	\$1,000	120,000	10
TUMBLEWEED WINALL BONUS w/ ((\$50 × 5) + (\$30 × 8) + \$500 + \$10)	\$1,000	120,000	10
TUMBLEWEED WINALL BONUS w/ ((\$100 × 2) + (\$50 × 2) + (\$40 × 2) + (\$15 × 6) + \$500 + \$20 + \$10)	\$1,000	120,000	10
TUMBLEWEED WINALL BONUS w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	120,000	10
\$1,000	\$1,000	120,000	10
\$100,000*	\$100,000	400,000	3

TUMBLEWEED WINALL BONUS: When any of the TUMBLEWEED WINALL BONUS numbers match any WINNING NUMBER, win all 15 prizes shown!

***PROGRESSIVE TOP PRIZE:** The minimum value of the PROGRESSIVE TOP PRIZE is \$100,000. The PROGRESSIVE TOP PRIZE increases by \$1.20 every time a ticket is purchased, and resets to \$100,000 whenever a top prize winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets:* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present

the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *"PROGRESSIVE TOP PRIZE" restrictions:*

(a) An amount of \$1.20 from the sale of each Cash Stampede ticket will be accumulated in the "PROGRESSIVE TOP PRIZE" pool.

(b) *Prize Amount:* The amount of the "PROGRESSIVE TOP PRIZE" at the time a ticket is purchased can only be verified through the Lottery's Central Computer System. Any advertisement or any materials describing the amount of the "PROGRESSIVE TOP PRIZE" are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or

advertising the Cash Stampede game, this notice and the data contained in the Lottery's Central Computer System shall govern.

(c) The "PROGRESSIVE TOP PRIZE" and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a "PROGRESSIVE TOP PRIZE" being reset without the actual sale of a "PROGRESSIVE TOP PRIZE" winning ticket, all prize money that had accumulated into the "PROGRESSIVE TOP PRIZE" pool (i.e. \$1.20 from the sale of each ticket) shall be awarded as part of the next "PROGRESSIVE TOP PRIZE" won.

(d) Prizes payable to "PROGRESSIVE TOP PRIZE" winners will be paid as a one-time cash payment. For the purposes of calculation of the prize to be paid to "PROGRESSIVE TOP PRIZE" winners, the "PROGRESSIVE TOP PRIZE" amount will be rounded up to the nearest \$0.50.

15. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Cash Stampede lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

16. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

17. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Cash Stampede lottery game tickets.

18. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game

ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

19. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Cash Stampede or through normal communications methods.

20. *Applicability:* This notice applies only to Cash Stampede lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-303. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Fat Wallet Fast Play Game 5112

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Fat Wallet (hereinafter "Fat Wallet"). The game number is PA-5112.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *FATTER WALLET BONUS:* The area at the bottom of a Fat Wallet ticket containing four play symbols that, when played according to the instructions, determine whether the player wins a prize. The FATTER WALLET BONUS area is played separately, and any prizes won are not multiplied by the MONEY MULTIPLIER.

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(g) *MONEY MULTIPLIER:* The area at the top of a Fat Wallet ticket that contains a 1X (NOMULT), 2X (2TIMES), 3X (3TIMES) or 5X (5TIMES) multiplier symbol that is applied to any winning combination. Any prize won with a 1X (NOMULT) multiplier symbol appearing in the MONEY MULTIPLIER area is not multiplied.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket, which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *PROGRESSIVE TOP PRIZE*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased, and then resets to the minimum prize amount whenever a top prize winning ticket is sold.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(n) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Fat Wallet ticket is \$30.

4. *Description of the Fat Wallet Fast Play lottery game*:

(a) The Fat Wallet lottery game is an instant win game printed from a Lottery Terminal. With the exception of the "PROGRESSIVE TOP PRIZE," prizes are predetermined, and the player does not have the ability to select their own play symbols. Fat Wallet tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Fat Wallet is played by matching the play symbols located in the "YOUR NUMBERS" area to the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the "YOUR NUMBERS" play symbol. When a player matches play symbols in this manner and a "+" symbol appears next to the matching "YOUR NUMBERS" play symbol, the player adds \$30 to the prize won for that match. A bet slip is not used to play this game.

(c) Fat Wallet is also played by matching the play symbols in the "FATTER WALLET BONUS" area. Players matching any of the play symbols to the winning symbol will win the prize shown under the matching symbol. The "FATTER WALLET BONUS" is played separately.

(d) Fat Wallet tickets contain a "MONEY MULTIPLIER" area. A player multiplies any prize won in the main game play area below by the multiplier shown. The "PROGRESSIVE TOP PRIZE" symbol will only appear on tickets with the 1X (NOMULT) multiplier symbol. Any prize won where a 1X (NOMULT) multiplier symbol appears in the "MONEY MULTIPLIER" area is not multiplied. "FATTER WALLET BONUS" prizes are not multiplied.

(e) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(f) A Fat Wallet game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(g) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Fat Wallet game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(h) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Fat Wallet game ticket and select the Fat Wallet option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Fat Wallet ticket characteristics*:

(a) A Fat Wallet ticket shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Each Fat Wallet ticket play area will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, a "FATTER WALLET BONUS" area and a "MONEY MULTIPLIER" area. The play symbols and their captions, located in the "WINNING NUMBERS" area and the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), 41 (FRYONE), 42 (FRYTWO), 43 (FRYTHR), 44 (FRYFOR), 45 (FRYFIV), 46 (FRYSIX), 47 (FRYSVN), 48 (FRYEGT), 49 (FRYNIN) and 50 (FIFT). The play symbols, located in the "FATTER WALLET BONUS" area, are: Dollar symbol, Scissors symbol, Cash Card symbol, Credit Card symbol, Check symbol, ATM symbol and a Bank symbol. The play symbols, located in the "MONEY MULTIPLIER" area, are: 1X (NOMULT) symbol, 2X (2TIMES) symbol, 3X (3TIMES) symbol and a 5X (5TIMES) symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and PROG (TOP PRIZE).

(d) *Prizes*: The prizes that can be won in this game, are: \$30, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and the "PROGRESSIVE TOP PRIZE." The "PROGRESSIVE TOP PRIZE" amount starts at \$500,000 and increases by \$3.50 every time a Fat Wallet ticket is purchased. When a "PROGRESSIVE TOP PRIZE" winning ticket is sold, the "PROGRESSIVE TOP PRIZE" resets to \$500,000. The prizes that can be won in the "FATTER WALLET BONUS" area, are: \$30, \$40, \$50, \$100, \$200 and \$500. Fat Wallet contains a feature that can multiply the prize won in the main game area as detailed in section 4 (relating to description of the Fat Wallet Fast Play lottery game). "FATTER WALLET BONUS" prizes are not multiplied. Fat Wallet also contains a feature that can add \$30 to certain prizes. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to

Number and description of prizes and approximate chances of winning). A player can win up to eleven times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 1,200,000 tickets will be available for sale for the Fat Wallet lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Fat Wallet prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of PROG (TOP PRIZE) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMULT) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of a "PROGRESSIVE TOP PRIZE." The amount won under this paragraph is the amount of the "PROGRESSIVE TOP PRIZE," determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$500,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMULT) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMULT) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 5X (5TIMES) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a "+" symbol appears next to the matching "YOUR NUMBERS" play symbol and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMULT) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$530.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the match-

ing "YOUR NUMBERS" play symbol and a 1X (NOMULT) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any of the "FATTER WALLET BONUS" play symbols matches the winning symbol and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "FATTER WALLET BONUS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 5X (5TIMES) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 3X (3TIMES) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$300.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a "+" symbol appears next to the matching "YOUR NUMBERS" play symbol and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMULT) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$230.

(n) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMULT) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any of the "FATTER WALLET BONUS" play symbols matches the winning symbol and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "FATTER WALLET BONUS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING

NOTICES

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MONEY MULTIPLIER:"</i>	<i>"FATTER WALLET BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
		\$30	\$30	14.29	84,000
\$30			\$30	14.29	84,000
		\$40	\$40	16.67	72,000
\$40			\$40	16.67	72,000
		\$50	\$50	28.57	42,000
\$50			\$50	28.57	42,000
\$50 × 2			\$100	200	6,000
\$30	2X	\$40	\$100	200	6,000
\$30 × 2		\$40	\$100	200	6,000
\$30 + (\$30 w/ + SYMBOL MATCH)		\$40	\$100	200	6,000
\$40 + (\$30 w/ + SYMBOL MATCH)		\$30	\$100	200	6,000
		\$50 × 2	\$100	200	6,000
\$50	2X		\$100	200	6,000
		\$100	\$100	200	6,000
\$100			\$100	200	6,000
\$40 × 5			\$200	4,000	300
\$50 × 4			\$200	4,000	300
(\$30 × 5) + \$50			\$200	3,000	400
\$30	5X	\$50	\$200	3,000	400
(\$30 + (\$30 w/ + SYMBOL MATCH)) × 2		\$50 + \$30	\$200	3,000	400
(((\$30 + (\$30 w/ + SYMBOL MATCH)) × 2) + \$50 + \$30			\$200	3,000	400
\$50	3X	\$50	\$200	3,000	400
(\$50 + (\$30 w/ + SYMBOL MATCH)) × 2		\$40	\$200	6,000	200
\$100 + (\$30 w/ + SYMBOL MATCH)		\$40 + \$30	\$200	4,000	300
\$40	5X		\$200	6,000	200
\$100	2X		\$200	12,000	100
		\$200	\$200	12,000	100
\$200			\$200	12,000	100
\$50 × 10			\$500	24,000	50
\$100 × 5			\$500	24,000	50
\$30 × 5	3X	\$50	\$500	24,000	50
(\$30 + (\$30 w/ + SYMBOL MATCH)) × 5		\$100 × 2	\$500	24,000	50
\$100 + \$50	3X	\$50	\$500	12,000	100

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MONEY MULTIPLIER:"</i>	<i>"FATTER WALLET BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
$((\$100 + (\$30 \text{ w/ + SYMBOL MATCH})) \times 2) + (\$30 \times 3) + \$40$		$(\$40 \times 2) + \30	\$500	24,000	50
\$200	2X	\$100	\$500	12,000	100
$(\$200 + (\$30 \text{ w/ + SYMBOL MATCH})) \times 2$		\$40	\$500	24,000	50
\$100	5X		\$500	12,000	100
		\$500	\$500	24,000	50
\$500			\$500	24,000	50
$\$200 \times 5$			\$1,000	24,000	50
$\$500 \times 2$			\$1,000	24,000	50
$\$100 \times 3$	3X	$\$50 \times 2$	\$1,000	24,000	50
$((\$200 + (\$30 \text{ w/ + SYMBOL MATCH})) \times 3) + ((\$100 + (\$30 \text{ w/ + SYMBOL MATCH})) \times 2)$		\$50	\$1,000	24,000	50
$(\$500 + (\$30 \text{ w/ + SYMBOL MATCH})) + (\$100 \times 4)$		$\$40 + \30	\$1,000	24,000	50
		$\$500 \times 2$	\$1,000	24,000	50
\$200	5X		\$1,000	24,000	50
\$500	2X		\$1,000	24,000	50
\$1,000			\$1,000	24,000	50
$\$200 \times 10$	5X		\$10,000	240,000	5
\$10,000			\$10,000	240,000	5
\$500,000			\$500,000*	400,000	3

When a "+" symbol appears next to any "YOUR NUMBERS" with a winning match, add \$30 to the prize shown under that number and win that amount.

MONEY MULTIPLIER: Multiply any prize won by the multiplier shown in the "MONEY MULTIPLIER" area.

FATTER WALLET BONUS: When any of the symbols below match the "WINNING SYMBOL," win prize shown under the matching symbol. FATTER WALLET BONUS is played separately, and any prizes won are not multiplied by the "MONEY MULTIPLIER."

***PROGRESSIVE TOP PRIZE:** The minimum value of the PROGRESSIVE TOP PRIZE is \$500,000. The PROGRESSIVE TOP PRIZE increases by \$3.50 every time a ticket is purchased, and resets to \$500,000 whenever a top prize winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets:* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto

for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *"PROGRESSIVE TOP PRIZE" restrictions:*

(a) An amount of \$3.50 from the sale of each Fat Wallet ticket will be accumulated in the "PROGRESSIVE TOP PRIZE" pool.

(b) *Prize Amount:* The amount of the "PROGRESSIVE TOP PRIZE" at the time a ticket is purchased can only be verified through the Lottery's Central Computer System. Any advertisement or any materials describing the amount of the "PROGRESSIVE TOP PRIZE" are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the Fat Wallet game, this notice and the data contained in the Lottery's Central Computer System shall govern.

(c) The "PROGRESSIVE TOP PRIZE" and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a "PROGRESSIVE TOP PRIZE" being reset without the actual sale of a "PROGRESSIVE TOP PRIZE" winning ticket, all prize money that had accumulated into the "PROGRESSIVE TOP PRIZE" pool (i.e. \$3.50 from the sale of each ticket) shall be awarded as part of the next "PROGRESSIVE TOP PRIZE" won.

(d) Prizes payable to "PROGRESSIVE TOP PRIZE" winners will be paid as a one-time cash payment. For the purposes of calculation of the prize to be paid to "PROGRESSIVE TOP PRIZE" winners, the "PROGRESSIVE TOP PRIZE" amount will be rounded up to the nearest \$0.50.

15. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Fat Wallet lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

16. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

17. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Fat Wallet lottery game tickets.

18. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

19. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Fat Wallet or through normal communications methods.

20. *Applicability:* This notice applies only to the Fat Wallet lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-304. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Highly Automated Vehicle Advisory Committee Teleconference Meeting

The Highly Automated Vehicle Advisory Committee will hold a Microsoft Teams teleconference meeting on

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

Wednesday, March 24, 2021, between 1 p.m. and 3:30 p.m. Attendees from the public should RSVP to the following e-mail address to receive call-in information. For more information or to RSVP, contact Mark C. Kopko, Director, Office of Transformational Technology, (717) 783-1903, markopko@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-305. Filed for public inspection February 26, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Innovation Council Virtual Meeting

The State Transportation Innovation Council will hold its business meeting on Wednesday, March 10, 2021, from 9:30 a.m. to 11 a.m. over Microsoft Teams. For more information, including an agenda and registration, contact Anja Walker, (717) 425-6288, anjwalker@pa.gov. To call into the meeting, dial (267) 332-8737 and enter 588683199# as the meeting code.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-306. Filed for public inspection February 26, 2021, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Teleconference Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings by teleconference: Friday, February 26, 2021—Executive Committee at 10 a.m. and Thursday, March 4, 2021—Council meeting at 10 a.m.

The public is invited to participate. To do so contact Reneé Greenawalt, rgreenawalt@phc4.org at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 21-307. Filed for public inspection February 26, 2021, 9:00 a.m.]

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-559	Environmental Quality Board CO ₂ Budget Trading Program 50 Pa.B. 6212 (November 7, 2020)	1/14/21	2/16/21

**Environmental Quality Board Regulation # 7-559
(IRRC # 3274)**

CO₂ Budget Trading Program

February 16, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the November 7, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) (RRA). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Comments, objections or recommendations of a committee.

This proposed rulemaking will establish a program to limit the emissions of carbon dioxide (CO₂) from fossil-fuel-fired electric generation units (EGUs) with a nameplate capacity equal to or greater than 25 megawatts by entering the Commonwealth into the Regional Greenhouse Gas Initiative (RGGI). According to the EQB, the purpose of the rulemaking is to reduce anthropogenic emissions of CO₂, a greenhouse gas, and a major contributor to climate change impacts, in a manner that is protective of public health, welfare and the environment.

The proposal has generated significant interest from the regulated community and members of the General Assembly. Commentators and legislators have provided detailed arguments and strong opinions on the merits of joining or not joining RGGI. This Commission appreciates and thanks all of the people that have participated in the regulatory review process.

Both the House and Senate Environmental Resources Committees (Committees) voted to submit letters to this Commission and the EQB identifying numerous objections to the proposed rulemaking. The objections relate to the following:

- The EQB lacks statutory authority under the Air Pollution Control Act (APCA) (35 P.S. § 4001—40015) to promulgate the regulation;
- The proceeds generated through the auction procedures of the rulemaking and RGGI are not a fee under the APCA, but rather an illegal tax;
- The Department of Environmental Protection (DEP) violated the APCA's mandate for public hearings to be held in impacted communities. Included with this objection is a concern that citizens without internet access or broadband capability were excluded from participating in the virtual hearings that were held;
- The proposal will have a negative fiscal impact on the Commonwealth's economy. The coal industry, fossil-fuel-fired EGUs, large industrial users of electricity, small businesses, labor unions and individuals will be harmed financially;
- CO₂ is not an "air pollutant" as defined by the APCA. The proposal does not prevent or reduce greenhouse gases because generation will shift to fossil-fuel-fired EGUs in

other states and emissions from those EGUs will pollute the environment of the Commonwealth. This is referred to as leakage. Any reduction of pollution would be insignificant, thus, the proposal fails to meet the APCA's standard that regulations must produce a meaningful reduction of "air pollution";

- The modeling used by the EQB to justify the rulemaking is outdated and does not provide an accurate estimate of the economic impact that the rulemaking will have. The modeling also does not account for leakage;
- The federal government is moving forward with climate change policies; and
- The potential costs of the rulemaking outweigh any meaningful benefits that may result from it, especially during the time of the COVID-19 pandemic.

Under the RRA, the comments, objections or recommendations of a Committee is one of the criteria the Commission must consider when determining if a regulation is in the public interest. Our comments below address many of the issues raised by the Committees. When this proposal is delivered as a final-form regulation to this Commission and the Committees for review, the issues raised by the Committees, and the EQB's response to those issues, will be one of the criteria used by this Commission to determine if the regulation is in the public interest.

2. Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review.

In addition to the Committee objections, we have received letters of opposition from other legislators. These letters include a letter signed by the four members of the House and Senate Republican Leadership teams, a letter from 29 members of the Senate, a letter from the Chair of the Senate Community, Economic and Recreational Development Committee, a letter from the Chair of the Senate Finance Committee, a letter from the Chair of the Senate Communications and Technology Committee, and two separate letters signed by a total of 76 members of the House of Representatives. We also received a letter signed by eight members of the United States House of Representatives from Pennsylvania. These letters raise similar concerns to those raised by the Committees and also other issues. We note that the Senate letter signed by 29 members states the following: "The proposed regulation joining Pennsylvania to RGGI represents the single, most significant energy policy reform since the deregulation of electric generation in the 1990's."

We are aware of activity in the 2019-2020 legislative session addressing the issue of the Commonwealth joining a carbon trading program with other states. The intent of House Bill 2025 was to stop this proposed rulemaking from moving forward by requiring legislative approval before the Commonwealth could enter into a carbon trading program like RGGI. House Bill 2025 passed the House on July 8, 2020, by a vote of 130-71. It passed the Senate on September 9, 2020, by a vote of 33-17. Governor Wolf vetoed the bill on September 24, 2020. Similar bills have been introduced this legislative session.

Commentators have pointed out that ten of the 11 states that currently participate in RGGI have done so with specific authority granted by their respective legislative branches. The impetus for this proposed rulemaking was Executive Order 2019-07 (EO), Commonwealth Leadership in Addressing Climate Change through Electric Sector Emissions Reductions. This EO directed the DEP to use its existing statutory authority under the APCA to develop this proposed rulemaking to abate, control or limit CO₂ emissions from fossil-fuel-fired EGUs.

Finally, before this proposed rulemaking was presented to the EQB for consideration, the DEP presented the rulemaking to three advisory panels for consultation or review. The three advisory boards were: the Air Quality Technical Advisory Committee, the Citizens Advisory Council, and the Small Business Compliance Advisory Committee. All three panels declined to support the rulemaking.

Another criterion of the RRA that this Commission must consider when determining if a regulation is in the public interest is whether the regulation represents a policy decision of such a substantial nature that it requires legislative review. We believe the Committee action and concerns, the issues raised by members of the General Assembly, the legislative action from the last session of the General Assembly, the lack of consensus from three EQB advisory panels and the manner in which other states have joined RGGI clearly indicate that this regulation falls within the scope of that criterion. We ask the EQB to explain why it is appropriate to implement this carbon trading program through executive order and the rulemaking process instead of the legislative process.

3. Protection of the public health, safety and welfare and the effect on this Commonwealth's natural resources.

In the Preamble to this rulemaking, the EQB requested comments on potential approaches for implementing the regulation that would address equity and environmental justice concerns and potential approaches that would assist the transition of workers and communities as the Commonwealth moves towards cleaner electric generation. Legislators and organizations that advocate for environmental protection, renewable energy, energy efficiency, low-income residents and environmental justice concerns have provided comments in support of the rulemaking. Many individuals and businesses have provided similar comments. The comments provide suggestions as requested by the EQB. The comments also concur with the EQB's stated need for the regulation, the modeling and data used to support it and the statutory authority behind it, as well as highlight the fact that under Article 1, Section 27 of the Pennsylvania Constitution, Pennsylvanians have a right to clean air and pure water.

Some of the comments from these organizations have provided suggestions for amending the regulation to provide further environmental protections. These suggestions include: modifying or eliminating set-aside allowances for certain industries; inclusion of data collection mechanisms to ensure emissions are not shifted to generation facilities that fall below the 25 megawatt threshold of the rulemaking because the facilities could have a negative impact on environmental justice communities; and ensuring that imported power does not contribute to leakage. We encourage the EQB to consider all of the recommendations provided by commentators as a means of further protecting the public health, safety and welfare

of citizens of the Commonwealth and its natural resources and meeting the goal of this rulemaking.

4. Whether the agency has the statutory authority to promulgate the regulation.

In the Regulatory Analysis Form (RAF) and the Preamble submitted with this proposal, the EQB has explained its statutory authority for the rulemaking. The EQB states Section 5(a)(1) of the APCA (35 P.S. § 4005(a)(1)) grants the EQB authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in the Commonwealth. In addition, Section 6.3(a) of the APCA (35 P.S. § 4006.3(a)) authorizes the Board by regulation to establish fees to support the air pollution control program authorized by the APCA and not covered by fees required by Section 502(b) of the Clean Air Act (CAA).

The EQB further states that CO₂ is a regulated "air pollutant" under the APCA and the CAA. The EQB explains that the Commonwealth Court has endorsed the DEP's position that the General Assembly, through the APCA, gave the authority to the DEP to reduce greenhouse gas emissions, including CO₂. *Wolf v. Funk*. 144 A.3d 228, 250 (Pa. Cmwlth. 2016). The EQB also contends that the U.S. Supreme Court recognized that similarly broad language in the CAA authorized the U.S. Environmental Protection Agency (EPA) to regulate CO₂ emissions *Massachusetts v. EPA*, 549 U.S. 497 (2007).

The Committees, individual legislators and public commentators opposed to the proposal disagree that the EQB has the statutory authority to promulgate the rulemaking. First, commentators state that CO₂ is not included in the definition of "air pollutant" under Section 3 of the APCA. (35 P.S. § 4003). They contend that CO₂ is naturally occurring, not inimical to humans or animals and is necessary for human life. In addition, CO₂ was not considered a greenhouse gas under a federal court ruling regarding the CAA and the cited statutory authority for this rulemaking is the APCA. Therefore, the EQB does not have statutory authority to regulate CO₂.

Second, commentators believe Section 4(24) of the APCA (35 P.S. 4004(24)) allows the DEP to formulate "interstate air pollution control compacts or agreements," but any such agreement must be submitted to the General Assembly. Commentators argue that that submittal has not occurred.

Third, commentators argue that the general rulemaking authority granted to the EQB under Section 5(a)(1) of the APCA for the "prevention, control, reduction and abatement of air pollution" is not a broad grant of authority to enter into a multistate agreement such as RGGI. It is also argued that joining RGGI will have minimal impact on the air pollution in the Commonwealth because of leakage. Therefore, the proposal fails to meet the standard of preventing, controlling, reducing and abating air pollution required by the APCA.

Fourth, it is argued that Section 6.3(a) of the APCA only allows the EQB to establish fees to cover the costs of administering the air pollution control plan. The projected amount of fees collected through the auction mechanism of the proposed regulation and RGGI far exceeds the costs of administering the program. Since the EQB projects that five percent of the auction proceeds will be used for administrative purposes and one percent will be allocated to RGGI, the remaining proceeds would qualify as a tax. Since the power to tax lies solely with the General Assembly, the revenue raising mechanism of the regulation is illegal.

Finally, concerns have been raised regarding the EQB's compliance with Section 7(a) of the APCA. (35 P.S. § 4007(a)). This section states, in part, the following: "Public hearings shall be held by the board or the department. . . in any region of the Commonwealth affected before any rules or regulations with regard to the control, abatement, prevention or reduction of air pollution are adopted for that region or subregion." It is argued by commentators that the virtual public hearings held by DEP, do not satisfy this requirement.

This Commission acknowledges that several of the commentators that have written in support of this proposal have addressed each of the issues above and provided counter arguments. We ask the EQB to consider all of the arguments on both sides of these issues and provide a point-by-point analysis of why this proposal is within the statutory authority granted by the APCA and also consistent with the intent of the General Assembly when that statute was enacted.

5. Whether the regulation is consistent with the intent of the General Assembly; Possible conflict with or duplication of statutes or existing regulations; Implementation procedures.

Another concern relates to the Clean Air Fund (Fund) established under Section 6(l) of the APCA. (35 P.S. § 4006(l)). It is our understanding that proceeds collected from the auction of allowances are to be deposited into the Fund. Information provided in the RAF indicates that the auction of allowances under RGGI could produce \$300 million in proceeds during the first year of implementation and the administrative costs of the carbon trading program would be approximately \$15 million.

The DEP's existing regulations provide direction on how money from that Fund can be disbursed. (See 25 Pa. Code Chapter 143, relating to disbursement from the Clean Air Fund). Chapter 143 was promulgated in 1974 and amended in 1979. Section 143.1(a) states that monies paid into the fund may be disbursed "at the discretion of the Secretary for use in the elimination of air pollution." Section 143.1(b) provides direction on how the money can be spent.

The current balance of the Fund is approximately \$26 million dollars. The DEP anticipates that this rulemaking will raise over \$2 billion dollars between 2022 and 2030. We are concerned that the General Assembly did not contemplate or envision the Fund growing to that amount and that it could be spent at the discretion of the Secretary under the guidance provided by a regulation promulgated over 40 years ago. We ask the EQB to explain how this process of collecting proceeds and distributing funds of this magnitude is consistent with the intent of the General Assembly when the APCA was enacted.

A corollary to this concern is how the proceeds from the auction will be distributed. In the RAF, the EQB projects that 31 percent will be used for energy efficiency projects, 32 percent will be used for renewable energy projects and 31 percent will be used for greenhouse gas abatement. Many of the commentators that support the rulemaking provided suggestions on how the auction proceeds could be allocated. Some of the suggestions would appear to be outside of the parameters established by 25 Pa. Code Chapter 143. Since potential use of the proceeds is not a part of this rulemaking process, we cannot comment on it. However, we agree with comments submitted by the Pennsylvania Office of Consumer Advocate that suggest the DEP should "seek further authority" to allow for a

broader use of the proceeds. Alternatively, the DEP could initiate a rulemaking to amend existing Chapter 143 to allow for a broader use of the proceeds.

6. Need for the regulation; Economic or fiscal impact.

Commentators that support the rulemaking agree with the EQB's modeling and analysis that demonstrate the economic, health and environmental benefits that will result from the Commonwealth joining RGGI. Commentators that oppose the rulemaking question the need for it. Questions raised about the need for the rulemaking are numerous, but revolve around two main issues. The first, as noted by the Senate Committee, is the fact that CO₂ emissions from fossil-fuel power generation in the Commonwealth have been reduced by 38 percent since 2008. This trend is likely to continue because of the price of natural gas and the development of renewable energy. Second, the rulemaking will push the generation of electricity to states like West Virginia and Ohio that do not participate in RGGI. If these states increase their production of fossil-fuel-generated electricity, as predicted by some commentators, the overall health benefits to this region of the country, and Pennsylvania specifically, will be minimal and come at a steep economic cost.

We agree with a commentator that stated the goal of reducing greenhouse gases through RGGI and this rulemaking are laudable. However, the declining emissions from fossil-fuel-fired EGUs that has occurred over recent years without participation in RGGI and the leakage that will occur if the Commonwealth does join RGGI raises the question of whether the rulemaking, and its potential benefits, are needed compared to the potential negative fiscal impact that is predicted by the Committees, certain legislators and some members of the regulated community. To assist this Commission in determining if the rulemaking is in the public interest, we ask the EQB to explain why the benefits of the rulemaking outweigh the costs associated with its implementation.

7. Whether the regulation is supported by acceptable data.

Commentators have also raised concerns about the modeling employed by the EQB to quantify the economic and health benefits of the rulemaking. They question if the data considered is acceptable and appropriate. First and foremost, commentators are concerned that the underlying assumptions and data used for the modeling have not been made available to the public. Other issues raised relate to the following:

- Emissions reductions in the Commonwealth have been overstated because of leakage; therefore, the monetized health benefits are also overstated;
- The modeling compares cumulative data for the time from 2019—2030, but the Commonwealth will not join RGGI until 2022;
- The model uses an estimate of future natural gas prices which could be much lower than predicted;
- The model does not account for new natural gas generation, but it does account for new renewable generation;
- The modeling was conducted before New Jersey and Virginia joined RGGI;
- The actual cost of buying an allowance will be higher than projected;
- The modeling fails to account for the economic downturn related to the COVID-19 pandemic; and

- The model fails to account for the expansion of other federal and state regulations and initiatives that impact the production and distribution of electricity.

We urge the EQB to share the underlying assumptions and data used for its modeling and address the issues identified above to demonstrate the validity of the data upon which the regulation is based.

8. Economic or fiscal impact; Direct and indirect costs to the Commonwealth, to its political subdivision and to the private sector; Adverse effects on prices of goods and services, productivity or competition.

Commentators believe that the requirement to purchase allowances by coal and older natural-gas-fired EGUs will result in those units becoming uneconomical to operate. As a result, these EGUs will close, impacting the coal mining industry of the Commonwealth and hundreds of small businesses and labor unions that support those industries. Another concern is that the price of electricity will increase. The price that electric utilities pay for electricity from fossil-fuel-fired generators will increase and the additional cost will be passed on to residential, commercial and industrial rate payers. Low-income residents and those economically affected by the COVID-19 pandemic, small businesses and large industrial users will be impacted. Large industrial users of electricity may base a decision to locate or relocate a business based on the price of electricity in the Commonwealth. Finally, local governments where the coal-related industries and small businesses operate will be negatively impacted because of the tax loss that will result from the rulemaking. One commentator has stated that the fiscal impact of the rulemaking will be the loss of over 8,000 jobs, the loss of \$2.82 billion in total economic impact, the loss of \$539 million in employee compensation, and the loss of \$34.2 million in state and local tax revenue.

In the RAF and Preamble submitted with the proposed rulemaking, the EQB explains that although prices for electricity may increase the first year or two of participating in RGGI, the prices will stabilize and eventually decrease. The EQB and commentators also believe any potential economic disruption caused by the rulemaking will be negligible because of growth of other segments of the economy.

After reviewing the documentation submitted by the EQB, Committee and legislative comments and comments from the regulated community, it is clear that there is no consensus on how this rulemaking will affect the economy of the Commonwealth. We ask the EQB to review the concerns of those commentators that have raised these issues and provide updated and revised information in the RAF related to the potential economic and fiscal impact of the rulemaking.

9. Compliance with the provisions of the RRA.

In addition to a more thorough analysis regarding potential fiscal or economic impact requested above, we request additional information and more complete answers to the following sections of the RAF. First, Section 17 of the RAF asks an agency to identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor organizations and other public and private organizations. It also asks an agency to evaluate the benefits expected as a result of the regulation. The EQB provides a detailed explanation of the expected environmental, health and economic benefits of the regulation for society as a whole. It also provides a dollar estimate of the potential cost to residen-

tial customers in terms of monthly electricity bills. However, the explanation does not provide a similar estimate for small businesses and other businesses. We ask the EQB to provide that information in the RAF submitted with the final regulation.

Second, Section 19 of the RAF asks an agency to estimate any costs or savings to the regulated community associated with legal, accounting or consulting procedures. We ask the EQB to estimate the cost associated with an owner or operator having an account representative required to participate in allowance auctions under RGGI.

10. Whether a less costly or less intrusive alternative method of achieving the goal of the regulation has been considered for the regulation impacting small businesses.

A comment letter signed by 40 Representatives of the General Assembly identifies two possible alternatives for achieving the goal of the rulemaking that will be less costly and intrusive to small businesses. First, the letter states that the current regulatory environment and existing market forces have already significantly reduced CO₂ emissions in the Commonwealth. The “status quo is a far less costly and intrusive method than RGGI at achieving tremendous reductions in carbon emissions.” Second, the letter states the DEP could achieve its objective with a “gradually declining CO₂ emissions budget without the exorbitant costs proposed by this submission.” This could be accomplished by calculating a price to auction emissions that would cover the cost needed to administer RGGI. We ask the EQB to consider these options, and if it decides to proceed with the current rulemaking, provide an explanation of why these alternatives are not appropriate.

11. Implementation procedures.

This rulemaking is based on the RGGI Model Rule, but as explained by the EQB, it differs in five main areas. As it relates to this comment, the differences are: a waste-coal set-aside; the establishment of a strategic use set-aside allocation; a set-aside provision for cogeneration units, including combined heat and power (CHP) systems; and a limited exemption for cogeneration units that are interconnected and supply power to a manufacturing facility.

In the Preamble to the rulemaking, the EQB requested comments “on ways to appropriately address the benefits of cogeneration in this Commonwealth, including the allocation of CO₂ allowances similar to the waste-coal set-aside provision.” Comments for and against these set-asides and exemptions have been submitted. Some comments request a complete exemption for waste-coal and cogeneration energy production and others request that the set-asides and exemptions be eliminated from the rulemaking. Technical comments have also been provided including suggestions for improving the manner in which the set-asides and exemptions can be implemented. We will review the EQB’s response to these technical comments and any changes it may make to the final regulation to determine if the regulation is in the public interest.

In addition, we ask EQB to consider delaying the implementation of the rulemaking for one year. This

additional time would allow the regulated community an opportunity to adjust their business plans to account for the potential increased costs associated with Pennsylvania joining RGGI.

12. Clarity; Implementation procedures.

Section 145.304. Applicability.

Subsection (a) states that once this rulemaking becomes effective, it will apply to “an owner or operator of a unit that, at any time on or after January 1, 2005, served or serves an electricity generator with a nameplate capacity equal to or greater than 25 MWe.” This provision is unclear because it does not specify that only units that are operating would have to comply with the regulation. We suggest that the final regulation be amended to improve the clarity of this requirement.

Section 145.314. Account certificate of representation.

This section specifies what must be included in a complete account certificate of representation for a CO₂ authorized account representative or a CO₂ authorized alternate account representative. We are concerned that this section does not require the owner or operator of a unit to verify anything. We recommend that the final-form regulation be amended to require the owner or operator of a unit to sign or verify in some manner that the representative is authorized to represent their interests under the CO₂ budget trading program.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-308. Filed for public inspection February 26, 2021, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-6011	State Board of Vehicle Manufacturers, Dealers and Salespersons Out-of-State RV Dealer Registration Fee 50 Pa.B. 7024 (December 12, 2020)	1/11/21	2/10/21

State Board of Vehicle Manufacturers, Dealers and Salespersons Regulation # 16A-6011 (IRRC # 3280)

Out-of-State RV Dealer Registration Fee

February 10, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the December 12, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) to respond to all comments received from us or any other source.

1. Terminology.—Clarity.

Section 332.1(c) of the Board of Vehicles Act (Act) requires an out-of-state recreational vehicle dealer to register with the Board before participating in a recreational vehicle show, off-premise sale, exhibition or rally. Registration must include payment of a “participation fee.” To be consistent with the terminology in the statute, the Board should replace “registration” with “participation” in the regulation. If the Board retains the proposed language in the final-form regulation, it should revise the Preamble and Regulatory Analysis Form to clarify that the registration fee is the “participation fee” authorized in the Act.

2. Possible conflict with existing regulations.

Act 90 of 2008 (Act 90) established the requirements for recreational vehicle shows, off-premise sales, exhibitions and rallies. It also provided for the participation of out-of-state recreational vehicle dealers in these types of events. The Act 90 amendments, upon which the proposed fee and registration form (Attachment A) are based, have not been addressed in the existing Chapter 19 regulations. As such, we are concerned about the regulated community’s ability to be informed and in compliance with the requirements of the Act. We suggest the Board initiate a separate proposed rulemaking for those updates which would allow affected parties the opportunity to comment.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-309. Filed for public inspection February 26, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

COVID-19 Guidance—Discontinuation of Renewal and Continuing Education Extensions; Notice 2021-02

This notice is being issued to all licensees of the Insurance Department (Department) to provide informa-

tion on the discontinuation of licensing renewal and continuing education extensions in this Commonwealth. This notice modifies notice 2020-06.

On March 16, 2020, in light of the spread of the novel coronavirus (COVID-19) in this Commonwealth, the Department issued notice 2020-06, under section 609-A of The Insurance Department Act of 1921 (40 P.S. § 310.8(e)), that temporarily extended the licensing renewal and continuing education deadlines for licensees impacted by extenuating circumstances related to COVID-19. Telework continues to be strongly encouraged and licensees have adapted to remote operations. The business interruptions that have made it difficult to complete requirements in a timely manner have been mitigated. Therefore, effective May 14, 2021, the Department will suspend the renewal and continuing education extensions and require all licensees who were granted, benefitted from, or affected by temporary continuation of license renewal deadlines, including continuing education requirements and licensing fees, to come into compliance.

License Renewals:

- All licensees with license expiration dates on or after May 14, 2021, will no longer qualify for the temporary renewal extensions granted under notice 2020-06.
- Effective May 14, 2021, the Department will no longer extend renewal deadlines for licenses that expired from March 16, 2020, through May 13, 2021. Any licensee whose license was scheduled to expire during this period should submit all requirements for renewal prior to May 14, 2021.
- All licensees who were granted, benefitted from, or affected by the temporary continuation of license renewal deadlines, including continuing education requirements and licensing fees, must come into compliance with all applicable Commonwealth insurance requirements by May 14, 2021. Failure to come into compliance with renewal requirements by the deadline will result in late fees or license expiration, or both, where applicable.
- Any licensee with insurance company appointments that remained active during the extension will terminate effective the date of the licensee's expiration date if the licensee fails to renew by May 14, 2021.
- The Department encourages individuals to take advantage of the Department's online resources to renew their license. Individuals can renew their license electronically at www.sircon.com/pennsylvania or www.nipr.com.

Continuing Education (CE):

- Any licensee with a CE requirement whose CE compliance period expires between March 16, 2020, and May 13, 2021, will be required to complete the required number of CE credits by May 14, 2021. Failure to come into compliance with renewal requirements by the deadline will result in late fees or license expiration, or both, where applicable.
- In-person classroom education approved by the Department may resume beginning May 14, 2021. Providers must adhere to all guidance and safety orders issued by Governor Tom Wolf, the Department of Health and the Center for Disease Control and Prevention related to in-person operations in the Commonwealth.
- Licensees are encouraged to visit www.sircon.com/pennsylvania for information about approved CE classes and to view their CE transcript.

Individuals with questions about this notice should contact the Department at ra-in-producer@pa.gov or (717) 787-3840.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-310. Filed for public inspection February 26, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction

A-2021-3024111, A-2021-3024112, A-2021-3024113, A-2021-3024115, A-2021-3024116 and A-2021-3024117. American Telephone Company, LLC; Mass Comm, LLC; Windstream D&E Systems, Inc.; Windstream KDL, Inc.; Windstream Norlight, Inc.; Windstream NTI, Inc.; Windstream Services, LLC; and Windstream Enterprise Holdings, LLC. Joint application on behalf of American Telephone Company, LLC; Mass Comm, LLC; Windstream D&E Systems, Inc.; Windstream KDL, Inc.; Windstream Norlight, Inc.; Windstream NTI, Inc.; Windstream Services, LLC; and Windstream Enterprise Holdings, LLC for approval of a pro forma transaction and any approvals required under 66 Pa.C.S. §§ 101—3316 (relating to Public Utility Code) for an internal corporate restructuring.

The joint application was filed as a pro forma transaction under 52 Pa. Code § 63.325(a) (relating to Commission approval of a pro forma transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103) because the joint applicants claim that the transaction consists of transferring the equity of the American Telephone Company, LLC; Mass Comm, LLC; Windstream D&E Systems, Inc.; Windstream KDL, Inc.; Windstream Norlight, Inc.; Windstream NTI, Inc. (collectively, "Windstream CLEC") from Windstream Services, LLC to its subsidiary Windstream Enterprise Holdings, LLC. The joint applicants seek to transfer the Windstream CLECs from one holding company to another within the Windstream corporate structure and that there will be no change in the ultimate ownership of the Windstream CLECs or a new ultimate "controlling interest" as that term is defined at 52 Pa. Code § 63.322 (relating to definitions). Additionally, the transaction will not involve a change of service provider for any customer of the Windstream CLECs and the change of holding company will be transparent to the Windstream CLECs' customers.

However, the Pennsylvania Public Utility Commission (Commission) has determined that the intra-company consolidation results in the transfer of 100% of the membership interests of the Windstream CLECs from Windstream Services, LLC to Windstream Enterprise Holdings, LLC. Under 52 Pa. Code § 63.324(a) (relating to Commission approval of a general rule transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103), a transaction that results in the transfer of 20% or more of the assets or of the direct or indirect control of an applicant is a general rule transaction. The Commission therefore reclassifies the joint application as a general rule transaction per 52 Pa. Code § 63.325(b).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 15, 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 Commission's web site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Joint Applicants: American Telephone Company, LLC; MassComm, LLC; Windstream D&E Systems, Inc.; Windstream KDL, Inc.; Windstream Norlight, Inc.; Windstream NTI, Inc.; Windstream Services, LLC; Windstream Enterprise Holdings, LLC

Through and By Counsel: Deanne M. O'Dell, Esquire, Sarah Stoner, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 237-6000, fax (717) 237-6019, DODell@eckertseamans.com, SStoner@eckertseamans.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-311. Filed for public inspection February 26, 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 March 15, 2021. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by March 15, 2021. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2021-3024120. Pramukh Transport Services, LLC, t/a Saferide Transport Services (1810 County Line Road, Suite 401, Huntingdon Valley, Montgomery County, PA 19006) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return. *Attorney:* Whitney Snyder and Bryce Beard, Hawke McKeon and Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2021-3023912. All Season Movers South, LLC (909 Newark Turnpike, Kearny, NJ 07032) to transport, as a common carrier, by motor vehicle, household goods in use, between points in the City and County of Philadelphia, and the Counties of Bucks, Chester, Delaware and Montgomery.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-312. Filed for public inspection February 26, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due March 15, 2021, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Sals Landscaping, Inc.; Docket No. C-2021-3023570

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Sals Landscaping, Inc., (respondent) is under suspension effective December 20, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 339 Greene Dr., Jefferson Hills, PA 15025.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 10, 2015, at A-8918130.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8918130 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
Richard A. Kanaskie, Director
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Richard A. Kanaskie, Director, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: January 7, 2021

Richard A. Kanaskie, Director
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this num-

ber if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-313. Filed for public inspection February 26, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024103. TDS Telecommunications, LLC and Teleport Communications America, LLC. Joint petition of TDS Telecommunications, LLC and Teleport Communications America, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

TDS Telecommunications, LLC and Teleport Communications America, LLC, by their counsel, filed on February 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of TDS Telecommunications, LLC and Teleport Communications America, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-314. Filed for public inspection February 26, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024125. Verizon Pennsylvania, LLC and Onvoy, LLC. Joint petition of Verizon Pennsylvania, LLC and Onvoy, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Onvoy, LLC, by their counsel, filed on February 11, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg,

PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon Pennsylvania, LLC and Onvoy, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-315. Filed for public inspection February 26, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024127. Verizon North, LLC and Onvoy, LLC. Joint petition of Verizon North, LLC and Onvoy, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Onvoy, LLC, by their counsel, filed on February 11, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon North, LLC and Onvoy, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-316. Filed for public inspection February 26, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024177. The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Comcast Phone of PA, LLC. Joint application of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Comcast Phone of PA, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Comcast Phone of PA, LLC, by

their counsel, filed on February 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Comcast Phone of PA, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-317. Filed for public inspection February 26, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Service

A-2021-3024083. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for certificate of public convenience nunc pro tunc for approval of the right to offer, render, furnish and supply water service to the public in additional portions of Smithfield Township and Middle Smithfield Township, Monroe County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 15, 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 and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to

eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Elizabeth Rose Triscari, Esquire, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, (717) 550-1574, Elizabeth.triscari@amwater.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-318. Filed for public inspection February 26, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Service

A-2021-3024124. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Amwell Township, Washington County and issue a certificate of public convenience, nunc pro tunc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 15, 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 and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Susan Simms Marsh, Deputy General Counsel, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, (717) 550-1570, fax (717) 550-1255, susan.marsh@amwater.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-319. Filed for public inspection February 26, 2021, 9:00 a.m.]