

PENNSYLVANIA BULLETIN

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

No. 568, March 2022

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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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 2022.

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THE GENERAL ASSEMBLY

THE GENERAL ASSEMBLY

Recent Actions during the 2022 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2022 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2022 General Acts of Regular Session Enacted—Act 004 through 013					
004	Feb 3	H0930	PN2240	60 days	Crimes Code (18 Pa.C.S.) and Law and Justice (44 Pa.C.S.)—omnibus amendments
005	Feb 3	H1121	PN1169	60 days	Colonel Joseph M. Stine Memorial Bridge—designation
006	Feb 3	H1304	PN1396	60 days	Private First Class Howard Hahn Memorial Bridge—designation
007	Feb 3	H1479	PN1598	60 days	John Michael Beyrand Memorial Highway—designation
008	Feb 3	H1588	PN2323	Immediately*	Banks and Banking (7 Pa.C.S.)—omnibus amendments
009	Feb 9	H1082	PN2714	60 days	Fiscal Code—definitions and early detection and diagnosis of Alzheimer's Disease or a related disorder
010	Feb 10	S0739	PN1378	Immediately*	Health and Safety (35 Pa.C.S.)—omnibus amendments
011	Feb 17	H0232	PN2715	Immediately	Public School Code of 1949—how constituted
012	Feb 17	H0764	PN2646	Immediately	Domestic Relations Code (23 Pa.C.S.)—employees having contact with children and adoptive and foster parents
013	Feb 17	H2143	PN2536	Immediately*	Prisons and Parole Code (61 Pa.C.S.)—establishment
2022 Vetoes of Regular Session of Bills—Veto 003					
003	Feb 3	H0979	PN1706		Crimes Code (18 Pa.C.S.) and Municipalities (53 Pa.C.S.)—limitation on the regulation of firearms and ammunition and regulation of firearms and ammunition

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore's web site at www.shoppaheritage.com.

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

[Pa.B. Doc. No. 22-370. Filed for public inspection March 11, 2022, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 16]

Proposed Adoption of Pa.R.A.P. 1607 and 1608

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.A.P. 1607 and 1608 governing improvident petitions for specialized review for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Counsel
Appellate Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9551
appellaterules@pacourts.us

All communications in reference to the proposal should be received by April 29, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court
Procedural Rules Committee*

HONORABLE PATRICIA A. McCULLOUGH,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 16. SPECIALIZED REVIEW

IN GENERAL

(Editor's Note: The following proposed rules are printed in regular type to enhance readability.)

(This is an entirely new rule.)

Rule 1607. Improvident Appeals, Original Jurisdiction Actions, or Petitions for Review.

If a notice of appeal, complaint, or petition for review is improvidently filed in an appellate court in a case in which the proper mode of review is a petition for specialized review, the court shall not dismiss the appeal,

complaint, or petition for review solely on this ground. The notice of appeal, complaint, or petition for review shall be regarded and acted upon as a petition for specialized review and as if filed at the time the improvident notice of appeal, complaint, or petition for review was filed. The court may require clarification of the document by amendment or supplement.

Comment: Based on 42 Pa.C.S. § 708 (improvident administrative appeals and other matters). *See also Commonwealth v. Carter*, 247 A.3d 27 (Pa. Super. 2021).

(This is an entirely new rule.)

Rule 1608. Improvident Petitions for Specialized Review.

If a petition for specialized review is improvidently filed in an appellate court in a case in which the proper mode of review is a notice of appeal or a petition for review, or the proper mode of relief is an original jurisdiction action in equity, replevin, mandamus, or *quo warranto*, a petition for a declaratory judgment, or a writ of *certiorari* or prohibition, the court shall not dismiss the petition for specialized review solely on this ground. The petition for specialized review shall be regarded and acted upon as a notice of appeal, petition for review, or complaint or other proper process and as if filed at the time improvident petition for specialized review was filed. The court may require clarification of the document by amendment or supplement.

Comment: Based on 42 Pa.C.S. § 102 (definitions) (which includes petition for review proceedings within the statutory definition of “appeal”) and 42 Pa.C.S. § 708(b) (appeals). When the moving party files a clarifying amendment, the amendment will operate to specify that one form of action which the party elects to proceed on.

SUPREME COURT OF PENNSYLVANIA APPELLATE COURT PROCEDURAL RULES COMMITTEE

REPORT

Proposed Adoption of Pa.R.A.P. 1607 and 1608

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the adoption of Pennsylvania Rules of Appellate Procedure 1607 and 1608 to govern improvident filings of petitions for specialized review.

In *Commonwealth v. Carter*, 247 A.2d 27 (Pa. Super. 2021), the Superior Court considered an application to quash a notice of appeal filed to challenge denial of bail; the application asserted that a petition for specialized review pursuant to Chapter 16 should have been filed instead of the notice of appeal. *See also* Pa.R.A.P. 1610. The Superior Court pointed out that Chapter 13 governing petitions for permission to appeal and Chapter 15 governing petitions for review both have procedures for treating the filing of the wrong appellate document as the correct document. However, no similar rule exists in Chapter 16 that would permit an appellate court to treat an improvidently filed notice of appeal as a petition for specialized review. Accordingly, the Superior Court quashed the notice of appeal.

In light of this opinion, the Committee agreed to consider adding a rule to prevent dismissal for failing to file a petition for specialized review. In doing so, it reviewed and examined other Rules of Appellate Proce-

ture that permit treatment of the wrong document initiating appellate review as the correct document: Pa.R.A.P. 1316 (Incorrect Use of Petition for Permission to Appeal), Pa.R.A.P. 1503 (Improvident Appeals or Original jurisdiction Actions), and Pa.R.A.P. 1504 (Improvident Petition for Review). These rules do not permit the dismissal of an appeal solely on the basis that the wrong document was filed. In addition, the Committee noted that Pa.R.A.P. 1102 (Improvident Appeals as of Right to the Supreme Court) and Pa.R.A.P. 1103 (Improvident Petitions for Allowance of Appeal) both permit similar treatment of incorrectly labeled documents initiating appellate review for appeals as of right and petitions for allowance of appeal in the Supreme Court.

The Committee also noted that the appeals that must now be filed pursuant to a petition for specialized review were previously included within Chapter 15 petition for review practice. Consequently, but for their removal to Chapter 16, these appeals would previously have had the protection of Pa.R.A.P. 1503. As a result, the Committee proposed new Pa.R.A.P. 1607 to allow a document designated as a notice of appeal, complaint in an original jurisdiction action, or a petition for review to be treated as a petition for specialized review.

The Committee is also proposing Pa.R.A.P. 1608 to permit similar treatment when a petition for specialized review is filed, but a notice of appeal, petition for review, or a complaint in an original jurisdiction action should have been filed, *i.e.*, the reverse of the circumstances in *Carter*. While the Committee acknowledges that this scenario may be more unlikely, other Rules of Appellate Procedure permit such treatment for other types of documents. *See* Pa.R.A.P. 1102, 1103 and 1504.

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

[Pa.B. Doc. No. 22-371. Filed for public inspection March 11, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CAMERON AND ELK COUNTIES

General Administrative Orders of Court by Shawn T. McMahon, President Judge; No. 2020-466 (Elk County); No. 2020-573 (Cameron County)

Administrative Order of Court

And Now, this 24th day of February, 2022, *It Is Hereby Ordered And Decreed* that pursuant to the provisions of 18 P.S. § 11.1102, the monthly Offender Supervision Fee will increase from \$35.00 monthly to \$45.00 monthly and shall be assessed against all offenders placed on probation, probation with restrictive conditions/intermediate punishment, parole, accelerated rehabilitative disposition, or probation without verdict unless a waiver of the monthly Offender Supervision Fee is requested at the time of sentencing and waived by the Court.

On or after the effective date of this order, any defendant transferred by another Court or jurisdiction for supervision in Elk County or Cameron County, as applicable, shall be required to pay the sum of forty-five dollars (\$45.00) per month to the Adult Probation Department for those months that the defendant is under the supervision of the Adult Probation/Parole Department.

Offenders sentenced prior to the effective date of this increase shall continue to be assessed the prior monthly Offender Supervision Fee.

This fee shall be disbursed in accordance with 37 Pa. Code 68.51(c).

This Order shall become effective on the first Monday following thirty (30) days after the same has been published in the *Pennsylvania Bulletin*.

By the Court

SHAWN T. McMAHON,
President Judge

[Pa.B. Doc. No. 22-372. Filed for public inspection March 11, 2022, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

OFFICE OF ADMINISTRATION

[4 PA. CODE CHS. 601a—607a]

Civil Service Reform; Temporary Regulations

On March 16, 2019, the Office of Administration (OA), under its statutory authority under 71 Pa.C.S. §§ 2101—3304 (relating to civil service reform), published temporary regulations, known as the “Merit System Employment Regulations,” which implemented the Civil Service Reform Act. Since promulgating the Merit System Employment Regulations, various substantive, administrative and procedural changes have been implemented by the OA, which are not encompassed in those temporary regulations. Therefore, to ensure the continued proper administration of the classified service, the OA hereby announces the rescission of the Merit System Employment Regulations and the adoption of new temporary regulations, which will be known as the Rules of Classified Service Employment.

Rescission of Temporary Rulemaking

The OA rescinds the temporary regulations published at 4 Pa. Code Chapters 601—607.

Adoption of Temporary Rulemaking

The OA adopts temporary regulations in 4 Pa. Code Chapters 601a—607a to read as set forth in Annex A.

Statutory Authority

The OA adopts these temporary regulations under section 2203(b) of the Civil Service Reform Act (71 Pa.C.S. § 2203(b)), which authorizes the OA to promulgate temporary regulations to facilitate prompt implementation of the Civil Service Reform Act. Temporary regulations adopted under this authority are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), (45 P.S. §§ 1201—1205), referred to as the Commonwealth Documents Law; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)); or the requirements of the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

Regulatory Review

These temporary regulations are statutorily exempt from the Regulatory Review Act.

Purpose of Temporary Rulemaking

This temporary rulemaking adopted in this section, known as the Rules of Classified Service Employment, establishes a comprehensive regulatory structure for administration by the OA of the Commonwealth’s merit system of employment, in accordance with the Civil Service Reform Act.

Summary of Temporary Rulemaking

Chapter 601a (relating to general provisions) sets forth the definitions of terms used throughout the temporary regulations. The chapter further addresses veterans’ preference for examination-based appointments, age preference for Classified Service positions within the Department of Aging and reasonable accommodations for individuals with disabilities seeking employment in the Classified Service. Finally, unlike the prior temporary rulemaking, the chapter reaffirms that, consistent with 71 Pa.C.S. § 2504 (relating to classification and compen-

sation), the OA will utilize the Commonwealth’s classification system, as established by the Executive Board, for positions within the classified service, unless otherwise set forth in a written contract or agreement authorized by § 601a.7(a)(3) (relating to service to departments, boards and commissions, agencies and political subdivisions; reimbursement for services). Similarly, the chapter authorizes the use of intern job classifications, in addition to trainee job classifications, and it further establishes a process by which appointing authorities may request that OA include a position or group of positions in the unclassified service where the position or group of positions meet the definition of “unclassified service,” as set forth by 71 Pa.C.S. § 2103 (relating to definitions). The OA adds these provisions to address questions regarding the classification system, specifically the use of intern job classifications in the classified service, as well as to set forth the criteria used by the OA when reviewing whether a position or group of positions properly belongs in the unclassified service.

Chapter 602a (relating to appointments and promotions in the classified service) sets forth the recruitment, application and examination processes. Notably, the chapter establishes new, comprehensive regulations on internal recruitment methods by setting forth the manner through which individuals already employed in classified service positions may seek transfers, reassignments, voluntary demotions and promotions. The OA adds these provisions to allow applicants a better understanding of the internal recruitment process, and to ensure that transfers, reassignments, voluntary demotions and promotions are processed in a uniform manner consistent with the Civil Service Reform Act. Finally, the chapter addresses reinstatement into Classified Service positions by former classified service employees.

Chapter 603a (relating to employees in the classified service) establishes the rules governing probationary periods after appointment or promotion to a classified service position. The OA adds provisions addressing the probationary period for intern job classifications, which were not included in the prior temporary rulemaking. Under this new temporary rulemaking, the probationary period for an intern job classification shall coincide with the duration of the internship, for a maximum duration of 18 months, defined as 545 calendar days (365 calendar days plus 6 months at 30 days per month) or 2,925 hours if the internship is completed over a noncontiguous period. These provisions are added to clarify the status of an employee working in an intern job classification. The chapter also establishes a performance review system for employees in the classified service. Finally, the chapter sets forth the manner through which an appointing authority may transfer, reassign or demote an employee in the Classified Service, as well as the process for reclassifying a position in the classified service. As explained previously, Chapter 602a of this temporary rulemaking sets forth the manner through which individuals already employed in classified service positions may seek transfers, reassignments, voluntary demotions and promotions. However, under 71 Pa.C.S. §§ 2502 and 2503 (relating to transfers and reassignments; and demotions), appointing authorities retain the ability to involuntarily transfer, reassign or demote an employee. Therefore, the OA adds provisions to Chapter 603a to effectuate these sections of the Civil Service Reform Act.

Chapter 604a (relating to separation of employees from the classified service) establishes the rules governing temporary and permanent separations of employees from classified service positions, including leaves of absence, suspensions, terminations, resignations and furloughs. Unlike the prior temporary rulemaking, Chapter 604a separates the provisions governing general leaves of absences, leaves of absences for military duty and leaves of absences for Senior Management Services employment to ensure clarity regarding the differing rules governing each leave of absence reason. Further, to permit flexibility, the OA deletes prior requirements regarding the content of a written notice of resignation.

Chapter 605a (relating to enforcement of act; prohibitions and penalties) affirms the OA's authority to review the legality of actions, including appointments and promotions. The chapter further explains the scope of 71 Pa.C.S. § 2705 (relating to political activity), which sets forth prohibitions against certain political activities by Classified Service employees. Notably, the OA adds a provision allowing employees who are elected to and assume public office while on furlough to complete their term of office upon return to classified service employment, provided there is not a conflict of interest between the duties of the elective public office and their classified service employment. Similarly, the OA adds a provision requiring employees who are elected to and assume public office while on a leave of absence or a leave covered under Chapter 53 of the State Employees' Retirement Code in 71 Pa.C.S. § 5302(b) (relating to credited State service) to, upon returning to employment in the classified service, resign from the elective public office and otherwise comply with the provisions of 71 Pa.C.S. § 2705. The OA adds this provision to ensure that the political activity prohibitions of the Civil Service Reform Act are not circumvented by seeking a leave of absence from classified service employment. Finally, Chapter 605a addresses the OA's authority to investigate alleged violations of the Civil Service Reform Act. To that end, the OA adds comprehensive regulations setting forth its investigation process.

Chapter 606a (relating to personnel actions) sets forth an exclusive and enumerated list of personnel actions under the Civil Service Reform Act. Unlike the counterpart provision in the prior temporary rulemaking, the OA made this list of personnel actions exclusive to ensure consistency and uniformity. The chapter also establishes requirements regarding notices of certain personnel actions.

Chapter 607a (relating to practice and proceedings before the Office of Administration) establishes the procedural rules governing hearings held before the Secretary of the Administration. These provisions differ from the counterpart provisions in the prior temporary rulemaking, in that under Chapter 607a, proceedings under 71 Pa.C.S. § 2202(a)(10) (relating to duties of Office of Administration) are initiated by the OA through filing an order to show cause with the Docket Clerk. Thereafter, the respondent shall file with the Docket Clerk an answer to the order to show cause within 20 days of the date of service indicated on the certificate of service accompanying the order to show cause. Hearings under 71 Pa.C.S. § 2202(a)(10) will be held before a presiding officer who, upon close of the record, will issue a proposed decision and order. A party aggrieved by the proposed decision and order may, within 20 days after its issuance, appeal to the Secretary of Administration by filing with the Docket Clerk exceptions to the proposed decision and order, or part of it, in the form of a brief on exceptions. The

non-excepting party may file a brief opposing exceptions. Thereafter, the Secretary of the Administration will issue a final decision and order.

Fiscal Impact and Paperwork Requirements

This temporary rulemaking should have minimal adverse fiscal impact on the Commonwealth or its political subdivisions. These temporary regulations effectuate the transfer of duties from the State Civil Service Commission to the OA. The OA does not anticipate increased costs for appointing authorities, the State Civil Service Commission or the OA based upon these temporary regulations.

Effective Date

The rescission of the temporary regulations published at 4 Pa. Code Chapters 601—607 will become effective upon publication in the *Pennsylvania Bulletin*.

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and will expire 3 years from the date of publication, or upon rescission by the OA, whichever occurs first.

Contact Person

The contact person for this temporary rulemaking is Anthony R. Holbert, Assistant Counsel, at (717) 783-2590.

MICHAEL NEWSOME,
Secretary

Fiscal Note: 99-12. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION
PART XV. OFFICE OF ADMINISTRATION
Subpart A. CIVIL SERVICE
REFORM—TEMPORARY REGULATIONS
CHAPTERS 601—607. (RESERVED)

(Editor's Note: Chapter 601 appears at serial pages (395870) to (395884). Chapter 602 appears at serial pages (403905) to (403917). Chapter 603 appears at serial pages (395897) to (395903). Chapter 604 appears at serial pages (395905) to (395908). Chapter 605 appears at serial pages (395909) to (695914). Chapter 606 appears at serial pages (395915) to (395917). Chapter 607 appears at serial pages (403919) to (403924).)

CHAPTER 601a. GENERAL PROVISIONS;
CLASSIFICATION SYSTEM

Subchap.

A. GENERAL PROVISIONS

B. CLASSIFICATION SYSTEM

Subchapter A. GENERAL PROVISIONS

- Sec.
- 601a.1. Short title.
- 601a.2. Purpose.
- 601a.3. Definitions.
- 601a.4. Veterans' preference.
- 601a.5. Age preference.
- 601a.6. Reasonable accommodations.
- 601a.7. Service to departments, boards and commissions, agencies and political subdivisions; reimbursement for services.
- 601a.8. Electronic records and signatures.

§ 601a.1. Short title.

This subpart shall be known and cited as the "Rules of Classified Service Employment."

§ 601a.2. Purpose.

(a) This subpart is designed to effectuate civil service reform, as required by 71 Pa.C.S. Part III (relating to civil service reform).

(b) This subpart implements and supplements 71 Pa.C.S. Part III and is to be read together with the applicable provisions of the act.

§ 601a.3. Definitions.

(a) The words, terms and phrases, when used in this subpart, have the meaning as set forth in 71 Pa.C.S. Part III (relating to civil service reform), unless the context clearly indicates otherwise.

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

Act—The act of June 28, 2018 (P.L. 460, No. 71) 71 Pa.C.S. Part III, commonly referred to as “the Civil Service Reform Act.”

Alternate rule—An alternative selection rule elected by an appointing authority for appointments and promotions made through the examination and certification process, which gives the appointing authority the ability to select from all eligibles on an appropriate eligible list or a specific alternate number of eligibles on an appropriate eligible list, greater than three, to fill a position.

Applicant—An individual who applies for an appointment or a promotion to a position in the classified service.

Application—A form, as prescribed by the Office of Administration, used by individuals to express interest in employment in a position or positions in the classified service.

Appointment—The hiring or movement of an individual into a position through entrance examination, reassignment, transfer, demotion or reinstatement. The term does not include the acceptance of an offer of employment, or the movement of an individual into a position through promotion.

Certification—The submission of the names of one or more eligibles by the Office of Administration to an appointing authority to fill one or more positions.

Disability—As defined by the Americans with Disabilities Act of 1990, as amended (42 U.S.C.A. §§ 12101–12213).

Emergency appointment—The temporary and limited appointment of an individual into a position to meet an appointing authority’s needs during an emergency.

Emergency employee—An individual temporarily appointed into a position through an emergency appointment.

Examination—A test, series of tests or assessments used to determine the degree to which individuals are qualified for appointment or promotion to a position or job classification in the classified service.

Intern—An individual appointed or promoted to an intern job classification.

Job classification—A “job,” “job title,” “class” or “class of positions,” as defined by the act.

Job specification—A written description of a job classification, which defines and describes representative duties and responsibilities and sets forth the minimum qualifications of the job classification.

Leave of absence—A temporary and limited separation from the classified service granted by an appointing authority to an employee for purposes such as, but not limited to, extended illness, school attendance, cyclical employment, Olympic participation, military duty or training, or employment in a non-civil service position,

including a position within the Senior Management Service. The term does not include paid absences, such as paid annual leave, paid sick leave, or paid compensatory leave, or unpaid absences that do not result in a separation from the classified service.

Mandatory reemployment list—A list of individuals who have been furloughed and who are eligible for a mandatory reemployment preference under § 604a.5(f) (relating to furlough).

Military duty—Active duty, including active duty for training or inactive duty training, in the Uniformed Services on dates ordered or authorized by the Uniformed Service.

Minimum qualifications—The minimum knowledge, skills, abilities, experience, training, education, licenses, certificates, special requirements and other requisites essential to the performance of the work of a job classification, as set forth in the relevant job specification.

Optional reemployment list—A list of individuals who have been furloughed and who are eligible for reemployment under § 604a.5(g).

Preferred reemployment list—A list of individuals who, upon the expiration or end of an approved leave of absence, could not be returned to a position in the same job classification under § 604a.1(e)(1) or (2) (relating to leaves of absence generally).

Probationary employee—An individual serving a probationary period prior to acquiring regular status in a position.

Probationary status—The standing in a position held by a probationary employee.

Provisional employee—An individual who was appointed to a position through an accelerated entrance examination program and who is serving a 6-month working test period prior to the required probationary period.

Reassignment—The movement of an employee, within the same appointing authority, from one position to another position in the same or similar job classification for which the employee qualifies at the same maximum salary.

Reclassification—The change of a classification of a position from one job classification and code to another job classification and code.

Regular status—The standing in a position conferred upon an employee who has successfully completed the corresponding probationary period.

Reinstatement—The reappointment of a former regular employee who resigned or otherwise voluntarily separated from employment in the classified service.

Resignation—The voluntary termination of employment by an employee, which is evidenced by the employee’s written or verbal notice.

Rule of three—The default selection rule for appointments and promotions made through the examination and certification process, which requires an appointing authority to choose from among the three highest-ranking available eligibles to fill a vacant position. The rule of three may include more than three eligibles when tied scores exist with the third highest-ranking eligible.

Senior Management Service—Positions in the Commonwealth’s unclassified service that have broad policy participation and management responsibility.

Seniority—The amount of time an employee has continuously served in a position in the classified service.

Separation—The voluntary or involuntary termination of employment in the classified service, including temporary and permanent terminations.

Special Advisor for Veterans' Programs—The individual appointed by the Secretary of Administration under 71 Pa.C.S. § 2202(a)(12) (relating to duties of Office of Administration).

Substitute appointment—The temporary appointment of an individual into a position that is vacant due to the granting of leave of absence for military duty to the incumbent of the position.

Substitute employee—An individual temporarily appointed or promoted to a position through a substitute appointment or a substitute promotion.

Substitute promotion—The temporary promotion of an individual into a position that is vacant due to the granting of military leave to the incumbent of the position.

Suspension—The temporary and involuntary separation of an employee from employment in the classified service.

Temporary employee—An individual appointed to a temporary position.

Trainee—An individual appointed or promoted to a training level job classification.

Training period—The period of time a trainee will remain in a training level job classification, during which the trainee receives general or specialized training, or both.

Transfer—The movement of an employee from one appointing authority to a different appointing authority in the same job classification.

Uniformed services—As defined by Title 10, Subtitle A of the United States Code, as amended (10 U.S.C. § 101(a)(5)).

Unskilled position—A position for which the principal job function is manual labor or work requiring limited or no prior education or training.

Vacancy posting—A posted announcement of a vacant, or soon to be vacant, position or group of positions within an appointing authority, which will be filled by examination or an internal recruitment method.

Veteran—An individual who, based on their service in the armed forces of the United States, is eligible to receive an employment preference under 51 Pa.C.S. Chapter 71 (relating to veterans' preference).

(c) Subsection (a) supersedes 1 Pa. Code § 31.3 (relating to definitions).

§ 601a.4. Veterans' preference.

(a) *Application of veterans' preference.*

(1) In determining standing on each certified eligible list, the Office of Administration will credit an additional 10 points to the final examination score obtained by a veteran, in accordance with the act and 51 Pa.C.S. Chapter 71 (relating to veterans' preference).

(2) An appointing authority shall give preference to veterans in accordance with the act and 51 Pa.C.S. Chapter 71.

(b) *Spouses.* The same employment preferences afforded to veterans under subsection (a) shall be afforded to surviving spouses and spouses of disabled veterans in accordance with the act and 51 Pa.C.S. Chapter 71.

(c) *Required documentation.*

(1) *Veterans.* To establish veteran status, an individual shall submit, to the Office of Administration, a copy of their DD 214 (member 4 copy), DD 215, NGB-22, statement of service or other military documentation acceptable to the Office of Administration showing the date of entry into the military, character of service, and, where applicable, completion of the initial contractual military service obligation.

(2) *Surviving spouses.* A surviving spouse shall submit, to the Office of Administration, a copy of the deceased veteran's documents, as set forth in subsection (c)(1), proof of marriage to the deceased veteran, and a certified copy of the deceased veteran's death certificate.

(3) *Spouses of disabled veterans.* A spouse of a disabled veteran shall submit, to the office of Administration, documentation as required by the Office of Administration, including a copy of the disabled veteran's documents, as set forth in subsection (c)(1), and a United States Department of Veterans Affairs letter verifying that the disabled veteran has a permanent total disability.

(d) *Certifications.* A certified eligible list will indicate an eligible's veteran status, as well as any additional examination points afforded to an eligible in accordance with 51 Pa.C.S. Chapter 71.

(e) *Special Advisor for Veterans' Programs.* The Secretary of Administration will appoint a Special Advisor for Veterans' Programs who shall be a veteran and will serve at the pleasure of the Secretary of Administration.

(f) *Powers and duties of the Special Advisor for Veterans' Programs.*

(1) The Office of Administration will provide the Special Advisor for Veterans' Programs a copy of the results of audits conducted by the Commission under 71 Pa.C.S. § 3304 (relating to audits of application of veterans' preference).

(2) The Special Advisor for Veterans' Programs may recommend investigations, as authorized under 71 Pa.C.S. § 2202(a)(10) (relating to duties of Office of Administration), of appointments or changes in employment in the classified service to ensure compliance with 51 Pa.C.S. Chapter 71.

§ 601a.5. Age preference.

(a) In accordance with the act, this subpart and section 2203-A of the Administrative Code of 1929 (71 P.S. § 581-3(b)), the Department of Aging shall give preference to eligibles who are 60 years of age or older and within the rule of three or applicable alternate rule.

(b) Notwithstanding eligibles qualifying for veterans' preference under 51 Pa.C.S. Chapter 71 (relating to veterans' preference) and this subpart, the Department of Aging may select an eligible qualifying for age preference in accordance with the act, this subpart and section 2203-A of the Administrative Code of 1929.

(c) Certified eligible lists issued to the Department of Aging will indicate those applicants with age preference status.

§ 601a.6. Reasonable accommodations.

(a) *Equal employment opportunity.* The Commonwealth is an equal opportunity employer. Accordingly, the Office of Administration will ensure that vacancy postings, applications and examinations are accessible to individuals with disabilities, thereby providing an opportunity to fairly compete for and pursue career opportunities.

(b) *Reasonable accommodations.* Reasonable accommodations in the application and examination process will be provided to an individual with a disability upon request to the Office of Administration, in accordance with Federal and State law. Information on submitting requests for accommodations in the application and examination process shall be available on the Office of Administration's web site.

§ 601a.7. Service to departments, boards and commissions, agencies and political subdivisions; reimbursement for services.

(a) *Acquisition of services.* The merit system employment services and facilities of the Office of Administration, and its staff, will be made available to departments, boards, commissions or agencies, and political subdivisions of the Commonwealth, under the following terms and conditions:

(1) A formal request for extension of the merit system employment services of the Office of Administration shall be made in writing and shall be signed by the executive head or chair of the requesting department, board, commission or agency, or the proper official of the political subdivision. If appropriate, the written request shall be accompanied by a resolution or similar document adopted by the board, commission or agency, or by the proper official of the political subdivision.

(2) A request for the extension of services may be granted at the discretion of the Office of Administration.

(3) Granting of the request shall be evidenced by a formal written contract or agreement, consistent with this section, between the department, board, commission, agency, or political subdivision and the Office of Administration. The written contract or agreement shall include a provision addressing the termination of the contract or agreement.

(b) *Reimbursement for services.* Reimbursement shall be as follows:

(1) An appointing authority shall reimburse the Office of Administration on a semiannual basis, as determined by the Office of Administration, for the actual cost of preparing, administering and rating examinations delivered at test centers.

(2) For all other services and facilities, an appointing authority shall reimburse the Office of Administration for the semiannual cost of services and facilities made available, in the proportion which the cost of the services and facilities bears to the total cost of these services and facilities of the Office of Administration, based on the ratio of the appointing authority's employees in the classified service to those of all the appointing authorities serviced by the Office of Administration.

(3) At the request of the Office of Administration, the number of employees in the classified service in each appointing authority serviced shall be reported to the Office of Administration.

(c) *Compliance with act, regulations and contract.* A personnel action taken by a department, board, commission, agency or political subdivision under contract with the Office of Administration shall conform to the act, this subpart, and the contract executed under subsection (a)(3).

§ 601a.8. Electronic records and signatures.

The Office of Administration or an appointing authority may, in its discretion, utilize and accept, in the form and manner prescribed by the entity, electronic records and electronic signatures, where written documents, forms,

signatures or other required submissions are required by this subpart, provided that such records and signatures comply with the Uniform Electronic Transactions Act (73 P.S. §§ 2260.303—2260.312), and other laws governing electronic records and signatures.

Subchapter B. CLASSIFICATION SYSTEM

Sec.

- 601a.9. General.
- 601a.10. Trainee job classifications.
- 601a.11. Intern job classifications.
- 601a.12. Minimum classifications.
- 601a.13. Unclassified service.

§ 601a.9. General.

In accordance with 71 Pa.C.S. § 2504 (relating to classification and compensation), the Office of Administration will utilize the Commonwealth's classification system, as established by the Board, for those positions within the classified service unless otherwise set forth in a written contract or agreement under § 601a.7(a)(3) (relating to service to departments, boards and commissions, agencies and political subdivisions; reimbursement for services).

§ 601a.10. Trainee job classifications.

Subject to the approval of the Board, the Office of Administration, in cooperation with the appointing authorities, may designate specific jobs classifications for training purposes, provided the trainee classification corresponds to a working level job classification.

§ 601a.11. Intern job classifications.

Subject to the approval of the Board, the Office of Administration, in cooperation with the appointing authorities, may designate specific job classifications for internship purposes, provided the intern classification corresponds to one or more trainee job classification or working level job classification.

§ 601a.12. Minimum qualifications.

(a) *Applicants.* To ensure that all employees in the classified service are qualified for their respective positions, applicants must meet the minimum qualifications for employment in the job classification for which the applicant applied.

(b) *Employees.* Employees in the classified service must meet the minimum qualifications for employment in the job classification in which the employee is employed. When the Office of Administration determines that an employee does not meet the minimum qualifications of the job classification in which the employee is employed, the Office of Administration shall take appropriate action to ensure conformance with the act.

§ 601a.13. Unclassified service.

(a) *Requests for inclusion in the unclassified service.* If an appointing authority believes that a position or group of positions should be included in the unclassified service, as defined by 71 Pa.C.S. § 2103 (relating to definitions), the appointing authority shall submit to the Office of Administration a written request to include the position or group of positions in the unclassified service. The written request must include the basis for the request and all supporting documentation.

(b) *Requests based on participation in policy decisions.* When reviewing a request submitted under subsection (a), which is based on the position's participation in policy decisions, the Office of Administration may consider the following:

(1) The level of participation in policy decisions required of the position, including the level of independence and discretion exercised by the position in the formulation or implementation of agency policy.

(2) The degree of decision making exercised by the position.

(3) The position's organizational placement and pay assignment.

(c) *Requests based on limited term special study, project or internship.* When reviewing a request submitted under subsection (a), which is based on the position being used for a special study, project or internship that is scheduled to be completed after a fixed or limited period of time, the Office of Administration may consider the following:

(1) The type and nature of work performed by the position.

(2) The expected duration of the special study, project or internship.

(3) The reason the duties of the position should not be performed by a position in the classified service.

(4) Whether the position offers general work experience for a student enrolled in an educational program.

(5) Whether the position is an entry level employment opportunity for a student enrolled in an educational program.

CHAPTER 602a. APPOINTMENTS AND PROMOTIONS IN THE CLASSIFIED SERVICE

Subchap.

A. RESIDENCY REQUIREMENT

B. RECRUITMENT METHODS; SELECTIVE CRITERIA

C. VACANCY POSTINGS AND APPLICATION PROCESS

D. EXAMINATIONS

E. ESTABLISHMENT OF ELIGIBLE LISTS

F. CERTIFICATION OF ELIGIBLES

G. APPOINTMENT AND PROMOTION OF ELIGIBLES FROM CERTIFIED ELIGIBLE LISTS

H. APPOINTMENT AND PROMOTION THROUGH INTERNAL RECRUITMENT METHODS

I. EMERGENCY APPOINTMENTS

Subchapter A. RESIDENCY REQUIREMENT

Sec.

602a.1. Residency requirement.

§ 602a.1. Residency requirement.

(a) *Requirement.* An applicant seeking appointment or promotion to a position in the classified service shall be a resident or former resident of the Commonwealth. This subsection does not apply to an individual who was previously a regular employee and who is returned to employment from an approved leave of absence, through mandatory reemployment, or through contractual recall or placement rights.

(b) *Resident defined.* Except as otherwise provided in this subsection, a resident is an applicant whose current primary residence is within the Commonwealth.

(1) *College students.* Residents include:

(i) An applicant who is attending a college, university or technical school outside of this Commonwealth, was a resident of this Commonwealth immediately prior to current scholastic enrollment and maintains a current Pennsylvania mailing address.

(ii) An applicant who is attending a college, university or technical school located within this Commonwealth, is currently living in this Commonwealth and maintains a current Pennsylvania mailing address.

(2) *Members of the armed forces and their spouses.* An applicant who is a current active-duty member of the United States Armed Forces, or who is the spouse of a current active-duty member of the United States Armed Forces, is a resident if the applicant meets either of the following:

(i) The applicant was a resident of this Commonwealth immediately prior to their or their spouse's most recent enlistment, and they or their spouse are scheduled to be discharged within 90 days of submitting their application to the Office of Administration.

(ii) The applicant is currently living in this Commonwealth as part of their or their spouse's current enlistment, and they or their spouse are scheduled to be discharged within 90 days of submitting their application to the Office of Administration.

(c) *Former resident defined.* A former resident of this Commonwealth is an applicant who relocated out-of-State for academic or employment purposes, plans to establish residency in this Commonwealth within 6 months of beginning employment in the classified service and has done one of the following:

(1) Graduated from a public, private or nonpublic secondary school in this Commonwealth, or satisfied the requirements set forth in sections 1327 and 1327.1 of the Public School Code of 1949 (24 P.S. §§ 13-1327 and 13-1327.1), within 5 years of applying for a position in the classified service.

(2) Attended a public, private or nonpublic school in this Commonwealth at least 80% of the time while enrolled in grades 1 through 12 within 5 years of applying for a position in the classified service.

(3) Graduated or attended a public, private or nonpublic secondary school in this Commonwealth and graduated from a postsecondary institution in this Commonwealth within 5 years of applying for a position in the classified service.

(d) *Counties and administrative districts.*

(1) Upon the request and submission of justification by an appointing authority, the Office of Administration may limit certification for appointment or promotion to eligibles who are residents of a county or other administrative district within this Commonwealth, except that the limitations may not be imposed for a job classification for which the residency requirement has been waived in accordance with subsection (e).

(2) In the absence of eligibles who are residents of the county or other administrative district within this Commonwealth specified by the appointing authority, or upon exhaustion of a certified employment list or promotion list limited in accordance with paragraph (1), the Office of Administration may certify eligibles who are residents of contiguous counties or administrative districts or of this Commonwealth, as deemed appropriate by the Office of Administration.

(3) If an eligible changes residence from one county or administrative district to another county or administrative district of this Commonwealth, the Office of Administration may, upon request, transfer the eligible to the appropriate existing employment list or promotion list.

(e) *Waiver.* The Office of Administration, upon request by one or more appointing authorities, may waive the residency requirement for a vacancy, a job classification, or a group of similar job classifications when, notwithstanding sufficient recruitment methods, there is a demonstrated lack of qualified residents or former residents of this Commonwealth available for a particular occupation.

Subchapter B. RECRUITMENT METHODS; SELECTIVE CRITERIA

Sec.
602a.2. Recruitment methods.
602a.3. Selective criteria.

§ 602a.2. Recruitment methods.

(a) *Generally.* Except as otherwise authorized by this section, recruitment for a vacant position in the classified service will be through examination. Examinations may be for a single position or for employment in a job classification generally.

(b) *Internal recruitment methods.* In lieu of examination, an appointing authority may limit recruitment methods for a position to only those applicants qualified for a promotion, transfer, reassignment, demotion or reinstatement, or any combination of these internal recruitment methods.

(c) *Specific locations.* When an appointing authority limits the recruitment methods for a position as set forth in subsection (b), it may further limit recruitment to only those applicants who are currently employed by the appointing authority or to only those applicants who are currently employed within a specific bureau, division, office, program area or section of the appointing authority.

(d) *Reemployment lists.* In accordance with the act and § 604a.5(h) (relating to furlough), where a preferred reemployment list or a mandatory reemployment list exists for the job classification to which there is a vacant position, an appointing authority shall first attempt to fill the position using the applicable preferred reemployment list or mandatory reemployment list prior to using other recruitment methods.

§ 602a.3. Selective criteria.

(a) *Generally.* Upon the request of an appointing authority, the Office of Administration may restrict certification or referral for a position based on selective criteria.

(b) *Basis for selective criteria.* Selective criteria shall be based on merit-related factors deemed necessary to the operational needs of the appointing authority and in the interest of the service to the Commonwealth. Selective criteria may include a bona fide occupational qualification deemed necessary for employment in a specific position, or other factors necessary to comply with Federal and State laws and regulations.

(c) *Request.* A request to restrict application for a position based on selective criteria shall be submitted using the form prescribed by the Office of Administration.

Subchapter C. VACANCY POSTINGS AND APPLICATION PROCESS

Sec.
602a.4. Vacancy postings.
602a.5. Application requirements.
602a.6. Evaluation of applications.
602a.7. Audit of applications.

§ 602a.4. Vacancy postings.

(a) *Content of vacancy postings.* A vacancy posting shall be published using the form prescribed by the Office of Administration and, at a minimum, must include all of the following information:

- (1) The appointing authority.
- (2) The relevant bureau, division, office or program area.
- (3) The job classification.
- (4) The position number, if assigned.
- (5) The salary range or hourly rate of pay.
- (6) The position(s) type(s).
- (7) The location of the position(s).
- (8) A general description of the position(s) and work to be performed.
- (9) Contact information of the appointing authority.
- (10) Notice of the residency requirement, or notice of the waiver of the residency requirement.
- (11) The minimum qualifications for the job classification.
- (12) Selective criteria required for appointment or promotion to the position(s), if applicable.
- (13) The examination information or the internal recruitment methods, including, if applicable, the job classification(s) constituting the next lower classification and a requirement that applicants submit their most recent employee performance review.
- (14) The closing date and time of the vacancy posting.

(b) *Veterans' preference.* In addition to the requirements of subsection (a), where applicable, a vacancy posting must advertise that veterans' preference (51 Pa.C.S. Chapter 71 (relating to veterans' preference)) is the law of the Commonwealth.

(c) *Nonconformance.* When an appointing authority's vacancy posting does not conform with this section, the Office of Administration may, in its discretion, direct an appointing authority to do all of the following:

- (1) Remove the nonconforming vacancy posting.
- (2) Publish a vacancy posting that conforms with this section, which shall remain open for a period equal to or greater than the period provided for by the nonconforming vacancy posting and shall state that applicants who had applied using the nonconforming vacancy posting need not apply again and will be considered for the relevant position(s).

(d) *Publication.* Vacancy postings will be available through the Office of Administration's web site.

§ 602a.5. Application requirements.

(a) *Submission of applications.* An application shall be submitted using the form prescribed by the Office of Administration, which will be available through the Office of Administration's web site and shall contain a statement made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), verifying the truthfulness of all responses contained in the application.

(1) *Timeliness of applications.* An application shall be submitted by the date and time specified in the vacancy posting. An application submitted by 11:59 p.m. Eastern Time on the closing date indicated on the vacancy posting will be deemed submitted within the specified time limit.

(2) *Completeness of applications.* An applicant shall include on their application all information necessary for determining whether the applicant possesses the minimum qualifications for employment in the relevant job classification and, where applicable, the selective criteria required for appointment or promotion to the specific

position to which the applicant applied. An applicant's failure to comply with this provision may result in the applicant's application being deemed incomplete.

(3) *Rejection of applications.* The Office of Administration may reject an incomplete or untimely submitted application. Whenever an application has been rejected, notice, with the reasons for the rejection, shall be given to the applicant.

(4) *Discretionary acceptance of applications.* The Office of Administration may extend the deadline for the acceptance of applications if sufficient need exists for additional applicants and if the acceptance of additional applications is uniformly applied to all applications for the position(s) filed on the same date or on an earlier date. The Office of Administration, in its discretion, may accept applications filed after the date and time specified in the vacancy posting if it determines extraordinary circumstances warrant acceptance.

(b) *Limitation on inquiry.* Limitations on inquiry in applications shall be as follows:

(1) Except as provided in paragraphs (2) and (3), no question on an application will require an applicant to provide information concerning their age, race, color, religious creed, ancestry, national origin, gender, sexual orientation, gender identity or expression, political opinions or affiliations, union membership or affiliations, AIDS or HIV status, or disability; nor will the information be required in another manner by an official or employee of the Office of Administration or of an appointing authority in connection with the appointment or promotion to a position within the classified service, except as otherwise permitted by the act or this subpart.

(2) The Office of Administration may make inquiries of an applicant's age, race, national origin, gender or similar factors as is necessary to comply with Federal and State laws and regulations and this subpart.

(3) The Office of Administration may make inquiries of an applicant's age, race, national origin, gender or similar factors as is necessary to conduct research required to validate selection procedures or to otherwise comply with Federal and State laws and regulations on equal opportunity. Applicants shall be informed that responses to such questions are not mandatory.

§ 602a.6. Evaluation of applications.

(a) *Evaluations.* Consistent with §§ 601a.12 and 602a.3 (relating to minimum qualifications; and selective criteria), the Office of Administration shall evaluate an applicant's application to determine whether the applicant possesses the minimum qualifications for employment in the relevant job classification and, where applicable, the selective criteria required for appointment or promotion to the specific position to which the applicant applied. The Office of Administration may require an applicant to supply certificates and other appropriate documents relevant to determining the applicant's qualifications.

(b) *Basis for evaluation.* The job specification shall be the primary basis and source of authority for evaluating whether an applicant possesses the minimum qualifications for employment in the job classification to which the applicant applied. The Office of Administration may develop aids for interpreting the minimum qualifications for employment in a job classification, as set forth in the relevant job specification. These interpretive aids shall be binding for purposes of evaluating an applicant's eligibility for employment in a job classification. If applicable, the approved selective criteria, as set forth in the vacancy

posting, shall be the primary basis and source of authority for evaluating whether an applicant possess the selective criteria required for appointment or promotion to the specific position to which the applicant applied.

(c) *Unqualified applicants.* The Office of Administration is not required to score the examination of, or otherwise certify or refer, an applicant who lacks the minimum qualifications for employment in the relevant job classification or, where applicable, the selective criteria required for appointment or promotion to the specific position to which the applicant applied.

(d) *Notice.* When the Office of Administration determines that an applicant lacks the minimum qualifications for employment in the relevant job classification or, where applicable, the selective criteria required for appointment or promotion to the specific position to which the applicant applied, or both, the applicant shall be notified of the reasons for the determination and the ability to request reconsideration under subsection (f).

(e) *Correction of errors in determination of qualifications.* The Office of Administration, upon finding an error in the determination of an applicant's qualifications shall correct the error and report the error to the affected applicant, regardless of whether the applicant requested reconsideration under subsection (f).

(f) *Reconsideration.* An applicant may request the Office of Administration reconsider a determination that the applicant lacks the minimum qualifications or selective criteria required for employment in a job classification or position by submitting a written request for reconsideration to the Office of Administration within 5 business days of the date that the notice of ineligibility determination was sent to the applicant by the Office of Administration. The written request for reconsideration shall state the grounds for the request, specifically explaining why the ineligibility determination was incorrect based on the information provided by the applicant on their application. The Office of Administration will re-review the applicant's application and provide the applicant with a further explanation or revised result.

(1) Appointing authorities may continue the hiring process while an applicant's request for reconsideration is pending review by the Office of Administration.

(2) If the Office of Administration determines that, due to an administrative error, an applicant was improperly determined to lack the minimum qualifications or selective criteria required for employment in a job classification or position, the Office of Administration will score the applicant's examination and, if the applicant obtains a passing examination score, certify the applicant's name to the appropriate eligible list or otherwise refer the applicant's name to the appointing authority with instructions that the appointing authority must consider the applicant for appointment or promotion to the vacancy in accordance with the act and this subpart.

§ 602a.7. Audit of applications.

Information included on an applicant's application may be subject to audit by the Office of Administration, including audit after the applicant's appointment or promotion. Audits performed under this section are separate and distinct from any verification or background check performed by the Office of Administration an appointing authority or human resources staff supporting an appointing authority. If the Office of Administration cannot confirm information included on an applicant's application, the applicant may be deemed ineligible for appointment or promotion to the relevant position or otherwise removed from the position.

Subchapter D. EXAMINATIONS

Sec.

- 602a.8. Selection of examination method.
- 602a.9. Development of examinations.
- 602a.10. Administration of examinations.
- 602a.11. Promotion examinations.
- 602a.12. Prohibited conduct in examinations.
- 602a.13. Scoring of examinations.
- 602a.14. Examination analysis and alternatives.

§ 602a.8. Selection of examination method.

The appointing authority shall select the method of examination to be used for the job classification or position(s) for which the employment list or promotion list is being established. Except as otherwise authorized in this subpart, or as authorized in writing by the Office of Administration, appointing authorities may not develop and administer their own examinations for appointment or promotion in the classified service.

§ 602a.9. Development of examinations.

(a) *Tests and assessments in examinations.* The Office of Administration may develop and administer written, oral and performance tests, as well as assessments of education, training and experience. The Office of Administration may further authorize medical tests, physical strength and agility tests, personality or interest inventories, biographical inventories, and other types of tests or assessments, singly or in combination, as the circumstances warrant. Additionally, for promotional examinations, the Office of Administration may authorize performance criteria, such as seniority and performance evaluations.

(b) *Basis for examinations.* Position descriptions shall be the primary basis and source of authority for the content and level of difficulty of examinations. Supplemental job information, obtained through job analysis and job specifications, may be used as a further basis for examination standards.

(c) *Limitations on examinations.* No examination will require an applicant to provide information concerning their age, race, color, religious creed, ancestry, national origin, gender, sexual orientation, gender identity or expression, political opinions or affiliations, union membership or affiliations, AIDS or HIV status, or disability; nor will the information be required in another manner by an official or employee of the Office of Administration or of an appointing authority in connection with the appointment or promotion to a position within the classified service, except as otherwise permitted by the act or this subpart.

(d) *Collaboration in examination content.* The Office of Administration may collaborate with representatives of appointing authorities, qualified testing organizations and other qualified individuals regarding the content of examinations. The interchange of information shall be made under circumstances and conditions designed to prevent premature disclosure of examination content to prospective applicants.

(e) *Cooperative testing.* The Office of Administration may authorize collaboration with another public testing or placement agency in a program of cooperative testing of applicants, provided competitive principles are observed.

(f) *Weighting of tests and evaluations.* If multiple tests or assessments constitute the entirety of an examination, the Office of Administration, after considering the relative value of the tests or assessments in measuring the relative capacity and fitness of applicants to perform the duties of the job classification or position(s) to which they

applied, and after consultation with the appointing authority, will fix the relative weights of the tests or assessments. Modifications to the relative weights will be announced to all applicants.

§ 602a.10. Administration of examinations.

(a) *Frequency of examinations.* The Office of Administration will administer examinations to establish employment and promotion lists when necessary to meet or anticipate the employment needs of appointing authorities.

(b) *Notice of examinations.* The Office of Administration shall publish notices of examinations, which announce the method of examination and, if applicable, the date, time and location that the examination will be held. Notices of examinations will be accessible through the Office of Administration's web site and shall be published for a minimum of 2 weeks. The Office of Administration may also publish notices of examinations using alternative methods of publication at its discretion.

(c) *Collaboration in administering examinations.* The Office of Administration may collaborate with representatives of appointing authorities, qualified testing organizations and other qualified individuals in administering examinations. The interchange of information shall be made under circumstances and conditions designed to prevent premature disclosure of examination content to prospective applicants.

(d) *Notice of admittance to examination.* An applicant will be notified of admittance or non-admittance to an examination.

(e) *Refusal to examine.* The Office of Administration is not required to examine an applicant who lacks the established requirements for admission to the examination, the minimum qualifications for employment in the relevant job classification or, where applicable, the selective criteria required for appointment or promotion to the specific position to which the applicant applied. The Office of Administration may refuse to examine an applicant if any of the following occur:

(1) The applicant has been convicted of, or has pled guilty to, a crime, including a plea of *nolo contendere*, or has otherwise engaged in conduct that renders the applicant unfit or unsuitable for the position sought.

(2) The applicant has been terminated from employment for incompetency or misconduct that renders the applicant unfit or unsuitable for the position sought.

(3) The applicant has made a false statement, or omitted a material fact, or engaged in, or attempted to engage in, deception or fraud in application, examination, securing eligibility, or seeking appointment or promotion.

(4) The applicant lacks professionalism, honesty, trustworthiness or dependability.

(5) The applicant does not meet qualifications required by Federal or State law or regulation.

(6) The applicant has voluntarily waived their right to apply for, or accept, employment in the classified service under a settlement agreement.

(f) *Failure to appear for in-person examination.* An applicant who fails to appear for an in-person examination due to an act or omission of the Office of Administration or another appropriate reason, as determined by the Office of Administration, shall be given a delayed in-person examination in place of the one for which the applicant failed to appear. If an applicant's failure to appear for an in-person examination was not caused by an act or omission of the Office of Administration or another appropriate reason, as determined by the Office

of Administration, the applicant shall be prohibited from taking any in-person examinations for a period of 6 months from the scheduled date of the in-person examination. Repeated failures to appear for an in-person examination on the part of the applicant may result in the applicant being prohibited from taking any in-person examinations for a period of time determined by the Office of Administration, but not to exceed 2 years.

(g) *Cancellation of examination.* Applicants taking an examination will be given equal opportunity to demonstrate relative merit and fitness. The Office of Administration may cancel, postpone or reschedule an examination, or parts of them if severable, whenever the conditions under which an examination is held have materially impaired its competitive nature or worth in assessing qualifications. The Office of Administration may also cancel, postpone or reschedule an examination whenever it finds holding the examination impracticable or unnecessary. The reasons for canceling, postponing or rescheduling an examination shall be made part of the examination record. If parts of a multipart examination are canceled, the Office of Administration shall reassign the weights, in an equitable manner, to the remaining part or parts.

(h) *Retaking examination.* The Office of Administration may designate in a notice of examination the time frame within which an applicant may retake an examination. Applicants who attempt to retake an examination outside of the designated time frame may have their examination rejected and may be prohibited from taking further examinations for a period of time to be determined by the Office of Administration.

§ 602a.11. Promotion examinations.

(a) Except as indicated in this section, a promotion examination will be open to probationary and regular employees who occupy a position with a lower maximum salary than the position relevant to the examination, possess the minimum qualifications for employment in the relevant job classification and, where applicable, possess the selective criteria required for promotion to the relevant position. As approved by the Office of Administration, a promotion examination may be limited to employees occupying positions in specified jobs classifications.

(b) Upon the request of an appointing authority, the Office of Administration may, in its discretion, limit entrance to a promotion examination to regular employees who occupy a position with a lower maximum salary than the position relevant to the examination, possess the minimum qualifications for employment in the relevant job classification and, where applicable, possess the selective criteria required for promotion to the relevant position.

(c) The Office of Administration may, after consultation with the appropriate appointing authorities, establish the length of service required of an employee in the qualifying job classification or classifications for eligibility to participate in a promotion examination.

§ 602a.12. Prohibited conduct in examinations.

(a) *Cheating or seeking undue advantage.* An individual may not impersonate an applicant or have another individual impersonate an applicant in connection with an examination; or use or attempt to use unauthorized aids or assistance, including copying or attempting to copy from or helping or attempting to help another individual

in any part of an examination; or otherwise seek to attain undue advantage for themselves or others in connection with the examination.

(b) *Improper use of examination materials.* An individual may not copy, record or transcribe an examination question or answer; or remove from the examination room a question sheet, answer sheet or booklet, scrap papers, notes or other papers, or any materials related to the content of the examination. An individual will be notified of these requirements prior to taking an examination, and no examiner, proctor, monitor, or other person charged with the supervision of an individual or group of individuals taking an examination will have authority to waive it.

(c) *Violations.* The Office of Administration may disqualify from examination or otherwise refuse to certify an applicant who violates this section.

§ 602a.13. Scoring of examinations.

(a) *Qualifying raw scores.* The Office of Administration shall set qualifying raw scores for each examination. When there is a multipart examination, the Office of Administration may require applicants to attain a qualifying raw score on each part of the examination. In determining qualifying raw scores, the Office of Administration may consider both the number and quality of prospective eligibles needed to serve the best interests of the classified service, as well as the validity and reliability of the examination.

(b) *Failure of part of examination.* An applicant who fails to earn a qualifying raw score on any part of an examination may be disqualified from participating in any other parts of the examination, and if so disqualified, shall be deemed to have failed the entire examination.

(c) *Use of examination scores.* Final examination scores may be used to rank applicants or to categorize or group similarly qualified applicants.

(1) *Ranking of applicants.* When examination scores are used to rank applicants, the final earned score of each applicant who attained a qualifying raw score on the examination shall be calculated as follows:

(i) Examination scores shall be calculated in whole numbers.

(ii) The minimum qualifying raw score shall be assigned an examination score of 60.

(iii) The estimated highest qualifying raw score, the score which the best qualified individual would be reasonably expected to attain, shall be assigned an examination score of 100.

(iv) The intermediate qualifying raw scores shall be assigned examination scores between 60 and 100 based on their relationship to the qualifying raw score, the estimated highest qualifying raw score, and the reliability and accuracy of the examination procedures. Scores above the estimated highest qualifying raw score shall exceed an examination score of 100 and shall be assigned an examination score based on their relationship to the qualifying raw score and the estimated highest qualifying raw score.

(v) Ties in examination scores may not be broken.

(2) *Categorization or grouping of applicants.* When test scores are used to categorize or group similarly qualified applicants, all applicants in a category shall be assigned the same final examination score.

(d) *Veterans preference.* An applicant's final examination score will be calculated prior to the application of

veterans' preference in accordance with the act, 51 Pa.C.S. Chapter 71 (relating to veterans' preference), and this subpart.

(e) *Correction of errors in scoring.* The Office of Administration, upon finding an error in the calculation of an applicant's examination score shall correct the error and report the error to the affected applicant, regardless of whether the applicant requested a reconsideration under subsection (f).

(f) *Reconsideration.* An applicant may request the Office of Administration reconsider the applicant's examination score by submitting a written request for reconsideration to the Office of Administration within 5 business days of the date that the notice of examination score was sent to the applicant by the Office of Administration. The written request for reconsideration shall state the grounds for the request, specifically explaining why the applicant's examination score is incorrect based on the examination answers provided by the applicant. The Office of Administration will re-review the applicant's examination and provide the applicant with a further explanation or revised result.

(1) Appointing authorities may continue the hiring process while an applicant's request for reconsideration is pending review by the Office of Administration.

(2) If the Office of Administration determines that, due to an administrative error, an applicant received an incorrect examination score, the Office of Administration will revise the applicant's examination score and instruct the appointing authority to consider the applicant for appointment or promotion to the vacancy in accordance with the act and this subpart.

(g) *Refusal to score examination.* The Office of Administration is not required to score the examination of an applicant who lacks the established requirements for admission to the examination, the minimum qualifications for employment in the relevant job classification or, where applicable, the selective criteria required for appointment or promotion to the specific position to which the applicant applied. The Office of Administration may refuse to score the examination of an applicant if any of the following occur:

(1) The applicant has been convicted of, or has pled guilty to, a crime, including a plea of nolo contendere, or has otherwise engaged in conduct that renders the applicant unfit or unsuitable for the position sought.

(2) The applicant has been terminated from employment for incompetency or misconduct that renders the applicant unfit or unsuitable for the position sought.

(3) The applicant has made a false statement, or omitted a material fact, or engaged in, or attempted to engage in, deception or fraud in application, examination, securing eligibility, or seeking appointment or promotion.

(4) The applicant lacks professionalism, honesty, trustworthiness and dependability.

(5) The applicant does not meet qualifications required by Federal or State law or regulation.

(6) The applicant has voluntarily waived their right to apply for, or accept, employment in the classified service under a settlement agreement.

§ 602a.14. Examination analysis and alternatives.

(a) *Analysis.* The Office of Administration will initiate analysis of examinations as necessary to ensure that examinations do not discriminate on the basis of nonmerit factors.

(b) *Invalidation and substitution.* The Office of Administration, after investigation, may invalidate all or part of the examination results and, in its discretion, substitute an alternative method of examination. The Office of Administration will notify applicants of the action and the reasons, therefore.

Subchapter E. ESTABLISHMENT OF ELIGIBLE LISTS

Sec.

602a.15. Creation of eligible lists.

602a.16. Duration of eligible lists.

602a.17. Amendment of eligible lists.

602a.18. Replacement and integration of eligible lists.

602a.19. Cancellation of eligible lists.

§ 602a.15. Creation of eligible lists.

Upon the scoring of an examination, the Office of Administration will create an eligible list, which shall contain the names of the applicants who qualified for and successfully passed the examination. Eligible lists shall be arranged in order of final examination scores and must include applicable veterans' preference points in accordance with the act, 51 Pa.C.S. Chapter 71 (relating to veterans' preference), and this subpart.

§ 602a.16. Duration of eligible lists.

The duration of an eligible list will be fixed by the Office of Administration based on the needs and interests of the Commonwealth.

§ 602a.17. Amendment of eligible lists.

(a) *Amendments permitted.* The Office of Administration may amend an eligible list to correct a clerical error; to correct an eligible's score; to indicate a change in veteran status; to add or remove a name; or to suspend or change an applicant's eligibility for certification, appointment or promotion.

(b) *Effect of amendment.* An amendment to an eligible list may not disadvantage an eligible lawfully appointed or promoted to the relevant position based on a valid certification previously issued.

§ 602a.18. Replacement and integration of eligible lists.

(a) *Replacement and integration permitted.* A newly established eligible list may replace an earlier eligible list appropriate for the same job classification. The Office of Administration may integrate an eligible list with an equivalent list established later based on final examination scores and veterans' preference points, when applicable.

(b) *Notice.* When an examination is announced that may result in the replacement of an eligible list, the eligibles whose names remain on the list being replaced shall be notified of their opportunity to participate in the examination.

§ 602a.19. Cancellation of eligible lists.

(a) *Cancellation permitted.* The Office of Administration may cancel an eligible list where it determines that illegality or fraud occurred in connection with the eligible list.

(b) *Public hearing.* Prior to cancelling an eligible list, the Office of Administration shall hold a public hearing, which shall be conducted in accordance with Chapter 607a (relating to practice and proceedings before the Office of Administration) of this subpart.

(c) *Notice.* When an eligible list is cancelled, the eligibles whose names remain on the list being cancelled shall be notified of the cancellation.

Subchapter F. CERTIFICATION OF ELIGIBLES

Sec.

- 602a.20. Request for certification.
- 602a.21. Content of certification.
- 602a.22. Duration of certification.
- 602a.23. Refusal to certify; removal from certification.

§ 602a.20. Request for certification.

(a) *Generally.* Upon the request of an appointing authority, the Office of Administration will certify from the appropriate eligible list(s) as many eligibles who have applied for the vacancy as necessary to satisfy the employment needs of the appointing authority.

(b) *Types of certified eligible lists.* The Office of Administration shall certify as many types of eligible lists as requested by the appointing authority, including, but not limited to, lists containing only the names of those eligibles currently employed by the appointing authority; lists containing only the names of those eligibles currently employed by the Commonwealth; lists containing only the names of those eligibles possessing selective criteria imposed in accordance with the act and this subpart; and lists containing only the names of those eligibles who are veterans.

§ 602a.21. Content of certification.

(a) *Generally.* A certified eligible list will contain the names of those eligibles who received a passing final examination score and will indicate each eligible's final examination score.

(b) *Veterans' preference.* In accordance with § 601a.4(d) (relating to veterans' preference), certified eligible lists will indicate an eligible's veteran status, as well as any additional examination points afforded to an eligible in accordance with 51 Pa.C.S. Chapter 71 (relating to veterans' preference).

(c) *Age preference.* In accordance with § 601a.5(c) (relating to age preference), certified eligible lists issued to the Department of Aging will indicate each eligible's age preference status.

§ 602a.22. Duration of certification.

A certified eligible list shall be valid for 90 business days after the date of certification, unless extended or limited by the Office of Administration to serve the best interests of the classified service.

§ 602a.23. Refusal to certify; removal from certification.

(a) *Generally.* The Office of Administration is not required to certify, and may otherwise remove from a certified eligible list, an eligible who lacks the minimum qualifications for employment in the relevant job classification or, where applicable, the selective criteria required for appointment or promotion to the specific position to which the eligible applied. The Office of Administration may refuse to certify, or may otherwise remove from a certified eligible list, for a period of time as determined by the Office of Administration, an eligible who has had any of the following occur:

- (1) The eligible has been convicted of, or has pled guilty to, a crime, including a plea of nolo contendere, or has otherwise engaged in conduct that renders the eligible unfit or unsuitable for the position sought.
- (2) The eligible has been terminated from employment for incompetency or misconduct that renders the eligible unfit or unsuitable for the position sought.
- (3) The eligible has made a false statement, or omitted a material fact, or engaged in, or attempted to engage in,

deception or fraud in application, examination, securing eligibility, or seeking appointment or promotion.

(4) The eligible lacks professionalism, honesty, trustworthiness and dependability.

(5) The eligible does not meet qualifications required by Federal or State law or regulation.

(6) The eligible has been properly rejected three times by an appointing authority in favor of others on the same eligible list.

(7) The applicant has voluntarily waived their right to apply for, or accept, employment in the classified service under a settlement agreement.

Subchapter G. APPOINTMENT AND PROMOTION OF ELIGIBLES FROM CERTIFIED ELIGIBLE LISTS

Sec.

- 602a.24. Rule of three and alternate rule.
- 602a.25. Assessment of eligibles.
- 602a.26. Removal of eligible from eligible list.
- 602a.27. Prohibition against securing withdrawal from competition.

§ 602a.24. Rule of three and alternate rule.

(a) *Rule of three.* Unless an appointing authority elects to use an alternate rule, the rule of three shall apply when selecting an eligible for appointment or promotion from a certified eligible list.

(b) *Alternate rule.* An appointing authority may elect to use an alternate rule when selecting an eligible for appointment or promotion from a certified eligible list, in accordance with the act and this subpart.

(1) An appointing authority shall notify the Office of Administration of its election to use an alternate rule when requesting to post a vacancy.

(2) An appointing authority electing an alternate rule may not use an alternate rule unless notification has been received by the Office of Administration, as required in paragraph (1), and the Office of Administration has acknowledged the election of an alternate rule, in writing.

(3) The Office of Administration reserves the right to reject an appointing authority's election of an alternate rule if it appears the use of the rule is designed to circumvent merit system principles as set forth in the act and this subpart.

(c) *Multiple vacancies.* During the process of making multiple appointments or promotions from a single certified eligible list, the appointing authority shall follow the same procedure, as set forth in subsections (a) and (b), for each appointment or promotion made.

§ 602a.25. Assessment of eligibles.

An appointing authority may conduct an interview or otherwise assess relative suitability for appointment or promotion of a certified eligible, but the assessment must be based on merit-related criteria and be conducted in accordance with the act and this subpart.

§ 602a.26. Removal of eligible from eligible list.

(a) *Request for removal of eligible from eligible list.* A request for removal of an eligible's name from an established or certified eligible list is subject to the following:

(1) A request for removal of an eligible's name from an established or certified eligible list shall be promptly raised by the appointing authority.

(2) An appointing authority requesting removal of an eligible's name from an established or certified eligible list shall submit a written request for removal to the Office of Administration, which shall include the basis for the request and all supporting documents that were

relied upon by the appointing authority to determine that the eligible's name should be removed.

(3) A request for removal of an eligible's name from an established or certified eligible list must be based upon merit-related criteria.

(4) On the same date an appointing authority submits to the Office of Administration a request for removal of an eligible's name from an established or certified eligible list, the appointing authority shall send a copy of the request for removal, including all supporting documents provided to the Office of Administration, to the eligible. The copy of the request for removal sent to the eligible must include specific instructions on how to respond to the request for removal, as set forth in subsection (b).

(b) *Eligible's opportunity to respond.* An eligible may, within 10 calendar days from the mailing date of the appointing authority's request for removal of the eligible's name from an established or certified eligible list, submit a written response to the Office of Administration, including any supporting documents. The eligible shall send a copy of the response and supporting documents to the appointing authority on the same date the response is submitted to the Office of Administration.

(c) *Removal.* The Office of Administration will grant an appointing authority's request to remove an eligible's name from an established or certified eligible list only where removal is warranted by merit-related criteria and is consistent with the merit system principles set forth in the act and this subpart. If a request for removal of an eligible's name from an established or certified eligible list is granted by the Office of Administration, the eligible's name will be removed from the appropriate list or lists for a period of time as determined by the Office of Administration, and the appointing authority will not be required to consider the eligible for appointment or promotion.

§ 602a.27. Prohibition against securing withdrawal from competition.

An eligible may not influence another eligible to withdraw from competition for a position in the classified service, nor may a waiver of another eligible's rights or availability be solicited for the purpose of either improving or impairing an eligible's prospects for appointment or promotion. The Office of Administration may take appropriate action in accordance with the act whenever it finds that an eligible has violated this section.

Subchapter H. APPOINTMENT AND PROMOTION THROUGH INTERNAL RECRUITMENT METHODS

Sec.

602a.28. Referral of applicants.

602a.29. Reassignment.

602a.30. Transfer.

602a.31. Voluntary demotion.

602a.32. Reinstatement.

602a.33. Promotion.

602a.34. Assessment of referred applicants.

602a.35. Prohibition against securing withdrawal from competition.

§ 602a.28. Referral of applicants.

(a) *Generally.* Upon the closing of a vacancy posting limited to only internal recruitment methods, the Office of Administration will refer to the appointing authority the names of those applicants eligible for appointment or promotion by the applicable internal recruitment methods.

(b) *Refusal to refer.* The Office of Administration is not required to refer an applicant who lacks the minimum qualifications for employment in the relevant job classification or, where applicable, the selective criteria required for appointment or promotion to the specific position to which the applicant applied. The Office of Administration may refuse to refer an applicant if any of the following occur:

(1) The applicant has been convicted of, or has pled guilty to, a crime, including a plea of *nolo contendere*, or has otherwise engaged in conduct that renders the eligible unfit or unsuitable for the position sought.

(2) The applicant has been terminated from employment for incompetency or misconduct that renders the eligible unfit or unsuitable for the position sought.

(3) The applicant has made a false statement, or omitted a material fact, or engaged in, or attempted to engage in, deception or fraud in application, examination, securing eligibility, or seeking appointment or promotion.

(4) The applicant lacks professionalism, honesty, trustworthiness or dependability.

(5) The applicant does not meet qualifications required by Federal or State law or regulation.

(6) The applicant has voluntarily waived their right to apply for, or accept, employment in the classified service under a settlement agreement.

§ 602a.29. Reassignment.

(a) *Generally.* An employee in the classified service may seek appointment to a vacant position through reassignment, provided the position is in the same or similar job classification to which the employee currently holds.

(b) *Similar job classification.* Whether a job classification constitutes a similar job classification for purposes of subsection (a) will be determined by the Office of Administration on a case by case basis. In determining whether job classifications are similar, the Office of Administration will consider whether the job classifications have the same maximum hourly salary rate in the compensation plan, and whether the job classifications require comparable minimum qualifications.

§ 602a.30. Transfer.

An employee in the classified service may seek appointment to a vacant position through a transfer, provided the position is in the same job classification that the employee currently holds.

§ 602a.31. Voluntary demotion.

An employee in the merit system may seek appointment to a vacant position through demotion, provided the position is in a job classification that the employee previously held regular status or which the employee is otherwise qualified to hold.

§ 602a.32. Reinstatement.

An applicant who previously held regular status employment in the classified service and who resigned or otherwise voluntarily separated from that employment may seek appointment to a vacant position through reinstatement, provided the position is in the same job classification from which the applicant resigned.

§ 602a.33. Promotion.

(a) *Method of promotion.* A vacancy may be filled by promotion in the following ways:

(1) By promotion of a probationary or regular employee from an appropriate employment list.

(2) By promotion of a probationary or regular employee from a promotion list.

(3) By promotion of a Commonwealth employee of an appointing authority who appears on an appropriate

employment list and who meets eligibility criteria as established by the Office of Administration.

(4) By promotion of a regular employee without examination, based upon meritorious service and seniority.

(b) *Promotion without examination.* Promotion without examination may be accomplished under the following circumstances, provided that the promotion does not circumvent merit system principles as set forth in the act and this subpart:

(1) *Trainee job classifications.* A trainee who has successfully completed the prescribed training period may be promoted, without further examination, to the higher-level job classification.

(2) *Intern job classifications.* An intern who has successfully completed the duration of the internship may be promoted without further examination to the higher-level job classification, provided the intern possesses the minimum qualifications for employment in the higher-level job classification.

(3) *Competitive promotion without examination.* An appointing authority seeking to fill a vacancy through the competitive promotion without examination process shall make the promotion decision based upon an objective review of each referred applicant's meritorious service and seniority.

(4) *Classification review.* When a classification review reveals that a position should be classified to a higher level, the incumbent of the position will be promoted without examination to the higher-level job classification, provided the incumbent possesses the minimum qualifications required for employment in the higher-level job classification.

(5) *Unskilled position.* When an unskilled position in the unclassified service exists immediately below a vacancy in a position in the classified service, the incumbent of the unskilled position shall be promoted into the classified service position, if all of the following occur:

(i) The promotion is into a classified service position immediately above the employee's position.

(ii) The promotion is based on seniority and meritorious service.

(iii) The employee meets all the established requirements for the higher-level position.

(iv) The employee satisfactorily completes a 6-month probationary period in the classified service position.

(c) *Meritorious service and seniority.* For purposes of subsection (b), the following definitions apply:

(1) *Meritorious service.* Meritorious service shall mean the absence of any discipline above the level of written reprimand during the 12 months preceding the closing date on the vacancy posting and an overall rating of satisfactory or higher on the employee's last performance evaluation. Appointing authorities shall not change the definition of meritorious service set forth in this paragraph and must consider all applicants who have a minimum overall rating of satisfactory on the employee's last performance evaluation and who otherwise meet all other requirements for promotion to the relevant position.

(2) *Seniority.* Unless otherwise approved by the Office of Administration, seniority shall mean a minimum of 1 year of employment in the next lower job classification, as determined by the appointing authority using objective standards, by the closing date of the vacancy posting. Subject to approval by the Office of Administration,

seniority may also mean a demonstration of a logical occupational, functional or career development relationship to the posted position and a job classification for which the employee holds, or has held, regular status; or a clear linkage between the required knowledge, skills and abilities of the posted position and a job classification for which the employee holds, or has held, regular status.

(d) *Eligibility for promotion.* To be eligible for a promotion, regardless of promotion method, an employee must have received an overall rating of satisfactory or higher on the employee's last performance evaluation and cannot have received any discipline above the level of written reprimand during the 12 months preceding the closing date on the vacancy posting. Appointing authorities shall not change the requirements set forth in this subsection and must consider all applicants who have a minimum overall rating of satisfactory on the employee's last performance evaluation and who otherwise meet all other requirements for promotion to the relevant position.

(e) *Collective bargaining agreements.* Notwithstanding the provisions of this section, when a collective bargaining agreement covering a job classification in the classified service sets forth promotion procedures, the terms of the agreement as to the promotion procedures shall be controlling, provided such terms are not otherwise contrary to the act or this subpart.

§ 602a.34. Assessment of referred applicants.

An appointing authority may conduct an interview or otherwise assess relative suitability for appointment or promotion of a referred applicant, but the assessment must be based on merit-related criteria and be conducted in accordance with the act and this subpart.

§ 602a.35. Prohibition against securing withdrawal from competition.

An applicant may not influence another applicant to withdraw from competition for a position in the classified service, nor may a waiver of another applicant's rights or availability be solicited for the purpose of either improving or impairing an applicant's prospects for appointment or promotion. The Office of Administration may take appropriate action in accordance with the act whenever it finds that an applicant has violated this section.

Subchapter I. EMERGENCY APPOINTMENTS

Sec.
602a.36. Emergency appointments.

§ 602a.36. Emergency appointments.

(a) *Generally.* Notwithstanding the provisions of this chapter related to examinations and the certification and appointment of eligibles, to prevent serious impairment of the public business during an emergency, and when time does not permit securing authorization from the Office of Administration for the appointment of a certified eligible, an appointing authority may appoint a qualified applicant during the emergency for an initial period not exceeding 30 business days.

(b) *Status of emergency employees.* An emergency employee shall hold the same status as a probationary employee for the duration of the emergency appointment. Conversion of an emergency appointment to a permanent appointment shall require regular certification and appointment procedures.

(c) *Report to Office of Administration.* An appointing authority shall report to the Office of Administration an emergency appointment within 5 business days of the emergency appointment and shall include an explanation

of the emergency circumstances necessitating the emergency appointment. If the Office of Administration determines that the emergency appointment does not conform with the act or this section, the Office of Administration may take appropriate corrective action, including requiring the appointing authority to separate the emergency employee.

(d) *Extension.* The Office of Administration, upon the request and submission of justification by an appointing authority, may permit the appointing authority to extend the emergency appointment for up to an additional 30 business days.

CHAPTER 603a. EMPLOYEES IN THE CLASSIFIED SERVICE

Subchap.

- A. PROBATIONARY PERIODS AFTER APPOINTMENT OR PROMOTION
- B. EMPLOYEE PERFORMANCE EVALUATIONS
- C. MOVEMENT OF EMPLOYEES BY APPOINTING AUTHORITIES
- D. RECLASSIFICATIONS BY THE OFFICE OF ADMINISTRATION
- E. COMPENSATION

Subchapter A. PROBATIONARY PERIODS AFTER APPOINTMENT OR PROMOTION

Sec.

- 603a.1. Probationary periods required.
- 603a.2. Duration and extension of probationary periods.
- 603a.3. Probationary period following reassignment or transfer.
- 603a.4. Probationary period following demotion.
- 603a.5. Probationary period following reinstatement.
- 603a.6. Probationary period following promotion.
- 603a.7. Probationary period of trainees.
- 603a.8. Probationary period of interns.
- 603a.9. Credit towards probationary period.
- 603a.10. Effect of leave of absence on probationary period.
- 603a.11. Effect of a leave of absence for military duty on probationary period.
- 603a.12. Conferment of regular status and removal of probationary employees.

§ 603a.1. Probationary periods required.

Except as otherwise provided by the act and this subpart, an employee in the classified service shall serve a probationary period after an appointment or promotion.

§ 603a.2. Duration and extension of probationary periods.

(a) *Duration of probationary period.* The length of the probationary period required for appointments and promotions for a full-time position is a minimum of 6 months, defined as 180 calendar days, and will be determined by the Office of Administration for each job classification. The probationary period for part-time positions shall be prorated according to the number of hours in the work week.

(b) *Extension of probationary period.* The probationary period, except for a trainee job classification, may be extended up to a maximum of 18 months (defined as 545 calendar days—365 calendar days plus 6 months at 30 days per month), at the discretion of the appointing authority. If the appointing authority extends an employee's probationary period, it must notify the employee in writing at least 1 workday prior to the effective date of the extension.

§ 603a.3. Probationary period following reassignment or transfer.

(a) *Regular employees.* An employee who has achieved regular status and who is appointed to a position through reassignment or transfer shall retain regular status.

(b) *Probationary employees.* The unexpired portion of the probationary period of an employee who never achieved regular status and who is appointed to a position through a reassignment or transfer shall continue to be served in the position, unless the employee accepted the appointment after being notified in writing that the appointing authority having jurisdiction over the position requires a full probationary period in the position as a condition of appointment.

§ 603a.4. Probationary period following demotion.

(a) *Regular employee.* An employee who has achieved regular status and who is demoted shall retain regular status.

(b) *Probationary employee.* The unexpired portion of the probationary period of an employee who never achieved regular status and who is demoted shall continue to be served in the position, unless the employee accepted the demotion after being notified in writing that the appointing authority having jurisdiction over the position requires a full probationary period in the position as a condition of appointment. An employee who held regular status in a lower-level job classification shall be assigned regular status in the job classification to which the employee is demoted, unless the employee had not previously held the job classification to which they are demoted.

(c) *Subsequent promotion.* When a regular employee has voluntarily demoted to a lower-level job classification and is subsequently promoted to the higher-level job classification held prior to demotion, the appointing authority may waive all or part of the probationary period for the higher-level job classification.

§ 603a.5. Probationary period following reinstatement.

An appointing authority may waive the probationary period for a position if the former employee is reinstated within 2 years after resignation. If more than 2 years have expired since the former employee's resignation, the former employee shall serve the probationary period prescribed for the job classification to which reinstated.

§ 603a.6. Probationary period following promotion.

(a) *Generally.* A regular status employee who is promoted shall serve the duration of the probationary period that is specified for the job classification to which promoted, subject to the following conditions:

(1) During the first 3 months of the probationary period, the employee has the option to return to the regular status position held immediately prior to the employee's promotion.

(2) At any time after the first 3 months of the probationary period, an employee in probationary status may return to the previous regular status position or job classification held immediately prior to the employee's promotion, with written consent of the appointing authorities.

(3) If the performance of the employee is found to be unsatisfactory by the appointing authority, the employee shall be returned to the previous regular status position or job classification held immediately prior to the employee's promotion.

(b) *Status after return.* Employees returned under subsection (a) shall be assigned regular status in the job classification to which the employee is returned, provided the employee achieved regular status in that classification.

(c) *Employees without regular status.* A promoted employee who has never held regular status in the classified service does not have a right to return to a probationary status position previously held.

§ 603a.7. Probationary period of trainees.

(a) *Status as trainee.* A trainee shall maintain the status of a probationary employee while employed in the trainee job classification.

(b) *Duration of probationary period.* The probationary period for the trainee job classification and working level job classification will be combined and may be set by the Office of Administration at a minimum of 6 months, defined as 180 calendar days, and a maximum of 24 months, defined as 730 calendar days, to coincide with the length of the designated training period.

(c) *Extension of probationary period.* The probationary period of a trainee may be extended up to a maximum of 24 months, defined as 730 calendar days, at the discretion of the appointing authority. If the appointing authority extends an employee's probationary period, it must notify the employee in writing at least 1 workday prior to the effective date of the extension.

(d) *Promotion to working level job classification.* A trainee shall be promoted to the working level job classification, with regular status, if the trainee successfully completes the designated probationary period. Notice of successful completion of the probationary period shall be given in accordance with § 603a.12 (relating to conferment of regular status and removal of probationary employees).

(e) *Removal of trainee.* An appointing authority must immediately remove, or, if appropriate, return a trainee who fails to successfully complete the designated probationary period in accordance with § 603a.12(d).

§ 603a.8. Probationary period of interns.

(a) *Status as intern.* An intern shall maintain the status of a probationary employee while employed in the intern job classification.

(b) *Duration of probationary period.* The probationary period for an intern job classification shall coincide with the duration of the internship.

(1) *Minimum duration.* The minimum duration of a probationary period for an intern job classification shall be 6 months, defined as 180 calendar days or 975 hours if the internship is completed over a noncontiguous period.

(2) *Maximum duration.* The maximum duration of a probationary period for an intern job classification shall be 18 months, defined as 545 calendar days (365 calendar days plus 6 months at 30 days per month) or 2,925 hours if the internship is completed over a noncontiguous period.

(c) *Promotion after internship.* An intern who has successfully completed the duration of the internship may be promoted in the manner set forth in § 602a.33(b)(2) (relating to promotion). Notice of successful completion of the probationary period shall be given in accordance with § 603a.12(a) (relating to conferment of regular status and removal of probationary employees).

(d) *Removal of intern.* An appointing authority must immediately remove or, if appropriate, return an intern who fails to successfully complete the internship in accordance with § 603a.12(d).

§ 603a.9. Credit towards probationary period.

(a) *Temporary assignment of higher-level duties.* A probationary employee who is temporarily assigned the

duties of a higher-level position shall have the period during which they are performing the higher-level duties credited toward the lower-level probationary period.

(b) *Service in same level position.* If an appointing authority reassigns a probationary employee to another position in the same or a similar job classification within the appointing authority, the employee shall be credited with time served in the previous position toward the completion of the probationary period required for the present position.

§ 603a.10. Effect of leave of absence on probationary period.

(a) *Generally.* A leave of absence shall not count toward the completion of a probationary employee's probationary period. Upon return from a leave of absence, a probationary employee shall complete the unserved portion of the probationary period.

(b) *Extended leave.* When a leave of absence exceeds 30 consecutive workdays, the appointing authority may require that a new, full probationary period be served by the returning probationary employee.

§ 603a.11. Effect of a leave of absence for military duty on probationary period.

A leave of absence for military duty shall not count toward the completion of a probationary employee's probationary period. Upon return from a leave of absence for military duty, a probationary employee shall complete the unserved portion of the probationary period.

§ 603a.12. Conferment of regular status and removal of probationary employees.

(a) *Evaluation of performance.* Prior to the expiration of an employee's probationary period, the appointing authority shall evaluate the employee's performance and provide the employee with the results of the evaluation.

(b) *Form of evaluation.* Performance evaluations of probationary employees shall be made using the same form developed in accordance with § 603a.13(c) (relating to performance evaluations generally).

(c) *Conferment of regular status.* If an employee's overall performance during the probationary period has been rated satisfactory or higher, the appointing authority shall confer regular status upon the employee at the expiration of the probationary period.

(d) *Removal of probationary employee.*

(1) If at any time during the probationary period the appointing authority determines that an employee is failing to perform satisfactorily, the appointing authority may promptly remove or, if appropriate, return, the employee in accordance with the act and this subchapter.

(2) If at the completion of the probationary period the appointing authority determines that an employee failed to perform satisfactorily, the appointing authority will immediately remove or, if appropriate, return, the employee in accordance with the act and this subchapter.

Subchapter B. EMPLOYEE PERFORMANCE EVALUATIONS

- Sec.
- 603a.13. Performance evaluations generally.
- 603a.14. Completion of performance evaluations.
- 603a.15. Retention of performance evaluations.
- 603a.16. Review of performance evaluations.
- 603a.17. Use of performance evaluations.

§ 603a.13. Performance evaluations generally.

(a) *Generally.* Subject to the review and approval of the Office of Administration, appointing authorities shall establish and maintain a job-related system of performance evaluations for employees in the classified service.

(b) *Basis of performance evaluations.* Performance evaluations must be based upon job-related factors appropriate for determining the manner in which the employee performs the duties and carries out the responsibilities of the position occupied.

(c) *Forms and procedures.* Performance evaluation forms and procedures shall be reviewed and approved by the Office of Administration prior to utilization.

§ 603a.14. Completion of performance evaluations.

Performance evaluations of regular employees shall be completed at least once each year, unless a different schedule is approved by the Office of Administration.

§ 603a.15. Retention of performance evaluations.

(a) *Generally.* Appointing authorities shall retain copies of a regular employee's performance evaluation for a period of 3 years.

(b) *Review by Office of Administration.* Upon request by the Office of Administration, performance evaluations shall promptly be made available by an appointing authority to the Office of Administration.

§ 603a.16. Review of performance evaluations.

An appointing authority shall provide the employee with the results of the performance evaluation as soon as practicable after the evaluation is completed. The employee will be given an opportunity to review the performance evaluation with the rater and the reviewing officer. The appointing authority shall inform the employee of the standards used in determining the evaluation.

§ 603a.17. Use of performance evaluations.

Performance evaluations may be utilized for purposes of determining eligibility for promotion, to assist in establishing priority for promotion, or for determining order of furlough as provided in this subpart.

Subchapter C. MOVEMENT OF EMPLOYEES BY APPOINTING AUTHORITIES

Sec.

603a.18. Reassignment by appointing authority.

603a.19. Transfer by appointing authority.

603a.20. Involuntary demotions.

603a.21. Status after involuntary movement.

§ 603a.18. Reassignment by appointing authority.

(a) *Generally.* An appointing authority may reassign an employee from one position to another in the same job classification or in a similar job classification for which the employee qualifies.

(b) *Similar job classification.* Whether a job classification constitutes a similar job classification for purposes of subsection (a) will be determined by the Office of Administration on a case by case basis. In determining whether job classifications are similar, the Office of Administration will consider whether the job classifications have the same maximum hourly salary rate in the compensation plan, and whether the job classifications require comparable minimum qualifications.

(c) *Disapproval.* The Office of Administration may disapprove a reassignment that is not in compliance with the act and this subpart, or that otherwise violates merit principles.

§ 603a.19. Transfer by appointing authority.

(a) *Generally.* Upon agreement between appointing authorities, an appointing authority may transfer an employee from one position to another position in the same job classification within a different appointing authority.

(b) *Initiation of transfer.* A transfer shall be initiated by the appointing authority having jurisdiction over the position to which the transfer is sought and must be approved by the Office of Administration.

(c) *Disapproval.* The Office of Administration may disapprove a transfer that is not in compliance with the act and this subpart, or that otherwise violates merit principles.

§ 603a.20. Involuntary demotions.

An appointing authority may demote an employee who does not satisfactorily perform the duties of the position that they currently hold to a position in any job classification that the employee previously had the status of a regular employee or to any position for which the employee is qualified.

§ 603a.21. Status after involuntary movement.

The corresponding provisions of §§ 603a.1—603a.12 shall apply to appointments made in accordance with this subchapter.

Subchapter D. RECLASSIFICATIONS BY THE OFFICE OF ADMINISTRATION

Sec.

603a.22. Reclassifications.

603a.23. Effect of reclassification on status.

§ 603a.22. Reclassifications.

(a) *Reclassifications required.* When an employee's job duties change or the Board changes a job classification and a reallocation of the position becomes necessary, the employee shall be reclassified to the new job classification if the employee meets the established requirements. If the reclassification is to a lower-level job classification, it will not be construed as a demotion and the reclassified employee shall be credited with seniority acquired in the higher-level job classification.

(b) *Request for classification review.* When an appointing authority believes that a reclassification is necessary, the appointing authority shall submit a written request for a classification review to the Office of Administration, which shall include justification as to why reclassification of the position is necessary.

(c) *Approval.* The Office of Administration will approve requests for reclassification in accordance with the act and this subchapter.

(d) *Denial.* The Office of Administration may deny an appointing authority's request for reclassification if it appears the request is designed to circumvent merit system principles as set forth in the act and this subpart, or is otherwise unnecessary.

§ 603a.23. Effect of reclassification on status.

An employee reclassified laterally or to a lower-level job classification under this subchapter shall retain their current status.

Subchapter E. COMPENSATION

Sec.

603a.24. Effect of change in compensation schedules.

§ 603a.24. Effect of change in compensation schedules.

Revisions to the established schedule of compensation for a job classification, with no significant change in job

specifications as determined by the Office of Administration, will have no effect upon the status and seniority of employees. Changes in compensation may not be construed as promotions or demotions.

CHAPTER 604a. SEPARATION OF EMPLOYEES FROM THE CLASSIFIED SERVICE

Subchap.

A. LEAVES OF ABSENCE

B. FURLOUGH

C. REMOVAL AND SUSPENSION

D. RESIGNATION

E. SENIORITY

Subchapter A. LEAVES OF ABSENCE

Sec.

- 604a.1. Leaves of absence generally.
- 604a.2. Leaves of absence for military duty.
- 604a.3. Vacancies due to leaves of absence for military duty.
- 604a.4. Leave of absence for Senior Management Service employment.

§ 604a.1. Leaves of absence generally.

(a) *Request.* An employee seeking a leave of absence shall submit a written request for a leave of absence to the appointing authority. The written request shall state the date on which the leave will start, the date on which the leave will end and the reason for the request.

(b) *Approval.* A leave of absence may be granted at the discretion of the appointing authority in accordance with the act and this subpart.

(c) *Duration.* Approved leaves of absence shall be for a definite period, up to a 2-year increment of time.

(d) *Extension.* Upon the written request of the employee, a leave of absence may be extended at the discretion of the appointing authority in 2-year increments and for a maximum continuous duration of 12 years. If after a leave of absence consisting of 12 continuous years the employee does not return to a position in accordance with subsection (e), the employee shall be deemed to have resigned from their position on the date the approved leave of absence terminates.

(e) *Right of return.* Upon the expiration of an employee's approved leave of absence, or after an employee requests to return from an approved leave of absence in writing to the appointing authority, the employee shall have the right to return to employment in the classified service with the same appointing authority, subject to the following:

(1) An employee shall have the right to return to a vacant position, which the appointing authority is filling, in the same job classification from which the leave of absence was approved and shall retain the same status as they held prior to taking the leave of absence.

(2) If there are no vacant positions in the same job classification from which the employee took a leave of absence, the employee shall have the right of return to any of the following:

(i) A vacant position, which the appointing authority is filling, in a job classification previously held and shall retain the same status as they held prior to taking the leave of absence.

(ii) A vacant position, which the appointing authority is filling, in a job classification with the same maximum hourly salary and shall retain the same status as they held prior to taking the leave of absence, provided the employee meets the minimum qualifications for the job classification.

(iii) A vacant position, which the appointing authority is filling, in a lower-level job classification and shall retain the same status as they held prior to taking the leave of absence, provided the employee meets the minimum qualifications for the job classification.

(3) If there is no vacancy to which the employee on leave can be returned, or if the employee returned to a lower-level job classification in accordance with paragraph (2) (relating to leaves of absence generally), the employee's name shall be placed on a preferred reemployment list, for a period of 1 year, for employment in the job classification from which the leave of absence was approved.

(f) *Preferred reemployment lists.* Certifications from a preferred reemployment list shall take precedence over all other eligible lists and referrals from internal recruitment methods.

(g) *Scope.* This section shall not apply to leaves of absence for military service and leaves of absence for employment in the Senior Management Service.

§ 604a.2. Leaves of absence for military duty.

(a) *Generally.* An appointing authority shall grant a leave of absence to an employee for military duty.

(b) *Request.* An employee seeking a leave of absence for military duty shall submit a written request for a leave of absence for military duty to the appointing authority as soon as possible prior to the military duty commencing or as soon as possible after the military duty begins. An employee shall include with their written request all documents necessary to establish that the employee is, or will be, on military duty during the relevant period of time.

(c) *Duration.* The duration of the leave of absence shall coincide with the duration of the employee's military duty and any delayed return to work as prescribed by the Uniformed Services Employment and Reemployment Rights Act, as amended (38 U.S.C. §§ 4301—4335).

(d) *Right of return.* An employee on a leave of absence for military duty shall have a guaranteed right of return in accordance with the act, this subpart, and the Uniformed Services Employment and Reemployment Rights Act, as amended.

§ 604a.3. Vacancies due to leaves of absence for military duty.

(a) *Vacancies filled.* When an employee in the classified service is granted a leave of absence for military duty, the position vacated shall be left vacant or otherwise filled by a substitute employee, provided the position vacated is a permanent position.

(b) *Return of incumbent.* Upon return of the incumbent under § 604a.2(d) (relating to leaves of absence for military duty), the substitute employee shall be required to vacate the position.

(1) Substitute employees who held regular status or probationary status in a job classification immediately prior to accepting the substitute appointment or substitute promotion shall have the right to return to their previously held position and status.

(2) A substitute employee who did not hold regular status or probationary status in a job classification immediately prior to accepting the substitute appointment shall be separated.

(c) *Permanent appointment or promotion.* A substitute appointment or substitute promotion shall be converted to

a permanent appointment or promotion when the incumbent who was granted the leave of absence for military duty fails to return to the position within the applicable time frame prescribed by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §§ 4301—4335).

(d) *Rights of substitute employee.* A regular or probationary employee who accepts a substitute appointment or substitute promotion shall maintain the same rights and privileges to which entitled if the employee had continued to serve in the previous position with the same status. The substitute appointment or substitute promotion will not prejudice the employee's rights to promotion, transfer, reemployment or retention in service.

§ 604a.4. Leave of absence for Senior Management Service employment.

(a) *Generally.* An employee who accepts a Senior Management Service position shall be granted a leave of absence upon starting employment in the Senior Management Service position.

(b) *Duration.* The duration of leave of absence shall coincide with the duration of the employee's employment in the Senior Management Service.

(c) *Return.* Upon leaving employment in a Senior Management Service position, the employee shall have the right to return to a position at the same pay scale group as the last classified service position held prior to employment in the Senior Management Service position, at the same status held, and in the same appointing authority in which the Senior Management Service position was located. If a position does not exist at the time the employee leaves the Senior Management Service position, the appointing authority shall create such a position and place the employee in it.

Subchapter B. FURLOUGH

Sec.
604a.5. Furlough.

§ 604a.5. Furlough.

(a) *Reasons.* Furloughs shall occur only because of a lack of funds or a lack of work.

(b) *Furlough units.* Furloughs will be conducted within approved furlough units. For purposes of this section, a furlough unit shall be defined as all employees in the job classification within an affected institution, division, office, bureau or a combination of the institutions, divisions, offices, or bureaus within an appointing authority. Each appointing authority will submit recommended furlough units to the Office of Administration. Once approved by the Office of Administration, the furlough units will be used for subsequent furloughs. Changes to approved furlough units shall be submitted to and approved by the Office of Administration prior to use in subsequent furloughs.

(c) *Provisional employees, temporary employees and emergency employees.* An appointing authority shall remove all emergency employees, temporary employees and provisional employees within the designated furlough unit before furloughing a probationary employee or regular employee in the designated furlough unit.

(d) *Order of furlough.* Furloughs shall occur in the following order:

(1) *Probationary employees.* An appointing authority will not furlough a regular employee while a probationary employee is employed in the designated furlough unit. An appointing authority shall furlough probationary employ-

ees in the inverse order of seniority. Seniority for this purpose shall be the length of continuous service in the classified service if there has been no break in service.

(2) *Regular employees.* When it is necessary to furlough regular employees in a designated furlough unit, the last annual or probationary performance evaluations, as applicable, of the regular employees in the furlough shall be converted to categories or relative ranks. The regular employees will be placed into quarters, and those in the lowest quarter will be furloughed or returned under subsection (e), in the inverse order of seniority. Seniority for this purpose shall be the length of continuous service in the classified service if there has been no break in service.

(e) *Rights before furlough.* Upon notification of furlough, and until the effective date of it, a regular employee to be furloughed shall have a right of return to vacant positions in the appointing authority in any job classification and status previously held, or to any job classification and status in the same or lower job classification, if the employee meets the minimum qualifications and provided the appointing authority is filling the vacancy. A probationary employee will be returned to the job classification previously held if the probationary status resulted from promotion.

(f) *Mandatory reemployment after furlough.* A furloughed employee who is unable to exercise their right of return under subsection (e) will be given a mandatory 1-year preference for reemployment in the same job classification and appointing authority from which they were furloughed. The preference does not apply to vacancies that an employee on leave of absence has priority of return, or to a filled position which has been reclassified to a higher-level job classification after the effective date of furlough.

(g) *Optional reemployment after furlough.* A furloughed employee who is unable to exercise their right of return under subsection (e) will, for 1 year, be placed on optional reemployment lists for the job classification from which furloughed and for equal and lower-level job classifications for which they are qualified, for certification to all appointing authorities.

(h) *Reemployment certification.* The following requirements apply to certifications of reemployment lists of furloughed employees:

(1) A certification from a mandatory reemployment list shall preclude issuance of a certification otherwise applicable to available vacancies except for a certification from a preferred reemployment list, which shall take precedence over all other eligible lists. Certification from optional reemployment lists shall be considered equally with all other employment or promotion certifications issued for available vacancies.

(2) Furloughed employees shall be certified from mandatory reemployment lists according to their stated availabilities. The appointing authority will give reemployment preference to those on mandatory reemployment lists with higher overall performance evaluations. In cases of identical performance evaluations, furloughed employees with greater continuous classified service seniority will have reemployment preference.

(3) Furloughed employees shall be certified from optional reemployment lists according to their stated availabilities. The appointing authority may select any furloughed employee from the optional reemployment list, in accordance with merit principles.

(i) *Refusal of reemployment from mandatory reemployment list.* A furloughed employee who refuses reemployment from a mandatory reemployment list in a county other than the county from which they were furloughed, shall retain mandatory reemployment rights solely to the county from which they were furloughed. Furloughed employees who accept or refuse mandatory reemployment in the county from which they were furloughed shall lose all mandatory and optional reemployment rights and consideration.

(j) *Refusal of reemployment from optional reemployment list.* A furloughed employee who refuses appointment from an optional reemployment list in the same job title from which they were furloughed or in a job title with the same pay grade as the job title from which they were furloughed shall forfeit all optional reemployment preference, but shall retain mandatory preference for reemployment. A furloughed employee who refuses appointment from an optional reemployment list in a job title with a pay grade lower than the job title from which they were furloughed shall retain reemployment preference for job titles with pay grades higher than the job title to which reemployment is offered and equal to the job title from which they were furloughed. Reemployment preference is forfeited for all job titles with pay grades equal to and lower than the job title to which reemployment is offered. If preferences subsequently are not, or cannot be, exercised, the furloughed employee shall be considered as having voluntarily resigned as of the furlough effective date.

(k) *Labor agreements.* If there is a labor agreement covering the employees to be furloughed, the terms of the agreement as to furlough and reemployment procedures shall be controlling.

Subchapter C. REMOVAL AND SUSPENSION

- Sec.
- 604a.6. Removal
- 604a.7. Suspension.

§ 604a.6. Removal.

Just cause for removal of a regular employee must be based on at least one merit-related reason.

§ 604a.7. Suspension.

(a) *Generally.* An appointing authority may suspend an employee for good cause, which shall be based on at least one merit-related reason.

(b) *Suspension pending investigation.* An appointing authority may, for the purpose of ascertaining an employee's fitness for continued employment, suspend an employee pending the outcome of an internal or external investigation.

(1) When an investigation has not revealed cause for disciplinary action, the suspension shall be retracted and expunged from all records, and the employee shall receive back pay for the full period of suspension.

(2) When an investigation has revealed cause for disciplinary action, the suspension shall be converted, either in whole or in part, to a disciplinary action.

(c) *Duration of suspension.*

(1) A suspension, including during a pending internal investigation, may not exceed 60 working days in 1 calendar year.

(2) A suspension pending investigation by external agencies may be maintained up to 30 working days after conclusion of the external investigation.

(3) A suspension under 71 Pa.C.S. § 2705(f) (relating to political activity) may not exceed 120 working days.

Subchapter D. RESIGNATION

- Sec.
- 604a.8. Notice of resignation.
- 604a.9. Effective date of resignation.
- 604a.10. Acceptance or rejection of resignation.

§ 604a.8. Notice of resignation.

Notice of resignation shall consist of a voluntary termination of employment evidenced by an affirmative statement, either written or oral, of the employee's intent to resign.

§ 604a.9. Effective date of resignation.

(a) When an employee gives notice of the effective date of resignation, the resignation shall take effect on the specified date.

(b) When an employee does not specify an effective date of resignation, the resignation shall take effect immediately.

(c) A resignation submitted during or at the termination of a leave of absence shall be effective on the date submitted.

§ 604a.10. Acceptance or rejection of resignation.

(a) *Response to notice of resignation.* An appointing authority shall respond to an employee's notice of resignation, in writing, within 15 calendar days after the appointing authority's receipt of the notice of resignation. The appointing authority's response shall state whether the employee's resignation is accepted or rejected by the appointing authority. An appointing authority may not reject a resignation unless the employee is being investigated or removal action is pending.

(b) *Removal after notice of resignation.* The acceptance of a resignation will not bar an appointing authority from thereafter removing an employee for causes that occur or become known during the period between the acceptance and the effective date of the resignation.

(c) *Withdrawal of resignation.* An employee's resignation may not be withdrawn without the written consent of the appointing authority once the resignation has been accepted by the appointing authority. A resignation that has not been accepted by the appointing authority may be withdrawn by the employee at any time prior to acceptance or the effective date.

(d) *Rescission of acceptance after resignation.* Upon notice to the former employee, an appointing authority may rescind its acceptance of a resignation after the effective date for just cause and convert the resignation to a removal.

Subchapter E. SENIORITY

- Sec.
- 604a.11. Break in service.

§ 604a.11. Break in service.

(a) *Generally.* For purposes of seniority, the following shall constitute a break in service:

- (1) Removal for just cause.
- (2) Resignation.
- (3) Retirement.

(4) Failure to accept an offer to return after furlough under 71 Pa.C.S. § 2602(b)(1) (relating to furlough) and this subpart.

(5) Failure to accept an offer to return after a leave of absence under 71 Pa.C.S. § 2608(b) (relating to leave of absence) and this subpart.

(6) Expiration of mandatory, preferred or optional re-employment rights.

(7) Failure to report after a leave of absence.

(b) *Effect on seniority.* If a break in service occurs, the employee shall lose accrued seniority.

(c) *Furlough and leave.* Periods of furlough and leaves of absence shall be deemed continuous employment for seniority purposes, except that during the period of furlough or leave of absence, the employee shall not accrue credit towards seniority.

(d) *Involuntary demotion.* A demotion under § 602a.31 (relating to voluntary demotion) shall terminate seniority in the job classification from which demoted.

CHAPTER 605a. ENFORCEMENT OF ACT; PROHIBITIONS AND PENALTIES

Subchap.

A. OFFICE OF ADMINISTRATION REVIEW OF LEGALITY OF EMPLOYMENT ACTIONS

B. PROHIBITION ON POLITICAL ACTIVITY

C. INVESTIGATIONS; NOTICE OF VIOLATIONS AND PENALTIES

Subchapter A. OFFICE OF ADMINISTRATION REVIEW OF LEGALITY OF EMPLOYMENT ACTIONS

Sec.

605a.1. Reporting.

605a.2. Review of personnel actions.

§ 605a.1. Reporting.

Each appointing authority shall promptly report to the Office of Administration an appointment, promotion, or change in position or job classification of an employee in the classified service in its employ; or any other additional information related to an employee in the classified service in its employ requested by the Office of Administration.

§ 605a.2. Review of personnel actions.

Whenever the Office of Administration determines that a personnel action is not in accordance with the act and this subpart, the Office of Administration will notify the appointing authority in writing, including the reasons for the determination and the required corrective action.

Subchapter B. PROHIBITION ON POLITICAL ACTIVITY

Sec.

605a.3. Scope of prohibition.

§ 605a.3. Scope of prohibition.

(a) The provisions of 71 Pa.C.S. § 2705 (relating to political activity) shall not apply to employees who are on furlough, who are on a leave of absence, or who are on a leave covered under the State Employees' Retirement Code in 71 Pa.C.S. § 5302(b) (relating to credited State service).

(1) An employee who is elected to and assumes public office while on a leave of absence or a leave covered under the State Employees' Retirement Code in 71 Pa.C.S. § 5302(b) shall, upon returning to employment in the classified service, resign from the elective public office and otherwise comply with the provisions of 71 Pa.C.S. § 2705.

(2) An employee who is elected to and assumes public office while on furlough may serve out the remaining portion of the present term of office, provided the duties of the elective public office do not present a conflict of interest with the duties of the employee's position in the classified service, and the employee does not otherwise engage in activity prohibited by 71 Pa.C.S. § 2705. The employee may not seek and accept appointment, nomination, and election for a new term in office.

(b) An employee who is elected to and assumes public office prior to appointment to a position in the classified service may serve out the remaining portion of the present term of office, provided the duties of the elective public office do not present a conflict of interest with the duties of the employee's position in the classified service, and the employee does not otherwise engage in activity prohibited by 71 Pa.C.S. § 2705. The employee may not seek and accept appointment, nomination or election for a new term in office.

Subchapter C. INVESTIGATIONS; NOTICE OF VIOLATIONS AND PENALTIES

Sec.

605a.4. Procedure.

§ 605a.4. Procedure.

(a) *Investigations.* The Office of Administration will investigate allegations of violations of the act or this subpart by an employee.

(b) *Request for Investigation.* An individual suspecting that an individual has violated the act or this subpart may file a written request for investigation with the Office of Administration, which shall contain sufficient details of the alleged violation so as to enable proper investigation by the Office of Administration.

(c) *Hearing.* When appropriate, the Office of Administration may convene a hearing under 71 Pa.C.S. § 2202(a)(10) (relating to duties of Office of Administration) to determine whether an employee violated the act or this subpart and the appropriate penalty or remedy. The hearings shall be conducted in accordance with Chapter 607a (relating to practice and proceedings before the Office of Administration) of this subpart.

(d) *Notice.* Whenever the Office of Administration determines that an employee has violated the act or this subpart, the Office of Administration will give written notice to the appropriate appointing authority of the determination, including appropriate corrective actions. Notice that an employee intentionally falsified information, failed to disclose a material fact or otherwise concealed information to obtain appointment or promotion shall also include a reference to 71 Pa.C.S. § 2702(b) (relating to false statements made under oath and concealing information).

(e) *Penalties.* Unless otherwise required by the act or this subpart, penalties for violation of the act or this subpart shall be within the discretion of the Office of Administration.

(1) *Intentional violation.* Except as provided in paragraphs (2) and (3), an employee who intentionally violates the act or this subpart shall be immediately removed from employment in the classified service.

(2) *Political activity.* An employee who violates 71 Pa.C.S. § 2705 (relating to political activity) or § 605a.3 (relating to scope of prohibition) shall be removed from employment in the classified service, provided the Office of Administration may impose a penalty of suspension

without pay for not more than 120 working days if the Office of Administration finds that the violation does not warrant removal.

(3) *Concealment.* An employee who intentionally falsified information, failed to disclose a material fact, or otherwise concealed information to obtain appointment or promotion shall be removed from all eligible lists for a period of time to be determined by the Office of Administration and, if appointed or promoted, be summarily removed.

(f) *Removal.* When the Office of Administration orders the removal of an employee due to the employee's violation of the act or this subpart, the appointing authority shall remove the employee immediately.

(g) *Ineligibility after removal.* When an employee has been found to have violated the act or this subpart and as a result has been removed from employment in the classified service, the employee shall be ineligible for reappointment to any position in the classified service for a period of time determined by the Office of Administration. In setting the period of ineligibility, the Office of Administration may, in its discretion, determine that permanent ineligibility is appropriate.

CHAPTER 606a. PERSONNEL ACTIONS

Sec.
606a.1. Personnel actions.
606a.2. Notice of personnel actions.
606a.3. Signatory authority.

§ 606a.1. Personnel actions.

(a) When used in the act or this subpart, the term personnel action shall be limited to the following:

- (1) Appointment.
- (2) Promotion.
- (3) Removal, including the removal of a probationary employee before the expiration of the probationary period.
- (4) Suspension.
- (5) Acceptance of resignation.
- (6) Demotion.
- (7) Furlough.
- (8) Transfer.
- (9) Reassignment.
- (10) Leave of absence.
- (11) Extension or reduction of probationary period.
- (12) Compensation changes, except salary increments, general pay increases, or special pay for such things as overtime or out-of-class work.
- (13) Performance evaluation.
- (14) Reclassification.
- (15) Return to a position or job classification held prior to promotion.

§ 606a.2. Notice of personnel actions.

(a) *Required.* An appointing authority shall provide written notice of a personnel action to the affected employee.

(b) *Content.* A written notice of a removal, furlough, involuntary demotion or suspension issued to a regular employee shall include a clear statement of the reason(s) for the personnel action, sufficient to apprise the employee of the grounds upon which the personnel action is based. A written notice of a removal, furlough, involun-

tary demotion or suspension shall provide information on the employee's right to appeal the personnel action to the State Civil Service Commission.

(c) *Effective date of personnel action.* Unless otherwise required by the Office of Administration or stated in the notice by the appointing authority, the personnel action will take effect immediately upon the provision of notice to the employee by the appointing authority.

(d) *Simultaneous copy.* When the appointing authority notifies an employee of a furlough or a suspension, it shall simultaneously submit a copy of the notice to the Office of Administration. Copies of other notices of personnel actions shall be provided to the Office of Administration upon request.

(e) *Mandatory requirements.* Except as provided in subsection (f), the requirements in this section are mandatory. Failure to adhere to the notice requirements set forth in this section may nullify the personnel action.

(f) *Acceptance of resignation.* The requirements of this section do not apply to an appointing authority's acceptance of an employee's resignation, which are governed by §§ 604a.8—604a.10 (relating to notice of resignation; effective date of resignation; and acceptance or rejection of resignation).

§ 606a.3. Signatory authority.

(a) *Generally.* A notice of personnel action shall be signed by the head of the appointing authority or an authorized designee.

(b) *Authorized designee.* An authorized designee of the head of an appointing authority includes a deputy secretary, a bureau director, an office director, a superintendent, a deputy superintendent or an equivalent position employed by the appointing authority; a human resources director or an equivalent position supporting the appointing authority; or an individual who is delegated signatory authority on behalf of the head of the appointing authority in the manner prescribed by the Office of Administration. For purposes of performance evaluations, an employee's immediate supervisor shall be deemed the authorized designee of the head of the appointing authority without the need for delegation of signatory authority.

(c) *No further delegation.* An authorized designee of the head of an appointing authority may not further delegate signatory authority.

(d) *Rebuttable presumption.* A notice of personnel action bearing the signature of the head of the appointing authority, or an authorized designee, shall create a rebuttable presumption that the head of the appointing authority or the authorized designee signed the notice and had the proper authority to issue the notice.

CHAPTER 607a. PRACTICE AND PROCEEDINGS BEFORE THE OFFICE OF ADMINISTRATION

Subchap.

A. GENERAL PROVISIONS

B. HEARINGS UNDER SECTION 2202(a)(10) OF THE ACT

C. LIST CANCELLATION HEARINGS

Subchapter A. GENERAL PROVISIONS

Sec.
607a.1. Applicability of General Rules of Administrative Practice and Procedure.
607a.2. Public access.
607a.3. Presiding officer.
607a.4. Computation of time.
607a.5. Filings with Docket Clerk.

§ 607a.1. Applicability of General Rules of Administrative Practice and Procedure.

This chapter is intended to supersede 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). The General Rules of Administrative Practice and Procedure are not applicable to activities of and proceedings before the Office of Administration.

§ 607a.2. Public access.

Hearings scheduled by the Office of Administration under its authority under the act shall be open to the public. Notices of public hearing shall be published by the Office of Administration on its publicly accessible web site.

§ 607a.3. Presiding officer.

(a) Hearings scheduled by the Office of Administration under its authority under the act shall be conducted by a presiding officer designated, in writing, by the Secretary of Administration.

(b) Subsection (a) supersedes 1 Pa. Code § 35.185 (relating to designation of presiding officers).

§ 607a.4. Computation of time.

(a) When any period of time is referred to in this chapter, such period in all cases shall be so computed as to exclude the first and include the last day of such period. Whenever the last day of any period shall fall on Saturday, Sunday or a legal holiday under the laws of this Commonwealth or the United States, the day shall be omitted from the computation.

(b) Subsection (a) supersedes 1 Pa. Code § 31.12 (relating to computation of time).

§ 607a.5. Filings with Docket Clerk.

(a) *Generally.* When a document is required to be filed with the Docket Clerk, the filing shall occur within the applicable time limits, if any, by first class mail or electronic mail. The Office of Administration shall indicate the mailing address and electronic mail address of the Docket Clerk on its publicly accessible web site.

(b) *Mail.* When a document is filed with the Docket Clerk by first class mail, the date of mailing, as evidenced by the United States Postal Service postmark on the envelope containing the filing, a United States Postal Service Form 3817 (Certificate of Mailing), or another similar United States Postal Service form from which the date of deposit with the United States Postal Service can be determined, shall be deemed the date of filing.

(c) *Electronic mail.* When a document is filed with the Docket Clerk by electronic mail, the date of receipt recorded by the Docket Clerk's electronic mail system shall be deemed the date of filing. A party filing a document by electronic mail is responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accepts the risk that the document may not be properly or timely filed.

(d) *Supersession.* Subsections (a)—(c) supersede 1 Pa. Code §§ 31.5(a), 31.11 and 33.34 (relating to communications and filings generally; timely filing required; and date of service).

Subchapter B. HEARINGS UNDER SECTION 2202(a)(10) OF THE ACT

Sec.

607a.6.	Order to show cause.
607a.7.	Answer to order to show cause.
607a.8.	Representation.
607a.9.	Consolidation of proceedings.
607a.10.	Severance of proceedings.
607a.11.	Notice of hearing.
607a.12.	Continuances.
607a.13.	Subpoenas.
607a.14.	Authority of presiding officer.
607a.15.	Form of hearings.
607a.16.	Failure to attend hearing.
607a.17.	Additional hearings and evidence.
607a.18.	Record of proceedings.
607a.19.	Post-hearing brief.
607a.20.	Proposed decision and order.
607a.21.	Exceptions.
607a.22.	Brief opposing exceptions.
607a.23.	Further response or pleading.
607a.24.	Final decision and order.

§ 607a.6. Order to show cause.

(a) *Generally.* The Office of Administration shall commence a proceeding under 71 Pa.C.S. § 2202(a)(10) (relating to duties of Office of Administration) through the filing of a verified order to show cause with the Docket Clerk. The individual against whom the order to show cause is filed shall be deemed the respondent.

(b) *Content.* An order to show cause must set forth with specificity the grounds for the proceeding, including a concise statement of the relevant factual allegations, matters of law and a request for relief.

(c) *Entry of Appearance.* An order to show cause filed under this section shall be accompanied by an entry of appearance for the attorneys and legal interns representing the Office of Administration in the proceeding.

(d) *Service.* On the date of filing, the Office of Administration shall simultaneously serve a copy of the order to show cause on the respondent by first class mail. The date of mailing shall be deemed the date of service and shall be determined in the manner set forth in § 607a.5(b) (relating to filings with Docket Clerk). The Office of Administration shall include with its order to show cause a certificate of service indicating proper service on the respondent.

(e) *Supersession.* Subsections (a), (b) and (d) supersede 1 Pa. Code §§ 33.31, 35.14 and 35.121 (relating to service by agency; orders to show cause; and initiation of hearings). Subsection (c) supersedes 1 Pa. Code § 31.24(b) (relating to notice of appearance).

§ 607a.7. Answer to order to show cause.

(a) *Generally.* A respondent shall file with the Docket Clerk an answer to the order to show cause within 20 days of the date of service indicated on the certificate of service accompanying the order to show cause.

(b) *Content.* An answer shall specifically admit or deny the allegations presented in the order to show cause, set forth the facts upon which the respondent relies, and state concisely the relevant matters of law. General denials of the allegations contained in the order to show cause will not be considered as complying with this section and may be deemed a basis for entry of a proposed decision and order without a hearing, unless otherwise required by the act, on the ground that the response has raised no issues requiring a hearing or further proceedings.

(c) *Service.* On the date of filing, a respondent shall simultaneously serve a copy of the answer on the Office of Administration's legal counsel by first class mail at the

mailing address indicated in the order to show cause, unless the Office of Administration agrees to accept service by electronic mail. A respondent shall include with their answer a certificate of service indicating proper service on the Office of Administration.

(1) When an answer is served by first class mail, the date of mailing shall be deemed the date of service and shall be determined in the manner set forth in § 607a.5(b) (relating to filings with Docket Clerk).

(2) When an answer is served by electronic mail, the date of receipt recorded by the Office of Administration's electronic mail system shall be deemed the date of service. A party filing a document by electronic mail is responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accepts the risk that the document may not be properly or timely filed.

(d) *Failure to file answer.* A respondent failing to file an answer with the Docket Clerk within the time allowed shall be deemed in default, and relevant facts stated in the order to show cause may be deemed admitted and provide a basis for entry of a proposed decision and order without a hearing, unless otherwise required by the act, on the ground that the response has raised no issues requiring a hearing or further proceedings.

(e) *Supersession.* Subsections (a), (b) and (d) supersede 1 Pa. Code § 35.37 (relating to answers to orders to show cause) and subsection (c) supersedes 1 Pa. Code § 33.32 (relating to service by a participant).

§ 607a.8. Representation.

(a) A respondent appearing before the Office of Administration may do so on their own behalf or may be represented by an attorney licensed to practice law in this Commonwealth or a legal intern certified by the Supreme Court of Pennsylvania. An appointing authority shall be represented by an attorney licensed to practice law in this Commonwealth or a legal intern certified by the Supreme Court of Pennsylvania. Attorneys and legal interns shall file with the Docket Clerk an entry of appearance with the Office of Administration.

(b) Subsection (a) supersedes 1 Pa. Code §§ 31.21, 31.22, 31.23 and 31.24.

§ 607a.9. Consolidation of proceedings.

(a) The Office of Administration may consolidate two or more proceedings at its discretion where the proceedings involve a common question of law or fact, provided that consolidation does not prejudice any party thereto.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.45 and 35.122 (relating to consolidation; and consolidation of formal proceedings).

§ 607a.10. Severance of proceedings.

The Office of Administration may sever two or more proceedings at its discretion where the proceedings lack a common question of law or fact, provided that severance does not prejudice any party thereto.

§ 607a.11. Notice of hearing.

(a) The Office of Administration shall provide the parties advance notice of a scheduled hearing. The notice will contain a statement of the matters to be addressed at the hearing, as well as specific instructions regarding the date, time and place of hearing.

(b) Subsection (a) supersedes 1 Pa. Code § 35.121 (relating to initiation of hearings).

§ 607a.12. Continuances.

The presiding officer may, upon a showing of good cause, grant a request for a continuance of a scheduled hearing. The requests shall be submitted as far in advance of the scheduled hearing date as possible, be made in writing, and must state the specific reason(s) for the continuance request. A copy of a request for a continuance shall be simultaneously served on the non-requesting party.

§ 607a.13. Subpoenas.

(a) *Procedure for requesting subpoena.*

(1) A subpoena for the attendance of witnesses or for the production of documents will be issued only upon written application to the presiding officer, with a copy to the non-requesting party. Notwithstanding the forgoing, the presiding officer may, by their own motion, issue a subpoena for the attendance of witnesses or the production of documents.

(2) A written application shall specify the relevance of the testimony or documentary evidence sought. For documentary evidence, the request must specify, to the extent possible, the documents desired and the facts to be proved thereby.

(3) A subpoena for new or additional witnesses will not be issued after a hearing has been started and continued unless orally requested on the record at the hearing and approved by the presiding officer; except that subpoenas issued prior to the start and continuance of the hearing may be reissued upon written request.

(4) Failure to adhere to the requirements of this subsection may result in the refusal to issue the requested subpoena.

(b) *Service of subpoena.*

(1) A subpoena for the attendance of a witness must be personally served on the witness at least 48 hours prior to the hearing, unless the witness agrees to waive the 48-hour requirement.

(2) A subpoena for the production of documents may be served personally, by mail, by facsimile machine or by other electronic means upon the individual in possession of the documents, the legal counsel for the entity or individual in possession of the documents, or the designated custodian of the documents. A subpoena for the production of documents shall be served no later than 10 business days prior to hearing.

(3) Failure to adhere to the requirements of this subsection may result in a ruling by the presiding officer denying the enforceability of the subpoena.

(c) *Enforcement of subpoena.*

(1) If the subject of a subpoena fails or refuses to comply with the terms of the subpoena, the subpoenaing party may file with the Docket Clerk a request for enforcement.

(2) If the presiding officer determines that the testimony or documentary evidence sought through the subpoena is probative of a material fact or issue relevant to the proceeding, the Secretary of Administration, or their designee, will petition a court of record for enforcement of the subpoena in accordance with 71 Pa.C.S. § 2202(c) (relating to duties of Office of Administration).

(d) *Supersession.* Subsections (a)—(c) supersede 1 Pa. Code §§ 35.142 and 35.145—35.152 (relating to subpoenas; and depositions).

§ 607a.14. Authority of presiding officer.

(a) A presiding officer has the discretionary authority to do the following:

- (1) Determine the burdens of proof and production, if necessary, and determine the order of procedure.
- (2) Regulate the conduct of hearings, including the scheduling, recessing, reconvening and adjournment, and to do acts and take measures necessary or proper for the efficient conduct of hearings.
- (3) Administer oaths and affirmations.
- (4) Receive evidence.
- (5) Rule upon offers of proof and evidentiary objections.
- (6) Hold appropriate conferences before or during hearings and order the parties to submit memoranda in advance of the conference.
- (7) Dispose of procedural requests, including discovery or similar matters.
- (8) Specify the manner in which pleadings are to be submitted to the presiding officer, including the format and contents of these documents.
- (9) Require that the parties, prior to the hearing, submit witness lists or lists of documents, or both, to be presented at the hearing.
- (10) Take other actions as necessary and appropriate to discharge the presiding officer's vested duties, consistent with statutory and regulatory authority.

(b) Subsection (a) supersedes 1 Pa. Code Chapter 35, Subchapter E (relating to presiding officers).

§ 607a.15. Form of hearings.

(a) A hearing before the Office of Administration shall be formal but need not adhere to the technical rules of evidence or procedure. In cases involving issues of fact, oral testimony shall be under oath or affirmation.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.123 and 35.189 (relating to conduct of hearings; and manner of conduct of hearings).

§ 607a.16. Failure to attend hearing.

When a properly notified party fails to appear at a hearing, the hearing may be held without the participation of the non-appearing party and, thereafter, the presiding officer may take appropriate action in due course.

§ 607a.17. Additional hearings and evidence.

(a) After the conclusion of a hearing, but prior to the issuance of a final disposition, the presiding officer may, upon their own motion or upon request of a party, allow one or more additional hearings or the submission of additional relevant evidence.

(b) Subsection (a) supersedes 1 Pa. Code § 35.128 (relating to additional evidence).

§ 607a.18. Record of proceedings.

(a) A complete record of the proceedings shall be made. A party shall make arrangements to purchase copies of the record directly with the reporting service. The Office of Administration's copy of the record may be reviewed at the Office of Administration's office in Harrisburg. Arrangements to review the record may be made by contacting the Docket Clerk.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.131 and 35.133 (relating to recording of proceedings; and copies of transcripts).

§ 607a.19. Post-hearing brief.

(a) *Generally.* At the close of the proceedings, or as directed by the presiding officer, each party will be given the opportunity to file a legal brief in support of their position.

(b) *Briefing schedule.* The presiding officer will set forth a briefing schedule and the order in which the briefs shall be filed. The briefs shall be filed with the Docket Clerk.

(c) *Content of brief.* A post-hearing brief does not need to conform to a specific format but must include:

(1) A statement of the facts supporting the party's position, with citation to the relevant exhibits and pages of the transcript.

(2) A discussion of the arguments supporting the party's position, including citation to relevant statutes, regulations and case law.

(d) *Service.* On the date of filing, a party shall simultaneously serve a copy of the brief on the opposing party by first class mail, unless the parties mutually agree to accept service by electronic mail. A party shall include with their brief a certificate of service indicating proper service on the opposing party.

(1) When a brief is served by first class mail, the date of mailing shall be deemed the date of service and shall be determined in the manner set forth in § 607a.5(b) (relating to filings with Docket Clerk).

(2) When a brief is served by electronic mail, the date of receipt recorded by the opposing party's electronic mail system shall be deemed the date of service. A party filing a document by electronic mail is responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accepts the risk that the document may not be properly or timely filed.

(e) *Supersession.* Subsections (a)—(d) supersede 1 Pa. Code Chapter 35, Subchapter F (relating to briefs).

§ 607a.20. Proposed decision and order.

(a) *Generally.* Upon the closing of the record, the presiding officer shall issue a proposed decision and order, based on the established record, which will be provided to the parties and filed with the Docket Clerk.

(b) *Content.* The proposed decision and order shall contain a statement of (1) findings and conclusions, as well as the reasons or basis therefor, resolving all the material issues of credibility, fact and law presented on the record, and (2) an appropriate order, sanction, relief or denial.

(c) *Finality.* A proposed decision and order shall be deemed a final order of the Office of Administration upon the expiration of 20-calendar days from the date of issuance, unless exceptions are timely and properly filed in accordance with § 607a.21 (relating to exceptions).

(d) *Supersession.* Subsections (a)—(c) supersede 1 Pa. Code §§ 31.13 (relating to issuance of agency orders), 35.201—35.207 (relating to proposed reports generally) and 35.226 (relating to final orders).

§ 607a.21. Exceptions.

(a) *Generally.* A party aggrieved by the proposed decision and order may, within 20 days after the issuance of the proposed decision and order, appeal to the Secretary

of Administration, by filing with the Docket Clerk exceptions to the proposed decision and order, or part of it, in the form of a brief on exceptions.

(b) *Content.*

(1) A brief on exceptions shall, at a minimum:

(i) State the specific issues of procedure, fact or law, or other portion of the proposed decision and order to which each exception is taken.

(ii) Identify the page or part of the proposed decision and order to which each exception is taken.

(iii) Designate by page citation or exhibit number the portions of the record relied upon for each exception.

(2) A brief on exceptions may include specific findings and conclusions proposed in lieu of those to which exception is taken and any proposed additional findings and conclusions.

(c) *Service.* On the date of filing, a party shall simultaneously serve a copy of the brief on exceptions on the opposing party by first class mail, unless the parties mutually agree to accept service by electronic mail. A party shall include with their brief on exceptions a certificate of service indicating proper service on the opposing party.

(1) When a brief on exceptions is served by first class mail, the date of mailing shall be deemed the date of service and shall be determined in the manner set forth in § 607a.5(b) (relating to filings with Docket Clerk).

(2) When a brief on exceptions is served by electronic mail, the date of receipt recorded by the opposing party's electronic mail system shall be deemed the date of service. A party filing a document by electronic mail is responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accepts the risk that the document may not be properly or timely filed.

(d) *Waiver.* A party's failure to file with the Docket Clerk a brief on exceptions within the time allowed under this section shall constitute a waiver of all objections to the proposed decision and order. Objections to any part of a proposed decision and order that are not included in a party's brief on exceptions shall be deemed waived.

(e) *Supersession.* Subsection (a) supersedes 1 Pa. Code §§ 35.190(a) and 35.211 (relating to appeals to agency head from rulings of presiding officers; and procedure to except to proposed report), subsections (b)—(d) supersede 1 Pa. Code §§ 35.211 and 35.212(a)(1) (relating to procedure to except to proposed report; and content and form of briefs on exceptions) and subsection (d) supersedes 1 Pa. Code 35.213 (relating to effect of failure to except to proposed report).

§ 607a.22. Brief opposing exceptions.

(a) *Generally.* In response to a brief on exceptions, a party may file with the Docket Clerk a brief opposing exceptions within 20 days of date of service of the brief on exceptions.

(b) *Content.* A brief opposing exceptions shall generally follow the same format prescribed in § 607a.21(b) (relating to exceptions) for a brief on exceptions.

(c) *Service.* On the date of filing, a party shall simultaneously serve a copy of the brief opposing exceptions on the opposing party by first class mail, unless the parties mutually agree to accept service by electronic mail. A

party shall include with their brief opposing exceptions a certificate of service indicating proper service on the opposing party.

(1) When a brief opposing exceptions is served by first class mail, the date of mailing shall be deemed the date of service and shall be determined in the manner set forth in § 607a.5(b) (relating to filings with Docket Clerk).

(2) When a brief opposing exceptions is served by electronic mail, the date of receipt recorded by the opposing party's electronic mail system shall be deemed the date of service. A party filing a document by electronic mail is responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accepts the risk that the document may not be properly or timely filed.

(d) *Supersession.* Subsections (a) and (b) supersede 1 Pa. Code § 35.212(a) and (b) (relating to content and form of briefs on exceptions).

§ 607a.23. Further response or pleading.

After the filing of a brief opposing exceptions, or the expiration of the time period for filing a brief opposing exceptions, whichever occurs first, no further response or pleading by any party will be entertained unless the Secretary of Administration, or their designee, with or without motion, so orders.

§ 607a.24. Final decision and order.

(a) After reviewing the record, including any briefs on exceptions and briefs opposing exceptions, the Secretary of Administration, or their designee, shall issue a final decision and order, which will be provided to the parties and filed with the Docket Clerk. The Secretary of Administration, or their designee, may affirm, modify, or reverse the findings of credibility and fact, the conclusions of law, and the decision of the presiding officer as the secretary deems appropriate on the basis of all of the record evidence.

(b) Subsection (a) supersedes 1 Pa. Code § 35.226(a) (relating to final orders).

Subchapter C. LIST CANCELLATION HEARINGS

- Sec. 607a.25. Generally.
- 607a.26. Notice of list of cancellation hearing.
- 607a.27. Format of hearing.
- 607a.28. Record of proceedings.
- 607a.29. Notice of list cancellation.

§ 607a.25. Generally.

(a) Under 71 Pa.C.S. § 2307(d) (relating to duration of eligible lists), the Office of Administration will hold a hearing before cancelling the whole or a part of an eligible list due to illegality or fraud in connection with the eligible list. The hearings shall be referred to as "list cancellation hearings."

(b) Subsection (a) supersedes 1 Pa. Code § 35.121 (relating to initiation of hearings).

§ 607a.26. Notice of list cancellation hearing.

(a) The Office of Administration shall provide advance notice of a list cancellation hearing to those eligibles whose names appear on the relevant list. The notice will contain a statement of the matters to be addressed at the hearing, as well as specific instructions regarding the date, time and place of hearing. Additionally, the notice will provide instructions on how an eligible can submit to the Office of Administration written objections concerning the list cancellation.

(b) Subsection (a) supersedes 1 Pa. Code § 35.121 (relating to initiation of hearings).

§ 607a.27. Format of hearing.

(a) At the onset of a list cancellation hearing, the presiding officer shall make a statement describing the circumstances necessitating the cancellation of the list, including the findings and conclusions of any investigation undertaken by the Office of Administration. Thereafter, each eligible whose name appears on the relevant list and objected, in writing, to the cancellation will be given an opportunity to state their objections, under oath or affirmation, on the record. After all objections are heard, the presiding officer shall adjourn the hearing, and the record shall be considered closed.

(b) Subsection (a) supersedes 1 Pa. Code § 35.123 (relating to conduct of hearings).

§ 607a.28. Record of proceedings.

(a) A complete record of the proceedings shall be made. Individuals may arrange to purchase copies of the record directly with the reporting service. The Office of Administration's copy of the record may be reviewed at the Office of Administration's office in Harrisburg. Arrangements to review the record may be made by contacting the Docket Clerk.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.131 and 35.133(a) and (b) (relating to recording of proceedings; and copies of transcripts).

§ 607a.29. Notice of list cancellation.

If, after holding a list cancellation hearing, the Office of Administration determines that cancellation of the whole or a part of an eligible list is warranted due to illegality or fraud in connection with the eligible list, the Office of Administration shall provide notice of the cancellation of the list to those eligibles whose names appeared on the relevant list.

[Pa.B. Doc. No. 22-373. Filed for public inspection March 11, 2022, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

[34 PA. CODE CH. 101]

Appeals from Determinations of Department

In accordance with section 203(d) of the Pennsylvania Unemployment Compensation Law (UC Law) (43 P.S. § 763(d)), and section 506 of The Administrative Code of 1929 (71 P.S. § 186), the Unemployment Compensation Board of Review (Board) is submitting this final-form rulemaking for the purpose of providing additional means for the filing of electronic appeals.

The Board amends §§ 101.2, 101.24, 101.53, 101.82, 101.89, 101.90 and 101.110, as set forth in Annex A.

Statutory Authority

This final-form rulemaking is issued under the authority provided in section 203(d) of the UC Law, which authorizes the Board to adopt, amend or rescind rules of procedure related to appeals. Section 506 of The Administrative Code of 1929 provides authority for the promulgation of rules and regulations for departmental administra-

tive 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 203(c) of the UC Law, which provides that it “. . . shall have all the powers and perform all the duties generally vested in, and imposed upon, departmental administrative boards and commissions. . .” by The Administrative Code of 1929. It is established under sections 202, 207.1 and 503 of The Administrative Code of 1929 (71 P.S. §§ 62, 67.1 and 183). The Board voted to adopt the final-form amendments in Annex A on August 16, 2021.

Under sections 501(e) and 502 of the UC Law (43 P.S. §§ 821(e) and 822) parties may file an appeal from a Department determination or referee decision. Section 101.82 (relating to time for filing appeal from determination of Department) establishes the methods by which an appeal may be filed and how the date of filing is determined for each filing method. The regulation was last amended on September 20, 2003, to expand the methods of filing beyond only personal delivery or delivery by United States mail. Existing § 101.82(b) allows for filing by United States mail, common carrier, fax transmission, electronic transmission other than fax transmission and personal delivery. It also determines the date of filing by each method, including by postage meter mark if there is no United States postmark on a mailed appeal.

The Department has established a new electronic “Pennsylvania UC Claims System” that allows parties to securely file and manage unemployment compensation (UC) claims online. It also enables parties to file appeals electronically by means of the system at no cost. This final-form rulemaking adds filing by means of the Pennsylvania UC Claims System as a method of appeal, while preserving existing methods of filing an appeal for parties that do not have access to the system. This results in additional appeal options for all parties in the UC system and clarifies the way that an appeal filing date is calculated based on the filing method. The additional filing method and the clarity around filing dates will benefit both claimants and employers who participate in the UC system.

These amendments to the regulation are necessary to permit filing appeals by means of this online system, establish the date of filing and allocate the accountability of errors by the electronic system to the Department. The amendment also distinguishes filing by means of e-mail from filing by other methods. The original filing methods remain as alternative options of filing an appeal.

After the Board filed the proposed rulemaking, the General Assembly passed the act of June 30, 2021 (P.L. 173, No. 30) (Act 30). Act 30 amended, inter alia, sections 501 and 502 of the UC Law, to (1) increase the time to appeal a Department determination or referee decision from 15 days to 21 days, and (2) allow the Department to issue a determination or a referee and the Board to issue a decision by mail to the claimant's or employer's last known post office address or by electronic transmission, as designated by the recipient.¹ Given that the Independent Regulatory Review Commission (IRRC) had also

¹ Act 30's amendments to sections 501 and 502 of the UC Law became effective upon the Department's publication of a notice at 51 Pa.B. 4033 (July 24, 2021).

raised the issue of clarity of the deadline of the appeal which required additional amendments, this final-form rulemaking amends §§ 101.24, 101.53, 101.82, 101.89, 101.90 and 101.110 to ensure that these sections both satisfy IRRC's concerns and are consistent with the General Assembly's recent amendments to sections 501 and 502 of the UC Law.

Purpose

This final-form rulemaking amends the existing regulation establishing methods by which a party can file an appeal. It simplifies and clarifies e-mail appeals and establishes appeals filed by means of the Pennsylvania UC Claims System. This final-form rulemaking also amends the existing regulation to increase the time to appeal a Department determination or referee decision from 15 days to 21 days. Finally, it references the Department's ability to issue a determination or a referee and the Board's ability to issue a decision by mail to the claimant's or employer's last known post office address or by electronic transmission, as designated by the party.

Comments

The notice of proposed rulemaking was published at 51 Pa.B. 1318 (March 13, 2021). The Board received no comments from the public or from the Senate Labor and Industry Committee or the House Labor and Industry Committee (Committees). The Board received comments from IRRC, and the Board's responses to IRRC's comments are as follows.

1. § 101.82. *Time for filing appeal from determination of Department.—Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Clarity and lack of ambiguity.*

Comment: First, the Preamble explains that a party is "effectively [placed] on notice that if the confirmation is not received, the appeal has not been filed, prompting additional action by the party." What additional actions will a party need to take when confirmation is not received? We ask the Board to explain the implementation procedures when a confirmation e-mail is not received or the System does not generate an acknowledgment. We also ask the Board to explain the reasonableness of omitting additional actions a party will need to take when there are specific timetables for compliance. The Board should consider revising these filing methods to establish standards that are achievable for the regulated community.

Response: The Board amends § 101.82(b)(4) and (4.1) to address IRRC's comment about the additional actions that a party will need to take when confirmation of an appeal is not received. When a party files an e-mail appeal, § 101.82(b)(4) states that the Department will confirm receipt of the appeal by sending the party an auto-reply e-mail. If the party does not receive an auto-reply e-mail, the Department has not successfully received the party's appeal, and the party is responsible to resubmit the appeal. The regulation expressly requires the party to resubmit the appeal prior to the appeal deadline. The party may use any method provided in § 101.82(b) to resubmit the appeal.

When a party files an appeal using the Pennsylvania UC Claims System, § 101.82(b)(4.1) states that, following submission of the appeal, the system will contain (1) a notation showing that the Department successfully received the party's appeal, and (2) information in the Appeals Section that the party's appeal has been filed. If the system does not indicate that the party's appeal has

been filed, the party is responsible to resubmit the appeal prior to the appeal deadline. Again, the party may use any method provided in § 101.82(b) to resubmit the appeal.

In addition to the regulation, the Department's UC web site will provide instructions and suggestions for a party to successfully file an appeal. For e-mail appeals, the majority of filing problems are caused by the party using the incorrect e-mail address to file the appeal, and thus the party does not receive the auto-reply e-mail. After an unsuccessful attempt to file an e-mail appeal, a party should check to make sure that the party used the correct e-mail address. For appeals through the Pennsylvania UC Claims System, the system provides an intuitive filing method with several links to "file appeal" which requires answering a series of questions. If a question is not answered, the user gets an error message and will not be allowed to proceed to the next step until the question is answered. After an unsuccessful attempt to file an appeal through the system, the party should check the Internet connection and make sure that all questions are answered and that the session did not time out. If a party has difficulty filing an appeal using a particular method, the party may use one of the other five methods available under the regulation or may contact the UC Service Center for assistance.

Comment: Second, these paragraphs do not state the deadline for timely filing of an appeal. We ask the Board to improve the clarity of these paragraphs by stating the deadline.

Response: The Board has reviewed the sections pertaining to timely filing of an appeal and has made amendments as follows. The Board amends § 101.82(a) in this final-form rulemaking to implement Act 30's changes to increase the time to appeal a Department determination or referee decision from 15 days to 21 days. Section 101.82(a.1) then states that the Department will mail a copy of the determination to the party's last known post office address or transmit it electronically, as designated by the party. The Board is using the term "party" in this final-form rulemaking, as opposed to "recipient" as provided in Act 30, to make clear that the individual who makes the designation to receive the documentation by mail or electronic transmission is a party. Section 101.82(b) then lists the filing methods for an appeal. Because the deadline is stated in the preceding paragraph, the Board declines to restate the deadline in subsection (b). The Board also improved clarity and consistency with Act 30 in §§ 101.24(c) and 101.90 (relating to reopening of hearing; and further appeal), by increasing the time to appeal from 15 days to 21 days. In addition, the appeal deadline will be provided on the determination or referee decision issued to the parties.

Comment: Third, do the confirmation sent by e-mail and the acknowledgment sent by the System include the date the appeal was deemed filed? We ask the Board to describe the information stated in the confirmation and acknowledgment and clarify these paragraphs to include these details.

Response: Upon successfully filing an e-mail appeal, the party receives an auto-reply e-mail that states the following: "This message serves as confirmation that your e-mail has been received by the Unemployment Compensation Board of Review. Please retain this confirmation for your records." The auto-reply e-mail does not contain the date the appeal was filed, because this auto-reply e-mail is sent in response to all e-mails sent to the Board's appeals e-mail address, not only in response to

appeals. Therefore, the auto-reply e-mail contains the previously stated standard language. However, once the e-mail appeal is received, UC staff upload it into the UC Claims System, and an appeal acknowledgement letter is sent to the party by the system and includes the date the appeal was filed, as provided in § 101.82(c).

Upon successfully submitting the appeal in the Pennsylvania UC Claims System, the system immediately generates notations that “Your appeal has been successfully filed” and “This message confirms the Pennsylvania Department of Labor and Industry (DLI) has received your unemployment compensation appeal.” The notations do not include the date the party filed the appeal, but the party can access that date in the Appeals section of the system. Additionally, after the appeal is processed, an appeal acknowledgement letter is sent to the party by the system and includes the date the appeal was filed, as provided in § 101.82(c). Additionally, the Board submitted copies of the e-mail confirmations and acknowledgements for upper and lower-level appeals and a screenshot of the UC Claims System acknowledgement with the Regulatory Analysis Form.

2. *Regulatory Analysis Form (RAF)*

Comment: We ask the Board to submit screen shots of the portion of the System used to file an appeal in response to RAF Question # 22b.

Response: In addition to the appeal instructions already submitted, the Board submits a copy of the Appeal Process User Guide, which includes screen shots of the appeal process. This guide is posted on the UC web site.

Comment: In addition, responses to RAF Question # 29 state that the “amendments will become effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin* on the date of implementation” of the System. We note that the updated System is scheduled to be launched in June 2021. Given that the System will be operational before publication of the final-form regulation, we ask the Board to explain when these amendments will become effective and update the response to RAF Question # 29 and the Preamble accordingly.

Response: The regulations will become effective upon publication in the *Pennsylvania Bulletin*. The RAF has been updated to reflect this change.

3. *Miscellaneous clarity*

Comment: The definition of “personal delivery” in Section 101.2 (relating to definitions) should be updated to cross-reference Section 101.82(b)(1)—(4.1). (Emphasis added.)

Response: This change is made to this final-form rulemaking.

Summary of Final Form Rulemaking

§ 101.2

The Board amends this section to update the citation to § 101.82(b)(1)—(4.1).

§ 101.24

The Board amends § 101.24(b), (c) and (d) to state that a decision is “issued” to a party, as opposed to “mailed” to a party. This amendment is consistent with Act 30 which allows the Department to issue a determination or a referee and the Board to issue a decision by mail to the claimant’s or employer’s last known post office address or by electronic transmission, as designated by the recipient.

To conform with Act 30 and address IRRC’s clarity concerns, the Board amends § 101.24(c) to update the appeal period from 15 days to 21 days.

§ 101.53

Because a referee and the Board are no longer required to only issue decisions by mail, the Board amends § 101.53 (relating to notice) to also reference issuance of decisions by electronic transmission.

§ 101.82

To conform with Act 30, the Board amends § 101.82(a) to update the appeal period from 15 days to 21 days. In addition, the Board amends § 101.82 to include subsection (a.1) to reference that the Department will mail a copy of the determination to the party’s last known post office address or transmit it electronically, as designated by the party.

The Board amends § 101.82(b)(4) to address IRRC’s comment about the additional actions that a party will need to take when confirmation of an e-mail appeal is not received. When a party files an e-mail appeal, § 101.82(b)(4) states that the Department will confirm receipt of the appeal by sending the party an auto-reply e-mail. If the party does not receive an auto-reply e-mail, the Department has not successfully received the party’s appeal, and the party is responsible to resubmit the appeal. The regulation expressly requires the party to resubmit the appeal prior to the appeal deadline. The party may use any method provided in § 101.82(b) to resubmit the appeal.

The Board amends § 101.82(b)(5) and renumbers it as § 101.82(b)(4.1). The amendments also address IRRC’s comment about the additional actions that a party will need to take when confirmation of appeal through the Pennsylvania UC Claims System is not received. When a party files an appeal using the Pennsylvania UC Claims System, § 101.82(b)(4.1) states that, following submission of the appeal, the system will contain (1) a notation showing that the Department successfully received the party’s appeal, and (2) information in the Appeals Section that the party’s appeal has been filed. If the system does not indicate that the party’s appeal has been filed, the party is responsible to resubmit the appeal prior to the appeal deadline. Again, the party may use any method provided in § 101.82(b) to resubmit the appeal. The amendments also update the terms “delayed” to “untimely” and “redetermined” to “determined” when discussing system or technological failures of the Pennsylvania UC Claims System.

For this final-form rulemaking, the Board returns § 101.82(b)(6) to its original numbering (that is, § 101.82(b)(5)), so no change is necessary to the existing regulation.

The Board amends § 101.82 to include subsection (c) regarding the appeal acknowledgement letter. After a party files an appeal using one of the methods provided in § 101.82(b), the Department or Board will send the party a letter acknowledging that it received the party’s appeal and the date on which the party filed the appeal.

§ 101.89

To conform with Act 30, the Board amends § 101.89 (relating to notice of decision) to reference that a referee is to issue a decision by mail to the claimant’s or employer’s last known post office address or by electronic transmission, as designated by the party, including each party’s counsel or authorized agent. In addition, the

decision date shall be the date the decision is posted on the Pennsylvania UC Claims System and available for viewing.

§ 101.90

To conform with Act 30, the Board amends § 101.90 to update the appeal period from 15 days to 21 days.

§ 101.110

To conform with Act 30, the Board amends § 101.110 (relating to notice of decision of Board) to reference that the Board is to issue a decision by mail to the claimant's or employer's last known post office address or by electronic transmission, as designated by the party, including each party's counsel or authorized agent. Because the Board is no longer required to only issue decisions by mail, the Board clarifies that the decision date is not the mailing date but rather the date the decision is posted on the Pennsylvania UC Claims System and available for viewing.

Affected Persons

This final-form rulemaking will affect all Commonwealth employees who have filed claims for UC benefits, received adverse decisions, and who wish to file appeals, and all employers with former or current employees who have filed claims for UC benefits, received adverse decisions and who wish to file appeals.

Fiscal Impact

This final-form rulemaking does not have any appreciable fiscal impact.

Reporting, Recordkeeping and Paperwork Requirements

This final-form rulemaking will not require the creation of new forms or reporting requirements.

Sunset Date

A sunset date is not appropriate for this final-form rulemaking. However, the Board will continue to monitor its effectiveness.

Effective Date

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

Contact Person

The contact person for this final-form rulemaking is Brian Parr, UC Appeals System Administrator, Unemployment Compensation Board of Review, 651 Boas Street, Room 1114, Harrisburg, PA 17121, (717) 787-5122, RA-LIUCBR-REGCOMM@pa.gov.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 1, 2021, the Board submitted a copy of the proposed rulemaking, published at 51 Pa.B. 1318 to IRRC and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC. The Board did not receive any comments from the Committees or the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on January 25, 2022, the final-form

rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 26, 2022, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

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

(3) The final-form rulemaking is necessary and appropriate for the administration and enforcement of the authorizing statutes.

(4) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 51 Pa.B. 1318.

Order

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

(a) The regulations of the Board in 34 Pa. Code Chapter 101 are amended by amending §§ 101.2, 101.24, 101.53, 101.82, 101.89, 101.90 and 101.110 to read as set forth in Annex A.

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

(c) The Board shall submit this final-form rulemaking to IRRC and the Committees as required by law.

(d) The Chairman of the Department shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

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

RICHARD W. BLOOMINGDALE,
Chairperson

(*Editor's Note:* See 52 Pa.B. 1079 (February 12, 2022) for IRRC's approval order.)

Fiscal Note: Fiscal Note 12-112 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART VI. UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

CHAPTER 101. GENERAL REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 101.2. Definitions.

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

* * * * *

Party—The Department, the claimant, the last employer of the claimant and another employer affected by the appeal proceedings.

Pennsylvania UC Claims System—The Department's information technology system of record for the filing, management and processing of unemployment compensation claims and appeals.

Personal delivery—Delivery by or on behalf of a party that is not enumerated in § 101.82(b)(1)—(4.1) (relating to time for filing appeal from determination of Department) where a person personally files the appeal at a Board office or workforce investment office.

* * * * *

Subchapter B. PROVISIONS GOVERNING HEARINGS BEFORE THE DEPARTMENT OR REFEREE

HEARINGS

§ 101.24. Reopening of hearing.

* * * * *

(b) A request for reopening which is received by the referee before his decision has been issued to the parties shall be decided by the referee before whom the case is pending. If the request for reopening is allowed, a new hearing shall be scheduled with written notice thereof to each of the parties. At a reopened hearing, the opposing party shall be given the opportunity to object to the reopening if he so desires. If the request for reopening is denied, the referee shall append to the record the request, supporting material and the ruling on the request, so that it shall be subject to review on further appeal.

(c) A request for reopening the hearing which is not received before the decision was issued, but is received or postmarked on or before the 21st day after the decision of the referee was issued to the parties, shall constitute a request for further appeal to the Board and a reopening of the hearing, and the Board will rule upon the request. If the request for reopening is allowed, the case will be remanded and a new hearing scheduled, with written notice thereof to each of the parties. At a reopened hearing, the opposing party shall be given the opportunity to object to the reopening if he so desires. If the request to have the hearing reopened is denied, the Board will append to the record the request, supporting material and the ruling on the request, so that it shall be subject to review in connection with any further appeal to the Commonwealth Court.

(d) If a request for reopening is not received before the decision was issued but is received or postmarked within 15 days after the decision of the Board was issued to the parties, it will be accepted as a request for reconsideration and a reopening of the hearing and the Board will rule upon the request. If the request for reopening is allowed, the Board will vacate its decision and remand the case for further hearing, with written notice thereof to each of the parties. At a reopened hearing, the opposing party shall be given the opportunity to object to the reopening if he so desires. If the request to have the hearing reopened is denied, the Board will append to the record the request, supporting material, and the ruling on the request, so that it shall be subject to review in connection with any further appeal to the Commonwealth Court.

PROCEDURE

§ 101.53. Notice.

Mailing of notices, orders or decisions of a referee, or of the Board to the parties at their last known addresses, or issuance by electronic transmission when permitted by law and this chapter, as furnished by the parties to the

referee, the Board or the Department, shall constitute notice of the matters therein contained.

Subchapter C. APPEALS FROM DETERMINATIONS OF DEPARTMENT

§ 101.82. Time for filing appeal from determination of Department.

(a) A party seeking to appeal a Department determination shall file an appeal in the form and manner specified in § 101.81 (relating to filing of appeal from determination of Department) and this section no later than 21 days after the "determination date" on the determination.

(a.1) The Department will mail a copy of the determination to the party's last known post office address or transmit it electronically, as designated by the party.

(b) A party may file a written appeal by any of the following methods:

* * * * *

(4) *Electronic mail (e-mail).*

(i) The date of filing is the receipt date recorded by the Department appeal office or the Board's e-mail system, if the e-mail message is in a form capable of being processed by that system.

(ii) The Department will confirm receipt of the party's e-mail appeal by sending the party an auto-reply e-mail. If the party does not receive an auto-reply e-mail, the Department has not successfully received the party's appeal, and the party may resubmit the appeal using any method provided in this subsection. Failure to resubmit the appeal prior to the appeal deadline will result in an untimely appeal.

(iii) A party filing by e-mail shall comply with instructions concerning format. A party filing an appeal by e-mail is responsible for using the proper format and for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the appeal may not be properly or timely filed.

(4.1) *Pennsylvania UC Claims System.*

(i) The date of filing is the receipt date recorded by the Pennsylvania UC Claims System. Following submission of the appeal, a notation will appear in the Pennsylvania UC Claims System to show that the Department successfully received the party's appeal. Following submission of the appeal, the appeals section of the Pennsylvania UC Claims System will also show that the party's appeal has been filed. If the Pennsylvania UC Claims System does not indicate that the party's appeal has been filed, the party may resubmit the appeal using any method provided in this subsection. Failure to resubmit the appeal prior to the appeal deadline will result in an untimely appeal.

(ii) If the filing is untimely as a result of system or technological failure of the Pennsylvania UC Claims System, the date of filing will be redetermined through the adjudicatory process. The Board will make available to the Referee relevant Department records regarding system outages where a party alleges a late filing due to system or technological failure.

(5) *Personal delivery to a workforce investment office or the Board.* The filing date will be the date the appeal was personally delivered to the workforce investment office or the Board during its normal business hours.

(c) *Appeal acknowledgement letter.* After a party files an appeal using one of the methods provided in subsection (b), the Department or Board will send the party a

letter acknowledging that it received the party’s appeal and the date on which the party filed the appeal.

§ 101.89. Notice of decision.

A copy of the decision of the tribunal shall be mailed to each party’s last known post office address or transmitted electronically, as designated by the party, including each party’s counsel or authorized agent. The decision date shall be the date the decision is posted on the Pennsylvania UC Claims System and available for viewing.

§ 101.90. Further appeal.

(a) Within 21 days after the decision of a referee, the claimant, the Department or an affected employer may file an application for a further appeal with the Board.

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§ 101.110. Notice of decision of Board.

A copy of the decision of the Board shall be mailed to each party’s last known post office address or transmitted electronically, as designated by the party, including each party’s counsel or authorized agent. The decision date shall be the date the decision is posted on the Pennsylvania UC Claims System and available for viewing.

[Pa.B. Doc. No. 22-374. Filed for public inspection March 11, 2022, 9:00 a.m.]

**Title 49—PROFESSIONAL AND
VOCATIONAL STANDARDS
STATE BOARD OF BARBER EXAMINERS
[49 PA. CODE CH. 3]
Fees**

The State Board of Barber Examiners (Board) and the Acting Commissioner of the Bureau of Professional and Occupational Affairs (Commissioner) amend Chapter 3 (relating to State Board of Barber Examiners) by amending § 3.103 (relating to fees) to read as set forth in Annex A.

Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The graduated increases for application fees will be implemented on a 2-fiscal-year basis—on July 1, 2022, and July 1, 2024.

The increased biennial renewal fees will be implemented beginning with the May 1, 2022—April 30, 2024, biennial renewal period. Thereafter, the subsequent graduated increases will be implemented with the biennial renewal for May 1, 2024—April 30, 2026.

Statutory Authority

Under section 14(b) of the act of June 19, 1931 (P.L. 589, No. 202) (63 P.S. § 564(b)), referred to as the Barbers’ License Law (act), all fees required under the act shall be fixed by the Board by regulation and shall be subject to the Regulatory Review Act (71 P.S. §§ 745.1—745.14). Section 14(b) of the act further provides that “[i]f the revenues raised by fees, fines and civil penalties imposed pursuant to [the] act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.” Section 15-A.4(b) of the act (63 P.S. § 566.4(b)), states,

“[t]he board shall have power to make such other rules and regulations. . .as shall be deemed necessary to carry out the provisions of this act.”

Regarding barber, barber shop manager and barber teacher application fees, section 3(a), (c) and (d) of the act (63 P.S. § 553(a), (c) and (d)), require applicants to submit an application in a form as the Board prescribes and also states in pertinent part, “. . .[a]t the time of filing the application and accompanying notarized statements, the applicant shall pay to the department an examination fee to be determined by regulation. . .” Regarding barber by reciprocity application fees, section 4(a) of the act (63 P.S. § 554(a)), states, “[a] barber currently licensed in another state with substantially the same licensure requirements as Pennsylvania shall be granted a Pennsylvania barber license without examination upon payment of the fee.” Regarding barber shop application fees, section 13(b) of the act (63 P.S. § 563(b)), states, “[a] licensed barber over sixty-five years of age may operate a one chair barber shop located in a senior citizen center which is eligible for funding from the State Lottery Fund. . . Shops licensed under this subsection shall be subject to the same fees imposed pursuant to this act for the issuance and biennial renewal of a barber shop license.” Regarding barber school application fees, section 12(a)(1) of the act (63 P.S. § 562(a)(1)), states in pertinent part, “[b]oth the fee for registration of each barber school and the annual renewal fee shall be determined by regulation.” Under section 11 of the act (63 P.S. § 561), “[t]he department shall keep a record of the names and addresses of the barber shops to which, and the names of all persons to whom, licenses are issued under this act. The department shall furnish copies of such records to the public upon request and may establish a reasonable fee for such copies which shall not exceed the cost of reproduction.” Regarding biennial renewal fees, section 8(a) of the act (63 P.S. § 558(a)), states, “[t]he license shall be renewed on or before the thirtieth day of April, 1962, for a period of two years and biennially thereafter, and holders of said licenses shall pay to the department a fee to be determined by regulation for renewal.”

The Commissioner is appointed by the Governor and has a number of powers and duties. Specifically, under section 810 of The Administrative Code of 1929 (71 P.S. § 279.1(a)(7)), the Commissioner has the power and duty, “[u]nless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department[.]”

Background and Purpose of Amendment

Under section 14 of the act, the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. The act further provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial renewal of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties. Board expenses are the result of direct charges, timesheet-based charges, and licensee-based charges. On an annual basis, the Board reviews its fiscal status and receives an annual report from the Department of State’s Bureau of Finance and Operations (BFO) regarding the Board’s income and expenses.

At a public meeting on April 15, 2019, the BFO and the Board reviewed the Board’s application fees and determined that the existing fee schedule did not reflect the costs of the services provided by the Board. The BFO

presented to the Board its annual report reflecting revenues for fiscal year (FY) 2016-2017, FY 2017-2018 and FY 2018-2019. The BFO explained that there was a negative fund balance because Board expenses were exceeding revenue while the licensee population was declining. The Board, with the encouragement and support of the Bureau of Professional and Occupational Affairs (Bureau), determined that a re-evaluation of all application fees was appropriate, especially given that the Board had not updated its fees since 2014.

During the August 19, 2019, regularly scheduled Board meeting, the BFO presented to the Board actual revenues for FY 2017-2018 and reviewed projected revenues from FY 2018-2019 through FY 2024-2025. The BFO discussed projections for graduated increases of application and biennial renewal fees through FY 2024-2025 to ensure positive fund balance. The sporadic increases and decreases in the licensee population were taken into account when projecting incremental fee increases. The BFO recommended that the Board consider an increase in biennial renewal fees and application fees for FY 2021-2022.

During the January 27, 2020, regularly scheduled Board meeting, the BFO presented its annual report of the Board's income and expenses with updated data. The current BFO fiscal report shows that in fiscal year (FY) 2018-2019, the Board incurred \$656,544.64 in expenditures and generated only \$159,127.33 in revenue, with a remaining deficit balance of (\$335,744). In FY 2019-2020, the Board incurred \$783,291.30 in expenditures and generated \$939,529.40 in revenue, with a remaining deficit balance of (\$179,505.90). For FY 2020-2021, it was estimated that the Board would incur approximately \$800,000 in expenditures and generate only \$400,000 in revenue, with a remaining deficit balance of (\$579,595.90). For FYs 2021-2022 and 2022-2023, the Board is projected to incur \$1.497 million in expenditures and generate \$1.404 million in revenue, with a deficit balance of (\$180,505.90) at the end of FY 2021-2022 and a deficit balance of (\$672,505.90) in FY 2022-2023. Based upon the information presented by the BFO, the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of the act were not sufficient to meet expenditures over a 2-year period. The Board voted to adopt the proposed graduated fee increases for application and biennial renewal fees contained in the BFO's report. An exposure draft was released to stakeholders and interested parties to solicit written comments and no comments were received. Thereafter, the proposed rulemaking was published at 51 Pa.B. 3342 (June 19, 2021) for review and comment. Publication was followed by a 30-day public comment period during which the Board received no public comments. In addition, the Chairpersons of House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. The Independent Regulatory Review Commission (IRRC) submitted comments as detailed as follows.

Summary of Comments and the Board and Commissioner's Response

In preparing this final-form rulemaking, the Board considered all comments submitted by IRRC.

First, IRRC asked the Board to explain why increasing the initial application fees for barbers, barber shop managers and barber teachers from \$10 to \$30 is reasonable. Initial application fees for barbers, barber shop managers and barber teachers were set at \$10 by Board

regulation in March of 2001. Boards and commissions under the Bureau design initial application fees to cover the cost to process applications.

Application fees are based on time study reports created within the Bureau that lay out each step in processing an application and the amount of time it takes to complete each step. That amount of time per application is multiplied by the total number of anticipated application requests for 1 year to get the total number of minutes per year necessary to process applications. (The number of minutes per year is multiplied by two since the increases are biennial). Initial application fees are based on a formula that multiplies the number of minutes to perform the processing function by the pay rate for the classification of the personnel performing the function and adding a proportionate share of administrative overhead. While application fees only account for approximately 5% of the Board's revenue, the Board, with the encouragement and support of the Bureau determined that a re-evaluation of all application fees was appropriate. The Board evaluated all of its application fees and found that fees charged did not cover the costs to process applications.

As reflected in the fee report forms, Board counsel has a significant role in the initial application process. Initial barber, barber shop manager and barber teacher applications that contain a criminal conviction history must be reviewed and approved by Board counsel. Depending on the applicant's criminal conviction, Board counsel may have to perform additional functions as part of the application process, such as drafting probation offer letters, final orders for a probationary or restricted license, and press releases. The cost to review an application is determined by multiplying the number of minutes to perform the processing function by the pay rate for Board counsel and adding a proportionate share of administrative overhead. As a result, the fee report forms show that it costs \$30 to review and process barber, barber shop manager and barber teacher applications. In comparing the Board's fees to other states, the \$30 application fee for barbers and barber teachers is significantly lower than most of the initial application fees of the 12 surrounding states in the Northeast Region (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont and West Virginia). Initial barber application fees range from a low of \$20 in Maine to a high of \$128 in Delaware. The barber application fees from the surrounding states include: \$20 initial licensure fee in Maine, \$25 application fee in Rhode Island, \$30 application fee in New Hampshire, \$35 initial licensure fee in West Virginia, \$40 initial licensure fee in New York, \$50 initial licensure fee in Maryland, \$50 application fee in New Jersey (plus an initial licensure fee of \$90 during the first year of a renewal cycle (even year), or \$45 during the second year of a renewal cycle (odd year), \$66 application fee in Massachusetts, \$90 examination fee in Ohio (plus a \$30 initial licensure fee), \$100 application fee in Connecticut, \$110 application fee in Vermont and \$128 application fee in Delaware.

Maine, Rhode Island and New Hampshire are the only states that have initial barber application fees that are at or below \$30. Since none of the surrounding states have a barber shop manager license category, a comparison of fees could not be made for this fee. Initial barber teacher application fees range from a low of \$20 in Maine to a high of \$205 in Delaware. The barber teacher application fees from the surrounding states include: \$20 initial licensure fee in Maine, \$25 application fee in Rhode

Island, \$30 application fee in New Hampshire, \$50 initial licensure fee in West Virginia, \$50 application fee in New Jersey (plus an initial licensure fee of \$90 during the first year of a renewal cycle (even year), or \$45 during the second year of a renewal cycle (odd year)), \$170 application fee in Massachusetts, \$185 initial licensure and examination fee in Ohio and \$205 application fee in Delaware. Maine, Rhode Island and New Hampshire are the only states that have initial barber teacher application fees that are at or below \$30.

While the Board and the Commissioner recognize that the increase in fees for barbers, barber shop managers and barber teachers, represent a significant increase of 200%, that increase is only a \$20 increase for initial applications. The Board does not believe the \$20 increase will deter applicants from applying for licensure in this Commonwealth or put this Commonwealth at a competitive disadvantage. Increasing initial application fees to cover the cost of processing those applications will lessen the burden on existing licensees regarding biennial fee increases. In addition, adjusting the initial application fees to cover the costs of applications is a fair and equitable approach because existing licensees will not have to bear the cost of initial applicant costs through biennial licensure fees.

Second, IRRC asked the Board to explain how the graduated increases were determined for biennial renewal fees which are to take effect on May 1, 2022, and May 1, 2024, as well as application increases which are to take effect on July 1, 2024. IRRC also asked the Board to explain why these increases are appropriate and reasonable.

July 1, 2024, application increases

The 2024 application fee increases are calculated using a 9.5% increase, rounded up or down. The 9.5% increase is based upon pay increases for staff that process applications. Staff pay increases are 2.5% in July and 2.25% in January, or 4.75% annually (9.5% biennially). The Board and Acting Commissioner base the increase on pay increases because the application fee is almost entirely dependent upon personnel-related costs.

Even with the 9.5% increase in 2024, the application fees are comparable to other surrounding states. The application fees remain lower than or equal to many of the initial application fees of the surrounding states in the Northeast Region. As stated earlier, initial barber application fees range from a low of \$20 in Maine to a high of \$128 in Delaware. After increasing fees from \$30 to \$33 for initial barber applications, there would only be three of the 12 surrounding states (Maine, Rhode Island, New Hampshire) that would have fees at or below \$33 for those same applications. No other state that surrounds Pennsylvania has a barber shop manager licensure category; therefore, the initial application fee for this category could not be compared to other states. Initial barber teacher applications range from a low of \$20 in Maine to \$205 in Delaware. After increasing fees from \$30 to \$33 for initial barber teacher applications, there would only be three states (Maine, Rhode Island, New Hampshire) that would have fees at or below \$33 for the same application.

Initial barber shop application fees range from a low of \$20 in Maine to a high of \$350 in New Jersey. The barber shop application fees from the surrounding states include: \$20 initial licensure fee in Maine, \$40 initial licensure fee in West Virginia (plus a \$50 inspection fee), \$60 initial licensure fee in New York, \$60 initial licensure fee in New

Hampshire, \$110 initial licensure fee in Ohio, \$128 application fee in Delaware, \$130 application fee in Massachusetts, \$170 application fee in Rhode Island, \$200 initial licensure fee in Maryland, \$330 application fee in Vermont, and \$350 application fee for New Jersey during the first year of a renewal cycle (even year), or \$250 during the second year of a renewal cycle (odd year). After increasing fees from \$145 to \$160 for initial barber shop applications, there would be four states (Rhode Island, Maryland, Vermont and New Jersey) with higher fees for the same application, ranging from \$170—\$350.

Initial barber school application fees range from a low of \$50 for initial inspection in West Virginia to a high of \$1,750 for initial inspection and licensure in Ohio. The barber school application fees from the surrounding states include: \$50 initial inspection fee in West Virginia, \$128 application fee in Delaware, \$150 application fee in New Hampshire, \$250 application fee in New Jersey (plus a \$300 initial licensure fee during the first year of a renewal cycle (even year), or \$150 during the second year of a renewal cycle (odd year)), \$330 application fee in Vermont, \$450 application fee in Massachusetts, \$500 initial licensure fee in Maine and \$1,750 initial licensure and inspection fee in Ohio. After increasing fees from \$170 to \$185 for initial barber school applications, there would be five states (Massachusetts, New Jersey, Vermont, Maine, Ohio) with higher fees for the same application, ranging from \$225—\$1,750.

“Licensure of barber by reciprocity” applications range from a low of \$25 in Rhode Island to a high of \$300 in Ohio. The “licensure of barber by reciprocity” application fees from the surrounding states include: \$25 in Rhode Island, \$40 in New York, \$41 in Maine, \$50 in Vermont, \$100 in Connecticut, \$100 in New Hampshire, \$100 in New Jersey, \$100 in West Virginia, \$128 in Delaware, \$225 in Massachusetts and \$300 in Ohio. After increasing fees from \$60 to \$65 for “licensure of barber by reciprocity” applications, there would be seven states (Connecticut, New Hampshire, New Jersey, West Virginia, Delaware, Massachusetts, Ohio) with higher fees for the same application; ranging from \$100—\$300.

No other state that surrounds Pennsylvania has a “change in barber shop—inspection required” application category; therefore, the initial application fee for this category could not be compared to other states. There are two states that have a “change in barber shop—no inspection required” application; the fee is \$27 in Massachusetts and \$50 in New Jersey. After Pennsylvania changes its fee from \$45 to \$50 for the “change in barber shop—no inspection required” application, it will be the same as New Jersey’s fee. No other state that surrounds Pennsylvania has a “reinspection after first fail—new or change (shop or school)” application category; therefore, the initial application fee for this category could not be compared to other states.

“Verify license/permit/registration” applications range from a low of \$10 in New York to a high of \$50 in Rhode Island and Vermont. The “verify license/permit/registration” application fees from the surrounding states include: \$10 in New York, \$15 in Massachusetts, \$20 in New Hampshire, \$25 in New Jersey, \$25 in Maryland, \$35 in Delaware, \$35 in West Virginia, \$40 in Ohio, \$50 in Rhode Island and \$50 in Vermont. After increasing fees from \$20 to \$22 for “verify license/permit/registration” applications, there would be seven states (New Jersey, Maryland, Delaware, West Virginia, Ohio, Rhode Island, Vermont) with higher fees for the same application; ranging from \$25—\$50.

There are two other states that have a “certification of student status or student training hours” application; the fee is \$40 in Ohio and \$45 in Delaware. After Pennsylvania changes its fee from \$35 to \$40 for the “certification of student status or student training hours” application, it will be the same as Ohio’s fee.

The Board and the Commissioner submit that the 2024 graduated application fee increases are appropriate and reasonable because the increased fees are projected to cover the cost to process the applications for that biennial period. The Board carefully considered the best way to implement an increase in application fees and determined that a graduated fee schedule is favorable because it aligns the actual cost to process applications in each biennial period with the fee for that period. While the Board is reluctant to put additional fiscal burdens on its licensees, the increased fees are not significant when looking at the total increase in dollars. Moreover, even with the implementation of the 2024 graduated application fee increase, the Board’s fees are still comparable with other states.

Biennial increases

In recommending the biennial increases to the Board, the BFO considered the Board’s revenues and expenses while using past histories of prior fee increases as well as changes in the licensee population as a guide in determining the graduated fee increases. The BFO also considered and incorporated the projected increases in initial application fees. Significantly, the Board has not increased its fees since 2014. These increases are appropriate because they are necessary to ensure revenues meet or exceed expenses, as required by the act. The biennial fee increases are reasonable because they are made on a graduated basis to reduce the impact to the licensee population.

For the Board, expenses are exceeding revenues by approximately \$244,000 over the last biennial renewal period. While the Board can continue to do business through its reliance on dollars from the Professional Licensure Augmentation Account (PLAA), where 26 licensing boards under the Department of State deposit revenue, PLAA funds used by the Board must be repaid. To repay the PLAA and move away from a negative fund balance, biennial renewal fees must be increased initially by approximately 30%. With this increase, the Board will not be out of the red within the May 1, 2022, through April 30, 2024, biennial renewal period. An approximate additional 20% increase during the subsequent renewal period starting May 1, 2024, would bring the board to an anticipated restricted account balance of just under \$1,500 at the end of the biennial cycle.

The need for increased revenue and biennial renewal fees is necessary because this Board is seeing a steady increase in expenses. Some of the increase in expenses is simply due to cost of living increases over time. One of the biggest factors impacting Board revenue, however, is the decrease in the licensee population over the last few years. Regardless of the increase in expenses, the decrease in licensees to cover those costs is becoming greater. With a lower licensee population comes a decrease in biennial renewal revenue, which makes up approximately 86% of this Board’s income.

Additionally, over the last few fiscal years, the Board has had some sizable increases to expenses for a variety of reasons. One of the largest financial impacts for the Board was the incorporation of The Pennsylvania Justice Network (JNET), due in part to the enactment of act of

February 15, 2018 (P.L. 14, No. 6) (Act 6 of 2018), which requires mandatory self-reporting of criminal convictions. The Board uses JNET to identify criminal convictions of licensees and to verify compliance with Act 6 of 2018’s mandatory reporting requirement. There was a sizable increase in the number of complaints being processed and opened for prosecution. The additional complaints resulted in increased expenses due to higher prosecutions, investigations, expert witness usage, and hearings. Since incorporation of JNET, expenses have been relatively steady in all of these cost categories. More than likely, this new level of legal workload will be part of the financial picture for the Board going forward.

In addition to the legal expense increases, all 29 boards and commissions under the Bureau have undergone an information technology transformation upgrade with the incorporation of the Pennsylvania Licensing System (PALS). Expenses associated with PALS, including the initial build as well as ongoing maintenance, are proportionately spread across all entities based on licensee population to effectively share costs per licensee. While the initial build is in the past, it has contributed to higher administrative expenses for all boards during the last few fiscal years. Due to PALS’ high functioning database with enhanced features over the Bureau’s previous License 2000 platform, maintenance for this system requires a larger financial commitment from all boards and commissions than the previous system.

In its comment, IRRC asked the Board to include in the response to question # 23 of the Regulatory Analysis Form (RAF), an estimate of the cost to implement this regulation or to explain why it is not possible to do so. To implement this regulation, paper and online applications will have to be revised to reflect the new fees. Paper documents will be revised by Board administrative staff, who will change the fee amounts on an electronic copy of the paper document; this process will take about 15 minutes of staff time to complete the revisions per renewal year to revise the documents as well as 15 minutes for the BPOA Business Licensing Division Chief, BPOA Deputy Commissioner and Board Counsel to each review and sign-off on the revisions. Online applications will be revised in PALS by Board administrative staff; this process will take about 1 hour of staff time to complete the revisions per renewal year as well as 15 minutes for the BPOA Business Licensing Division Chief, BPOA Deputy Commissioner and Board Counsel to each review and sign-off on the revisions. The total estimated cost to revise paper and online documents is \$254; \$127 in FY 2022-2023 and \$127 in FY 2024-2025.

Finally, IRRC asked the Board to include fee report forms for processing biennial renewal applications for barbers, barber shop managers, barber teachers, barber shops and barber schools. The act requires the Board to set fees by regulation so that revenues meet or exceed expenditures. Initial application fees are determined by the cost to review and process an application; the processing cost is documented on fee report forms. Fees for biennial license renewal, however, are not determined in the same way as fees for initial application. Renewing a license is an online process through PALS where a licensee answers a number of questions and pays the appropriate fee. Generally, PALS automatically renews the license.

Unlike initial application fees, biennial renewal fees are designed to cover the operational costs of the Board, including salaries for administrative and legal staff as well as the cost for investigation of complaints, enforce-

ment of statutory and regulatory requirements, hearing expenses and board member expenses. The majority of the Board's operational costs are personnel-related, and much of those costs are not within the Board's control. Staff are generally employees of the Commonwealth, most of whom are civil service personnel; many are in union positions. For these employees, the Board is bound by the negotiated contract. Personnel costs associated with investigation and enforcement depend largely on the number of complaints received that need to be investigated, and the number of those matters that result in disciplinary action. The Board has no control over the number of complaints that are filed against licensees and unlicensed individuals, nor may they control which matters are, or are not, prosecuted. The biennial fees are calculated to ensure that the Board can meet or exceed its operational costs. Since biennial renewal fees are based on operating expenses and do not reflect the cost to process a renewal application, fee report forms are not utilized for biennial renewals fees.

Fiscal Impact and Paperwork Requirements

The amendments increase application and biennial renewal fees on a graduated basis. Applicants, licensees and registrants will be required to comply with the regulation. The fees may be paid by applicants, licensees or registrants or may be paid by their employers, should their employers choose to pay these fees. This final-form rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 1,120 applicants will be impacted annually by the increased application fees. Specifically, the number of applicants affected are as follows: 434 barbers, 100 barber shop managers, 14 barber teachers, 235 barber shops, 5 barber schools, 165 licensure of barber by reciprocity, 10 barber shop change (with inspection), 40 barber shop change (without inspection), 5 reinspection after first fail, 100 verification of license/permit/registration and 12 certification of barber school hours.

Based upon the graduated application fee increases, the total economic impact per fiscal year is as follows:

FY 2022-2023:	\$21,095
FY 2023-2024:	\$21,095
FY 2024-2025:	\$6,664
Total:	\$48,854

There are approximately 8,065 individuals who possess current licenses and registrations issued by the Board who will be required to pay more to renew their licenses and registrations. Factoring in a possible reduction of 1,059 licensees, the remaining 7,006 currently licensed individuals will be affected as follows:

Based upon the above biennial renewal fee increases, the economic impact is as follows:

FY 2021-2022 and FY 2022-2023:	\$357,960
FY 2023-2024 and FY 2024-2025:	\$270,617
Total:	\$628,577

Thus, the total economic impact to applicants, licensees, registrants or employers, if employers choose to pay application or licensing fees, is \$677,431. This amount reflects the economic impact that will occur between FY 2021-2022 and FY 2024-2025.

This final-form rulemaking will require the Board to revise its printed and online application forms, which is a nominal cost. The amendments will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board's financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 1, 2021, the Board and the Commissioner submitted a notice of proposed rulemaking, published at 51 Pa.B. 3342, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment. Publication was followed by a 30-day public comment period during which the Board received no public comments.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. The HPLC and SCP/PLC did not submit comments. In preparing the final-form rulemaking, the Board and the Commissioner have considered all comments from IRRC.

On December 14, 2021, the Board and the Commissioner delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on January 25, 2022, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 26, 2022, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Matthew Eaton, Division Chief, Bureau of Professional and Occupational Affairs, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-BARBER@pa.gov.

Findings

The State Board of Barber Examiners and the Acting Commissioner find that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose for the proposed regulation published at 51 Pa.B. 3342.

(4) These amendments to the regulations of the State Board of Barber Examiners are necessary and appropriate for the regulation of the practice of barbering in the Commonwealth.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the State Board of Barber Examiners at 49 Pa. Code Chapter 3 are amended by amending § 3.103 to read as set forth in Annex A.

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

(c) The Board shall submit this final-form regulation to IRRC, the HPLC and the SCP/PLC as required by law.

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

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

DOMINIC L. MUNIZ,
Chairperson, State Board of Barber Examiners
ARION R. CLAGGETT,
Acting Commissioner, Bureau of Professional and Occupational Affairs

(Editor's Note: See 52 Pa.B. 1079 (February 12, 2022), for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-4211 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 3. STATE BOARD OF BARBER EXAMINERS

FEES

§ 3.103. Fees.

(a) An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

			<i>Effective July 1, 2022</i>	<i>Effective July 1, 2024</i>
(1) <i>Initial Application for Licensure</i>				
	Barber	\$10	\$30	\$33
	Barber Shop Manager	\$10	\$30	\$33
	Barber Teacher	\$10	\$30	\$33
	Barber Shop	\$110	\$145	\$160
	Barber School	\$140	\$170	\$185
(2) <i>Miscellaneous</i>				
	Licensure of barber by reciprocity	\$55	\$60	\$65
	Change in Barber Shop—inspection required	\$90	\$115	\$125
	Change in Barber Shop—no inspection required	\$40	\$45	\$50
	Reinspection after first fail—new or change (shop or school)	\$90	\$75	\$82
	Verify license/permit/registration	\$15	\$20	\$22
	Certification of student status or student training hours	\$30	\$35	\$40

(b) An applicant for biennial renewal of a license, certificate or registration shall pay the following fees:

			<i>May 1, 2022— April 30, 2024 Biennial Renewal Fee</i>	<i>May 1, 2024— April 30, 2026 Biennial Renewal Fee and thereafter</i>
	Barber	\$109	\$160	\$184
	Barber Shop Manager	\$161	\$215	\$260
	Barber Teacher	\$174	\$225	\$270

			May 1, 2022— April 30, 2024 Biennial Renewal Fee	May 1, 2024— April 30, 2026 Biennial Renewal Fee and thereafter
	Barber Shop	\$187	\$235	\$287
	Barber School	\$291	\$340	\$391

[Pa.B. Doc. No. 22-375. Filed for public inspection March 11, 2022, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 623b, 627b AND 629b]

**Craps and Mini-Craps Side Wagers and Variations;
Minibaccarat Side Wagers and Variations;
Midibaccarat Side Wagers and Variations; Tem-
porary Regulations**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority) and § 13A03 (relating to temporary table game regulations), adopts the temporary regulations in Chapters 623b, 627b and 629b (relating to Craps and Mini-Craps side wagers and variations—temporary regulations; Minibaccarat side wagers and variations—temporary regulations; and Midibaccarat side wagers and variations—temporary regulations) to read as set forth in Annex A. The Board’s temporary regulations are added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of this Temporary Rulemaking

This temporary rulemaking adds a new side wager to the game of Craps and adds provisions for the offering of a mystery bonus on the Royal 9 Progressive wagers in Minibaccarat and Midibaccarat.

Explanation

The first side wager included in this temporary rulemaking is the Hot Shooter Jackpot wager for the table game Craps. This wager must be placed by a player prior to the come out roll starting a round of Craps. If the shooter of the dice rolls eight or more times before a seven out roll occurs, the Hot Shooter Jackpot wager shall win, and payouts shall be determined on the amount of rolls that take place before the seven out roll.

The Board is also adding a mystery bonus payout to two existing progressive wagers in two games, Minibaccarat and Midibaccarat. These mystery bonuses have must-hit-by amounts, where if a player’s contribution to the mystery jackpot puts it over the randomly generated must-hit-by amount, that player wins the jackpot.

Fiscal Impact

Commonwealth. The Board does not expect that this temporary rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

Political subdivisions. This temporary rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This temporary rulemaking will provide certificate holders with an additional table game option. If a certificate holder decides to offer any of the side wagers or variations, or both—temporary regulations within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment—specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

General public.

This temporary rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

If a certificate holder seeks to offer any of the side wagers or variations contained in these temporary regulations the certificate holder will be required to submit a Rules Submission form reflecting the choices in how the game will be offered and with the selected side wagers and variations identified. These forms are available on the Board’s public web site and submitted to Board staff electronically.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and will expire 3 years from the date of publication.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary rulemaking might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Chad W. Zimmermann, Assistant Chief Counsel, Pennsylvania Gaming Control Board, 303 Walnut Street, 5th Floor, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-241.

Contact Person

The contact person for questions about this temporary rulemaking is Chad W. Zimmermann, Assistant Chief Counsel, at (717) 346-8300.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), (45 P.S. §§ 1201—1205), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P.S. §§ 745.1—745.14); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 3 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorney Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

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

(1) The regulations of the Board, 58 Pa. Code Chapters 623b, 627b and 629b, are amended by adding § 623b.4 and amending §§ 627b.3 and 629b.3 to read as set forth in Annex A.

(2) The temporary regulations are effective upon publication in the *Pennsylvania Bulletin*.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

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

DENISE J. SMYLER,
Chairperson

Fiscal Note: 125-241. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 623b. CRAPS AND MINI-CRAPS SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§ 623b.4. Hot Shooter Jackpot wager.

(a) If the certificate holder offers Craps on a fully automated electronic gaming table or a hybrid gaming table, the certificate holder may offer players the option to place a Hot Shooter Jackpot wager.

(b) The layout for a Craps table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Hot Shooter Jackpot wager, in addition to the requirements in § 623a.2 (relating to Craps and Mini-Craps tables; physical characteristics) the electronic or hybrid layout shall contain a separate area designated for the electronic placement of the Hot Shooter Jackpot wager for each player.

(c) A player may place a Hot Shooter Jackpot wager by electronically placing a value chip on the designated area of the table layout prior to the shooter throwing the dice on the come out roll to establish a point.

(d) If after the come out roll the shooter:

(1) Throws the dice 7 times or less before the next 7 out, the Hot Roller Jackpot wager shall lose.

(2) Throws the dice 8 times or more before the next 7 out, the Hot Roller Jackpot wager shall win and be paid in accordance with subsection (e).

(e) The certificate holder shall pay out winning Hot Shooter Jackpot wagers at the odds in the following payout tables selected by the certificate holder in its Rules Submission form filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Outcome</i>	<i>Paytable</i>
8 to 15 rolls	1 to 1
16 to 23 rolls	2 to 1
24 to 31 rolls	4 to 1
32 to 39 rolls	6 to 1
40 to 44 rolls	11 to 1
45 to 49 rolls	29 to 1
50 or more rolls	99 to 1

CHAPTER 627b. MINIBACCARAT SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§ 627b.3. Royal 9 Progressive wager.

* * * * *

(g) *Royal 9 Progressive wager payable for \$1 wager.*

(1) If a table game certificate holder offers a \$1 denomination Royal 9 Progressive wager, the Royal 9 Progressive wager pay table is as follows:

<i>Hand</i>	<i>Paytable</i>
Personal King 9 v. Personal King 9	100% of Mega Jackpot
Personal King 9 on Banker Hand	100% Major Jackpot
Personal King 9 on Player Hand	100% Minor Jackpot
Mega Envy—Any Position's King 9 v. King 9	\$1,000
Suited Royal 9 Tie Hand	\$300
Royal 9 Tie Hand	\$50
Any Suited Royal 9	\$10
Any Royal 9	\$5

(2) The rate of progression for the meters used for the Royal 9 Progressive wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. If a table game certificate holder offers a \$1 denomination Royal 9 Progressive, the initial and reset amounts must also be in the Rules Submission and shall be at least \$10,000 for the Mega Jackpot, \$90 for the Major Jackpot and \$90 for the Minor Jackpot.

(h) If the progressive table game system utilized by the certificate holder has the capability to offer a mystery progressive, the seed and reseed amount, random must hit by amount and incrementation rate shall be as follows:

<i>Configuration</i>	<i>Reseed</i>	<i>Random Must-Hit-By</i>	<i>Incrementation Rate</i>
1	\$250	\$1,000	5%
2	\$100	\$500	5%
3	\$100	\$200	2%

CHAPTER 629b. MIDIBACCARAT SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§ 629b.3. Royal 9 Progressive wager.

* * * * *

(g) *Royal 9 Progressive wager payable for \$1 wager.*

(1) If a table game certificate holder offers a \$1 denomination Royal 9 Progressive wager, the Royal 9 Progressive wager pay table is as follows:

<i>Hand</i>	<i>Pay Table</i>
Personal King 9 v. Personal King 9	100% of Mega Jackpot
Personal King 9 on Banker Hand	100% Major Jackpot
Personal King 9 on Player Hand	100% Minor Jackpot
Mega Envy—Any Position’s King 9 v. King 9	\$1,000
Suited Royal 9 Tie Hand	\$300
Royal 9 Tie Hand	\$50
Any Suited Royal 9	\$10
Any Royal 9	\$5

(2) The rate of progression for the meters used for the Royal 9 Progressive wager must be specified in the certificate holder’s Rules Submission filed in accordance with § 601a.2. If a table game certificate holder offers a \$1 denomination Royal 9 Progressive wager, the initial and reset amounts must also be in the Rules Submission and shall be at least \$10,000 for the Mega Jackpot, \$90 for the Major Jackpot, and \$90 for the Minor Jackpot.

(h) If the progressive table game system utilized by the certificate holder has the capability to offer a mystery progressive, the seed and reseed amount, random must hit by amount and incrementation rate shall be as follows:

<i>Configuration</i>	<i>Reseed</i>	<i>Random Must-Hit-By</i>	<i>Incrementation Rate</i>
1	\$250	\$1,000	5%
2	\$100	\$500	5%
3	\$100	\$200	2%

[Pa.B. Doc. No. 22-376. Filed for public inspection March 11, 2022, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment updates the Commission's regulations pertaining to bowfishing.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

This proposed amendment to § 63.8 (relating to long bows, crossbows, spears and gigs) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. Purpose and Background

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

The Commission, specifically the Bureau of Law Enforcement (Bureau), has received an increasing number of complaints regarding bowfishing. Most of these complaints revolve around the intense bright lighting used to locate fish along the shoreline. In addition to the lighting, the noise created by the internal combustion, gas-powered generators used by some to operate the lighting has also generated complaints to the Bureau and created conflicts with property owners along Commonwealth waterways.

After receiving feedback from agency staff, property owners, anglers, fishing guides and legislators, Commission staff have conferred and support a clarification of the regulation listed as follows.

The Law Enforcement Committee considered this proposal on December 15, 2021, and recommended the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

The Commission proposes that § 63.8 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-321. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.8. Long bows, crossbows, spears and gigs.

* * * * *

(c) *Restrictions.* Spears or gigs may not be mechanically propelled, may not have more than five barbed points, and may not be used in stocked trout waters.

(d) *Exceptions:*

(1) It is unlawful to use bow and arrow (including compound bows and crossbows), spears and gigs in any special regulation trout waters.

(2) It is unlawful to cast direct rays of a spotlight, mounted headlight or any other artificial light of any kind from any watercraft upon any occupied building or another watercraft.

(3) It is unlawful to use generators on board a watercraft engaged in bowfishing with a noise level that exceeds 90 dB(a). The noise emission test measurement will be made with the sound level meter at a distance of at least 4 feet above the water at a point where the transom gunwale and the port or starboard gunwale intersects.

[Pa.B. Doc. No. 22-377. Filed for public inspection March 11, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to

Fish and Boat Code) (code). The proposed amendment would remove Penns Creek, Section 03, from the Commission's miscellaneous special regulations.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2023.

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

This proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Penns Creek is a large, limestone-influenced stream that supports a robust wild brown trout fishery in its upstream reaches. The stream is approximately 67 miles in length and is delineated into 8 stream sections for fisheries management purposes. The Commission has documented wild trout in approximately 37 miles of the stream from the headwaters downstream to Glen Iron, with approximately 29 miles being designated as Class A wild trout waters. Penns Creek, Section 03, extends for 7.0 miles from the confluence with Elk Creek in Coburn downstream to 600 meters downstream of the confluence with Swift Run. Section 03 was managed as a stocked trout fishery until 1992 when it was designated by the Commission as a Class A wild trout stream and the stocking of hatchery-reared trout was discontinued in favor of wild trout management.

To address landowner and angler feedback, increase the abundance of large wild brown trout in the population, and provide the opportunity to use all tackle types and harvest some trout, a new miscellaneous special regulation in § 65.24 regarding slot limit was established on Penns Creek, Section 03, beginning January 1, 2014. The slot limit regulation allows for year-round fishing, use of all tackle types and the harvest of two trout per day that are at least 7 inches but less than 12 inches in length, from the opening day of the regular season for trout through Labor Day, with no harvest permitted the remainder of the year.

Penns Creek, Section 03, provided a unique opportunity to evaluate this new special regulation on a productive limestone stream. The Penns Creek trout population was monitored before and after implementation of the slot limit regulation. Results of the monitoring revealed a substantial increase in the electrofishing catch rates of larger brown trout (greater than or equal to 16 inches in length) during the slot limit regulation implementation period (2014–2019). These results suggest that the slot limit regulation likely played an important role in the increased electrofishing catch of large brown trout in Section 03. In addition to fishery independent monitoring,

Commission staff conducted an angler use, harvest and opinion survey to evaluate the social aspects of the regulation change and estimate angler harvest in 2019. Results documented low harvest of trout during the survey and high angler support for continuance of the slot limit regulation. Despite low angler harvest under the current slot limit regulation, this regulation provides the opportunity for anglers to harvest intermediate-sized trout if desired, which was an important social consideration when the regulation was originally implemented.

Given the success of the experimental slot limit regulation program on Penns Creek, Section 03, and potential opportunities to utilize this regulation at other suitable wild trout waters, the Commission established a new special regulation program known as trout slot limit in 2021. The trout slot limit program has two subprograms: all-tackle trout slot limit and artificial lures only trout slot limit. As such, it is recommended that Penns Creek, Section 03, be removed from miscellaneous special regulations in favor of management under the newly established trout slot limit program. Upon removal of this regulation, Penns Creek, Section 03, will be proposed for designation into the all-tackle trout slot limit program under § 65.4c (relating to all-tackle trout slot limit) at a quarterly Commission meeting later in 2022 with an implementation date of January 1, 2023. If approved, the name of the regulation applied to Penns Creek, Section 03, will change; however, the regulation itself would remain the same.

To facilitate transition of Section 03 into the all-tackle trout slot limit program, this water must first be removed from miscellaneous special regulations. Other fish species will be managed with Commonwealth inland waters angling regulations in § 61.1 (relating to Commonwealth inland waters).

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-324. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
Centre	Foster Joseph Sayers Lake	Crappie—10 fish daily creel limit of which no more than 5 fish may be greater than or equal to 9 inches in length
[Centre and Mifflin	Penns Creek, from the confluence of Elk Creek downstream 7 miles to 600 meters downstream of Swift Run	Open to fishing year-round. All tackle types are permitted. From 8 a.m. on the opening day of the regular season for trout through Labor Day—the daily creel limit for trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed. From the day after Labor Day until 8 a.m. on the opening day of the regular season for trout, no trout may be killed or possessed. Inland regulations apply to all other species. This miscellaneous special regulation will remain in effect until further notice.]
Clarion	Beaver Creek Ponds	Closed to fishing from 12:01 a.m. January 1 to 12:01 a.m. the second Saturday in June of each year. Bass—15 inch minimum size limit and a 2 bass daily creel limit for the total project area. Panfish (combined species) 10 fish daily creel limit for the total project area. Other species-inland regulations apply.
* * * * *		

[Pa.B. Doc. No. 22-378. Filed for public inspection March 11, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment would remove Little Chartiers Creek, Section 05, from the Commission’s miscellaneous special regulations.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2023.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at www.fishandboat.com.

C. Statutory Authority

This proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Little Chartiers Creek is a 17.5-mile long tributary to Chartiers Creek in Washington County, approximately 6 miles east-northeast of the City of Washington. Little Chartiers Creek is delineated into five stream sections for fisheries management purposes and is impounded at river mile 0.37, creating Canonsburg Lake, a 76-acre impoundment owned by the Commonwealth and managed by the Commission. Little Chartiers Creek, Section 02, is managed as a stocked trout water (STW) and Canonsburg Lake is managed as a stocked trout water open to year-round fishing. The remainder of Little Chartiers Creek (Sections 01, 03—05) is not managed as an STW and not stocked by the Commission with hatchery-reared trout.

Little Chartiers Creek, Section 05, is approximately 0.5 mile in length and extends from the outflow of Canonsburg Lake downstream to the confluence with Chartiers Creek. Although Section 05 is not managed as an STW, this section has been managed under miscellaneous special regulations since the early 1980s. This regulation prohibits angling from the end of the extended season for trout through 8 a.m. on the opening day of the regular season for trout, which aligns with the management of STWs. Historically, the rationale for this special regulation was to prohibit angling in Section 05 during

the closure period following the stocking of trout in Canonsburg Lake, which could escape downstream into Little Chartiers Creek. Escapement of stocked trout created unwanted and disruptive angler behavior in Section 05 and warranted management with these special regulations. During the annual regulatory review process, Commission staff determined that these regulations are no longer necessary and recommend removal. If removed, this change would simplify regulations and increase angling opportunities while continuing to provide adequate resource protection.

Upon removal of this special regulation, Section 05 will revert to Commonwealth inland waters angling regulations in § 61.1 (relating to Commonwealth inland waters). To facilitate transition of Section 05 to management with Commonwealth inland waters angling regulations, this water must first be removed from miscellaneous special regulations.

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-323. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
Warren	Chapman Dam Reservoir	All species except trout—catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—inland regulations apply. See § 61.1 (relating to Commonwealth inland waters). This miscellaneous special regulation will remain in effect until further notice.
[Washington	Little Chartiers Creek, from Canonsburg Lake Dam approximately 1/2 mile downstream to the mouth of Chartiers Creek	Fishing is prohibited from 12:01 a.m. the third Monday in February to 8 a.m. the opening day of the regular season for trout.]
Wayne	West Branch Delaware River	Trout: From the Pennsylvania/New York border downstream to the confluence with the East River Branch of the Delaware River: no-harvest artificial lures only season on trout from October 16 until midnight of the Friday before the first Saturday after April 11. During the no-harvest artificial lures only season: 1. Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood, or flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited. 2. The daily creel limit for trout is 0.
* * * * *		

[Pa.B. Doc. No. 22-379. Filed for public inspection March 11, 2022, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 1, 2022.

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

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-18-2022	FNCB Bank Dunmore Lackawanna County	1219 Wheeler Avenue Dunmore Lackawanna County	Closed
02-28-2022	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	6626 Main Street Martins Creek Northampton County	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. 22-380. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 2022

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of April 2022, is 4 3/4%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield

rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 2.16 to which was added 2.50 percentage points for a total of 4.66 that by law is rounded off to the nearest quarter at 4 3/4%.

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-381. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Availability of Draft 2021 Consolidated Annual Performance and Evaluation Report; Amendment to the 2021 Annual Action Plan; Amendment to the 2019 Annual Action Plan

Availability of the Draft of the 2021 Consolidated Annual Performance and Evaluation Report

The Department of Community and Economic Development (Department) is preparing its 2021 Consolidated

Annual Performance and Evaluation Report (CAPER) on the progress and accomplishments made during the 2021 program year in implementing the Commonwealth's Consolidated Plan for Federal Fiscal Years 2019—2023. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within the Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing, homelessness and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth has allocated funds under several programs, namely Community Development Block Grant (CDBG), HOME Investment Partnerships Program, Emergency Solutions Grant, Housing Opportunities for People With AIDS Program and the Housing Trust Fund. Additionally, this CAPER will detail accomplishments from supplemental funding from HUD appropriations under the Neighborhood Stabilization Program, Community Development Block—Disaster Recovery Program, CDBG—Coronavirus Aid Relief and Economic Security (CARES) Act and the Emergency Solutions Grant CARES Act. The CAPER discusses accomplishments in relation to goals and objectives identified in the 2021 Annual Action Plan of the 2019—2023 Consolidated Plan.

The CAPER assesses the goals and objectives of this strategic plan, discusses how the Commonwealth is affirmatively furthering fair and affordable housing, reviews the activities of the Continuums of Care, and appraises how well resources in community development, homelessness and housing are being leveraged.

Public Comments

Individuals or organizations may provide written comments regarding this draft version of the CAPER. This report will be available on March 13, 2022, at <https://dced.pa.gov/library/?wpdmc2=capers-2019-2023/>. Written comments will be accepted about the CAPER content and the process which public input is gathered. The Commonwealth encourages public participation in this process.

Persons with a disability or limited English proficiency, who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact Megan Snyder, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD (717) 346-0308 to discuss how the Department may best accommodate their needs.

Written comments will be accepted until 4 p.m. on March 28, 2022, and should be sent to Megan L. Snyder, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 or e-mailed to RA-DCEDcdbhghomequestions@pa.gov. Submission to HUD should be on or near March 31, 2022.

Draft of Amendment to the 2021 Annual Action Plan

The Department is preparing an amendment to its 2021 Annual Action Plan. The purpose of the amendment is to allow Sandy Township, Clearfield County to pursue funding through the Federal Section 108 Program. This program allows local governments to leverage portions of their CDBG funds into Federally guaranteed loans large enough to pursue physical and economic revitalization projects capable of redeveloping entire neighborhoods.

Sandy Township is pursuing \$875,000 through the Section 108 Program to install an additional extension and conveyance system to the township's sanitary sewer system for an industrial park expansion as an economic development project.

The public comment period will be for 30 days. Additional details on how the public may comment are listed as follows.

Public Comments

Individuals or organizations may provide written comments regarding this amendment. The amended 2021 Annual Action Plan will be available on March 13, 2022, at <https://dced.pa.gov/library/?wpdmc2=action-plans-2019-2023>. The Commonwealth encourages public participation in this process.

Persons with a disability or limited English proficiency, who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact Megan Snyder, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD (717) 346-0308 to discuss how the Department may best accommodate their needs.

Written comments will be accepted until 4 p.m. on April 13, 2022, and should be sent to Megan L. Snyder, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 or e-mailed to RA-DCEDcdbhghomequestions@pa.gov.

Draft of Amendment to the 2019 Annual Action Plan

The Department is preparing an amendment to its 2019 Annual Action Plan, which includes the funding received through the CARES Act provided to the CDBG Program. The purpose of the amendment is to specify within the action plan, the projects which have received funding through the latest round of awards through a competitive application process. The list of contracts awarded is the following:

Cameron County	\$250,000
City of Pittston	\$1,000,000
Lawrence County	\$500,000
Wayne County	\$265,000
Fayette County	\$1,100,000
Indiana County	\$2,000,000
Clinton County	\$510,962
Small Business Assistance Economic Development Program	
NEPA Alliance	\$4,000,000
Lehigh University Small Business Development Center	\$1,562,500
Southern Alleghenies	\$1,942,000
The Covation Center	\$1,040,000
TOTAL	\$14,170,462

In accordance with the Department's Citizen Participation Plan, this action will not trigger a substantial amendment. HUD has also provided an allowance of an expedited citizen participation period for the funds allocated through the CARES Act. Based on this, the public

comment period will be for 5 calendar days. Additional details on how the public may comment are listed as follows.

Public Comments

Individual or organization may provide written comments regarding this amendment. The amended 2019 Annual Action Plan will be available on March 13, 2022, at <https://dced.pa.gov/library/?wpdmc2=action-plans-2019-2023>. The Commonwealth encourages public participation in this process.

Persons with a disability or limited English proficiency, who wish to comment and require an auxiliary aid, service or other accommodation to participate, should contact Megan Snyder, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD (717) 346-0308 to discuss how the Department may best accommodate their needs.

Written comments will be accepted until 4 p.m. on March 18, 2022, and should be sent to Megan L. Snyder, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 or e-mailed to RA-DCEDcdhomequestions@pa.gov.

NEIL WEAVER,
Acting Secretary

[Pa.B. Doc. No. 22-382. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Governor's Advisory Council for Hunting, Fishing and Conservation Public WebEx Meeting

The Governor's Advisory Council for Hunting, Fishing and Conservation (Council) to the Department of Conservation and Natural Resources (Department) will hold a public WebEx meeting on March 14, 2022, at 9:30 a.m. The public WebEx meeting can be accessed through a link found on the Council's web site prior to the public Web Ex meeting at www.dcnr.pa.gov/Conservation/GovernorsAdvisoryCouncil.

Questions concerning this public WebEx meeting or agenda items can be directed to Derek Eberly at (717) 317-0028. For public comment to be considered at the public WebEx meeting, follow the instructions on the Council's web site.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 22-383. Filed for public inspection March 11, 2022, 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).

Section *Category*

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

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

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

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

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP’s tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice. Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

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

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

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

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

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

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

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

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

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

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

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

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

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

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>
PAD150241	New	Wallace Tract Partners, LLC 55 Country Club Lane Downingtown, PA 19335	Wallace Township Chester County	SERO
PAD150244	New	Henry Pellegrini Margaret Pellegrini 54 Pugh Road Wayne, PA 19084	Charlestown Township Chester County	SERO
PAD230059	New	Sunoco Pipeline, LP 100 Green Street Marcus Hook, PA 19061	Tinicum Township Delaware County	SERO
PAD510010-3B A-5	Amendment	City of Philadelphia Division of Aviation (DOA) Joseph Thomas Planning and Environmental Services PHL Terminal D Third Floor Philadelphia, PA 19153	City of Philadelphia Philadelphia County	SERO
PAD510202 A-1	Amendment	Philadelphia Parks and Recreation 1515 Arch Street 11th Floor Philadelphia, PA 19102	City of Philadelphia Philadelphia County	SERO
PAD640030	Individual NPDES	Central Wayne Regional Authority 574 Bucks Cove Road Honesdale, PA 18431	Honesdale Borough Wayne County	NERO
PAD390229	Individual NPDES	City Center Investment Corp. 645 W. Hamilton St Suite 600 Allentown, PA 18101	City of Allentown Lehigh County	NERO
PAD640029	Individual NPDES	David Dulay 3225 Lake Ariel Highway Honesdale, PA 18431	Cherry Ridge Township Wayne County	NERO
PAD210045 A-2	102 Individual Permit	Hampden Townhomes, LLC 6211 Lookout Drive Mechanicsburg, PA 17050-1673	Hampden Township Cumberland County	SCRO
PAD3600087	102 Individual Permit	Jacok K Stoltzfus 251 Maple Avenue Bird in Hand, PA 17505	Salisbury Township Lancaster County	SCRO
PAD360006 A-1	102 Individual Permit	Ben B Stoltzfus 332 Little Britain Church Road Peach Bottom, PA 17536	Fulton Township Lancaster County	SCRO
PAD440017	102 Individual Permit	Tyler MJ Watson 7706 Ferguson Valley Road McVeytown, PA 17051-7539	Brown Township Lancaster County	SCRO
PAD140086	New Individual Permit	HRI, Inc. SR8018, future Ramp off I-180 Bellefonte, PA 16841	Marion Township Centre County	NCRO
PAD140087	New Individual Permit	Core Campus Manager, LLC 240 South Pugh Street State College, PA 16801	State College Borough Centre County	NCRO
PAD140088	New Individual Permit	Patton Township 2501 Bernel Road State College, PA 16803	Patton Township Centre County	NCRO
PAD020004A-3	PAG-02 Individual Permit	Redevelopment Authority of Allegheny County 112 Washington Place Suite 900 Pittsburgh, PA 15219	Coraopolis Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 15301

**STATE CONSERVATION COMMISSION
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS
FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Cedar Hill Pork 120 Harbold-Altland Road Wellsville, PA 17365	York	4.7	412.03	Swine	NA	New
Edward Horst 251 Bunkerhill Road Womelsdorf, PA 19567	Berks	152.95	329.75	Hogs Dairy Heifers	NA	Renewal

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

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of

one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Lattimer Breaker, 10 Louis Schiavo Drive, Hazleton, PA 18202, Hazle Township, **Luzerne County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Blaschak Anthracite, P.O. Box 12, Mahanoy City, PA 17948, submitted a Notice of Intent to Remediate. Soil was contaminated by releases of petroleum from aboveground storage tanks, drums, and totes. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Times Leader* on February 25, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Foundry Lofts (aka Leithiser Comp.), 475 West Philadelphia Street and 145 North Harley Street, York, PA 17401, City of York, **York County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406 on behalf of Magellan Investments, Inc., 1041 Silver Maple Circle, Seven Valleys, PA 17360 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with arsenic & chromium. The site will be remediated to the site-specific standard. The Notice of Intent to Remediate was published in *The York Dailey Records* on December 27, 2021.

John Huber Property, 222 West Maple Avenue, Myerstown, PA 17067, Myerstown Borough, **Lebanon County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Mr. John Huber, 631 Weavertown Road, Myerstown, PA 17067 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Statewide health standard. The Notice of Intent to Remediate was published in *The Lebanon Daily News* on January 7, 2022.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit Application No. WMGR123SW060. Range Resources Appalachia, LLC, 3000 Town Center

Boulevard, Canonsburg, PA 15317. An application for coverage under General Permit No. WMGR123 for the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well at the Seibel Tank Pad facility, located in Independence Township, **Beaver County** and Findlay Township, **Allegheny County**, was accepted as administratively complete in the Southwest Regional Office on February 25, 2022.

Comments or questions concerning the application should be directed to the Southwest Regional Office Resource Account at RA-EP-EXTUPLSWRO@pa.gov, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E,

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

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

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James Beach, New Source Review Chief, (484) 250-5920.

15-0077B: Hanson Aggregates (Downingtown Quarry), 499 Quarry Road, Downingtown, PA 19335, East Caln Township, **Chester County**. The Plan Approval application is for the replacement of the primary and secondary equipment on the crushing plant. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

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

15-0160: International Paper Company, 4581 Lower Valley Road, Atglen, PA 19310, for installation and operation of sources for manufacturing and processing of corrugated paper at an existing facility in West Sadsbury Township, **Chester County**. This facility is a non-Title V facility. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, P.E., New Source Review Chief, (412) 442-4168.

56-00257C: Pennsylvania Department of Corrections, 1920 Technology Parkway, Mechanicsburg, PA 17050. In accordance with Pa. Code 25 §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a Plan Approval to change the operation of equipment at a boiler house at a prison, known as SCI Laurel Highlands, located in Somerset Township, **Somerset County**.

The facility is a landfill gas (LFG) and natural gas-fired, electrical power and steam generating plant. The Pa. Department of Corrections is proposing two changes to emission processes at the facility:

1. It is proposed that the existing 44.4 MMBtu/Hr., Landfill Gas (LFG)-fired, combustion turbine (Source ID 109) be permanently removed from service. Authorization for this action is requested because the landfill which supplies the LFG that fuels this engine, frequently does not provide enough LFG to enable the turbine to operate at full load. Turbine engine operation at lower loads greatly increases emissions, and operation time at less than rated load is currently limited in the existing Operating Permit.

2. It is also proposed that the sum of the time that each of the two, 2,233-bhp, LFG-fired RICE (Source IDs 110 and 111) are permitted to operate, be increased from 8,400 hours per year to 13,800 hours per year.

No new equipment is being added to the facility and no other changes to existing equipment is being authorized by this Plan Approval. The only criteria pollutant that will increase as a result of these two simultaneous changes is VOC and the amount is less than that which is significant. The facility will remain a Title V facility, based on its potential emission of CO, and an area source of Hazardous Air Pollutants.

The application, the DEP's Review Memorandum, and the proposed Plan Approval are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>, or contact Tom Joseph at 412.441.4336.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Plan Approval may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Plan Approval PA-56-00257C) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.48, prior to issuing a Plan Approval, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.46 (relating to filing protests) may appear and give testimony. The Department is not required to hold a confer-

ence or hearing. The applicant, the protestant, and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

30-00077E: Texas Eastern Transmission, LP, 258 Bristoria Road, Wind Ridge, PA 15380. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44–127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval 30-00077E for installation of two (2) Solar, 10,744 HP, Taurus 070 natural gas-fired compressor turbines at the Holbrook Compressor Station located in Richhill Township, **Greene County**.

These new turbines will replace twelve (12) engines. The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control of CO, VOCs, and organic hazardous air pollutants (HAPS). The new turbines will be equipped with Solar Turbines proprietary gas release control technology to reduce the VOC and methane emissions associated with compressor turbine operations such as gas releases from dry seals and depressurization required for scheduled maintenance or non-emergency shutdowns. The facility is also replacing two emergency generators (Source IDs 120 and 121) with a Waukesha VGF24GL 585 hp, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 0.769 MMBtu/hr heat input, three (3) separator vessels each rated less than 450 gallons used to collect pipeline liquids, and one (1) 2,940 gallon pipeline liquids tank.

Potential to emit from the facility after installation of the new sources and controls will be:

Table 1: Facility Wide Potential to Emit

<i>Air Contaminant</i>	<i>Emission Rate (tpy)</i>
Nitrogen Oxides (NO _x)	140
Carbon Monoxide (CO)	130
Total Particulate Matter (PM)	17
Particulate Matter Less Than 10 Microns In Diameter (PM ₁₀)	17
Particulate Matter Less Than 2.5 Microns In Diameter (PM _{2.5})	17
Sulfur Oxides (SO _x)	35
Volatile Organic Compounds (VOC)	62
Hazardous Air Pollutants (HAP)	8
Formaldehyde (HCHO)	3.5
Carbon Dioxide Equivalent (CO ₂ e)	325,000

The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.31 and 123.41, Federal New Source Performance Standards including 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines and 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, and National Emission Standards for Hazardous Air Pollutants from 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). This plan Approval has been conditioned to ensure compliance with all applicable rules. This includes

emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. The Department has determined that the proposed facility satisfies Best Available Technology (“BAT”) requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to revise or submit a Title V Operating Permit in accordance with 25 Pa. Code Subchapter G.

The Plan Approval Application, the Department’s Air Quality Review Memorandum, and the proposed Air Quality Plan Approval for this project are available for review by any interested party at the Department’s Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP’s website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

A person may oppose the proposed plan approval by filing a written protest with the Department through Melissa Jativa, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; mjativa@pa.gov; or fax 412.442.4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-30-00077E) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone or email, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Edward F. Orris, Environmental Engineer Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to eorris@pa.gov.

All comments must be received prior to the close of business 30 days after the date of this publication.

OPERATING PERMITS

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

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

56-00257: Pennsylvania Department of Corrections, 1920 Technology Parkway, Mechanicsburg, PA 17050. In accordance with 25 Pa. Code §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit (TVOP) for the continued operation of a boiler house at a prison, known as SCI Laurel Highlands, located in Somerset Township, **Somerset County**.

The proposed TVOP incorporates the ongoing requirements of PA-56-00257C and will not be issued until the

PA is issued. The facility is a landfill gas (LFG) and natural gas-fired, electrical power and steam generating plant. LFG is pumped to the boiler house from an off-site, commercial landfill. The main sources at this facility are two (2), 2,233-bhp, SI, Caterpillar, LFG-fueled, generator engines and one (1), 20.3 MMBtu/hr, dual-fuel (LFG & NG) boiler. Supporting equipment at this site includes one (1), purge gas, siloxane removal system with an enclosed flare, two (2), 9.85 MMBtu/hr, Miura, NG-fired boilers, one (1), 27.7 MMBtu/hr, natural gas-fired, trailer mounted boiler, and three (3), 2,235-bhp, 2,235-bhp, and 268-bhp, emergency, diesel, generator engines.

Annual facility-wide potential emissions are 175 tons of CO, 53 tons of NO_x, 35 tons of VOC, 8 tons of PM₁₀, 8 tons of PM_{2.5}, and 6 tons of SO₂. The plant also has annual potential emissions of 9.9 tons of formaldehyde and 15.3 tons of all HAPs combined. Potential annual emission of greenhouse gases is 50,744 tons CO_{2e} per year. Sources at the facility are subject to 40 CFR Part 60, Subpart A—General Provisions, 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, and 25 Pa. Code Chapters 121—145. No equipment or emission changes are being approved by this action. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, work practice, and reporting requirements for the facility.

The application, the DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>, or contact Tom Joseph at 412.441.4336.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit TVOP-56-00257) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00222: Telex Metals, LLC, 105 Phyllis Avenue, Croydon, PA 19021, located in Bristol Township, **Bucks County**, for the renewal of a State-Only Operating Permit. This facility is classified as Natural Minor facility for Hazardous Air Pollutants (HAPS) and oxides of nitrogen (NO_x) emissions. Telex Metals reworks and oxidizes various scrap metals (e.g., tantalum, molybdenum, tungsten, silver, and copper). The reworking operation is controlled by a dust collector. Metal refining and oxidizing are controlled by three packed tower wet scrubbers. There is no increases of HAPS or NO_x emissions with this renewal. The facility hydrochloric acid emission, which is a HAP, remains capped at 150.00 pounds per year and the facility NO_x emission limit remains capped at 6.60 tons per year. The Operating Permit will contain monitoring, recordkeeping, reporting and work practice conditions designed to address all applicable air quality requirements.

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

15-00153: Sunoco Pipeline, LP, 100 Green Street, Marcus Hook, PA 19061, was published February 5, 2022 and is republished to address the inaccuracies of resource account address and type of pumped gas. The revised notice is as follows: A State Only Operating Permit renewal for a Natural Gas Liquids (NGLs) compressor station located in West Goshen Township, **Chester County**. The permit is for a non-Title V (State Only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore, the facility is a Natural Minor. The actual volatile organic emissions (VOCs) emissions from the facility shall not exceed 24.9 tons per year. This action is a renewal of the State Only Operating Permit. The initial permit was issued on March 3, 2017 and will expire on March 3, 2022. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.

06-03062: Theodore C. Auman, Inc., 247 Penn Street, Reading, PA 19601, to issue a State Only Operating Permit for a human cremation unit at the facility located in the City of Reading, **Berks County**. The subject facility's cremation unit will be controlled by an internal secondary combustion chamber. The facility's potential-to-emit estimates are 0.4 tpy of CO, 0.1 tpy NO_x, 0.4 tpy PM, 0.1 tpy SO_x, and 0.7 tpy VOC. The Operating Permit will include emission limits and work

practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

38-03029: Elk Corporation of Texas, 401 Weaverstown Road, Myerstown, PA 17067, to issue a State Only Operating Permit for the asphalt shingle manufacturing plant located in Jackson Township, **Lebanon County**. The potential emissions from the facility are estimated at 5.8 tpy of NO_x, 9.8 tpy of CO, 31.9 tpy of PM₁₀, 0.1 tpy of SO_x and 1.7 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture, 40 CFR 63 Subpart AAAAAA—National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacture and 40 CFR 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief, (412) 442-4336.

OP-56-00241: Rockwood Area School District, 439 Somerset Ave., Rockwood, PA 15557-1030. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue a renewal Synthetic Minor Operating Permit for operation of the Rockwood Junior/Senior High School located in Rockwood Borough, **Somerset County**.

Equipment at this facility includes two (2) 4.3 MMBtu/hr tri-fuel boilers which burn primarily coal, a 150 kW diesel-fired emergency electric generator engine, a 20 kW propane-fired emergency electric generator engine, two (2) hot water boilers rated at 0.6 MMBtu/hr and 0.299 MMBtu/hr, six (6) radiant space heaters rated with a total heat input rating of 0.7 MMBtu/hr, and a heating furnace rated at 0.08 MMBtu/hr. Potential annual emissions from the facility are based on a limit of burning 2,070 tons of coal per consecutive 12-month period and are estimated to be 9.8 tons NO_x, 1.3 tons VOCs, 11.4 tons CO, 4.7 tons particulate matter, 77.0 tons SO_x, 1.24 tons HCl, 0.16 ton HF, 1.40 tons total HAPs, and 6,469 tons GHG. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed operating permit contains applicable emission limits, monitoring, recordkeeping, reporting, and work practice requirements.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address, and telephone number of the person submitting the

comments, identification of the proposed permit (specify Operating Permit 56-00241) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

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 are also subject to 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. Requests for 401 Water Quality Certifications are included in individual application only if 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). Such comments or objections should contain the name, address and phone 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.

In addition, 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 also contain 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 is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

Coal Applications

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

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 must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

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

Permit No. 63743702 and NPDES No. PA0214248. Eighty Four Mining Company, 46226 National Road, St. Clairsville, OH 43950, to revise the permit and related NPDES Permit to revise the water handling plan and remove outfall 009, to be routed to outfall 008 in Somerset Township, **Washington County**. Receiving stream: Unnamed Tributary to Center Branch of Pigeon Creek, classified for the following use: WWF. Application received: December 20, 2021.

Permit No. 32041301 and NPDES No. PA0235644. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to revise the permit and related NPDES Permit and add Upper Kittanning Coal Seam to the mining plan in Center and Brush Valley Townships, **Indiana County**, affecting 2,664.3 proposed underground acres and 2,664.3 proposed subsidence control plan acres. Application received: February 10, 2022.

Permit No. 32061301 and NPDES No. PA0235679. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to revise the permit and related NPDES Permit for post-mining land use change in Green and Cherryhill Townships, **Indiana County**. Application received: December 21, 2021.

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

Permit No. 61970101. Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215. Renewal of an existing bituminous surface mine in Irwin Township, **Venango County**, affecting 75.2 acres. This renewal is issued for reclamation only. Receiving streams: Scrubgrass Creek, classified for the following uses: CWF. No changes proposed. Application received: February 11, 2022.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l

Alkalinity must always exceed acidity.
pH must always be greater than 6.0; less than 9.0.

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

Permit No. 10030302 and NPDES No. PA0242462. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Renewal of an NPDES permit associated with a large noncoal surface mining permit in Brady Township, **Butler County**, affecting 340.7 acres. Receiving stream: Unnamed tributaries to Big Run, classified for the following use: CWF. No changes proposed. Application received: January 31, 2022.

Permit No. 10110306. Raducz Stone Corporation, 313 Pittsburgh Road, Butler, PA 16002. Proposed revision to an existing large noncoal surface mine to relocate 11.2 acres from northeastern part of the permit to the southwestern part of the permit located in Penn Township, **Butler County**. Receiving streams: Unnamed tributaries to Thorn Creek, classified for the following uses: CWF. Application received: February 7, 2022.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EP MOSHANNON@pa.gov (Contact: Cassandra Stanton).

Permit No. 17860301 and NPDES Permit No. PA0115550. North Star Aggregates, Inc. (P.O. Box R, Ridgeway, PA 15853), renewal of an NPDES permit associated with a large noncoal (industrial minerals) mining site located in Huston Township, **Clearfield County**, affecting 73.1 acres. Receiving stream(s): Bennett Branch to Sinnemahoning Creek classified for the following use(s): CWF. Application received: February 22, 2022.

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 must always be greater than 6.0; less than 9.0.

Alkalinity must always be greater than acidity.

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 § 77.522 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.

Additional criteria

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 of 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.

Submittal of comments

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 notice within 30-days of this 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 phone number of the writer and a concise statement to inform the Department of the basis of a comment and the relevant facts upon which it is based.

Requests or petitions for a public hearing on any NPDES permit applications will be accepted 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, phone number and the interest of the party filing the request and state the reasons why a hearing is warranted. The Department may hold a public hearing if the public interest is significant. 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. The Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

Permit No. 29160101 and NPDES No. PA PA0279285. J & J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, renewal of an NPDES permit in Broad Top and Wells Townships, **Bedford** and **Fulton Counties**, affecting 66.0 acres related to a coal mining activity permit. Receiving stream: Great Trough Creek, classified for the following use: TSF. Application received: February 2, 2022.

Unless otherwise noted, 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 Great Trough Creek:

Outfall number	New or Existing	Type	Discharge rate
001	Existing	Stormwater	Precipitation Induced
002	Existing	Stormwater	Precipitation Induced

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

Outfalls 001 and 002 (dry Weather) Parameter (unit)	Minimum	30-Day Average	Daily Maximum	Instant Maximum
Total Iron (mg/L)	XXX	3.0	6.0	7.0
Total Manganese (mg/L)	XXX	2.0	4.0	5.0
Total Aluminum (mg/L)	XXX	XXX	XXX	Report
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report
Outfalls 001 and 002 (10-yr/24-hr Precip. Event) Parameter (unit)	Minimum	30-Day Average	Daily Maximum	Instant Maximum
Total Iron (mg/L)	XXX	XXX	XXX	7.0
Total Settleable Solids (ml/L)	XXX	XXX	XXX	0.5
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Outfalls 001 and 002 (>10-yr/24-hr Precip. Event) Parameter (unit)	Minimum	30-Day Average	Daily Maximum	Instant Maximum
Total Settleable Solids (ml/L)	XXX	XXX	XXX	0.5
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report

Permit No. 05160101 and NPDES No. PA0279447. J & J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, renewal of an NPDES permit in Broad Top Township, **Bedford County**, affecting 95.0 acres related to a coal mining activity permit. Receiving stream: unnamed tributary to/and Great Trough Creek, classified for the following use: TSF. Application received: February 2, 2022.

Unless otherwise noted, 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 Great Trough Creek:

Outfall number	New or Existing	Type	Discharge rate
001	Existing	Stormwater	Precipitation Induced
003	Existing	Stormwater	Precipitation Induced

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

<i>Outfalls 001 and 003 (dry Weather)</i>				
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	3.0	6.0	7.0
Total Manganese (mg/L)	XXX	2.0	4.0	5.0
Total Aluminum (mg/L)	XXX	XXX	XXX	Report
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

<i>Outfalls 001 and 003 (10-yr/24-hr Precip. Event)</i>				
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	XXX	XXX	7.0
Total Settleable Solids (ml/L)	XXX	XXX	XXX	0.5
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report

<i>Outfalls 001 and 003 (>10-yr/24-hr Precip. Event)</i>				
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Settleable Solids (ml/L)	XXX	XXX	XXX	0.5
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report

The following outfalls discharge to unnamed tributary to Great Trough Creek:

<i>Outfall number</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge rate</i>
002	Existing	Stormwater	Precipitation Induced

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

<i>Outfalls 002 (All Weather)</i>				
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	3.0	6.0	7.0
Total Manganese (mg/L)	XXX	2.0	4.0	5.0
Total Aluminum (mg/L)	XXX	1.3	2.6	3.2
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

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

Permit No. 61110103 and NPDES No. PA0259209. Hillside Stone, LLC, 4080 Sandy Lake Road, Sandy Lake, PA 16145, Renewal of an NPDES permit in Irwin Township, Venango County, affecting 73.9 acres related to a coal mining activity permit. Receiving stream: Unnamed tributaries to Scrubgrass Creek, classified for the following use: CWF. TMDL: Scrubgrass Creek. Application received: January 12, 2022.

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

The following treated wastewater outfalls discharge to Unnamed tributaries to Scrubgrass Creek:

<i>Outfall number</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge rate (*)</i>
001	N	SWO	118.8
002	N	SWO	161.8
003	N	TFO	50.0

*Indicate the rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow in GPD or MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

Alkalinity greater than acidity¹

¹ The parameter is applicable at all times.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov (Contact: Theresa Reilly-Flannery).

Permit No. 54850204 and NPDES No. PA0592749. Jeddo-Highland Coal Co., 144 Brown Street, Yatesville, PA 18640, renewal of NPDES Permit in Porter Township, **Schuylkill County**, affecting 246.1 acres related to a coal mining activity permit. Receiving stream: Wiconisco Creek, classified for the following uses: CWF, MF, Wiconisco Creek TMDL. Application received: June 7, 2021.

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

The following treated wastewater outfalls discharge to Wiconisco Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Stormwater	Precipitation Dependent

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

The following limits apply to dry weather discharges from the following stormwater outfall: 001

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Total Iron (mg/L)		3.0	6.0	7.0
Total Manganese (mg/L)		2.0	4.0	5.0

The following alternate discharge limitations apply to discharges from the following stormwater outfalls resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event: 001

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Settleable Solids (ml/L)				0.5

¹ This Parameter is applicable at all times.

Noncoal Npdes Draft Permits

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

Permit No. 10030302 and NPDES No. PA0242462. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Renewal of an NPDES permit in Brady Township, **Butler County**, affecting 340.7 acres. Receiving stream: Unnamed Tributaries to Big Run and Big Run, classified for the following use: SWF. Application received: January 31, 2022.

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

The following treated wastewater outfalls discharge to Unnamed Tributaries to Big Run and Big Run:

<i>Outfall number</i>	<i>Neworexisting</i>	<i>Type</i>	<i>Discharge rate(*)</i>
001	N	SWO	261.8
002	N	SWO	457.6
003	N	SWO	35.4
004	N	SWO	116.0

<i>Outfall number</i>	<i>Neworexisting</i>	<i>Type</i>	<i>Discharge rate(*)</i>
005	N	SWO	100.7
006	N	SWO	45.8
007	N	TFO	100.0
008	N	TFO	100.0
009	N	TFO	100.0
010	N	TFO	100.0

*Indicate the rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow in GPD or MGD

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

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

¹ The parameter is applicable at all times.

NPDES No. PA0280771 (Mining Permit No. 33190301). Infrastructure Resources, Inc., P.O. Box 45, Punxsutawney, PA 15767. New NPDES permit in Ringgold Township, **Jefferson County**, affecting 210.0 acres. Receiving stream: Unnamed tributaries to Pine Run, classified for the following use: CWF. TMDL: Pine Run. Application received: January 31, 2022.

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

The following treated wastewater outfalls discharge to unnamed tributaries to Pine Run:

<i>Outfall number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge rate [*]</i>
ST01	Y	TFO	83.3
ST03	Y	TFO	55.6

*Indicate the rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow in GPD or MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.75
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹ The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting,

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

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

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

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

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Gillian Pehala, Clerk Typist 2, 570-830-3077.

E6402122-003, PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Lebanon Township, **Wayne County**, Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the SR 371 Section D50 Project:

1. To remove the existing structure and to construct and maintain a 40.8-foot wide pre-stressed concrete spread box beam bridge carrying SR 371 across East Branch Dyberry Creek (EV, MF) having a 56-foot normal clear span and a 7.1-foot minimum underclearance. In addition, 0.03 acre of East Branch Dyberry Creek (EV, MF) floodway will be impacted by bridge construction activities.

2. To impact 0.14 acre of a tributary to East Branch Dyberry Creek (EV, MF) floodway for SR 371 bridge and roadway construction.

3. To construct and maintain an outfall consisting of a 24" pipe and endwall discharging stormwater into a 14-ft long R-6 riprap apron, in the floodway of East Branch Dyberry Creek (EV, MF) (Impact EW-3 to EW-4).

4. To remove an existing outfall and to construct and maintain an 18" CMP and endwall discharging stormwater into 7.5-ft long R-6 riprap apron, floodway and watercourse of East Branch Dyberry Creek (EV, MF) (Impact EW-5 to EW-6).

5. To remove an existing outfall and to construct and maintain an 18" pipe and endwall discharging stormwater into a 21-ft long R-5 riprap apron, in the watercourse of a tributary to East Branch Dyberry Creek (EV, MF) (Impact EW-7 to EW-8).

6. To fill approximately 0.01 acre of PSS wetlands for bridge and roadway construction.

The project is located along SR 371 Section D50 Segment 0240, Offset 2417, at the SR 317/SR 1023 intersection (Aldenville, PA Quadrangle Latitude: 41° 43' 36.34"; Longitude: -75° 15' 55.54").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

E2203221-007: DHK Lot 2, LLC, 6259 Reynolds Mill Road, Seven Valleys, PA 17306 in Lower Swatara Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To:

1. place and maintain fill in an emergent wetland, permanently impacting 1.39 acres (60,493 square feet);

2. place and maintain fill in a forested wetland, permanently impacting 0.33 acre (14,537 square feet);

3. place and maintain fill in an emergent wetland, permanently impacting 0.04 acre (1,609 square feet);

4. place and maintain fill in an emergent/forested wetland, permanently impacting 0.34 acre (14,969 square feet);

5. place and maintain fill in an Unnamed Tributary to the Susquehanna River (WWF, MF), permanently impacting 95 linear feet (466 square feet);

6. place and maintain fill in an Unnamed Tributary to the Susquehanna River (WWF, MF), permanently impacting 60 linear feet (3,221 square feet);

7. place and maintain fill in an Unnamed Tributary to the Susquehanna River (WWF, MF), permanently impacting 381 linear feet (1,073 square feet), all for the purpose of developing and constructing a 418,608 square foot warehouse/distribution center, access driveway, truck courts, employee parking areas, trailer storage site utilities, landscaping amenities, and a stormwater collection and conveyance system.

The project site is located along the southern side of Rosedale Avenue in Lower Swatara Township, Dauphin County (Latitude: 40.205570, Longitude: -76.764018). To compensate for wetland and stream impacts, the applicant will provide funds to acquire 3.00 acres of wetland credits and 562.00 stream credits from the Codorus Creek Mitigation Bank (PADEP Permit # MB990367-001) and the East Branch Codorus Creek Mitigation Bank Phase 2 (PADP Permit # MB990367-0002) in York County Pennsylvania.

E6703221-005: MRPI Willow Springs, LLC, 930 East Boot Road, West Chester, PA 19380 in Manchester Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to fill 0.07 acre of forested wetland, 0.07 acre of emergent wetland, and 251 linear feet of an Unnamed Tributary to Little Conewago Creek (WWF), all for the purpose of constructing two logistics warehouse facilities totaling 674,000 square feet. The project is located between Willow Springs Lane and Interstate 83 in Manchester Township, York County (Latitude: 40.0455; Longitude: -76.7426). The applicant proposes 0.21 acre of mixed emergent and forested wetland creation along an unnamed tributary to Little Conewago Creek (WWF) as compensatory mitigation for impacted wetlands.

E0603221-013: 633 Court Street, 14th Floor, Reading, PA 19601 in Exeter Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To remove existing superstructure and to install and maintain a (1) 54.04 foot x 63.5 foot superstructure over Antietam Creek (CWF, MF) and (2) place 0.5 acre of fill within the floodway of Antietam Creek (CWF, MF) and 0.2 acre UNT Antietam Creek (CWF, MF). The project proposed to permanently impact 153 linear feet of stream channel and 0.7 acre of floodway impacts.

E0703222-001: PennDOT Engineering District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648, in Greenfield Township, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To rehabilitate and repair the existing structure, remove sediment bar and to install a rock vane upstream of the structure in South Poplar Run (CWF, MF). The project proposes to permanently impact 265 linear feet of stream channel and 0.04 acre of wetland and temporarily impact 295 linear feet and 0.02 acre of wetland all for the purpose of improving transportation safety and roadway standards. The project is located at Claysburg approxi-

mately 0.1 mile north of the intersection of Bedford Street and Park Road T-311 in Greenfield Township, Blair County (Latitude: 40.293341, Longitude: -78.448598).

Northcentral Region: Waterways & Wetlands Program, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E5704222-004. Denise Ecker, 1210 Wheatfield Drive, Williamsport, PA 17701, Ecker Stream Crossing in Forksville Borough, **Sullivan County**, ACOE Baltimore District (Eagles Mere, PA Quadrangle; Latitude: 41° 29' 9.9"; Longitude -76° 36' 5.7").

To install a new crossing over an unnamed tributary to Loyalsock Creek (EV) to provide access to property which currently has no vehicular access. The structure is a timber deck set on concrete blocks. R-6 riprap will be installed as scour protection. The structure will pass the 500-year storm event. The total disturbed area along the watercourses is 0.01 acre. A PNDI search determined no species of concern to be present. There are no wetlands at the project site.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake.

E26052-385, Redstone Township Sewer Authority, 1010 Main Street, Republic, PA 15475, Redstone Township, **Fayette County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain two (2) 8-inch PVC sewer line crossings under Dunlap Creek (WWF) via directional bore,
2. Construct and maintain one (1) 8-inch PVC sewer line crossings under an unnamed tributary (UNT) to Dunlap Creek (WWF) via directional bore,
3. Construct and maintain five (5) 8-inch PVC sewer line crossings under one PEM and four PSS wetlands via directional bore; and
4. Construct and maintain one pump station within the 100-year floodplain of Dunlap Creek.

For the purpose of constructing a sewer line extension. The project will result in permanent impacts to Dunlap Creek (46 LF) and a UNT to Dunlap Creek (79 LF) and temporary impacts to Dunlap Creek (60 LF) and unnamed tributary to Dunlap Creek (80 LF), 0.08 acre of permanent impacts and 0.12 acre of temporary impacts to PEM wetlands, 0.61 acre of permanent impacts and 0.91 acre of temporary impacts to PSS wetlands, permanent impacts to the floodway of Dunlap Creek (0.55 acre) and UNT to Dunlap Creek (0.03 acre), temporary impacts to the floodway of Dunlap Creek (0.82 acre) and UNT to Dunlap Creek (0.05 acre), and permanent (3.49 acres) and temporary (5.34 acres) impacts to the 100-year floodplain of Dunlap Creek. Mitigation will include restoring the areas disturbed by the utility line crossing back to original condition and elevation and stabilizing the disturbed areas. The project includes a number of new sewer lines, starting approximately 500 feet northeast of the intersection of Keeny Row and Tower Hill Road (Quadrangle: Carmichaels, PA, Latitude: 39° 57' 11"; Longitude: -79° 52' 43"), and ends approximately 500 feet southeast of the intersection of Filbert Orient and Paradise Lake Road at the Filbert pump/treatment station (Salem, PA USGS topographic quadrangle; Latitude: 39° 57' 23"; Longitude: -79° 51' 39"; Subbasin 19C; USACE Pittsburgh District) in Redstone Township, Fayette County.

Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Contact: Robert Marquez, Senior Project Manager, Telephone Number: 570-327-3636.

E5729222-001: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 260' by 390' well pad impacting 3,703 square feet of an exceptional value palustrine emergent (EV-PEM) wetland impacts. (Colley, PA Quadrangle, Latitude: 41.525763°, Longitude: -76.349172°).

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 2,788 square feet (0.064 acre) of permanent PEM wetland impacts and 915 square feet (0.021 acre) of temporary wetland impacts, all for the purpose of establishing a well pad for Marcellus well development in Cherry Township, Sullivan County. The permittee will provide 0.17 acre of wetland credits at the Camp Brook Restoration Site (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

E5729222-002: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 250' by 470' well pad impacting 4,313 square feet of an exceptional value palustrine emergent (EV-PEM) wetland impacts. (Overton, PA Quadrangle, Latitude: 41.559425°, Longitude: -76.571127°).

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 1,307 square feet (0.030 acre) of permanent PEM wetland impacts and 3,006 square feet (0.069 acre) of temporary wetland impacts, all for the purpose of establishing a well pad for Marcellus well development in Cherry Township, Sullivan County. The permittee will provide 0.20 acre of wetland credits at the Camp Brook Restoration Site (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

Permit No. E0829222-007, Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840-1567, Unconventional Gas Well Site and associated infrastructure, State Route 3020, Towanda Township, **Bradford County**, ACOE, Baltimore Office.

To construct, operate, and maintain:

1. A temporary wetland impact from construction activities impacting 3,659 square feet (0.08 acre) of Palustrine Forested Wetlands (PFO) (Towanda, PA Quadrangle; Latitude: 41° 45' 41", Longitude: -76° 29' 51").

The Miller Bra Pad, located in Towanda Township, Bradford County, seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the U.S. Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. Prior unauthorized impacts resulted in 3,659 square feet (0.08 acre) of temporary Palustrine Forested Wetlands (PFO) impacts. Wetland restoration activities will result in the replanting of 3,659 square feet (0.08 acre) of impacted PFO wetland

with a variety of 20—30 trees and 5—8 shrubs to restore and mitigate for prior activities adjacent to the unconventional gas well site and associated infrastructure.

E0829222-008: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840-1567, Wasył Bra Pad in Ulster Township, **Bradford County**, ACOE Baltimore District.

This Joint Permit Application is being submitted for after-the-fact authorization of temporary wetland impacts at the Wasył Bra Pad in accordance with the Consent

Decree United States, et al. v. Chesapeake Appalachia, LLC, Civil Action No. 4:21—00538-MWB CALLC entered into with the U.S. Environmental Protection Agency and PADEP on May 20, 2021. The project is to construct, operate and maintain 0.1480 acre of temporary impacts to on-site wetlands. All impacts are associated with the Wasył Bra Pad construction in 2011.

There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 6447 SF (0.1480 acre) of temporary wetland impacts.

Wetland Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
W-SLH-012-T	Ulster Ulster	Temporary Workspace	PEM; EV	None	152	6,447			41.810180° 76.510670°
TOTAL IMPACTS					152	6,447			

E0829222-004: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Smithfield Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A permanent access road impacting 3,136 square feet (0.072 acre) of a Palustrine Emergent Wetland and temporary impacting 1,394 square feet (0.032 acre) of a Palustrine Emergent Wetland (East Troy, PA Quadrangle Latitude: 41.834677°, Longitude: -76.648011°).

2. A 300' x 400' well pad permanently impacting 5,184 square feet (0.119 acre) of a Palustrine Emergent Wetland and temporary impacting 3,180 square feet (0.072 acre) of a Palustrine Emergent Wetland (East Troy, PA Quadrangle Latitude: 41.834524°, Longitude: -76.648079°).

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 8,320 square feet (0.191 acre) of permanent PEM wetland impacts and 4,574 square feet (0.105 acre) of temporary PEM wetland impacts, all for the purpose of installing a natural gas well pad and permanent access road for Marcellus Shale development in Smithfield Township, Bradford County. The permittee will provide 0.105 acre of PEM on-site restoration and 0.43 acre of PEM wetland mitigation at Camp Brook Restoration (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

E0829222-009: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 18" HDPE culvert impacting 40 linear feet of an unnamed tributary to Lick Creek (EV, MF) (Overton, PA Quadrangle Latitude: 41.603649°, Longitude: -76.573311°).

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 40 linear feet of stream impacts, 4,029 square feet (0.092 acre) of permanent floodway impacts and 1,716 square feet (0.039 acre) of temporary floodway impacts, all for the purpose of installing a natural gas well pad and permanent access road for Marcellus Shale development in Overton Township, Bradford County. The permittee will provide 80 linear feet of stream mitigation at Camp Brook Restoration (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101; Email: RA-EP REGIONALPERMIT@pa.gov.

E4183222-001. Transcontinental Gas Pipe Line Company, LLC, Park Place Corporate Center Two, 2000 Commerce Drive, Pittsburgh, PA 15275. Loyalsock Township, **Lycoming County**, U.S. Army Corps of Engineers Baltimore District.

To restore, stabilize and maintain a 449-foot reach of Mill Creek (TSF, MF) with work involving installing two articulated concrete mats, installing a J-Hook structure, installing rip-rap armoring, removing instream accumulated gravels, and bank and floodway grading for the purpose of protecting two 24-inch diameter natural gas transmission pipelines (Leidy Line A and B).

The proposed project impacts include a total of 0.02 acre (80 linear feet) of temporary impacts and 0.22 acre (399 linear feet) of permanent impacts to Mill Creek and its UNT (TSF, MF); 0.60 acre temporary impacts and 0.54 acre of permanent impacts to floodways; and 0.04 acre of temporary impacts to PEM wetlands.

The project is located 0.26 mile southwest of the intersection of Walters Rd and Warrensville Road (Montoursville North USGS Quadrangle Map, Latitude: 41.279118°; Longitude: -76.935060°) Loyalsock Township, Lycoming 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 Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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>
PAC150295	PAG-02 General Permit	Issued	Cleveland-Cliffs Plate, LLC 139 Modena Road Coatesville, PA 19320	Valley Township Chester County	SERO
PAC090519	PAG-02 General Permit	Issued	Industrial Investments, Inc./ Willow Grove Storage 532 Township Line Road Blue Bell, PA 19422-2737	Bensalem Township Bucks County	SERO
PAC090061	PAG-02 General Permit	Issued	Woodbury Grove Investors, LP 370 E. Maple Avenue Suite 101 Langhorne, PA 19047	Northampton Township Bucks County	SERO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090519	PAG-02 General Permit	Issued	Industrial Investments, Inc./ Willow Grove Storage 532 Township Line Road Blue Bell, PA 19422-2737	Bensalem Township Bucks County	SERO
PAC230198	General	Permit Issuance	Shirley L. Dambro 737 Northbrook Road Kennett Square, PA 19348	Chadds Ford Township Delaware County	SERO
PAC150296	PAG-02 General Permit	Issued	West Goshen Sewer Authority 1025 Paoli Pike West Chester, PA 19380	West Goshen Westtown Townships Chester County	SERO
PAC150291	PAG-02 General Permit	Issued	All County Partnership 3697 Schuylkill Road Spring City, PA 19475	Valley Township Chester County	SERO
PAC090039 Renewal Only	PAG-02 General Permit	Issued	Ian Jeffrey 989 Old Bethlehem Pike Quakertown, PA 18951	Richland Township Bucks County	SERO
PAD460069 A-1 Major Amendment	PAG-02 General Permit	Issued	Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057	Lower Salford Township Franconia Township Salford Township Montgomery County	SERO
PAD510211	PAG-02 General Permit	Issued	NP Whitaker Ave Industrial, LLC 4825 NW 41st Street Riverside, MO 64150	City of Philadelphia Philadelphia County	SERO
PAD230058	PAG-02 General Permit	Issued	Upper Darby School District 4611 Bond Avenue Drexel Hill, PA 19026-4236	Upper Darby Township Delaware County	SERO
PAD390080 A-2	Individual NPDES	Issued	Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Upper Macungie Township Lehigh County	NERO
PAD480164	Individual NPDES	Issued	Toll PA, LP c/o Mike Downs 1140 Virginia Drive Fort Washington, PA 19034	East Allen Hanover Township Northampton County	NERO
PAD580010	Individual NPDES	Issued	Eureka Resources, LLC 315 Second Street Williamsport, PA 17701	Dimock Township Susquehanna County	NERO
PAD450155	Individual NPDES	Issued	Margaret & Christopher Kinsley 149 Kinsley Way East Stroudsburg, PA 18301	Pocono Township Monroe County	NERO
PAC580028	PAG-02 General Permit	Issued	Kamarauskas Residences 11250 State Route 267 Montrose, PA 18801	Rush Township Susquehanna County	Susquehanna County Conservation District 89 Industrial Drive Montrose, PA 18801 570-782-2105
PAC350117	PAG-02 General Permit	Issued	Acadia Healthcare 6100 Tower Circle Suite 1000 Franklin, TN 37067-1509	Moosic Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC400228	PAG-02 General Permit	Issued	HSC Dallas, LLC Howard Hix 805 Trione Street Daphne, AL 36526-8642	Dallas Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC400028A-2	PAG-02 General Permit	Issued	Ecumenical Enterprises, Inc. Thomas O'Connor 3135 Memorial Hwy # 1 Dallas, PA 18612	Dallas Township Lehman Township Dallas Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAD360077	102 Individual Permit	Issued	Exelon Generating Company LLC 300 Exelon Way Kennett Square, PA 19348	Drumore Township Lebanon County	SCRO
PAC050045	PAG-02 General Permit	Issued	RER Energy Group 4700 Pottsville Pike Reading, PA 19605	Bedford Township Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
PAC050052	PAG-02 General Permit	Issued	Red Brush Acres Farm, LLC 664 Faupel Road Manns Choice, PA 15550	Harrison Township Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
PAC010189	PAG-02 General Permit	Issued	Kery Grunden 64 Diana Lane Biglerville, PA 17307	Butler Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC670524	PAG-02 General Permit	Issued	Kevin A. Murphy 873 Nightlight Drive York, PA 17402	Springettsbury Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670218 A-5	PAG-02 General Permit	Issued	Steven Schiding 1660 Crows Nest Lane York, PA 17403	York Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670509	PAG-02 General Permit	Issued	Chilton Properties LLC 301 North Lewisberry Road Dillsburg, PA 17019	Monaghan Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670549	PAG-02 General Permit	Issued	Gerald Horst 120 North Pointe Boulevard Suite 101 Lancaster, PA 17601	Conewago Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430

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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>
PAC360719	PAG-02 General Permit	Issued	RT Holdings, LLC 771 Noble Road Christiana, PA 17509	Sadsbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 PAG-02 General Permit 717.299.5361, ext. 5
PAC360684	PAG-02 General Permit	Issued	CB Burkholder, Inc. 898 North State Street Ephrata, PA 17522	Ephrata Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360655	PAG-02 General Permit	Issued	East Cocalico Associates 1377-C Spencer Avenue Lancaster, PA 17603	East Cocalico Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360384 A-2	PAG-02 General Permit	Issued	Petersburg Road Associates, LLC 474 Mount Sidney Road Lancaster, PA 17602	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360367 A-2	PAG-02 General Permit	Issued	Houston Run Properties, LLC 1324 Main Street East Earl, PA 17519	Salisbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC010029 A-2	PAG-02 General Permit	Issued	JA Myers Building and Development 160 Ram Drive Hanover, PA 17331	Cumberland Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC070102	PAG-02 General Permit	Issued	Tye Dively 135 Maddox Drive Hollidaysburg, PA 16648	Duncansville Borough Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC010029 A-2	PAG-02 General Permit	Issued	JA Myers Building and Development 160 Ram Drive Hanover, PA 17331	Cumberland Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360045 A-1	PAG-02 General Permit	Issued	Eurofins Lancaster Labs, Inc. 2425 New Holland Pike Lancaster, PA 17601	Upper Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360695	PAG-02 General Permit	Issued	BSK Real Estate, LLC 695 Hartman Station Road Lancaster, PA 17601	East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC010185	PAG-02 General Permit	Issued	Akshay Vidyarthi 7686 Paradise Heights Road Abbottstown, PA 17301	Germany Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PA470002C	PAG-02 GP	Issued	PPL Elec Utilities Corp 827 Hausman Road Genn4 Allentown, PA 18104-9392	Liberty Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821
PAC140137	PAG-02 GP	Issued	Ferguson Township 101 Suburban Avenue State College, PA 16803	Ferguson Township Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400
PA600001C	PAG-02 GP	Issued	PPL Electric Utilities Corp Intersection of SR1002 and T466 Lewisburg, PA 17837	Kelly Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837-8822
PAC110086	PAG-02 General Permit	Issued	Lilly DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Washington Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931
PAC560062	PAG-02 General Permit	Issued	Twin Lakes Center, Inc 224 Twin Lakes Road Somerset, PA 15501	Somerset Township Somerset County	Somerset County Conservation District Somerset County AG Center 6024 Glades Pike Suite 103 Somerset, PA 15501
PAC560060	PAG-02 General Permit	Issued	Jenner Area Joint Sewer Authority 102 Saylor Street P.O. Box 202 Jennerstown, PA 15547	Boswell Borough Somerset County	Somerset County Conservation District Somerset County AG Center 6024 Glades Pike Suite 103 Somerset, PA 15501
PAC630231	PAG-02 General Permit	Issued	Cecil Township 3599 Millers Run Road Cecil, PA 15321	Cecil Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301

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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>
PAC630245	PAG-02 General Permit	Issued	T&R Properties 3895 Stoneridge Lane Dublin, OH 43017	Cecil Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301
PAC630028	PAG-02 General Permit	Issued	W.G. Tomko, Inc 2559 State Route 88 Finleyville, PA 15332	Finleyville Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301
PAC650299	PAG-02 General Permit	Issued	Arcon Enterprises, Inc 10981 Route 993 North Huntingdon, PA 15642	Penn Township Westmoreland County	Westmoreland Conservation District 218 Donahoe Road Greensburg, PA 15601
PAC650300	PAG-02 General Permit	Issued	MAGAM Investment Association, LP P.O. Box 221 Murrysville, PA 15668	Murrysville Municipality Westmoreland County	Westmoreland Conservation District 218 Donahoe Road Greensburg, PA 15601
PAC650308	PAG-02 General Permit	Issued	Franklin Township Municipal Sanitary Authority 3001 Meadowbrook Road Murrysville, PA 15668	Murrysville Municipality Westmoreland County	Westmoreland Conservation District 218 Donahoe Road Greensburg, PA 15601
PAD020044	PAG-02 Individual Permit	Issued	Duquesne University 600 Forbes Avenue Suite 505 Pittsburgh, PA 15282	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAD020046	PAG-02 Individual Permit	Issued	30th Strouss Associates 560 Epsilon Drive Pittsburgh, PA 15238	North Versailles Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAD630059	PAG-02 Individual Permit	Issued	Lynch Residence 206 Hardwood Drive Venetia, PA 15367	Nottingham Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301
PAD650295	PAG-02 Individual Permit	Issued	UMH Properties, Inc 150 Clay Street Suite 250 Morgantown, WV 26501	East Huntingdon Township Westmoreland County	Westmoreland Conservation District 218 Donahoe Road Greensburg, PA 15601
PAC370062	PAG-02 General Permit	Issued	Ellwood City Area School District 501 Crescent Avenue Ellwood City, PA 16117	Ellwood City Borough 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 Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Sloat Crane Farm 170 Daugherty Road York, PA 17404	York	110	7.05	Poultry— Turkey	NA	Approval
Matthew Martin 1830 Kenbrook Road Lebanon, PA 17046	Lebanon	74.1	324.15	Broilers	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 Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This

paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northcentral Region: Safe Drinking Water Program, 208 West Third Street, Williamsport, PA 17701.

Operation Permit No. 1420504MA issued to: **Borough of Howard**, P.O. Box 378, Howard, PA 16841. PWSID No. 4140080, Howard Borough, **Centre County**, on February 28, 2022, for the operation of facilities approved under construction permit # 1420504MA. This permit authorizes operation of the recently rehabilitated existing finished water storage tank.

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

Northcentral Region: Safe Drinking Water Program, 208 West Third Street, Williamsport, PA 17701.

WA 47-1006B, Water Allocations. SUEZ Water Pennsylvania, Inc., 6310 Allentown Boulevard, Harrisburg, PA 17112, Mahoning Township, **Montour County**. This permit grants SUEZ Water Pennsylvania Inc. the right to purchase up to 1.0 million gallons per day, based on a 30-day average, from Danville Municipal Authority at the Route 11 Interconnection in Mahoning Township, Montour County.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Plan Location:

Township	Township Address	County
Lower Swatara Township	1499 Spring Garden Drive Middletown, PA 17057	Dauphin

Plan Description:

The request for planning exemption for the **Jednota South Warehouse Development** (DEP Code No. A3-22922-207-3E; APS ID No. 1057370) has been disapproved. The proposed development—to be located on Rosedale Avenue in Lower Swatara Township—consists of a new commercial warehouse to be connected to public sewers. The submission does not qualify as an exemption from the requirement to revise the Official Plan because the subdivision proposes the connection to or an extension of public sewers where the existing collection, conveyance or treatment facilities have an existing or a 5-year projected hydraulic or organic overload under Chapter 94 and as per Chapter 71, Section 71.51(b)(2)(ii).

Plan Location:

Township	Township Address	County
Halifax Township	P.O. Box 405 Halifax, PA 17032	Dauphin

Plan Description:

The request for planning exemption for the **Farhat Development** (DEP Code No. A3-22917-213-1; APS ID No. 1057344) has been disapproved. The proposed development—located at 637 South River Road in Halifax Township, PA—consists of sewage planning for one new commercial building lot utilizing an on-lot disposal system with total project flows of 400 gallons per day. This request for planning exemption has been disapproved because the submission requires a preliminary hydrogeologic study as per the requirements of Chapter 71, Section 71.62(c)(2) in that the proposed project area is within 1/4 mile of water supplies documented to exceed 5 PPM nitrate-nitrogen.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Warner's Central Garage, 8-10 Hudsonale Street, Weatherly, PA 18255, Weatherly Borough, **Carbon County**. Barry Isett & Associates, 1170 Highway 315, Wilkes-Barre, PA 18702, on behalf of Mauch Chunk Trust Company, 1111 North Street, P.O. Box 289, Jim Thorpe, PA 18229, submitted a Cleanup Plan concerning soil contaminated with lead and hydrocarbons from historic fill. The report is intended to document remediation of the site to meet site specific standards.

Energy Transfer Pipeline, 1122 Clamtown Road, Tamaqua, PA 18252, Walker Township, **Schuylkill County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf

of Energy Transfer, 100 Green Street, Marcus Hook, PA 19601, submitted a Final Report concerning remediation of soil contaminated by a release of gasoline from a pipeline. The report is intended to document remediation of the site to meet Statewide health standards.

Southwest Region: Environmental Cleanup & Brownfield Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Bentleyville BP, Storage Tank Facility ID # 63-30345, 204 Wilson Road, Bentleyville, PA 15314, Bentleyville Borough, **Washington County**. Letterle & Associates, Inc., 385 2859 Oxford Blvd., Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia Street, Canonsburg, PA 15314, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Statewide health standard.

Former 980 Full Service Mart, Storage Tank Facility ID # 63-80720, 222 State Route 980, McDonald, PA 15057, Cecil Township, **Washington County**. GAI Consultants, Inc., 385 East Waterfront Drive, Homestead, PA 15120-5005, on behalf of Pennsylvania Turnpike Commission, P.O. Box 67676, Harrisburg, PA 17106, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with used oil. The plan is intended to document the remedial actions for meeting the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area

remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Baylor Property, 6064 Old Hickory Road, Coopersburg, PA 18036, Upper Saucon Township, **Lehigh County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Richard Baylor, 6064 Old Hickory Road, Coopersburg, PA 18036, submitted a revised Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on February 28, 2022.

Rag Apple Well Site, 4990 Ridge Road, Montrose, PA 18801, Springville Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy Inc, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated by releases of diesel and diesel-based drilling mud. The Final Report demonstrated attainment of a combination of Background and Statewide health standards and was approved by DEP on February 24, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Grimm Residence, 2421 Deep Hollow Road, Dover, PA 17315, Dover Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972 on behalf of Michelle Grimm, 2421 Deep Hollow Road, Dover, PA 17315 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Statewide health standard(s) and was disapproved by the Department on February 22, 2022.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Barber Brady Unit 1 Well, 205 Barber Drive, Franklin, PA 16323, Sugar creek Borough, **Venango County**. Penn Environmental & Remediation, Inc., 111 Ryan Court, Pittsburgh, PA 15205 on behalf of OWS Energy, LLC, 1369 Cochran Road, Carlton, PA 16311 has submitted a Final Report concerning the remediation of

site soil contaminated with Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, and Zinc. The Final report demonstrated attainment of the Statewide Health and Background Standards and was approved by the Department on February 23, 2022.

National Fuel Gas Supply Corporation—Ethylene Glycol Release—Station HIM-1106, 1520 Hofius Lane, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of National Fuel Gas, P.O. Box 2081, 1100 State Street, Erie, PA 16512 has submitted a Final Report concerning the remediation of site soil contaminated with Ethylene Glycol. The Final report demonstrated attainment of the Statewide health standard and was approved by the Department on February 25, 2022.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

General Permit No. WMGR081NC002. KVS Computers Hughesville Recycling Facility, 71 West Water Street, Hughesville, PA 17737, Hughesville Borough, **Lycoming County**. The permit is for the operation of a new processing facility for processing and beneficial use of uncontaminated and source separated electronic devices. The permit was issued by DEP Northcentral Regional Office on February 23, 2022.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP9-09-0076: Mazza Iron & Steel, 60 Solar Drive, Fairless Hills, PA 19030. On February 23, 2022, for a diesel or No. 2 fuel-fired internal combustion engine, in Falls Township, **Bucks 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.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05120B: Nesso Enterprises, LLC, d/b/a Meridian Products, 124 Earland Drive, New Holland, PA 17557. On February 23, 2022, for the installation of a Cefla automatic reciprocating spraying line to coat wooden cabinet doors in East Earl Township, **Lancaster County**. The brushing/cleaning machine will be controlled by the existing 28,000 acfm baghouse, Control ID C107. The line's dryers will be heated with a 1.0 MMBtu natural gas fired boiler.

67-03083C: Utz Quality Foods, LLC, 900 High Street, Hanover, PA 17331. On February 15, 2022, for the construction of a new tortilla chip production line at the snack food manufacturing facility located in the Borough of Hanover, **York County**.

ER-36-05118A: Donnelley Financial, LLC, 391 Steel Way, Lancaster, PA 17601-3153. On February 28, 2022, for an Air Quality Emission Reduction Credit (ERC) approval of the emission reduction of 15.61 tpy VOC from the permanent shutdown of the following sources: Source ID 101, Heatset Pressroom, Source ID 201, Coldset Pressroom, Source ID 301, Sheetfed Pressroom, and Source ID 901, Miscellaneous VOC/HAP Sources (11 maintenance parts cleaners) at the printing facility in Lancaster City, **Lancaster County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

04-00439D Extension: Watco Transloading, LLC, 2701 Midland Beaver Road, Industry, PA 15052-1709. On February 24, 2022, 180-day plan approval extension granted to prepare and submit the Operating Permit application for their Watco Lot No. 1 transloading facility located in Industry Borough, **Beaver County**.

26-00613A Ext: ACF Group, Inc., 120 Main Street, Allison, PA 15413. Plan Approval Extension issuance date effective February 24, 2022, to facilitate shake-down of sources and associated control devices at their ACF facility located in Luzerne Township, **Fayette County**.

04-00699H Extension: Gold Bond Building Products, LLC, 168 Shippingport Hill Road, P.O. Box 346, Shippingport, PA 15077-1000. Plan Approval Extension issuance on February 24, 2021, to continue operation of its gypsum products at their gypsum product facility located in Shippingport Borough, **Beaver County**.

65-00629B: CBC Latrobe Acquisition, LLC, 100 33rd Street, Latrobe, PA 15650-1474. Plan Approval Extension issued on February 24, 2022, to facilitate shake-downs of sources and air cleaning devices which include a new fourth can filling line (Can Line 4) and associated back-end packaging equipment for the new can line, including two (2) natural gas-fired heat tunnels each rated at 0.35 MMBtu/hr, five (5) inkjet date coders, five (5) new hot melt systems, three (3) liquid batching tanks, four (4) new raw material storage tanks to the batching area at the Latrobe Brewery in Latrobe Borough, **Westmoreland County**.

04-00502A: Shasta Services, LLC, 300 Steel Street, Aliquippa, PA 15001. Plan Approval issuance date Febru-

ary 24, 2022, to facilitate the shakedown of a natural gas-fired torch used for cutting ends of titanium material slabs at their Shasta facility located in Aliquippa Township, **Beaver County**.

04-00708B Mod: Watco Transloading, LLC, 2701 Midland Beaver Road, Industry, PA 15052-1709. Plan Approval modification and plan approval extension issued on February 22, 2022, for temporary operation of a Donaldson baghouse rated at 28,000 SCFM at the truck loadout operations at their Lot No. 2 located in Industry Borough, **Beaver County**.

63-00990C: Donora Dock, LLC, 1501 Ligonier Street, Latrobe, PA 15650. On February 23, 2022 to extend the period of installation and temporary operation at the facility located in Carroll Township, **Washington County**. The new expiration date is August 28, 2022.

65-00993A: Cintas Corporation, 320 Westec Drive, Mount Pleasant, PA 15666. On February 23, 2022, authorizing the industrial laundering facility located in Hempfield Township, **Westmoreland County**. The facility consists of eight washers, four dryers, and a wastewater treatment system.

PA-26-00616A: Laurel Macadam, LLC, 2488 Springhill Furnace Road, Lake Lynn, PA 15451. On February 1, 2022, to authorize construction and temporary operation of a hot mix asphalt facility located in Springhill Township, **Fayette 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.

09-0196H: Abington Reldan Metals, LLC, 550 Old Bordertown Road, Fairless Hills, PA 19030-4510. On February 23, 2022 a plan approval extension for the temporary operation of a one unit of Melt Furnace and associated dry lime injection system, in Falls Township, **Bucks County**.

09-0236: Covanta Metals Mkt, LLC, 445 South Street, Morristown, NJ 07960-6475. On February 23, 2022 an extension for the construction and operation of a Non-Ferrous Metal recovery facility in Falls Township, **Bucks County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

63-00916B: Perryman Company, 213 Vandale Drive, Houston, PA 15342. On February 17, 2022, to allow continued operation of the new chem mill process line at the Titanium Conversion Facility located in North Strabane Township, **Washington County**. The new expiration date is August 28, 2022.

30-00072E: Consol Pennsylvania Coal Company, LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, plan approval extension effective on February 28, 2022, with expiration on August 28, 2022, for continued temporary operation of air contamination

sources and controls associated with the Crabapple Overland Conveyor located in Richhill Township, **Greene County**.

30-00072L: Consol Pennsylvania Coal Company, LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, plan approval extension effective on February 28, 2022, with expiration on August 28, 2022, for the Bailey Prep Plant located in Richhill Township, **Greene County**.

30-00239A: Omnis Bailey, LLC, 3757 State St., Suite 2A, Santa Barbara, CA 93105, plan approval extension effective on February 21, 2022, with expiration on July 28, 2022, to authorize continued temporary operation of sources and controls associated with the Omnis Bailey Refining Plant in Richhill Township, **Greene County**.

30-00239A: Omnis Bailey, LLC, 3757 State St., Suite 2A, Santa Barbara, CA 93105, plan approval minor modification effective on August 21, 2021, with expiration on February 21, 2022, to authorize initial temporary operation of sources and controls associated with the Omnis Bailey Refining Plant in Richhill Township, **Greene County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

TVOP-26-00535: Fayette Power Company, LLC, 100 Energy Drive, Masontown, PA 15461, on February 15, 2022, in accordance with 25 Pa. Code §§ 127.431, the Department issued the Title V Operating Permit renewal that includes the Phase II Acid Rain Permit application for the operation of a natural gas-fired power plant, known as the Fayette Energy Facility, located in German Township, **Fayette County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00102: Clean Earth of Southeast PA, 7 Steel Road East, Morrisville, PA 19067. On February 22, 2022, for the renewal of a Synthetic Minor State Only Operating Permit for the operation of their soil remediation operations in Falls Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

06-03005: Akzo Nobel Coatings, Inc., 150 Columbia Avenue, Reading, PA 19601-1748. On February 17, 2022, for the powder coating manufacturing facility located in Reading City, **Berks County**. The State-Only permit was renewed.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

43-00393: Aspen Hill Pet Crematory, LLC, 7065 East State Street, Hermitage, PA 16148, on February 23, 2022, the Department issued a Natural Minor State Only Operating Permit for the operation of an animal incinerator located in Hermitage City, **Mercer County**. The subject facility consists of one 250 lb/hr animal incinerator, ECO Concepts Incinerators model ECO-250F Standard natural gas-fired rated at 0.28 MMBtu/hr primary chamber and 0.24 MMBtu/hr secondary chamber. The potential emissions are less than 1.0 tpy for all criteria pollutants. The facility is subject to State Regulations. The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

20-00194: Lord Corporation Saegertown Plant, 601 South Street, Saegertown, PA 16433-1050. The Department on February 14, 2022, issued an administrative amendment to the Title V Operating Permit to incorporate the change of responsible official for the facility located in Saegertown Borough, **Crawford County**.

61-00208: Specialty Fabrication & Powder Coating, P.O. Box 790, 455 Allegheny Boulevard, Franklin, PA 16323-0790. On February 14, 2022 the Department issued an administrative amendment to the State Operating Permit for the facility located in Sugar creek Borough, **Venango County**. The amendment incorporates the change of responsible official and permit contact.

62-00017: United Refining Company, 15 Bradley Street, Box 780, Warren, PA 16365-0780. On February 15, 2022, the Department issued an administrative amendment to the Title V Operating Permit for the refinery located in Warren City, **Warren County**. The amendment incorporated the conditions from Plan Approval 62-017Z.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

05-05028: Texas Eastern Transmission, LP, 5400 Westheimer Court, Houston, TX 77056, pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for the following de minimis emission increases

resulting from installation of seal gas booster pump and additional pressurized natural gas piping and piping components at the compressor station located in Bedford Township, **Bedford County**: 0.07 tpy of VOCs and 0.00 tpy HAPs. This is the first de minimis emissions increase at the facility during the term of the current Operating Permit.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

63-00943: Eastern Gathering and Processing, Inc. 6603 West Broad Street, Richmond, VA 23230. Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Eastern Gathering and Processing, Inc. Charleroi Propane Terminal located in Fallowfield Township, **Washington County**: installation of two low flow flares to control emissions from scheduled pigging events. The list of de minimis increases for this facility includes only this project.

ACTIONS ON COAL AND NONCOAL 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—6018.1103).

Coal Permits Issued

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

Mining Permit No. 33990109 and NPDES Permit No. PA0241539. McKay Coal Company, Inc., P.O. Box 343, Punxsutawney, PA 15767, Renewal of an existing bituminous surface mine located in Perry Township, **Jefferson County**, affecting 75.3 acres. No revisions proposed. Receiving stream(s): Perryville Run, classified for the following uses: CWF. Application received: September 16, 2021. Permit Issued: February 9, 2022.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EP MOSHANNON@pa.gov, (Contact: Cassandra Stanton).

Mining Permit No. 17110104 and NPDES No. PA0257613. Strishock, LLC, P.O. Box 1006, DuBois, PA 15801, a permit boundary revision with 2.6 acres added to the permit for the proposed passive treatment system

and 2.6 acres of unaffected area deleted from the permit and Reclamation only permit renewal for an existing coal surface mine located in Decatur & Boggs Townships, **Clearfield County**, affecting 46.1 acres. Receiving stream(s): Unnamed Tributary to Little Laurel Run classified for the following use(s): CWF. Application received: April 23, 2021. Permit Issued: February 23, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).

Permit No. 54683043. Park Mine Coal Co., LLC, 294 Pine Creek Drive, Orwigsburg, PA 17961, renewal of an anthracite surface mine and coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County**, affecting 1, 225.0 acres. Receiving streams: North Mahanoy Creek and Mahanoy Creek. Application received: April 5, 2021. Renewal issued: February 23, 2022.

Permit No. PAM117046R. Park Mine Coal Co., LLC, 294 Pine Creek Drive, Orwigsburg, PA 17961, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP-GP-104) on Surface Mining Permit No. 54683043 in Mahanoy Township, **Schuylkill County**, receiving stream: North Mahanoy Creek and Mahanoy Creek. Application received: April 5, 2021. Coverage issued: February 23, 2022.

Permit No. 54900103. E.O.J., Inc., 2401 Summer Valley Road, New Ringgold, PA 17960, correction of an existing surface mine operation to relocate 7.9 acres but not changing the 201.6 total permitted acres in East Norwegian Township and Palo Alto Borough, **Schuylkill County**. Receiving stream: Schuylkill River. Application received: Schuylkill River. Application received: October 18, 2021. Correction issued: February 24, 2022.

Noncoal Permits Issued

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

Permit No. 37000302. IA Construction Corporation, P.O. Box 568, 24 Gibb Road, Franklin, PA 16323, Renewal of **NPDES No. PA0241831** in Wayne Township, **Lawrence County**, affecting 82.0 acres. No revisions proposed. Receiving stream: An unnamed tributary to Connoquenessing Creek, classified for the following use: WWF. Application received: September 21, 2021. Permit Issued: February 9, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).

Permit No. PAM121047. Pennsylvania Quarry Blue-stone Co., P.O. Box 4, South Gibson, PA 18842, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104) on GP-105 No. 58132503 in New Milford Township, **Susquehanna County**, receiving stream: unnamed tributary to Butler Creek. Application received: August 27, 2021. Coverage issued: February 23, 2022.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EP MOSHANNON@pa.gov, (Contact: Ashley Smith).

Permit No. 14224102. Douglas Explosives, Inc., 2052 Philipsburg Bigler Hwy., Philipsburg, PA 16866. Blasting for development of a single dwelling located in Potter Township, **Centre County**, with an expiration date of April 15, 2022. Permit issued: February 24, 2022.

Permit No. 14224103. Douglas Explosives, Inc., 2052 Philipsburg Bigler Hwy., Philipsburg, PA 16866. Blasting for development of a single dwelling located in Miles Township, **Centre County**, with an expiration date of December 30, 2022. Permit issued: February 24, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).

Permit No. 22224102. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for Core 5 Lytle Farms in Londonderry Township, **Dauphin County**, with an expiration date of February 2, 2023. Permit issued: February 18, 2022.

Permit No. 38224103. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for Annville Logistics in South Annville Township, **Lebanon County**, with an expiration date of January 28, 2023. Permit issued: February 18, 2022.

Permit No. 48224101. American Rock Mechanics, Inc., 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for Heritage Village Phases 5 & 6 in Upper Nazareth Township, **Northampton County**, with an expiration date of February 9, 2023. Permit issued: February 22, 2022.

Permit No. 48224102. Valley Rock Solutions, LLC, P.O. Box 246, Macungie, PA 18062, construction blasting for Airport Road Commerce Park in East Allan Township, **Northampton County**, with an expiration date of December 31, 2022. Permit issued: February 22, 2022.

Permit No. 48224103. Valley Rock Solutions, LLC, P.O. Box 246, Macungie, PA 18062, construction blasting for Mill Creek Business Park in Bethlehem Township, **Northampton County**, with an expiration date of December 31, 2022. Permit issued: February 22, 2022.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Gillian Pehala, Clerk Typist 2, 570-830-3077.

E4002221-004. Wilkes-Barre/Scranton International Airport, 100 Terminal Drive, Avoca, PA 18641, Pittston Township and Dupont Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Air Traffic Control Tower Road Project:

1. A stream crossing of Lidy Creek (CWF, MF) consisting of an 80-foot long, 18-foot wide, 8.16-foot high concrete box culvert having ten (10) fish baffles, an invert depressed by 1.0-foot, concrete wingwalls, and R-7 riprap choked with R-4 riprap and natural streambed material at the upstream and downstream ends of the culvert.

2. A wetland crossing of 0.31 acre of PEM Wetlands (EV) with work consisting of eleven (11) 12-inch diameter wetland cross-pipes. The project will provide for 0.31 acre of wetland mitigation via Wetland Banking Credits.

The purpose of this project is to construct a 28-foot wide, 1,400-foot long asphalt access road interconnecting Taxiway "B" and adjoining Runway No. 4 at the Wilkes-Barre/Scranton International Airport. The project is located approximately 0.47 mile east of the intersection of Lidy Road (T-0.13) and I-81 (Avoca, PA Quadrangle Latitude: 41° 20' 3" Longitude: -75° 43' 27") in Pittston Township and Dupont Borough, Luzerne County.

F5802221-001. Liberty Township, 5050 Creamery Road, Montrose, PA 18801, Liberty Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of Snake Creek through the HMGP Acquisition Program. Sites will be restored and stabilized to open space. Sites are located in Liberty Township, Susquehanna County.

1. 123 DeRose Road (Franklin Forks, PA Quadrangle Latitude: 41° 59' 47.18"; Longitude: -75° 47' 30.19")

2. 214 English Flats Road (Franklin Forks, PA Quadrangle Latitude: 41° 59' 37.17"; Longitude: -75° 47' 41.85")

F5802221-002. Franklin Township, 715 Hawk Road, Montrose, PA 18801, in Franklin Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of Snake Creek through the HMGP Acquisition Program. Sites will be restored and stabilized to open space. Sites are located in Franklin Township, Susquehanna County.

1. 20689 State Route 29 (Franklin Forks, PA Quadrangle Latitude: 41° 55' 2.59"; Longitude: -75° 50' 52.06")

2. 3548 Silver Creek Road (Franklin Forks, PA Quadrangle Latitude: 41° 54' 57.13"; Longitude: -75° 51' 13.97")

3. 3660 Silver Creek Road (Franklin Forks, PA Quadrangle Latitude: 41° 54' 59.01"; Longitude: -75° 51' 7.71")

E4502221-005. Martinell Enterprises, Inc., 145 Camelback Road, Tannersville, PA 18372. Pocono Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To authorize the following water obstructions and encroachments associated with the Martinell Enterprises, Inc. site.

1. To maintain a previously constructed stream enclosure of UNT to Pocono Creek (HQ-CWF, MF) consisting of 300-foot long 30-inch diameter pipe depressed 12-inches below the existing streambed elevation.

2. To maintain an existing retaining wall, adjacent to Pond No. 2. The structure is consisting of one 70-foot-long stone wall for the purpose of erosion.

3. To maintain an existing retaining wall, adjacent to Pond No. 2. The structure is consisting of one 23-foot-long stone wall for the purpose of erosion.

4. To maintain an existing retaining wall, adjacent to Pond No. 4. The structure is consisting of one 30-foot-long stone wall for the purpose of erosion.

5. To maintain an existing retaining wall, adjacent to Pond No. 4. The structure is consisting of one 10-foot-long stone wall for the purpose of erosion.

6. To maintain an existing retaining wall, adjacent to Pond No. 6. The structure is consisting of one 68-foot-long stone wall for the purpose of erosion.

7. To maintain an existing 3.67-foot wide single-span wood deck, bridge across Pocono Creek (HQ-CWF, MF) having a 55.3-foot span.

E4002121-009, PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Nescopeck Township, **Luzerne County**, Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a roadway carrying SR 3014 over Nescopeck Creek (TSF, MF) consisting of a 39-foot wide, three span prestressed concrete spread box beam bridge with 151-foot total span length and a 13.33-foot underclearance. Fill will also be placed in the floodway for construction of the proposed structure.

The project is located along S.R. 3014 Section 370 Segment 0020, Offset 2363, approximately 0.6 mile south of the S.R. 3014/0093 intersection (Berwick, PA Quadrangle Latitude: 41° 2' 35.23" N; Longitude: -76° 13' 21.75" W) in Nescopeck Township, Luzerne County.

E4002221-017, Lou and Rebecca Blaum, 653 Lakeside Drive, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 264 ft², pile-supported dock addition within the normal pool elevation of Harveys Lake (HQ-CWF, MF). The project is located at Pole # 62, approximately 0.04 mile southwest of the intersection of Lakeside Drive (S.R. 415) and Emily Lane (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 47"; Longitude: -76° 2' 8.64") in Harveys Lake Borough, Luzerne County.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake.

E0205221-004, Clever JKL Associates, LLC, 783 Pine Valley Drive, Pittsburgh, PA 15239, Robinson Township, **Allegheny County**; Pittsburgh ACOE District.

Has been given consent to:

1. Remove an existing stream enclosure, consisting of a 122-foot long 48-inch corrugated metal pipe (CMP), which encloses an unnamed tributary (UNT) to Moon Run (WWF);

2. Construct, operate, and maintain a replacement stream enclosure, consisting of a 131-foot long 60-inch reinforced concrete pipe (RCP), with riprap aprons, in the aforementioned UNT;

3. Construct operate and maintain several utility line crossings of this same UNT, within the roadway fill to be placed on top of the aforementioned replacement RCP, and an outfall structure, which will outlet to this UNT, via a connection to the aforementioned stream enclosure;

For the purpose of developing a 28-acre site into 62 single family lots. Cumulatively, the project will permanently impact 148 linear feet of the UNT and will permanently impact 0.36 acre of the floodway of the UNT. The project site is located on the north side of Clever Road, approximately 1 mile from the intersection of Silver Lane and Clever Road (Pittsburgh West, PA USGS topographic quadrangle; N: 40°, 28', 15.2364"; W: -80°, 7', 6.2718"; Sub-basin 20G; USACE Pittsburgh District), in Robinson Township, Allegheny County.

E0205221-015, Ross Township, 1000 Ross Municipal Drive, Pittsburgh, PA 15237, Ross Township, **Allegheny County**; Pittsburgh ACOE District.

Has been given consent to:

1. Remove 220 LF of an existing 24-inch diameter corrugated plastic pipe on a UNT to Girtys Run (WWF);

2. Construct 50 LF of replacement 36-inch diameter corrugated plastic pipe on same UNT;

3. Restore and maintain stream channel formerly enclosed 130 LF upstream and 70 LF downstream of the replacement culvert of the same UNT;

4. Place and maintain 220 LF of floodway of the same UNT for a total of 0.5-acre fill placement associated with the floodway restoration.

For the purpose of corrective action to resolve the unpermitted culverting and fill placement in 220 LF of UNT to Girtys Run and associated floodway. The culvert's proposed function is to provide municipal and construction vehicle access from the existing spoil area to the proposed fill project site. The project will result in 250 LF of permanent impacts to a UNT to Girtys Run and 0.59 acre of associated floodway. The project site is located at 225 Cemetery Lane, Pittsburgh, PA 15237; Emsworth, PA USGS topographic quadrangle; N: 40.510464°; W: 80.019792°; Sub-basin 18A; USACE Pittsburgh District, in Ross Township, Allegheny County.

E0205221-024, Brackenridge Borough, 1000 Brackenridge Avenue, Brackenridge, PA 15014, Brackenridge Borough, **Allegheny County**; Pittsburgh ACOE District.

Has been given consent to:

Construct, operate, and maintain a new 10-foot-wide asphalt trail within Brackenridge Memorial Park that will serve as an extension of the Three Rivers Heritage Trail paralleling the Allegheny River. Additionally, an existing abandoned well will be filled to allow the continuation of the trail.

Permanent impacts include 0.6 acre of floodplain impacts for the trail construction as well as 0.003 acre of impact for the filling of the existing well.

The project site is located at 1000 Brackenridge Avenue, New Kensington East, PA USGS topographic quadrangle; N: 40°, 36.9', 65"; W: -79°, 44', 30.24"; USACE Pittsburgh District, in Brackenridge Borough, Allegheny County.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

E3706221-002, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055. New

Castle Water Treatment Plant Improvements, in Neshannock Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 41°, 01', 2.802"; W: -80°, 21', 40.936").

Construct and maintain upgrades to the existing water treatment plant resulting in approximately 0.322 acre of earth disturbance including 0.08 acre of permanent floodway impact and 0.154 acre of FEMA mapped floodplain impacts to Shenango River (New Castle North, PA Quadrangle N: 41°, 01', 2.802"; W: -80°, 21', 40.936") in Neshannock Township, Lawrence County including: 1. an approximately 2,395 square feet, multi-story addition to the existing filter building for the addition of a UV treatment system to the water treatment facility which includes the installation of approximately 195 feet of 30-inch water pipes and the 33 feet extension of the filter-to-waste pipe; 2. the replacement of the transformer including the installation of a raised platform with an elevated walkway; 3. maintenance to the existing building; 4. replacement of the underground electric lines to the generator; and 5. the addition of a drop inlet, four new manholes, and connecting pipes to the existing storm drain system.

Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

E5729221-006: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Cherry and Colley Townships, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

A temporary road crossing using timber mats and a 16 inch waterline impacting 1,560 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41° 32' 07" N, 76° 19' 45" W);

1. A temporary road crossing using timber mats and a 16 inch waterline impacting 2,200 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41° 32' 25" N, 76° 20' 00" W);

2. A temporary road crossing using timber mats and a 16 inch waterline impacting 640 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41° 32' 36" N, 76° 19' 27" W);

3. A temporary road crossing using timber mats and a 16 inch waterline impacting 1,560 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 6 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF) (Colley, PA Quadrangle 41° 32' 38" N, 76° 19' 22" W);

4. A temporary road crossing using timber mats and a 16 inch waterline impacting 16 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF) (Colley, PA Quadrangle 41° 32' 38" N, 76° 19' 22" W);

5. A temporary road crossing using timber mats and a 16 inch waterline impacting 1,740 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 2 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF) (Colley, PA Quadrangle 41° 32' 37" N, 76° 19' 18" W);

6. A temporary road crossing using timber mats and a 16 inch waterline impacting 1,160 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 12 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF) (Colley, PA Quadrangle 41° 32' 36" N, 76° 19' 14" W);

7. A temporary road crossing using timber mats and a 16 inch waterline impacting 5,520 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, and 1,000 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Colley, PA Quadrangle 41° 32' 36" N, 76° 19' 12" W);

8. A temporary road crossing using timber mats and a 16 inch waterline impacting 4,720 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41° 32' 37" N, 76° 19' 01" W);

The project will result in 36 linear feet of temporary stream impacts and 17,756 square feet (0.41 acre) of temporary wetland impacts and 1,000 square feet (0.02 acre) of permanent wetland impacts all for the purpose of installing a temporary waterline in Cherry and Colley Townships, Sullivan County.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

ESCGP-3 # ESG296621007-00

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre PA 18840

County Wyoming

Township(s) Windham

Receiving Stream(s) and Classification(s) UNT Susquehanna River (CWF, MF), UNT Little Mehoopany Creek (CWF, MF)

Secondary: Susquehanna River (WWF, MF), Little Mehoopany Creek (CWF, MF)

**STORAGE TANKS
SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
22-40-015	Ball Metal Beverage Container Corporation 140 Industrial Drive Pittston, PA 18640 Attn: Dane Woodruff	Luzerne	Jenkins Township	17 ASTs storing hazardous substances and petroleum products	171,720 gallons total

**CORRECTIVE ACTION UNDER
ACT 32, 1989**

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

McHugh Bros, 09-11470, 152 Monroe Avenue, Penndel, PA 19047, Penndel Borough, **Bucks County**. A Roux Associates, Inc., 402 Heron Drive, Logan Township, NJ 08085, on behalf of Penndel Properties, 152 Monroe Ave., Penndel, PA 19047, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet residential Statewide health standards.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Former Shell Service Station, Storage Tank ID # 39-21080, 318 South Third Street, Coopersburg, PA 18036, Coopersburg Borough, **Lehigh County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of Shell Oil Product US, 20945 South Wilmington Avenue, Carson, CA 90810, has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet site specific standards.

Effort Texaco, Storage Tank ID # 45-50054, 2604 Route 115, Effort, PA 18330, Chestnuthill Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Arya & Patel, LLC, P.O. Box 381, Effort, PA 18330, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting the Statewide health standards.

Jamesville Express, Storage Tank ID # 48-25085, 6007 West Main Boulevard, Bath, PA 18014, East Allen Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Mary Ellen Kearns, 6007 West Main Boulevard, Bath, PA 18014, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting a combination of Site Specific and Statewide health standards.

Arlo's Country Store, Storage Tank ID # 58-38535, 10340 PA-171, Union Dale, PA 18470, Ararat Township, **Susquehanna County**, United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of

Arlo's Country Store, Inc., 10340 PA-171, Union Dale, PA 18470, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Gregory Bowman, Environmental Group Manager.

Speedway 6719, Storage Tank Facility ID # 28-23190, 1070 Lincoln Highway, Chambersburg, PA 17201-2820, Chambersburg Borough, **Franklin County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document the remedial actions for meeting the Statewide health standard.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Country Fair Store 38, Storage Tank Facility ID # 25-91603, 1818 Sassafras Street, Erie, PA 16502, City of Erie, **Erie County**. Groundwater & Environmental Services, Inc., 508 Tomson Park Drive, Cranberry Township, PA 16066, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16501, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide health standard.

Country Fair Store 65, Storage Tank Facility ID # 25-91609, 8080 Peach Street, Erie, PA 16509, Summit Township, **Erie County**. Groundwater & Environmental Services, Inc., 508 Tomson Park Drive, Cranberry Township, PA 16066, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16501, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Statewide health standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is

submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Sharro Petro, 23-09139, 2400 W. Darby Road, Havertown, PA 19083, Haverford Township, **Delaware County**. WSP, 500 Summit Lake Dr., Suite 450, Valhalla, NY 10595 on behalf of Cumberland Farms, Inc., 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Plan Addendum concerning remediation of soil and groundwater contaminated with unleaded petroleum products. The report was acceptable to meet site-specific standards in groundwater was approved by DEP on February 18, 2022.

Lukoil 69265, 51-41440, 9499 E. Roosevelt Blvd., Philadelphia, PA 19114, **City of Philadelphia**. 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. The Remedial Action Plan was acceptable to meet nonresidential Statewide health and site-specific standards and was approved by the DEP on February 27, 2022.

Bennett Park Gulf Sta, 51-44941, 11600 Roosevelt Blvd., Philadelphia, PA 19116, **City of Philadelphia**. Environmental Maintenance Company, 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf Bennet Park Gulf Station, 11600 Roosevelt Blvd., Philadelphia, PA 19116 submitted a Remedial Action Completion Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan and Remedial Action Completion Report did not demonstrate attainment of residential Statewide health standards and was disapproved by the DEP on February 27, 2022.

1892 S State Road Upper Darby, 23-07042, 1892 S. State Road, Upper Darby, PA 19082, Upper Darby Township, **Delaware County**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on

behalf of PALG UST VI, LLC, 645 Hamilton Street, Suite 400, Allentown, PA 1810, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the residential Statewide health and site-specific standards and was approved by the DEP on March 1, 2022.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Quinn's Café Stop, Storage Tank ID # 35-20617, 224 Main Street, Archbald, PA 184403, Archbald Borough, **Lackawanna County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of DK & DK LLC, 224 Main Street, Archbald, PA 18403, submitted a revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable to meet Statewide health standards and was approved by DEP on February 23, 2022.

Former Sans Souci Convenience, Storage Tank ID # 40-23184, 702 Sans Souci Parkway, Hanover Township, PA 18706, Hanover Township, **Luzerne County**, TTL Associates, 1915 North 12th Street, Toledo, OH 43604, on behalf of Pennsylvania CVS Pharmacy LLC, 1 CVS Drive, Woonsocket, RI 02895, submitted a revised Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of Statewide health standards and was approved by DEP on February 28, 2022.

Friendly Food Mart, Storage Tank ID # 48-40201, 4619 West Mountain View Drive, Walnutport, PA 18088, Lehigh Township, **Northampton County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Bharat Shah, 3749 Rane Street, Easton, PA 18045, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report was acceptable to meet Statewide health standards and was approved by DEP on February 25, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Cynthia Stine, Professional Geologist.

Claysburg Garage, Storage Tank Facility ID No. 07-61263, 1512 Park Road, Claysburg, PA 16625, Greenfield Township, **Blair County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823 on behalf of A&M Transit, P.O. Box 331, Ebensburg, PA 15931, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on February 24, 2022.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.

Contact: Randy Farmerie, Environmental Program Manager.

Kwik Fill M-90, Storage Tank Facility ID # 17-14821, 1322 South 2nd Street, Clearfield, PA 16830, Lawrence Township, **Clearfield County**. Letterle & Associates, 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on

behalf of United Refining Company of Pennsylvania, 15 Bradley Street, P.O. Box 688, Warren, PA 16365 submitted a (Remedial Action Plan; Remedial Action Completion Report; combined Remedial Action Plan and Remedial Action Completion Report) concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on March 1, 2022.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Rich's Fuel Stop, Storage Tank Facility ID # 61-18852, 5609 State Route 8, Harrisville, PA 16365, Barkeyville Borough, **Venango County**. Cribbs & Associates, P.O. Box 44, Delmont, behalf of Heath Oil Company, 5821 State Route 322, Franklin, PA 16323 submitted a Remedial Action Completion Report; concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by DEP on February 24, 2022.

Luke's Auto Service Center, Storage Tank Facility ID # 33-22893, Route 219 Crenshaw, R.R. 3, Box 66, Brockway, PA 15824, Snyder Township, **Jefferson County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Louise Luke, 3312 Route 219 Crenshaw, Brockway, PA 15824, submitted a Revised Remedial Action Plan concerning remediation of groundwater and soil contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on February 28, 2022.

SPECIAL NOTICES

WASTE MANAGEMENT

NOTICE OF REQUEST FOR PROPOSALS FOR MUNICIPAL SOLID WASTE CAPACITY

The Following Notice(s) is Placed Through the Department of Environmental Protection as Required by Section 502(D) of Act 101 of 1988: The Municipal Waste Planning, Recycling and Waste Reduction Act.

Requests Proposals for Municipal Solid Waste Disposal/Processing Capacity Northumberland County Planning Commission On Behalf of the Northumberland County Board of Commissioners, Northumberland, PA.

The **Northumberland County Planning Commission** is hereby soliciting proposals for disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County for a period covering the years from 2022 through 2031. The Request for Proposals (RFP) is being issued in accordance with Pennsylvania Code Title 25, Environmental Protection, Chapter 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000).

The RFP will be available electronically from Michele Nestor, Nestor Resources, Inc., consultant to Northumberland County Planning Commission, on or after Monday, February 28, 2022. Include the words Northumberland RFP Capacity in the header of the request.

The Northumberland County Planning Commission will receive sealed proposals until 12 p.m., prevailing time on Wednesday, April 6, 2022. Proposals must be made on the Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals.

The Proposer is required to submit two (2) original printed copies of the Proposal and one (1) separate electronic media, (Flash Drive) each with a copy of the proposal in MS Word or pdf format. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer, the statement "Proposal Disposal Capacity" and be addressed to: Northumberland County Planning Commission, 399 Stadium Drive, Sunbury, PA 17801, Attention: Mr. Justin Skavery. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals.

The Northumberland County Board of Commissioners reserves the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

[Pa.B. Doc. No. 22-384. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

Draft TGD: Substantive Revision

DEP ID: 012-0501-002. **Title:** Environmental Justice Policy. **Description:** This policy outlines the opportunities for engagement with individuals in Environmental Justice (EJ) areas during its permit review process. Additionally, the draft policy integrates EJ considerations into Department-wide operations including, interagency collaboration and EJ planning; EJ mapping, resource and

data development; grant program practices; translation processes; and EJ training for Department staff and external partners.

Written Comments: Interested persons may submit written comments on this draft policy through Wednesday, May 11, 2022. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit written comments using the Department's online eComment tool for Policies at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Public Hearings: The Department will hold three virtual public hearings for the purpose of accepting comments on the draft Environmental Justice Policy. Verbal testimony is limited to 5 minutes for each witness. Organizations are limited to designating one witness to present testimony on their behalf at one hearing. Witnesses may provide testimony by means of telephone or Internet connection. Video demonstrations and screen sharing by witnesses will not be permitted. The hearings will be held as follows:

Tuesday, April 5, 2022, at 5 p.m.

Tuesday, April 12, 2022, at 6 p.m.

Thursday, April 28, 2022, at 12 p.m.

Persons wishing to reserve time to present testimony at a hearing must contact Glenda Davidson at (717) 783-4759 or RA-EPOEJ@pa.gov at least 24 hours in advance of the hearing. Language interpretation services are available upon request. Persons in need of language interpretation services must contact Glenda Davidson a week in advance of each hearing.

Information on how to access the hearings will be available on the EJ webpage and found through the Public Participation tab on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Justice"). Prior to each hearing, individuals should visit the EJ webpage for the most current information for accessing each hearing.

Members of the public wishing to observe the public hearing without providing testimony are also directed to access the EJ webpage. Those who have not registered with Glenda Davidson in advance as described previously will remain muted for the duration of the public hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact (717) 783-4759 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Contact: Questions regarding this policy can be directed to John Brakeall at jbrakeball@pa.gov or (717) 783-9731.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-385. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 32(2443)101.1, Abandoned Mine Reclamation Project, Taylorsville South, Green Township, Indiana County. The principal items of work and approximate quantities include: mobilization and demobilization, 1 lump sum; preparation and implementation of the erosion and sediment pollution control plan, 1 lump sum; clearing and grubbing, 1 lump sum; sealing mine entries—12" PVC pipe, 80 linear feet; grading, 2,500 cubic yards; trench excavation, 450 cubic yards; 12" PVC pipe—PVC pipe, 470 linear feet; subsurface drain—12" PVC pipe, 135 linear feet; smooth interior corrugated polyethylene pipe, 190 linear feet; channel excavation, 150 cubic yards; and seeding, 1 lump sum.

This bid issues on March 11, 2022, and bids will be opened on April 7, 2022, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-386. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Federal Consistency under the Coastal Zone Management Act; 2022 Maintenance Dredging of the Delaware River Federal Navigation Channel

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation in consistency determinations. The Department of Environmental Protection's (Department) Coastal Resources Management Program has received notice that the United States Army Corps of Engineers Philadelphia District (applicant) is proposing the 2022 maintenance dredging of the Delaware River Federal Navigation Channel (Project).

The applicant's Project is proposed to include the following activities:

- In the Philadelphia to Sea channel, hydraulic dredging of approximately 82,000 cubic yards of predominately silt material in Philadelphia Harbor (22,000 cubic yards), Mifflin Range (50,000 cubic yards) and Billingsport Range (10,000 cubic yards), utilizing a contractor yet to be determined, with upland placement of the dredged material into the Fort Mifflin Federally owned confined disposal facility. This dredging is scheduled to be conducted during 2022-2023.

- In the Philadelphia to Trenton channel, hydraulic cutter-head dredging of approximately 400,200 cubic yards of primarily sand material between River Miles 109+700 and 124+700 to include the Fairless Turning Basin with upland confined disposal at Biles Island Disposal Area located in Fall Township with no sluice discharge. This proposed dredging is scheduled to be conducted by a contractor, yet to be determined, in July through December of 2022.

The proposed activities are limited to hydraulic maintenance dredging of the existing Federal navigation channel to depths no greater than previously dredged with upland placement of the dredged material into confined disposal facilities. The applicant has determined that the Project will not result in any negative direct or indirect effects on public access, recreation, historic properties or other coastal uses.

This Project is subject to Department review for Federal consistency because it is a Federal agency activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart C (relating to consistency for Federal agency activities), the applicant has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Determination from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, March 28, 2022, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-387. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sewage Advisory Committee Meeting Cancellation

The March 30, 2022, meeting of the Sewage Advisory Committee (Committee) is cancelled. The Committee intends to schedule another meeting before its September 14, 2022, meeting but a date for that meeting has not yet been determined and will be published in a future issue of the *Pennsylvania Bulletin* when scheduled.

Information about Committee meetings, including agendas, meeting materials and in-person and remote participation options, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water," then "Sewage Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the Committee can be directed to Janice Vollerero at jvollerero@pa.gov or (717) 772-5157.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2360 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-388. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Beaver Valley Ambulatory Surgery Center, LLC	28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery)
BMMSA Heart and Vascular Center of the Main Line	28 Pa. Code § 551.21(d)(1) and (3)
Huntingdon Valley Surgery Center	28 Pa. Code § 551.21(d)(1)
Jefferson Surgical Center at the Navy Yard	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)
Premier at Exton Surgery Center, LLC	28 Pa. Code § 551.21(d)(1)
Regional Hospital Surgery Center	28 Pa. Code § 567.53(1) (relating to sterilization control)
Western PA Surgery Center—Beaver County Branch	28 Pa. Code § 553.31(a) and (b)

The following ASFs have filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and Relating to</i>	<i>Yr¹</i>
Hermitage Endoscopy Center, Inc.	2.7-3.9.1 staff lounge	18-O
Pain Center of Wyoming Valley, LLC	A2.1-3.2.3.2 space requirements	18-O
Pocono Ambulatory Surgery Center, Limited	A2.1-3.2.3.2 space requirements	18-O
Wyomissing Surgical Services, Inc.	A2.1-3.2.3.2 space requirements	18-O

¹ 2018 Year *FGI Regulations* were split into 2 books; *Hospitals*, and *Outpatient Facilities* as indicated by "-O."

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KEARA KLINEPETER, MSHCPM,
Acting Secretary

[Pa.B. Doc. No. 22-389. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from February 1, 2022, through February 28, 2022. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelder, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Greater Pittsburgh Surgery Washington	§ 569.35(7) (relating to general safety precautions)	02/11/2022	Granted
Physician's Care Surgery Center	§ 551.21(d)(1) (relating to criteria for ambulatory surgery)	02/14/2022	Granted w/Conditions

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Crozer-Chester Medical Center	§ 153.1(a) (relating to minimum standards) 2.1-2.4.3.1(3) general	02/11/2022	Granted
	§ 153.1(a) 2.1-7.2.2.3(2)(a)(i) doors and door hardware	02/11/2022	Granted
	§ 153.1(a) 2.5-2.2.1.2 general	02/11/2022	Granted
	§ 153.1(a) 2.5-2.2.1.2 general	02/11/2022	Granted w/Conditions
	§ 153.1(a) 2.5-2.2.8.13(1) and (5) equipment and supply storage	02/11/2022	Granted
	§ 153.1(a) 2.5-2.2.8.16(1) consultation room(s)	02/11/2022	Granted
	§ 153.1(a) 2.5-2.2.8.17 conference room	02/11/2022	Granted
	§ 153.1(a) 2.5-2.2.8.18 space for group therapy	02/11/2022	Granted
	§ 153.1(a) 2.5-2.2.10.5 visitor storage facilities	02/11/2022	Granted w/Conditions
	§ 153.1(a) 2.5-2.4.2.1(2) space requirements	02/11/2022	Granted
	§ 153.1(a) 2.5-2.4.10.1 social spaces	02/11/2022	Granted
Excelsa Health Latrobe Hospital	§ 51.23 (relating to positron emission tomography)	02/14/2022	Granted w/Conditions
	§ 153.1(a) 2.1-3.5.2.2(2)(a) space requirements	02/14/2022	Granted
Geisinger Saint Luke's Hospital	§ 107.62(a) and (b) (relating to oral orders)	02/11/2022	Granted w/Conditions
	§ 127.32 (relating to written orders)	02/11/2022	Granted w/Conditions
Lehigh Valley Hospital	§ 153.1(a) 2.1-3.2.3.2(1)(c) space requirements	02/11/2022	Granted
The Milton S. Hershey Medical Center	§ 153.1(a) 2.1-3.2.1.2(2)(b)(i) single-patient examination/observation room	02/11/2022	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Penn Highlands Dubois	§ 153.1(a) 2.1-3.2.1.2(2)(a)(i) single-patient examination/observation room	02/11/2022	Granted
	§ 153.1(a) 2.1-3.8.8.2(1)(a) work areas for preparing, dispensing and administering medications	02/11/2022	Granted
	§ 153.1(a) 2.1-3.8.11.3 clean supply room	02/11/2022	Granted
	§ 153.1(a) 2.1-7.2.2.3(2)(a) doors and door hardware	02/11/2022	Granted
	§ 153.1(a) 2.1-8.3.6 electrical receptacles	02/11/2022	Granted
	§ 153.1(a) 2.1-8.4.3.2(2) hand-washing station sinks	02/11/2022	Granted
	§ 153.1(a) 2.6-3.1.2.1(1) area	02/11/2022	Granted
Saint Luke's Hospital—Carbon Campus	§ 123.25(2) (relating to regulations for control of anesthetic explosion hazards)	02/14/2022	Granted w/Conditions
UPMC Cole	§ 107.61 (relating to written orders)	02/14/2022	Granted w/Conditions
UPMC Passavant	§ 153.1(a) 2.2-3.4.2.2(2)(a) space requirements	02/22/2022	Granted
UPMC Pinnacle Hospitals	§ 153.1(a) 2.1-3.4.4.2 Phase I post-anesthetic care unit (PACU)	02/14/2022	Granted

Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Berks Heim Nursing and Rehabilitation	§ 51.23 (relating to positron emission tomography)	02/04/2022	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KEARA KLINEPETER, MSHCPM,
Acting Secretary

[Pa.B. Doc. No. 22-390. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Geisinger Jersey Shore Hospital	28 Pa. Code § 103.31 (relating to the chief executive officer)
UPMC Somerset	28 Pa. Code § 107.61 (relating to written orders)
Wellspan York Hospital	28 Pa. Code § 133.21 (relating to facilities)
	28 Pa. Code § 133.31(a) (relating to policies and procedures)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Abington Hospital	2.1-3.4.4.1 Phase I post-anesthetic care unit (PACU)	18
Albert Einstein Medical Center	2.2-3.1.3.6(2)(a) treatment room or area	18
Wellspring York Hospital	2.2-2.8.8.16 lactation support space	18

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KEARA KLINEPETER, MSHCPM,
Acting Secretary

[Pa.B. Doc. No. 22-391. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of Amendment to the Office of Developmental Programs' Adult Autism Waiver

The Department of Human Services (Department) is making available for public review and comment the Office of Developmental Programs' (ODP) proposed amendment to the Adult Autism Waiver.

Background

Whenever substantive changes are made to an approved waiver, the Department must submit an amendment to the Centers for Medicare & Medicaid Services for approval. The Department proposes the following substantive changes to the Adult Autism Waiver effective July 1, 2022:

- Support individuals with complex needs by allowing Residential Habilitation (Life Sharing) services to be rendered in homes owned by the provider of Residential Habilitation (Life Sharing) services and through the addition of reserved capacity for individuals who are discharged from a State center and individuals who are disenrolled from the Adult Autism Waiver due to incarceration for more than 6 months.

- Simplify the service system through additional alignment of all waivers administered by the ODP. This includes:

- o Revising and clarifying the service definitions for Assistive Technology to align with the three other ODP-administered waivers where possible.

- o Revising the provider qualifications of most services to align with the three other ODP-administered waivers where possible.

- o 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 indi-

viduals with an intellectual disability or autism) regulations and ODP incident management policy.

- o 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 Coordinators.

- Encourage choice and control by adding Remote Supports as a waiver service and allowing Residential Habilitation (Life Sharing) to be delivered by relatives.

- Promote health, wellness and safety by adding provider qualification requirements for a Supportive Technology Professional when individuals in Residential Habilitation settings are receiving remote supports and allowing the continuation of remote monitoring of individuals by Supports Coordinators.

Fiscal Impact

It is anticipated that there will be no increase or decrease in costs associated with the proposed changes to the Adult Autism Waiver.

Public Comment

The proposed amendment to the Adult Autism Waiver, effective July 1, 2022, is available at <https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/July-2022-Waiver-Amendment.aspx>.

Interested persons are invited to submit written comments regarding the proposed waiver amendment. 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 Amendment Comments.”

Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed waiver amendment.

The Department will also hold a webinar to receive comments on the proposed waiver amendment. The date, time and link for registration to attend this webinar is March 31, 2022, from 1 p.m. to 2:30 p.m.

The following link must be used to register for the previously listed webinar: <https://attendee.gotowebinar.com/register/1110887596030781967>.

Participants are able to participate in the webinar by phone, but will need a computer to provide comments during the webinar. 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 with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service by dialing 711 or by using one of

the following 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 documents containing the changes proposed in the waiver amendment 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.

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1500. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-392. Filed for public inspection March 11, 2022, 9:00 a.m.]

DEPARTMENT OF STATE

Congressional Districts; Textual Description of Pennsylvania Supreme Court’s Remedial Plan

Pursuant to Order of the Pennsylvania Supreme Court, notice is hereby given of the textual description, as prepared by the Legislative Data Processing Center, of the Remedial Plan for Congressional Districts adopted by the Pennsylvania Supreme Court in *Carter, et al. v. Chapman, et al.*, No. 7 MM 2022, on February 23, 2022.

LEIGH M. CHAPMAN,
Acting Secretary of the Commonwealth

LEGISLATIVE DATA PROCESSING CENTER

Composite Listing of Congressional Districts

<i>District Number</i>	<i>Description</i>
Dist. 01	BUCKS and MONTGOMERY Counties. All of BUCKS County and Part of MONTGOMERY County consisting of the TOWNSHIPS of Franconia, Hatfield, Horsham (PART, Districts 01, 02 [PART, Divisions 01, 02 and 03], 03 [PART, Divisions 01, 02, 04 and 05] and 04 [PART, Divisions 01 (only blocks 3006, 3007, 3008, 3010, 3011 and 3020 of tract 200505), 02, 03 and 04]), Marlborough, Montgomery, Salford and Upper Hanover and the BOROUGHS of East Greenville, Hatfield, Pennsburg, Red Hill, Souderton and Telford (Montgomery County Portion). Total population: 764,866
Dist. 02	PHILADELPHIA County. Part of PHILADELPHIA County consisting of the CITY of Philadelphia (PART, Wards 05 [PART, Divisions 01, 02, 03, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37], 07, 14, 16 [PART, Division 05], 18, 19, 20, 23, 25, 31, 33, 35, 37, 41, 42, 43, 45, 49, 53, 54, 55, 56, 57, 58, 61, 62, 63, 64, 65 and 66). Total population: 764,865
Dist. 03	PHILADELPHIA County. Part of PHILADELPHIA County consisting of the CITY of Philadelphia (PART, Wards 01, 02, 03 [PART, Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20], 04, 05 [PART, Divisions 04, 18 and 19], 06, 08, 09, 10, 11, 12, 13, 15, 16 [PART, Divisions 01, 02, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17 and 18], 17, 21, 22, 24, 26 [PART, Divisions 08, 10, 11, 12, 16, 17, 19, 21 and 22], 27, 28, 29, 30, 32, 34, 36, 38, 39 [PART, Divisions 01, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 34, 35, 37, 38, 40, 42, 43, 45 and 46], 44, 46, 47, 48, 50, 51 [PART, Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 26 and 28], 52, 59 and 60). Total population: 764,864

<i>District Number</i>	<i>Description</i>
Dist. 04	<p>BERKS and MONTGOMERY Counties.</p> <p>Part of BERKS County consisting of the TOWNSHIPS of Alsace, Amity, Bern, Colebrookdale, District, Douglass, Earl, Exeter (PART, Precinct 10 (all blocks except 1008, 1011, 1014 and 1024 of tract 012103 and blocks 3000, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019 of tract 012106)), Greenwich, Hereford, Longswamp, Lower Heidelberg (PART, Precincts 02 and 03), Maidencreek, Maxatawny, Muhlenberg, Oley, Ontelaunee, Perry (all blocks except 1003, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1050, 1051, 1052 and 3022 of tract 013702), Pike, Richmond, Rockland, Ruscombmanor and Washington and the BOROUGHS of Bally, Bechtelsville, Boyertown, Fleetwood, Kutztown, Laureldale, Leesport, Lenhartsville, Lyons and Topton and Part of MONTGOMERY County consisting of the TOWNSHIPS of Abington, Cheltenham, Douglass, East Norriton, Horsham (PART, Districts 02 [PART, Division 04], 03 [PART, Division 03] and 04 [PART, Division 01 (all blocks except 3006, 3007, 3008, 3010, 3011 and 3020 of tract 200505)]), Limerick, Lower Frederick, Lower Gwynedd, Lower Merion (PART, Wards 01, 02, 03, 06 [PART, Division 03], 09, 11 [PART, Division 03 (all blocks except 3011B of tract 204900)], 12 [PART, Division 03 (only blocks 2000, 2001, 2025 and 2028 of tract 204500)] and 13), Lower Moreland, Lower Pottsgrove, Lower Providence, Lower Salford, New Hanover, Perkiomen, Plymouth, Skippack, Springfield, Towamencin, Upper Dublin, Upper Frederick, Upper Gwynedd, Upper Merion (PART, District Belmont [PART, Division 05]), Upper Moreland, Upper Pottsgrove, Upper Providence, Upper Salford, West Norriton, West Pottsgrove, Whitmarsh, Whitpain and Worcester and the BOROUGHS of Ambler, Bryn Athyn, Collegeville, Conshohocken, Green Lane, Hatboro, Jenkintown, Lansdale, North Wales, Pottstown, Rockledge, Royersford, Schwenksville, Trappe and West Conshohocken.</p> <p>Total population: 764,865</p>
Dist. 05	<p>CHESTER, DELAWARE, MONTGOMERY and PHILADELPHIA Counties.</p> <p>Part of CHESTER County consisting of the TOWNSHIP of Birmingham (PART, Precinct 02 (only blocks 2021 and 2022 of tract 303100)); All of DELAWARE County; Part of MONTGOMERY County consisting of the TOWNSHIPS of Lower Merion (PART, Wards 04, 05, 06 [PART, Divisions 01 and 02], 07, 08, 10, 11 [PART, Divisions 01, 02 and 03 (only block 3011B of tract 204900)], 12 [PART, Divisions 01, 02 and 03 (all blocks except 2000, 2001, 2025 and 2028 of tract 204500)] and 14) and Upper Merion (PART, Districts Belmont [PART, Divisions 01, 02, 03 and 04], Candlebrook, Gulph, King, Roberts, Swedeland, Swedesburg and Town Center) and the BOROUGHS of Bridgeport, Narberth and Norristown and Part of PHILADELPHIA County consisting of the CITY of Philadelphia (PART, Wards 03 [PART, Divisions 21 and 22], 26 [PART, Divisions 01, 02, 03, 04, 05, 06, 07, 09, 13, 14, 15, 18, 20 and 23], 39 [PART, Divisions 02, 13, 14, 17, 24, 29, 33, 36, 39, 41 and 44], 40 and 51 [PART, Divisions 21, 24, 25 and 27]).</p> <p>Total population: 764,866</p>
Dist. 06	<p>BERKS and CHESTER Counties.</p> <p>Part of BERKS County consisting of the CITY of Reading and the TOWNSHIPS of Brecknock, Caernarvon, Cumru, Exeter (PART, Precincts 01, 02, 03, 04, 05, 06, 07, 08, 09, 10 (only blocks 1008, 1011, 1014 and 1024 of tract 012103 and blocks 3000, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019 of tract 012106) and 11), Lower Alsace, Robeson, Spring and Union and the BOROUGHS of Adamstown (Berks County Portion), Birdsboro, Kenhorst, Mohnton, Mount Penn, New Morgan, Shillington, Sinking Spring, St. Lawrence, West Reading and Wyomissing and Part of CHESTER County consisting of the CITY of Coatesville and the TOWNSHIPS of Birmingham (PART, Precincts 01 and 02 (all blocks except 2021 and 2022 of tract 303100)), Caln, Charlestown, East Bradford, East Brandywine, East Caln, East Coventry, East Fallowfield, East Goshen, East Marlborough, East Nantmeal, East Nottingham, East Pikeland, East Vincent, East Whiteland, Easttown, Elk, Franklin, Highland, Honey Brook, Kennett, London Britain, London Grove, Londonderry, Lower Oxford, New Garden, New London, Newlin, North Coventry, Penn, Pennsbury, Pocopson, Sadsbury, Schuylkill, South Coventry, Thornbury, Tredyffrin, Upper Oxford, Upper Uwchlan, Uwchlan, Valley, Wallace, Warwick, West Bradford, West Brandywine, West Caln, West Fallowfield, West Goshen, West Marlborough, West Nantmeal, West Nottingham, West Pikeland, West Sadsbury, West Vincent, West Whiteland, Westtown and Willistown and the BOROUGHS of Atglen, Avondale, Downingtown, Elverson, Honey Brook, Kennett Square, Malvern, Modena, Oxford, Parkesburg, Phoenixville, South Coatesville, Spring City, West Chester and West Grove.</p> <p>Total population: 764,864</p>

<i>District Number</i>	<i>Description</i>
Dist. 07	<p>CARBON, LEHIGH, MONROE and NORTHAMPTON Counties.</p> <p>All of CARBON County; All of LEHIGH County; Part of MONROE County consisting of the TOWNSHIPS of Eldred, Polk and Ross (all blocks except 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 2000, 2001, 2002, 2003, 2021, 3001, 3003, 3004, 3005, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4009, 4010 and 4011 of tract 301203) and All of NORTHAMPTON County.</p> <p>Total population: 764,865</p>
Dist. 08	<p>LACKAWANNA, LUZERNE, MONROE, PIKE and WAYNE Counties.</p> <p>All of LACKAWANNA County; Part of LUZERNE County consisting of the CITIES of Hazleton, Nanticoke, Pittston and Wilkes-Barre and the TOWNSHIPS of Bear Creek, Buck, Butler (PART, Districts 01, 02, 03, 04 and 05 (only blocks 1024, 1025, 2013, 2014, 2015 and 2020 of tract 216601 and blocks 1016, 1017, 1024, 1046, 1047, 1049, 1050, 1058, 1059, 1060, 1061, 1062, 1063 and 1064 of tract 216602)), Dallas, Dennison, Exeter, Fairview, Foster, Franklin, Hanover, Hazle, Jackson, Jenkins, Kingston, Newport (PART, Ward 02), Pittston, Plains, Plymouth, Rice, Wilkes-Barre and Wright and the BOROUGHS of Ashley, Avoca, Bear Creek Village, Courtdale, Dupont, Duryea, Edwardsville, Exeter, Forty Fort, Freeland, Harveys Lake, Hughestown, Jeddo, Kingston, Laflin, Larksville, Laurel Run, Luzerne, Nuangola, Penn Lake Park, Plymouth, Pringle, Sugar Notch, Swoyersville, Warrior Run, West Hazleton, West Pittston, West Wyoming, White Haven, Wyoming and Yatesville; Part of MONROE County consisting of the TOWNSHIPS of Barrett, Chestnuthill, Coolbaugh, Hamilton, Jackson, Middle Smithfield, Paradise, Pocono, Price, Ross (only blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 2000, 2001, 2002, 2003, 2021, 3001, 3003, 3004, 3005, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4009, 4010 and 4011 of tract 301203), Smithfield, Stroud, Tobyhanna and Tunkhannock and the BOROUGHS of Delaware Water Gap, East Stroudsburg, Mount Pocono and Stroudsburg; All of PIKE County and All of WAYNE County.</p> <p>Total population: 764,866</p>
Dist. 09	<p>BERKS, BRADFORD, COLUMBIA, LEBANON, LUZERNE, LYCOMING, MONTOUR, NORTHUMBERLAND, SCHUYLKILL, SULLIVAN, SUSQUEHANNA and WYOMING Counties.</p> <p>Part of BERKS County consisting of the TOWNSHIPS of Albany, Bethel, Centre, Heidelberg, Jefferson, Lower Heidelberg (PART, Precinct 01), Marion, North Heidelberg, Penn, Perry (only blocks 1003, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1050, 1051, 1052 and 3022 of tract 013702), South Heidelberg, Tilden, Tulpehocken, Upper Bern, Upper Tulpehocken and Windsor and the BOROUGHS of Bernville, Centerport, Hamburg, Robesonia, Shoemakersville, Wernersville and Womelsdorf; All of BRADFORD County; All of COLUMBIA County; All of LEBANON County; Part of LUZERNE County consisting of the TOWNSHIPS of Black Creek, Butler (PART, District 05 (all blocks except 1024, 1025, 2013, 2014, 2015 and 2020 of tract 216601 and blocks 1016, 1017, 1024, 1046, 1047, 1049, 1050, 1058, 1059, 1060, 1061, 1062, 1063 and 1064 of tract 216602)), Conyngham, Dorrance, Fairmount, Hollenback, Hunlock, Huntington, Lake, Lehman, Nescopeck, Newport (PART, Ward 01), Ross, Salem, Slocum, Sugarloaf and Union and the BOROUGHS of Conyngham, Dallas, Nescopeck, New Columbus and Shickshinny; Part of LYCOMING County consisting of the CITY of Williamsport (PART, Wards 01, 02, 03, 04, 05 (all blocks except 1034, 1035, 1036, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1056, 1057, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088 and 2089 of tract 000900), 06, 07, 08, 09, 10, 11, 12 and 13) and the TOWNSHIPS of Clinton, Eldred, Fairfield, Franklin, Jordan, Loyalsock, Mill Creek, Moreland, Muncy, Muncy Creek, Penn, Plunketts Creek, Shrewsbury, Upper Fairfield and Wolf and the BOROUGHS of Hughesville, Montgomery, Montoursville, Muncy and Picture Rocks; All of MONTOUR County; All of NORTHUMBERLAND County; All of SCHUYLKILL County; All of SULLIVAN County; All of SUSQUEHANNA County and All of WYOMING County.</p> <p>Total population: 764,864</p>
Dist. 10	<p>CUMBERLAND, DAUPHIN and YORK Counties.</p> <p>Part of CUMBERLAND County consisting of the TOWNSHIPS of Cooke, Dickinson, East Pennsboro, Hampden, Lower Allen, Lower Frankford, Middlesex, Monroe, North Middleton, North Newton (only blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1045, 1066, 1067, 1070 and 1071 of tract 012802), Penn, Silver Spring, South Middleton, South Newton, Upper Allen and</p>

<i>District Number</i>	<i>Description</i>
	<p>West Pennsboro and the BOROUGHS of Camp Hill, Carlisle, Lemoyne, Mechanicsburg, Mount Holly Springs, New Cumberland, Newville, Shiremanstown and Wormleysburg; All of DAUPHIN County and Part of YORK County consisting of the CITY of York and the TOWNSHIPS of Carroll, Conewago, Dover, East Manchester, Fairview, Franklin, Jackson (PART, Precincts 01 (all blocks except 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3008, 3009, 3015, 3016, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030 and 3031 of tract 020522 and blocks 2031 and 2032 of tract 020524) and 02), Manchester, Monaghan, Newberry, Spring Garden, Springettsbury, Warrington, Washington and West Manchester and the BOROUGHS of Dillsburg, Dover, Franklintown, Goldsboro, Lewisberry, Manchester, Mount Wolf, North York, Wellsville, West York and York Haven.</p> <p>Total population: 764,864</p>
Dist. 11	<p>LANCASTER and YORK Counties.</p> <p>All of LANCASTER County and Part of YORK County consisting of the TOWNSHIPS of Chanceford, Codorus, East Hopewell, Fawn, Heidelberg, Hellam, Hopewell, Jackson (PART, Precinct 01 (only blocks 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3008, 3009, 3015, 3016, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030 and 3031 of tract 020522 and blocks 2031 and 2032 of tract 020524)), Lower Chanceford, Lower Windsor, Manheim, North Codorus, North Hopewell, Paradise, Peach Bottom, Penn, Shrewsbury, Springfield, West Manheim, Windsor and York and the BOROUGHS of Cross Roads, Dallastown, Delta, East Prospect, Fawn Grove, Felton, Glen Rock, Hallam, Hanover, Jacobus, Jefferson, Loganville, New Freedom, New Salem, Railroad, Red Lion, Seven Valleys, Shrewsbury, Spring Grove, Stewartstown, Windsor, Winterstown, Wrightsville, Yoe and Yorkana.</p> <p>Total population: 764,864</p>
Dist. 12	<p>ALLEGHENY and WESTMORELAND Counties.</p> <p>Part of ALLEGHENY County consisting of the CITIES of Clairton, Duquesne, McKeesport and Pittsburgh and the TOWNSHIPS of Elizabeth, Forward, North Versailles, South Park, South Versailles, Upper St. Clair and Wilkins and the BOROUGHS of Baldwin, Bethel Park, Braddock, Brentwood, Bridgeville, Chalfant, Dravosburg, East McKeesport, East Pittsburgh, Elizabeth, Glassport, Homestead, Jefferson Hills, Liberty, Lincoln, Monroeville, Mount Oliver, Munhall, North Braddock, Pitcairn, Pleasant Hills, Plum, Port Vue, Rankin, Swissvale (PART, Districts 01, 02 (only blocks 2014, 2015, 3007, 3008, 3009 and 3010 of tract 515100), 06, 07, 08, 09, 10 and 11), Trafford (Allegheny County Portion), Turtle Creek, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, Whitaker, White Oak, Whitehall and Wilmerding and Part of WESTMORELAND County consisting of the CITY of Jeannette and the TOWNSHIPS of Hempfield (PART, Districts East Adamsburg, High Park, Lincoln Heights West, Middletown (all blocks except 1000, 1001, 1004, 1009, 1010, 1011, 1020, 1021, 1022, 1026, 1027 and 1055 of tract 804701, blocks 1015, 2018 and 2019 of tract 804804 and blocks 2000, 2002, 2003 and 2004 of tract 804901), Wegley, Wendel Herm and West Hempfield), North Huntingdon, Penn, Sewickley and South Huntingdon (PART, District Yukon) and the BOROUGHS of Adamsburg, Arona, Export, Irwin, Madison, Manor, Murrysville, North Irwin, Penn, Sutersville and Trafford (Westmoreland County Portion).</p> <p>Total population: 764,864</p>
Dist. 13	<p>ADAMS, BEDFORD, BLAIR, CAMBRIA, CUMBERLAND, FRANKLIN, FULTON, HUNTINGDON, JUNIATA, MIFFLIN, PERRY and SOMERSET Counties.</p> <p>All of ADAMS County; All of BEDFORD County; All of BLAIR County; All of CAMBRIA County; Part of CUMBERLAND County consisting of the TOWNSHIPS of Hopewell, Lower Mifflin, North Newton (all blocks except 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1045, 1066, 1067, 1070 and 1071 of tract 012802), Shippensburg, Southampton, Upper Frankford and Upper Mifflin and the BOROUGHS of Newburg and Shippensburg (Cumberland County Portion); All of FRANKLIN County; All of FULTON County; All of HUNTINGDON County; All of JUNIATA County; All of MIFFLIN County; All of PERRY County and Part of SOMERSET County consisting of the TOWNSHIP of Conemaugh (PART, District 02 (all blocks except 1026 of tract 020101)).</p> <p>Total population: 764,864</p>
Dist. 14	<p>FAYETTE, GREENE, INDIANA, SOMERSET, WASHINGTON and WESTMORELAND Counties.</p> <p>All of FAYETTE County; All of GREENE County; Part of INDIANA County consisting of the TOWNSHIPS of Armstrong, Blacklick, Brush Valley, Buffington, Burrell, Center, Cherryhill, Conemaugh, East Wheatfield, Green, Pine, Rayne, South Mahoning (PART, District 01 (all blocks except 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2042, 2043, 2044, 3000 and 3001 of tract 960200)), Washington, West Wheatfield, White and Young and the</p>

<i>District Number</i>	<i>Description</i>
	<p>BOROUGHES of Armagh, Blairsville, Cherry Tree, Clymer, Creekside, Ernest, Homer City, Indiana, Plumville, Saltsburg and Shelocta; Part of SOMERSET County consisting of the TOWNSHIPS of Addison, Allegheny, Black, Brothersvalley, Conemaugh (PART, Districts 01, 02 (only block 1026 of tract 020101), 03, 04 and 05), Elk Lick, Fairhope, Greenville, Jefferson, Jenner, Larimer, Lincoln, Lower Turkeyfoot, Middlecreek, Milford, Northampton, Ogle, Paint, Quemahoning, Shade, Somerset, Southampton, Stonycreek, Summit and Upper Turkeyfoot and the BOROUGHES of Addison, Benson, Berlin, Boswell, Callimont, Casselman, Central City, Confluence, Garrett, Hooversville, Indian Lake, Jennerstown, Meyersdale, New Baltimore, New Centerville, Paint, Rockwood, Salisbury, Seven Springs (Somerset County Portion), Shanksville, Somerset, Stoystown, Ursina, Wellersburg and Windber; All of WASHINGTON County and Part of WESTMORELAND County consisting of the CITIES of Arnold, Greensburg, Latrobe, Lower Burrell, Monessen and New Kensington and the TOWNSHIPS of Allegheny, Bell, Cook, Derry, Donegal, East Huntingdon, Fairfield, Hempfield (PART, Districts Alwine, Bovard, Carbon, Eastview, Fort Allen, Foxhill, Gayville, Grapeville, Hannastown, Haydensville, Lincoln Heights, Luxor, Maplewood, Middletown (only blocks 1000, 1001, 1004, 1009, 1010, 1011, 1020, 1021, 1022, 1026, 1027 and 1055 of tract 804701, blocks 1015, 2018 and 2019 of tract 804804 and blocks 2000, 2002, 2003 and 2004 of tract 804901), New Stanton, North Carbon, Sibel, Todd, University, Valley, Weavers Old Stand and West Point), Ligonier, Loyalhanna, Mount Pleasant, Rostraver, Salem, South Huntingdon (PART, Districts Hixon, Jacobs Creek, Mineral, Port Royal, South Huntingdon, Wayne and Wyano), St. Clair, Unity, Upper Burrell and Washington and the BOROUGHES of Avonmore, Bolivar, Delmont, Derry, Donegal, East Vandergrift, Hunker, Hyde Park, Laurel Mountain, Ligonier, Mount Pleasant, New Alexandria, New Florence, New Stanton, North Belle Vernon, Oklahoma, Scottdale, Seward, Smithton, South Greensburg, Southwest Greensburg, Vandergrift, West Leechburg, West Newton, Youngstown and Youngwood.</p> <p>Total population: 764,866</p>
Dist. 15	<p>ARMSTRONG, CAMERON, CENTRE, CLARION, CLEARFIELD, CLINTON, ELK, FOREST, INDIANA, JEFFERSON, LYCOMING, MCKEAN, POTTER, SNYDER, TIOGA, UNION, VENANGO and WARREN Counties.</p> <p>All of ARMSTRONG County; All of CAMERON County; All of CENTRE County; All of CLARION County; All of CLEARFIELD County; All of CLINTON County; All of ELK County; All of FOREST County; Part of INDIANA County consisting of the TOWNSHIPS of Banks, Canoe, East Mahoning, Grant, Montgomery, North Mahoning, South Mahoning (PART, District 01 (only blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2042, 2043, 2044, 3000 and 3001 of tract 960200)) and West Mahoning and the BOROUGHES of Glen Campbell, Marion Center and Smicksburg; All of JEFFERSON County; Part of LYCOMING County consisting of the CITY of Williamsport (PART, Ward 05 (only blocks 1034, 1035, 1036, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1056, 1057, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088 and 2089 of tract 000900)) and the TOWNSHIPS of Anthony, Armstrong, Bastress, Brady, Brown, Cascade, Cogan House, Cummings, Gamble, Hepburn, Jackson, Lewis, Limestone, Lycoming, McHenry, McIntyre, McNett, Mifflin, Nippenose, Old Lycoming, Piatt, Pine, Porter, Susquehanna, Washington, Watson and Woodward and the BOROUGHES of Duboistown, Jersey Shore, Salladasburg and South Williamsport; All of MCKEAN County; All of POTTER County; All of SNYDER County; All of TIOGA County; All of UNION County; Part of VENANGO County consisting of the CITY of Oil City and the TOWNSHIPS of Allegheny, Cherrytree, Clinton, Cornplanter, Cranberry, Oakland, Oil Creek, Pinegrove, Plum, President, Richland, Rockland, Scrubgrass and Victory (only blocks 1045, 1046, 1047, 1048, 1050, 1051, 1053, 1058, 1059 and 1060 of tract 201400) and the BOROUGHES of Clintonville, Emlenton (Venango County Portion), Pleasantville and Rouseville and All of WARREN County.</p> <p>Total population: 764,864</p>
Dist. 16	<p>BUTLER, CRAWFORD, ERIE, LAWRENCE, MERCER and VENANGO Counties.</p> <p>All of BUTLER County; All of CRAWFORD County; All of ERIE County; All of LAWRENCE County; All of MERCER County and Part of VENANGO County consisting of the CITY of Franklin and the TOWNSHIPS of Canal, Frenchcreek, Irwin, Jackson, Mineral, Sandycreek and Victory (all blocks except 1045, 1046, 1047, 1048, 1050, 1051, 1053, 1058, 1059 and 1060 of tract 201400) and the BOROUGHES of Barkeyville, Cooperstown, Polk, Sugarcreek and Utica.</p> <p>Total population: 764,865</p>
Dist. 17	<p>ALLEGHENY and BEAVER Counties.</p> <p>Part of ALLEGHENY County consisting of the TOWNSHIPS of Aleppo, Baldwin, Collier, Crescent, East Deer, Fawn, Findlay, Frazer, Hampton, Harmar, Harrison, Indiana, Kennedy, Kilbuck, Leet, Marshall, McCandless, Moon, Mount Lebanon, Neville, North Fayette, O'Hara, Ohio, Penn Hills, Pine, Reserve, Richland, Robinson, Ross, Scott, Shaler, South Fayette, Springdale, Stowe and West Deer and the BOROUGHES of Aspinwall, Avalon, Bell Acres, Bellevue, Ben Avon, Ben Avon Heights, Blawnox,</p>

<i>District Number</i>	<i>Description</i>
	Brackenridge, Braddock Hills, Bradford Woods, Carnegie, Castle Shannon, Cheswick, Churchill, Coraopolis, Crafton, Dormont, Edgewood, Edgeworth, Emsworth, Etna, Forest Hills, Fox Chapel, Franklin Park, Glen Osborne, Glenfield, Green Tree, Haysville, Heidelberg, Ingram, Leetsdale, McDonald (Allegheny County Portion), McKees Rocks, Millvale, Oakdale, Oakmont, Pennsbury Village, Rosslyn Farms, Sewickley, Sewickley Heights, Sewickley Hills, Sharpsburg, Springdale, Swissvale (PART, Districts 02 (all blocks except 2014, 2015, 3007, 3008, 3009 and 3010 of tract 515100), 03, 04 and 05), Tarentum, Thornburg, Verona, West View and Wilksburg and All of BEAVER County. Total population: 764,864
	Population of all districts: 13,002,700

The Statewide population = 13,002,700		
The Average population per district = 764,865		
<i>District</i>	<i>Population</i>	<i>Deviation</i>
1	764,866	+1 (0.00%)
2	764,865	+0 (0.00%)
3	764,864	-1 (0.00%)
4	764,865	+0 (0.00%)
5	764,866	+1 (0.00%)
6	764,864	-1 (0.00%)
7	764,865	+0 (0.00%)
8	764,866	+1 (0.00%)
9	764,864	-1 (0.00%)
10	764,864	-1 (0.00%)
11	764,864	-1 (0.00%)
12	764,864	-1 (0.00%)
13	764,864	-1 (0.00%)
14	764,866	+1 (0.00%)
15	764,864	-1 (0.00%)
16	764,865	+0 (0.00%)
17	764,864	-1 (0.00%)

**Counties Split by Congressional Districts
02/25/2022**

<i>14 Total Counties</i>	<i>17 Total Splits</i>
ALLEGHENY	012 017
BERKS	004 006 009
CHESTER	005 006
CUMBERLAND	010 013
INDIANA	014 015
LUZERNE	008 009
LYCOMING	009 015
MONROE	007 008
MONTGOMERY	001 004 005
PHILADELPHIA	002 003 005
SOMERSET	013 014

<i>14 Total Counties</i>	<i>17 Total Splits</i>
VENANGO	015 016
WESTMORELAND	012 014
YORK	010 011

**Places Split by Congressional Districts
02/25/2022**

<i>20 Total Places</i>	<i>21 Total Splits</i>
ALLEGHENY COUNTY SWISSVALE BOROUGH	012 017
BERKS COUNTY EXETER TOWNSHIP LOWER HEIDELBERG TOWNSHIP PERRY TOWNSHIP	004 006 004 009 004 009
CHESTER COUNTY BIRMINGHAM TOWNSHIP	005 006
CUMBERLAND COUNTY NORTH NEWTON TOWNSHIP	010 013
INDIANA COUNTY SOUTH MAHONING TOWNSHIP	014 015
LUZERNE COUNTY BUTLER TOWNSHIP NEWPORT TOWNSHIP	008 009 008 009
LYCOMING COUNTY WILLIAMSPORT CITY	009 015
MONROE COUNTY ROSS TOWNSHIP	007 008
MONTGOMERY COUNTY HORSHAM TOWNSHIP LOWER MERION TOWNSHIP UPPER MERION TOWNSHIP	001 004 004 005 004 005
PHILADELPHIA COUNTY PHILADELPHIA CITY	002 003 005
SOMERSET COUNTY CONEMAUGH TOWNSHIP	013 014
VENANGO COUNTY VICTORY TOWNSHIP	015 016
WESTMORELAND COUNTY HEMPFIELD TOWNSHIP SOUTH HUNTINGDON TOWNSHIP	012 014 012 014
YORK COUNTY JACKSON TOWNSHIP	010 011

**Wards Split by Congressional Districts
02/25/2022**

<i>22 Total Wards</i>	<i>22 Total Splits</i>
<i>ALLEGHENY COUNTY</i>	
SWISSVALE BOROUGH	WARD 02 012 017
<i>BERKS COUNTY</i>	
EXETER TOWNSHIP	WARD 10 004 006
<i>CHESTER COUNTY</i>	
BIRMINGHAM TOWNSHIP	WARD 02 005 006
<i>INDIANA COUNTY</i>	
SOUTH MAHONING TOWNSHIP	WARD 01 014 015
<i>LUZERNE COUNTY</i>	
BUTLER TOWNSHIP	WARD 05 008 009
<i>LYCOMING COUNTY</i>	
WILLIAMSPORT CITY	WARD 05 009 015
<i>MONTGOMERY COUNTY</i>	
HORSHAM TOWNSHIP	WARD 02 001 004
	WARD 03 001 004
	WARD 04 001 004
LOWER MERION TOWNSHIP	WARD 06 004 005
	WARD 11 004 005
	WARD 12 004 005
UPPER MERION TOWNSHIP	
	WARD BELMONT 004 005
<i>PHILADELPHIA COUNTY</i>	
PHILADELPHIA CITY	WARD 03 003 005
	WARD 05 002 003
	WARD 16 002 003
	WARD 26 003 005
	WARD 39 003 005
	WARD 51 003 005
<i>SOMERSET COUNTY</i>	
CONEMAUGH TOWNSHIP	WARD 02 013 014
<i>WESTMORELAND COUNTY</i>	
HEMPFIELD TOWNSHIP	WARD MIDDLETOWN 012 014
<i>YORK COUNTY</i>	
JACKSON TOWNSHIP	WARD 01 010 011

[Pa.B. Doc. No. 22-393. Filed for public inspection March 11, 2022, 9:00 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

**State Transportation Innovation Council Virtual
Business Meeting**

The State Transportation Innovation Council will hold its business meeting on Wednesday, March 23, 2022, from

9 a.m. to 11 a.m. by means of 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 180658906# as the meeting code.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-394. Filed for public inspection March 11, 2022, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Hanover Logistics, LLC c/o Crossroads Commercial Realty & Development, LLC v. Department of Environmental Protection; EHB Doc. No. 2022-010-C

Hanover Logistics, LLC c/o Crossroads Commercial Realty & Development, LLC has appealed the denial by the Department of Environmental Protection of a Notice of Intent for coverage under PAG-02, NPDES Permit Application No. PAC220295, for discharges associated with a project located in East Hanover Township, Dauphin County.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board's web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available online and upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 22-395. Filed for public inspection March 11, 2022, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Philadelphia Authority for Industrial Development v. Department of Environmental Protection; EHB Doc. No. 2022-011-C

Philadelphia Authority for Industrial Development has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PAD510012, for discharges from a facility known as The Navy Yard, located in Philadelphia City, Philadelphia County, to the Delaware and Schuylkill Rivers.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board's web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available online and upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 22-396. Filed for public inspection March 11, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Exemptions to Allow for the Continued Stocking of Class A Stream Sections

The Fish and Boat Commission (Commission) intends to consider at its meeting on April 25, and 26, 2022, whether to allow trout stocking to continue on each of the Class A wild trout streams listed as follows. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), the Executive Director will obtain approval of the Commission prior to granting permission to stock a Class A wild trout stream under 58 Pa. Code § 71.4 (relating to stocking of designated waters).

On September 30, 2014 (effective January 1, 2015), the statement of policy at 58 Pa. Code § 57.8a was amended to require the Executive Director to obtain approval from the Commission prior to granting permission to stock a Class A wild trout stream section. Following the update to 58 Pa. Code § 57.8a, Commission staff developed internal decision-making criteria to allow continued Commission stocking of a limited number of Class A wild trout stream sections. Subsequently, 13 stream sections that support strong Class A wild brown trout populations were officially designated as Class A wild trout streams during the 2015—2017 timeframe following updated wild trout surveys, and stocking was continued. Stream sections where stocking was continued are heavily fished waters, most located in high-density human population centers, of a size and character that can support a fishery featuring both stocked and wild trout components.

Historically, there have been very few streams where stocking of trout following Class A designation was considered and warranted. However, there are rare cases, beyond the current 13 stocked Class A wild trout stream sections, where a stocking exemption should be considered. To account for these rare circumstances, Commission staff developed additional decision-making criteria to consider internal and external requests for continued stocking of newly designated Class A wild trout streams. These criteria provide staff direction to guide decisions when unusual situations arise but do not automatically result in continued stocking when criteria are met, as most Class A stream sections are best managed solely for wild trout with no stocking. They offer a mechanism for transparent, timely and consistent consideration of requests to continue the stocking of newly designated Class A wild trout streams. These criteria, listed as follows, are detailed in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters, 5th Edition* available at www.fishandboat.com. Exemptions will not be granted for streams where a component of the wild trout fishery is comprised of wild Brook Trout.

1. Pre-existing youth fishing derbies and special use areas that were properly permitted by the Commission and have a history of more than one past occurrence.
2. Pre-existing private stockings on private property on recently designated (that is, within 1 year of posting in the *Pennsylvania Bulletin*) Class A stream sections that have been closed to public angling at the time of Class A designation and at least since 2010. Historic stockings need to be verifiable by documentation, stocking records and have a history of more than one past occurrence.
3. Stream sections stocked by the Commission, a cooperative nursery, or a private group or individual the year prior to Class A designation, have a history of more than one past occurrence, and meet the following sub-criteria.

a) The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

b) Angler use (anglers/mile of stream) in the stream section equals or exceeds the Statewide 50th percentile of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under 58 Pa. Code Chapter 65 (relating to special fishing regulations) that was stocked by the Commission the year immediately prior to its designation as a Class A wild trout stream.

c) The trout species to be stocked are not the same species as the primary component of the wild trout population.

d) The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.

e) Stream sections where a component of the wild trout population is comprised of wild Brook Trout will not be considered for stocking.

f) Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Commission.

4. Previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking of a Class A wild trout stream section. If the exemption was time-limited and not renewed before expiration, it will be considered a new request and a determination will be made according to other exemption criteria.

Exemptions to the prohibition of stocking hatchery trout into Class A wild trout stream sections will be granted only under rare circumstances. Consideration is only given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*. However, entities that previously received an exemption or a Special Activities Permit from the Commission between 2010 and the effective date (April 3, 2021) of the amendment to the statement of policy at 58 Pa. Code § 57.8a adopted at the January 2021 quarterly Commission meeting and published at 51 Pa.B. 1828 (April 3, 2021) will be eligible for consideration. On January 25, 2021, the Executive Director obtained approval from the Commission to grant 13 exemptions to 58 Pa. Code § 57.8a that met the criteria to consider the continuance of trout stocking at 12 Class A stream sections.

Should an exemption be granted, the Commission will determine the species of trout, number of trout and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to minimize impacts to the Class A wild trout population. Stocking provisions will be communicated in writing by the Commission to the entity receiving the exemption for continued stocking on Class A designated waters. Stocking exemptions will be valid for no more than 5 years at which time the need for continuance may be evaluated.

Commission staff have identified two potential exemptions to 58 Pa. Code § 57.8a that meet the criteria to consider the continuance of trout stocking at two Class A stream sections. It should be noted that the Executive Director previously obtained approval from the Board to continue Commission stockings at these stream sections; however, this request is specific to the continuance of stocking by private entities and not the annual Commission stockings. The general exemption classification, stream name, stream section, county and commissioner district are listed as follows.

General fishing derbies (adult and youth participants)

- Penns Creek (Section 02), Centre County, Commissioner District 3

Prior history of stocking and meets the sub-criteria outlined under criterion 3 previously listed

- Pohopoco Creek (Section 04), Carbon County, Commissioner District 7

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-397. Filed for public inspection March 11, 2022, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Special Reports and Requests for Data

The Health Care Cost Containment Council (Council), according to the act of July 8, 1986 (P.L. 408, No. 89), as re-enacted and amended by the act of July 17, 2003 (P.L. 31, No. 14) and the act of June 10, 2009 (P.L. 10, No. 3), is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by the Council in calendar year 2021. The list of data fields that are included in the standard public use files are located in PDF files posted on the Council's web site at www.phc4.org (select "Services," then "Data Requests"). Questions about procedures for obtaining access to Council data should be addressed to JoAnne Z. Nelson, Supervisor of Special Requests, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, jnelson@phc4.org.

Applicant and Project Description

Agency for Healthcare Research & Quality—Rachel Lipari, PhD

Statewide 2020 inpatient discharge and inpatient revenue code detail datasets and 2019 ambulatory/outpatient procedure and ambulatory/outpatient revenue code detail datasets with derived data fields (number of days to admission, days to procedure and age). The data will be used in the Healthcare Cost and Utilization Project (HCUP), which uses the data for multiple databases (State Inpatient Databases, State Ambulatory Surgery and Services Databases, National Inpatient Sample, Kids' Inpatient Database Nationwide Readmissions Database, and Nationwide Ambulatory Surgery Sample), reports, and tools and products. The HCUP databases enable research on a broad range of health policy issues, including cost and quality of health services, medical practice

patterns, access to health care programs, and outcomes of treatments at the National, regional, state and local levels.

Allegheny County Health Department—LuAnn Brink, PhD, MPH

Standard regional 2020 inpatient discharge dataset for Region 1 to be used for public health surveillance, identify high risk groups within Allegheny County and study preventable hospitalizations, nonfatal injuries, including falls and motor vehicle crashes, and acute outcomes that may be associated with environmental quality, including asthma and cardiovascular events.

Appalachian Regional Healthcare, Inc.—Danielle Dials

A custom 2017 through 2020 inpatient discharge data report to be combined with other states data to support development of a utilization rate for therapeutic cardiac catheterization services on West Virginia residents. Results will be used in a certificate of need application submittal and shared with respective attorneys and consultants supporting the initiative.

Brian Rucco

Standard fourth quarter 2019 regional inpatient discharge dataset for Region 7 and Statewide inpatient revenue code detail dataset to be used to provide empirically based analyses and fact based institutions into patient populations and health care provider performances in Eastern Pennsylvania regions to enhance curriculum development for public administration high school and community college students.

Bryn Mawr Surgery Center—Karla German

Standard regional fourth quarter 2018 through third quarter 2020 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8-9 to be used through products developed by their contractor, ValueHealth, for market research of care to gain a better insight into their market and effect more focused physician engagement.

Cancer Study Group—Alexa Slotkoff

Standard facility and regional 2019 inpatient discharge dataset for six hospitals and Region 9 to link with public and ICD-10-PCS and ICD_10-CM datasets as well as American Hospital Association database to use for consulting. Specifically, to research the volume of cancer-related surgeries to determine which academic centers in this Commonwealth perform the highest volume of complex cancer surgeries.

Capital Health—Jeremye Cohen

Standard regional first and second quarter 2020 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8-9 to use for planning purposes for their health system to assist in determining public demand.

Constitution Surgery Alliance—Marc Fortier

Standard Statewide 2019 inpatient discharge, ambulatory/outpatient procedure and inpatient and ambulatory/outpatient revenue code detail datasets and financial data to be used for a Constitution Health and Outcome Measures Program that will develop Patient Reported Outcomes Measures and benchmark utilization and efficiency of ambulatory surgery centers to assist in improving their quality and efficiency at their ambulatory surgery centers.

Crozer Keystone Health System—William G. Nestor, III, JD, MBA, HCCP/Paul Casbergue

Standard Statewide 2018 through 2020 inpatient discharge, ambulatory/outpatient procedure and ambulatory/outpatient revenue code detail datasets and 2019 through 2020 inpatient revenue code detail datasets used to support the development and improve access and the quality of care to the community through market assessments and community needs analyses.

Deborah Heart and Lung Center—Thomas Percello

Custom 2018 through 2020 inpatient discharge dataset of patients who reside in New Jersey to be generated into summary level reports by their consultant, O'Conco Healthcare, to analyze utilization and market share by service line.

Drexel University Dornsifes School of Public Health—Irene Headen, PhD, MS

A custom 2003 through second quarter 2020 inpatient discharge dataset of delivery related procedures during 2003 through 2018 within the Philadelphia Metropolitan Area linked with the Pennsylvania Department of Health birth certificate data and 1 year readmission records with derived data fields (number of days to admission and number of readmissions). The data will be linked with neighborhood indicators data from Drexel University Urban Health Collaborative to be used for a research study entitled, Neighborhood Opportunity and Racial/Ethnic Disparities in Maternal Morbidity. The study will investigate the association between neighborhood opportunity access—a multi-domain measure of women's social, physical and service environment—as an understudied multi-level factor in relation to racial/ethnic disparities in maternal morbidity.

Evangelical Community Hospital—Nicole Lohr

A 2020 custom inpatient discharge dataset of Regions 4-5 cases with a derived data field (number of days from prior discharge) and standard regional ambulatory/outpatient procedure dataset for Regions 4 and 5 to be used to conduct an internal study of Evangelical Community Hospital's market share and gain a better understanding of the population it serves.

Excelsa Health—Allison Lutz

Standard Statewide 2020 and first quarter 2021 inpatient discharge, ambulatory/outpatient procedure and inpatient and ambulatory/outpatient revenue code detail datasets, prepared by their consultant, Intalere, will be used to develop reports for Excelsa Health to examine state, county and hospitals inpatient and outpatient market share.

Geisinger Health System—Jennifer Goff/Rachel Manotti

Standard Statewide 2020 and first quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets will be used for market demand, market share, patient origin, payer mix and distribution, patient demographics, diagnosis/procedure distribution, facility and physician profile and distribution and trend analysis.

Highmark Health—Daniel Loschiavo

Standard Statewide 2020 inpatient discharge, ambulatory/outpatient procedure and inpatient and ambulatory/outpatient revenue code detail datasets to be used for ongoing operational analysis and planning purposes. Highmark Health will perform analyses of hospitals and surgery centers in western and central Pennsylvania with respect to issues including service offerings,

payer mix, patient travel patterns, facility service areas, provider market shares and trends; and analyses of hospital capacity and utilization, bed counts, revenues and costs and trends. The analyses will relate to regulatory compliance and integrated health care delivery network and financing system efforts to evaluate hospital competition, further develop Allegheny Health Network and offer high-value insurance products.

Hospital and Healthsystem Association of Pennsylvania—Graycen Hunt

A 2020 custom inpatient discharge readmission analysis data report of hospitals' 7-day and 30-day rates, a custom Statewide inpatient discharge dataset with a derived data field (number of days from prior discharge) and a standard inpatient revenue detail dataset. The Hospital and Healthsystem Association of Pennsylvania (HAP) will use the data to conduct ongoing monitoring of statewide, regional and hospital-specific quality outcomes. HAP may, from time to time, release the aggregate results of its quality monitoring research. The readmission analysis data will be used for HAP's Hospital Improvement Innovation Network and future Network of Quality Improvement and Innovation work through Centers for Medicare and Medicaid Services (CMS).

Hospital and Healthsystem Association of Pennsylvania—Sari Siegel, PhD

Standard Statewide 2020 financial data report and 2018 through 2019 restated financial data report to be used by the Hospital and Healthsystem Association of Pennsylvania (HAP) to conduct ongoing monitoring of statewide, regional and hospital-specific financial information and outcomes. HAP may, from time to time, release aggregate results of its monitoring research and they intend to use analysis of the information for member research.

Hunterdon Healthcare—Kim Tennant

A custom 2017 through 2020 inpatient discharge dataset of patients who reside in New Jersey and hospitalized in Region 7, 8 or 9 to be used to help better serve the needs of their community providing quality cost effective health care services in their service area population.

IBM/Truven Health Analytics—Kayla Blanchard/Rolando Rodriguez

Standard Statewide second and third quarter 2020 inpatient discharge and ambulatory/outpatient procedure datasets. IBM will process, standardize and distribute different types of data and statistical analyses to its clients (hospitals, health networks, government agencies, health care providers, payers, consultants, vendors, researchers and the like) through proprietary decision tools, benchmark databases, research, custom studies and other associated products by Internet or PC/CD based, which provide utilization market share, service demand, outcome indicators, assistance in resource allocation and in evaluating benefit plans.

Inspira Health Network—Aileen Seigfried

Standard regional 2016 through 2020 inpatient discharge datasets for Regions 8-9 to be used for market share analysis prepared by their consultant, Advisory Board. The Advisory Board will merge the Pennsylvania data with New Jersey state data admission data to analyze demand by service lines from patients that reside in Inspira Health Network's market.

Jian Strategic Marketing—Heidi Orié

Standard second quarter 2020 through first quarter 2021 Statewide inpatient discharge datasets and regional ambulatory/outpatient procedure datasets for Regions 1—7 to be used to analyze trends in the market for non-profit health care providers. The data will be used for consulting purposes to help guide marketing and communication tactic to providers and consumers.

Lehigh Valley Health Network—Vanessa J. Villaverde

Standard Statewide 2020 and first quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets to be used for service area analyses, competitive analyses, product line trends and analyses and incidence rate comparisons and trends for program development. The data will also be used for research population based health issues, to promote health and well-being of targeted vulnerable populations; internal quality control research; internal resource utilization research; support development of continuum of care research; community based health needs that target chronic illnesses.

LifePoint Health—Jeff Duncan

Standard Statewide third quarter 2019 through third quarter 2020 inpatient discharge datasets, prepared by their consultant, Trilliant Health, to help assess the opportunities and needs in areas that LifePoint Health hospitals operate in and will conduct analysis to help leaders in the company make decisions for the operations of the hospitals.

Main Line Health—Praveen Shanbhag

Standard second through fourth quarter 2020 Statewide inpatient discharge dataset and regional ambulatory/outpatient procedure dataset for Regions 8-9 to be used for market assessments, internal facility and service line planning purposes to evaluate consumer need and identify underserved geographic and clinical areas in Main Line Health's market.

Monongahela Valley Hospital—Patrick J. Alberts/Daniel F. Simmons

Standard regional 2020 and first quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets for Region 1 and Statewide inpatient and ambulatory/outpatient revenue code detail datasets to be used to analyze clinical data to identify gaps in services in order to offer new services to Monongahela Valley Hospital's community.

Mount Nittany Health—Alicia Grube

A custom third quarter 2017 through first quarter 2021 ambulatory/outpatient procedure dataset and 2020 inpatient discharge dataset of patients who reside in Blair, Centre, Clearfield, Clinton, Huntingdon or Mifflin Counties to be used for internal market share analysis.

National Board of Medical Examiners—Jonathan D. Rubright

Standard Statewide 2017 through 2019 inpatient discharges datasets will be merged with United States Medical Licensing Examination (USMLE) historical files and American Medical Association Masterfile to be used for a study entitled, The Relationship Between Physician Licensure and Later Performance in Practice, to understand the relationship between quality of care metrics and performance on the USMLE.

**Nemours/Alfred I. DuPont Hospital for Children—
Stacey Milunsky**

Custom 2015 through 2020 inpatient discharge dataset for obstetric delivery cases and a custom 2019 through 2020 inpatient discharge and ambulatory/outpatient procedure dataset for pediatric cases with an age group indicator to be used to understand the market forces to help support the development of strategic programs, services and new locations of care to better support the needs of the patients and communities Nemours/Alfred I. DuPont Hospital for Children serve.

**New York University Grossman School of Medicine—
Dr. George Thurston**

Standard regional 2013 through 2019 inpatient discharges datasets for Regions 1 and 3 to be used for a study entitled, An Evaluation of the Health Impact of the Closure of a Coking Operation on Local Residents—An Interrupted Time Series Analysis, which will evaluate the health benefits of the reduction in air pollution by linking the data with air pollution measurements from the EPA Chemical Speciation Network and use an interrupted time-series analysis to evaluate the health effects of changes in ambient air pollution constituents on clinical outcomes.

North Pointe Surgery Center—Kaci Roberts

Standard 2019 through 2020 regional inpatient discharge and ambulatory/outpatient procedure datasets for Regions 5 and 7, Statewide inpatient and ambulatory/outpatient revenue code detail datasets and 2019 financial data report. These data will be developed into reports by North Pointe Surgery Center's contractor, Seisan, for them to utilize for strategic planning related to growth, recruitment, market share and addition of service lines over the next 5 years. With assistance from their contractor, TRUE Real Estate, they will use the data to understand their patient's demographics.

OSS Health—Tricia Wolf

Custom fourth quarter 2019 inpatient discharge and ambulatory/outpatient procedure Musculoskeletal related cases for patients who reside in Region 5 or, were treated at hospitals and ambulatory surgery centers in Region 5 to be used for studying Southwestern Pennsylvania Region 5 analysis of populations health/value-based musculoskeletal care. OSS Health will conduct a competitive research study and analysis of patient access, cost and outcomes of OSS Health's physicians, hospitals and ancillaries versus other health care networks in the similar service area.

Penn Highlands Healthcare—Gregory P. Bauer

Standard Statewide 2020 inpatient discharge, ambulatory/outpatient procedure and inpatient and ambulatory/outpatient revenue code detail datasets, prepared by Penn Highlands Healthcare's consultant, Intalere will use the data to develop market share reports for preparation of strategic plans as well as in the development of physician recruitment plans for Penn Highlands Healthcare.

Penn State College of Medicine—Chan Shen

Custom 2015 through 2018 inpatient discharge dataset, reuse 2011 through 2014 inpatient discharge dataset and a custom 2010 through 2020 inpatient discharge dataset of Pennsylvania adult resident cases from an acute care hospital with their 30-day readmission records through first quarter 2021 records with derived and indicator data fields (number of days to admission and readmission

flag). The data will be used for a research study, Determinants of Readmissions Among Patients with and without Co-occurring Conditions, which will study trends and determinants of readmissions for hospitalized patients. Data analysis results will be used in some form of publication.

**Penn State Hershey Health System—Veronica
Barone/Joshua Campos**

Standard Statewide 2020 inpatient discharge and ambulatory/outpatient procedure datasets, prepared by Penn State Hershey Health Systems consultant, Advisory Board Market Innovation Center, to provide them with analysis of utilization, disease and procedure incidence, market analysis and strategic planning for the improvement of health care services provided by Penn State Health. Reports created from the data may be shared with outside counsel/consultants as part of the strategic planning process.

Pennsylvania Department of Health—Brian Wright

Standard Statewide 2019 inpatient discharge dataset to be used for the Prescription Drug Monitoring Program Office (PDMPO) and the Department of Drug and Alcohol Program (DDAP). The data will be used to fulfill grant requirements, monitor program progress, identify needs, evaluate the impact of drug overdose prevention activities and respond to requests for aggregate data. PDMPO and DDAP may use the data to produce ad-hoc aggregate drug-related reports such as, fact sheets or profiles of geographical areas to present to legislative members or the public, time series analysis to track health outcomes and measure program successes, data maps, dashboards and data requests.

PDMPO will create aggregated reports for the interactive data report and working with the University of Pittsburgh, data will be used for developing and executing a proposal for using analysis, statistics and machine learning techniques to identify at-risk patients and drug abuse and overdose patterns; produce an algorithm for determining the probability of prescription misuse and overdose events to produce notifications in the PDMPO system that assist health care providers in identifying patients at high-risk for substance misuse and overdose events and connect these patients with substance abuse treatment as needed; create localized "heat maps" and reports for county and municipal health departments; create reports designed for targeted naloxone distribution for the Pennsylvania Opioid Command Center; and evaluate the impact and effectiveness of overdose prevention activities. DDAP will report the number of opioid overdose-related hospital admissions for the Strategic Prevention Framework for Prescription Drugs grant.

Standard Statewide 2020 inpatient discharge dataset to be used for the Bureau of Health Promotion and Risk Reduction (BHPRR) Division of Violence Prevention Program and Division of Nutrition and Physical Activity programs and DDAP. BHPRR will use the data to help identify groups at high risk for injury, specific injury topics and identifying risk factors and effective injury prevention, planning and evaluation strategies; produce various injury reports, asthma related reports and burden of chronic disease reports; respond to requests for aggregate data pertaining to injury, chronic diseases, drug overdoses and the like; and disseminate in aggregate on the Departments of Health's EDDIE system and dashboard. DDAP will use the data to report the number of opioid overdose-related hospital admissions for Strategic-Prevention Framework for Prescription Drugs grant and

create a final evaluation report for the grant and respond to requests for aggregate data. The data may be used to produce ad-hoc aggregate drug-related reports such as, fact sheets or profiles of geographical areas to present to legislative members or the public, time series analysis to track health outcomes and measure program successes, data maps, dashboards and data requests.

Custom 2016 through 2020 inpatient discharge data reports by age group and year to be used by the Division of Health Informatics for Healthy People 2030 objectives. The reports will help address required reporting requirements set by public health grants and funding proposals, track disparities between demographics, as used by the Office of Health Equity and to assess public health in Pennsylvania.

Pennsylvania Department of Health—Carolyn Byrnes/Gina Wiser

Custom 2019 through first quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets with derived data fields (number of days to admission and days to death) for patients with a maternal-related death linked with the Pennsylvania Department of Health 2020 mortality data to be used to assist the Pennsylvania Maternal Mortality Review Committee identify medical records for women who died with a maternal-related death to better understand the issue of maternal mortality and to design and implement interventions to address the causes of maternal mortality.

Pennsylvania Department of Health—Christine Mulgrew, MPH, PhD

A custom 2019 through first quarter 2020 inpatient discharge and ambulatory/outpatient procedure dataset with indicator data fields (match method and procedure performed) for patients with colon surgical procedures linked with the Pennsylvania Department of Health's cohort file will be used to evaluate reporting accuracy and validity of colon surgical procedures that are eligible for infection monitoring according to National Healthcare Safety Network (NHSN) criteria and provide recommendations for improving reporting of procedures to NHSN.

Pennsylvania Department of Health—Sharon Watkins, PhD

A custom fourth quarter 2014 through first quarter 2021 inpatient discharge dataset with derived and indicator data fields (match, match method and number of days to admission) for patients with a novel coronavirus (COVID-19) diagnosis and their 5-year prior inpatient discharge records linked with the Pennsylvania Department of Health National Electronic Disease Surveillance System data for patients diagnosed with COVID-19. The data will be used to capture complete information for surveillance of COVID-19 in this Commonwealth to learn more about hospitalizations race, gender, length of stay and the like, which will provide crucial information to inform the Pennsylvania Department of Health's response to COVID-19 in Pennsylvania.

Pennsylvania Department of Human Services—George Rhyne

Custom third quarter 2018 through second quarter 2019 inpatient discharge dataset from the corrected self-pay database and 2017 through 2019 financial data of the 3-year average percent of uncompensated care to be used to compute payments to hospitals for the Hospital Uncompensated Care and Extraordinary Expense programs established under the Tobacco Settlement Act of 2001.

Custom third quarter 2018 through second quarter 2019 inpatient discharge dataset of records with an MDC 14 or MDC 15 from general acute care hospitals to be used to calculate payments to disproportionate share hospitals under the Pennsylvania State Plan approved by CMS for obstetrical and neonate services.

Pennsylvania Department of Human Services—Mara Perez

Custom third quarter 2019 through second quarter 2020 inpatient discharge dataset of records with an MDC 14 or MDC 15 from general acute care hospitals to be used to calculate payments to disproportionate share hospitals under the Pennsylvania State Plan approved by CMS for obstetrical and neonate services.

Pennsylvania Department of Human Services—Michele Minter

A custom 2016 through 2019 financial data report of hospital's net patient revenue, days, discharges and visits distribution by payer to be used for the Statewide and Philadelphia Hospital Assessment programs.

Pennsylvania Department of the Auditor General—Jo Anne Walchak

Standard Statewide third quarter 2019 through second quarter 2020 inpatient discharge dataset to be used to review data that will be used to calculate Tobacco Settlement entitlements to hospitals in this Commonwealth prior to the Pennsylvania Department of Human Services' calculation of the payment amounts. The Pennsylvania Department of the Auditor General will review data that will be provided to the Pennsylvania Department of Human Services for use in making Uncompensated Care Tobacco Fund payments in 2022.

Pennsylvania Office of Attorney General—Tracy W. Wertz

Standard Statewide 2019 financial data report and 2020 inpatient discharge, ambulatory/outpatient procedure, inpatient revenue and ambulatory/outpatient revenue code detail datasets and financial data report to be used for review of hospital mergers to ensure that the mergers are in compliance with antitrust laws; and the information may be disclosed for official law enforcement purposes or disclosed in litigation related to Federal antitrust laws or other stated and Federal laws. These data may also be shared with the Federal Trade Commission or the United States Department of Justice to be used for investigations that are conducted jointly with the Pennsylvania Office of Attorney General.

Pennsylvania Patient Safety Authority—Shawn Kepner

A custom second through fourth quarter 2020 ambulatory/outpatient procedure data report on the number of surgical cases by surgery center per quarter to be used by the Patient Safety Authority (PSA) in combination with the PSA's PA-PSRS (medical error report) to calculate the rate of error reports per 100 surgical encounters for each facility for PSA to internally determine low-reporting facilities.

A custom second through fourth quarter 2020 inpatient discharge and ambulatory/outpatient procedure data report on the number of cases by hospital will be used in combination with the PSA's PA-PSRS data to produce facility specific and aggregate medical error rate data to improve PSA's analytic capabilities, thereby supporting PSA's overall mission.

**Philadelphia Department of Public Health—
Raynard Washington, PhD, MPH/Claire Newbern,
PhD, MPH**

Standard regional 2020 through first quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8-9 to be used for a variety of analyses that allow tracking of diseases. Data are used for the evaluation of trends in services, estimated cost and outcomes for several conditions (HIV, diabetes, asthma, hypertension, cancer screening, violence-related injuries, influenza-like illness, pelvic inflammatory disease, drug-related, and, if any, emerging infectious diseases and the like) as well as patient demographics for research and policy planning and the Philadelphia Community Health Needs Assessment. The data will be used to examine obstetrical services, high-risk pregnancies and ongoing research of birth outcomes and in needs assessment activities for both Health Start and Title V. Rates of adverse events in individuals receiving vaccinations and individuals not vaccinated will be examined. The data is also used to evaluate the HIV/AIDS surveillance system and as part of Ryan White Part A. Data will be used for descriptive analyses of visits for lead, vector or other environmental exposures. On occasion the results of the analyses may be shared with other city agencies and health advisory groups.

A custom 2013 through 2018 inpatient discharge dataset of patients who reside in Philadelphia County receiving care at a hospital within Region 8 or 9 linked with Pennsylvania Department of Health mortality and birth certificate data. The client will use the data to monitor outcomes of the opioid epidemic and maternal/infant outcomes, as well as, other public health needs. The risk of an overdose death among people with an opioid use disorder will be examined to see if certain factors associated with their hospital stay are associated with higher risk of death. Using information on the birth certificate differences in mom's prenatal care received will be examined between those with a diagnosis of opioid use disorder and those who did not. Maternal factors reported on the death certificate will be reviewed in relationship to infant outcomes such as neonatal abstinence syndrome, premature birth, or premature maternal death.

Philadelphia Inquirer—Dylan Purcell

Standard Statewide 2019 and 2020 inpatient discharge dataset to be used for general use in reporting news articles about Philadelphia-area hospitals.

**Renzi Podiatry/Save Your Soles Campaign—Ronald
M. Renzi, DPM**

A custom 1990 through 2019 inpatient discharge and 1996 through 2019 ambulatory/outpatient procedure dataset for patients who reside in Regions 6—9 with a foot surgery; a custom 2006 through 2009 and 2017 through 2020 inpatient discharge and ambulatory/outpatient procedure dataset for patients with an amputation who reside in Regions 6—9; and a custom 2017 through 2019 inpatient discharge data report of the number of patients by gender and age group and the number of patients with an open or closed vascular surgery grouped by the number of hospitalizations. These data will be used for the Save Your Soles Campaign program sponsored by Abington Memorial Hospital Innovators Foundation, which is to reduce amputations in the Philadelphia area. Trends in amputations will be developed to identify a correlation between foot surgery procedures and amputation rates.

Sg2—Tanya Chin-Fatt

Standard Statewide second through fourth quarter 2020 inpatient discharge dataset will use the data in online platform applications and desktop tools and summary reports. The data will be used in Market Forecast and State Data Analysis Tool software that was developed to support Sg2's client hospitals' long and short term operational and strategic planning efforts. These tools enable their clients to develop 10-year health services demand forecasts by clinical area and geography, to provide them with the ability to project and meet future demands by determining the appropriate allocation of resources and to improve both the quality and availability of health care in the communities they serve. The tools containing this data will be accessible only by authorized users on a secure web-based portal, will be confidential and used only for Sg2's hospital and health system clients.

St. Clair Hospital—Reva Hunt

Standard Statewide 2018 through 2020 inpatient discharge, ambulatory/outpatient procedure and ambulatory/outpatient revenue code detail datasets to be used to determine the hospitals market share across service lines.

Stratasan, LLC—Jason Moore

Standard Statewide 2020 through first quarter 2021 inpatient discharge, ambulatory outpatient procedure and inpatient revenue code detail datasets to be used for market share analysis, product line performance and patient migration patterns. Stratasan will provide analytic services to their hospitals and health care system clients through the aggregation of the data within their multiple analytic software platforms and visualization tools.

Syntellis Performance Solutions, LLC—Erin Copersmith

Standard Statewide 2019 inpatient discharge and inpatient revenue code detail datasets to be used with other states' data to help health-care providers increase the quality of care they provide to their patients by effectively benchmarking their quality, safety, satisfaction, cost and utilization of their peers. The data will be used for creating benchmarks at the APR-DRG and MS-DRG level accessible through files in conjunction with hospital client decision support systems and a web-based tool, Axiom Clinical Analytics for Healthcare.

Temple University Health System—Nicholas Barcellona

Standard Statewide 2017 through 2020 inpatient discharge datasets, prepared by their consultant, Intalere, Inc., will be used for ongoing analysis of market demand for various health care services and healthcare resource management.

**Thomas Jefferson University—Tyler Grenda, MD,
MS**

Standard Statewide 2018 and 2019 inpatient discharges and ambulatory/outpatient procedure datasets will be used for a research study, Understanding Variations in Perioperative Care for Lung Cancer, Esophageal Cancer and Benign Esophageal Disease. The analyses performed using the data will result in peer-reviewed manuscripts focusing on quality and efficiency along the spectrum of care for patients with esophageal cancer, lung cancer and benign esophageal disease.

**University of Pennsylvania—Michael J. Kallan, MS/
Stephen E. Kimmel, MD**

A custom 1999 through 2018 Statewide inpatient discharge dataset with a derived data field (number of days to admission) to be used for a study, Dynamic Prediction Modeling to Improve Clinical Predictions, which is to develop a novel framework for risk assessment that uses sequentially updated information across domains and time to refine prediction models.

**University of Pennsylvania—School of Medicine—
Laurie Norton, MA**

A custom first quarter 2020 inpatient discharge dataset with derived and indicator data fields (number of days to admission, match method and rehab unit) linked with a cohort data file of participants in a randomized controlled trial study of patients at the University of Pennsylvania Health System with congestive heart failure (CHF). The data will be used for a study, RCT of Automated Hovering for Congestive Heart Failure Management, which will test the effectiveness of applying automated hovering to improve outcomes among CHF patients at high risk of readmission.

**University of Pennsylvania—School of Nursing—
Rachel Kelz, MD**

Standard Statewide 2018 inpatient discharge dataset and re-use 2012 and 2017 inpatient discharge dataset will be used to continue their study, Surgical Provider Characteristics Using Patient Outcomes, which will identify provider factors that lead to variations in surgical patient outcomes across both inpatient and outpatient settings. The data will be combined with other states data and linked with the American Medical Association Masterfile from the American Medical Association and Hospital Compare from the CMS to gain a better understanding of the unique contributions of each provider characteristic that will assist providers with their quality improvement initiatives and hiring decisions. The association between provider characteristics (surgeon descriptors and residency program, hospital descriptors) and clinical outcomes (mortality, complications, prolonged length of stay and failure to rescue) will be evaluated as well as the association between provider characteristics and financial outcomes (length of stay, total cost of hospitalization and discharge status).

**University of Pittsburgh—Mary Patricia Nowalk,
PhD**

A custom third quarter 2015 through third quarter 2018 inpatient discharge data reports by age groups, gender, race, insurance type and condition, which include Pennsylvania Department of Health mortality data to use for a research study entitled, Epidemiology, Burden and Cost of RSV Infection in Adults in Allegheny County, PA: A Retrospective Cohort Study, which will evaluate the epidemiology, burden of illness and cost of respiratory syncytial virus infection in adults over three seasons in Allegheny County, PA.

**University of Pittsburgh Graduate School of Public
Health—Christina Mair, PhD**

Standard Statewide 2016 through 2020 inpatient discharge dataset and a custom 2017 through first quarter 2020 inpatient discharge dataset of mom delivery records in 2018 with an opioid use disorder at time of delivery with one-year prior and one-year post-delivery records. The data will be merged with US Census, SMSHA's Behavioral and Treatment Services Locator, WIC Clinic Locations and Pennsylvania Department of Human Ser-

vices Medical marijuana dispensary locations to be used for a research study, Social Ecological Contexts of Opioid Overdose and Hospitalizations in Pennsylvania. The researchers will examine individual, social and spatial contexts of the opioid epidemic in this Commonwealth. Specifically, the data will be used to investigate the contextual factors impacting opioid-related hospitalizations and overdoses.

**University of Pittsburgh Graduate School of Public
Health—Lindsay Sabik, PhD**

Standard Statewide 2010 through first quarter 2021 inpatient discharge dataset will be used for a study entitled, Impacts of Recent Payment, Coverage and Systems Changes on Patterns of Care Delivery and Disparities in Care, which will assess the impacts of recent health care provider payment, patient insurance coverage and health care systems changes on access to and quality of care in this Commonwealth, as well as how these changes have impacted disparities in care by race/ethnicity, geography and socioeconomic status. Further, research will be performed to understand how the unanticipated and unprecedented changes to care under COVID-19 impacted providers and patients and whether recent policy changes or hospital organizational characteristics mitigated the impact of COVID on facilities and their patients.

**University of Pittsburgh Medical Center—Matthew
W. Michaels**

Standard Statewide second quarter 2020 through first quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets to produce various research reports including: patient origin for University of Pittsburgh Medical Center (UPMC) hospitals, UPMC market share in various geographies and for various service lines, utilization trends in volume and market share over different time periods and physician volumes at UPMC and other hospitals.

Veralon Partners, Inc.—Clare O'mara

A custom 2017 through 2020 ambulatory/outpatient procedure data report of cases by year, facility, zip code area and service to understand trends in outpatient utilization by service category for potential opportunities for Grand View Health and Doylestown Health to better serve the health care needs of their community.

Weill Cornell Medicine—Angelica Meinhofer, PhD

Standard Statewide 2005 through 2018 inpatient discharge datasets to be used for a study entitled, The Impact of State Policies for Reducing Drug Use, which the focus of the study is to estimate the impact of health and drug policies on maternal health behaviors, on infant health outcomes and health behaviors of other populations.

WellSpan Health—David Kimpel

Standard Statewide second quarter 2020 through first quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets to use for an internal assessment of the delivery of health care services within the region WellSpan Health serve and beyond for comparative purposes. Service area utilization of services and analysis are the primary purpose for them to obtain the data.

West Virginia University Medicine—Nancy Vest

Standard Statewide 2020 inpatient discharge dataset used to assess and analyze market conditions for West

Virginia University Medicine's facilities located in this Commonwealth and bordering counties in this Commonwealth.

BARRY BUCKINGHAM,
Executive Director

[Pa.B. Doc. No. 22-398. Filed for public inspection March 11, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of Proposed Merger of Highmark Select Resources, Inc. with and into Highmark, Inc.

An application has been received requesting approval of the merger of Highmark Select Resources, Inc., a Pennsylvania domestic stock life insurance company with and into Highmark, Inc., a Pennsylvania domestic nonprofit health plan corporation. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, syerger@pa.gov. Comments received will be forwarded to the applicant for an appropriate response.

MIKE HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-399. Filed for public inspection March 11, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for Plan Approval of a Mutual-to-Stock Conversion

Everett Cash Mutual Insurance Company, a Pennsylvania domiciled mutual property insurance company, has submitted a Plan of Conversion which provides for conversion from a mutual property insurance company to a stock property insurance company and for the formation of a mutual holding company. The filing was made under the Insurance Company Mutual-to-Stock Conversion Act (40 P.S. §§ 911-A—929-A).

Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Depart-

ment of the exact basis of the statement. Written statements must be e-mailed to Lori Bercher, lbercher@pa.gov.

Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

MIKE HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-400. Filed for public inspection March 11, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Autism Spectrum Disorders Coverage—Maximum Benefit Adjustment; Notice 2022-04

Section 635.2 of The Insurance Company Law of 1921 (40 P.S. § 764h) requires:

After December 30, 2011, the Insurance Commissioner shall, on or before April 1 of each calendar year, publish in the *Pennsylvania Bulletin* an adjustment to the maximum benefit equal to the change in the United States Department of Labor Consumer Price Index for All Urban Consumers (CPI-U) in the preceding year, and the published adjusted maximum benefit shall be applicable to the following calendar years to health insurance policies issued or renewed in those calendar years.

The CPI-U change for the year preceding December 30, 2021, was an increase of 7.0%. Accordingly, the maximum benefit, previously adjusted to \$42,811 per year, is hereby adjusted to \$45,808 for policies issued or renewed in calendar year 2023.

Questions regarding this notice may be directed to the Bureau of Life, Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, ra-rateform@pa.gov.

MIKE HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-401. Filed for public inspection March 11, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Continental Casualty Company; Rate Increase Filing for Individual LTC Forms P1-15203-A37/-A87, P1-18215-A37/-A87 and P1-18876-A37/-A87 (SERFF # CNAB-133114867); Rate Filing

Continental Casualty Company is requesting approval to increase the premium an aggregate 31% on 588 policyholders with individual LTC forms P1-15203-A37/-A87, P1-18215-A37/-A87 and P1-18876-A37/-A87.

Unless formal administrative action is taken prior to May 27, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to Valerie Romig, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, vromig@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-402. Filed for public inspection March 11, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Continental Casualty Company (SERFF # CNAB-133114869); Rate Increase Filing for Several LTC Forms; Rate Filing

Continental Casualty Company is requesting approval to increase the premium an aggregate 45.7% on 2,569 policyholders with individual LTC forms P1-21295-A37/-A87, P1-21300-A37/-A87, P1-21305-A37/-A87, P1-N0022-A37/-A87/-B37/-B87, P1-N0023-A37/-A87/-B37, P1-N0026-A37/-A87/-B37/-B87, P1-N0027-A37/-A87/-B37, P1-N0030-A37/-A87, P1-N0031-A37/-A87 and P1-N0034-A37/-A87.

Unless formal administrative action is taken prior to May 27, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to Michael Hibbert, Actuarial Associate, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, mhibbert@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-403. Filed for public inspection March 11, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Continental Casualty Company (SERFF # LTCG-133166533); Rate Increase Filing for Several LTC Forms; Rate Filing

Continental Casualty Company is requesting approval to increase the premium an aggregate 19.9% on 2,900 policyholders of group LTC forms P1-43636-A (called GLTC1) and SR-LTCP (called GLTC2).

Unless formal administrative action is taken prior to May 27, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to Sean Carmody, Actuary,

Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120 scarmody@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MIKE HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-404. Filed for public inspection March 11, 2022, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Assessment Approval for PENNVEST Funding Consideration

Scope: Clean Water and Drinking Water State Revolving Fund Projects for April 20, 2022, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board Meeting Consideration

Description: PENNVEST, which administers the Commonwealth's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection's (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the projects will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by Monday, April 11, 2022. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/ecomment. Written comments can also be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, riwright@pa.gov, or visit the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx.

Comments received during the comment period, along with the Department's comment and response document, will be available on the Department's web site at www.dep.pa.gov.

pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx.

Upon approval, the full list of approved projects and their costs can be found in a press release on PENNVEST's web site at www.pennvest.pa.gov.

CWSRF Projects Being Considered:

<i>Applicant:</i>	Hartleton Borough
<i>County:</i>	Union
<i>Applicant Address:</i>	375 Southpointe Boulevard Canonsburg, PA 15317

Project Description: The existing 23,000 gallons per day steel extended air treatment plant is proposed to be replaced with a precast concrete activated sludge plant utilizing the Modified Ludzack-Ettinger process. A new fine screen will be located in the headworks and an ultraviolet disinfection system and a new flow meter will be installed at the end of the new treatment process. The pumps, floats and associated equipment will be replaced in-kind at the pump station (ps). The treatment building will also be upgraded to meet current codes and extend structural life, including a new roof, soffit and fascia.

Problem Description: The existing Hartleton Borough sewage treatment plant is approaching the end of its useful life. The existing steel package plant, originally installed in 1994, has heavy rust and corrosion to the point of questionable structural integrity. The age of components is also causing issues with meeting permit discharge requirements. Similarly, the ps pumps, float system, and controls have reached the end of useful life and various structural items associated with the treatment building need to be replaced or upgraded to ensure the longevity of the structure. Environmental benefits include reducing the potential of untreated or inadequately treated sewage discharged to Cold Run.

DWSRF Projects Being Considered:

<i>Applicant:</i>	City of Lock Haven
<i>County:</i>	Clinton
<i>Applicant Address:</i>	20 East Church Street Lock Haven, PA 17745

Project Description: The City of Lock Haven is planning on completing upgrades and improvements to the existing Ohl Dam. The project will consist of construction of the dam crest parapet wall and raising spillway walls, replacement of the spillway terminal structure, replacement of the intake bridge, construction of a lower reservoir access road and construction of a structure above the intake tower to house the valve operators. Rehabilitation of the existing spillway chute including repairs to the spillway slab and replacement of the sections of the spillway walls where applicable will take place. The project will also include rehabilitation of the intake tower including the new gate valves and repair of any necessary concrete.

Problem Description: This project intends to address issues found in the October 2016 Ohl Dam Evaluation Report. The report concluded that "The intake structure, gates, valves, equipment and access bridge should be renewed or replaced due to their age, deterioration and expected usefulness. The bridge, piers and bearing at the upper portion of the intake structure are no longer structurally sufficient and should be replaced. The intake

structure below normal water level must be either repaired or modified to be a "wet" intake structure, through the use of new slide gates and wall openings. Under further recommendation that the spillway slab and portions of the walls be repaired or replaced where applicable." The proposed project will strengthen the dam and will improve safety of the downstream population and improve consistent raw water source for the City of Lock Haven.

PATRICK McDONNELL,
Secretary
Department of Environmental Protection
BRION JOHNSON,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 22-405. Filed for public inspection March 11, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
February 24, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language; M-2022-3030286

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal

proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of February 15, 2022, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2016-2535547	APPLIED ENERGY PARTNERS, LLC	2/8/2022	Yes
A-2011-2234410	ENGIE INSIGHT SERVICES, INC.	1/26/2022	Yes
A-2011-2276675	NATIONAL1 ENERGY, LLC	1/16/2022	Yes
A-2017-2634225	OUR ENERGY MANAGER, LLC	10/2/2021	Yes
A-2012-2289792	RJT ENERGY CONSULTANTS, LLC	2/6/2022	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2022-3030286 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: February 24, 2022

ORDER ENTERED: February 24, 2022

[Pa.B. Doc. No. 22-406. Filed for public inspection March 11, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Net Metering—Use of Third-Party Operators

Public Meeting held
February 24, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

Net Metering—Use of Third-Party Operators;
Doc. No. M-2011-2249441

Order

By the Commission:

With the passage of the Alternative Energy Portfolio Standards Act of 2004¹ (AEPS Act), this Commonwealth embarked on a policy of promoting alternative generation sources. The Commission has been steadfastly committed to making sure the AEPS Act successfully meets the legislative policy goal of promoting reasonable alternative energy. To further this commitment, the Commission, in a Final Order,² adopted as the policy of the Commission to interpret the term “operator” in the definition of “customer-generator” as including customer-generators with distributed alternative energy systems that contract with a third party to perform the operational functions of the system provided the size of the system was designed to produce no more than 110% of the customer’s annual electric consumption. For the reasons expressed in this Order the Commission withdraws this policy and it will no longer be the policy of the Commission to limit third-party owned and operated systems to 110% of the customer-generator’s annual electric consumption.

Discussion

A. Background

On March 29, 2012, the Commission entered a Final Order that interpreted the term “operator” in the definition of “customer-generator” in the Alternative Energy Portfolio Standards (AEPS) Act, 73 P.S. §§ 1648.1—1648.9, to include customer-generators with distributed Alternative Energy Systems (AES) that contract with a third party to perform the operation functions of the system. See Net Metering Policy Order. The Commission adopted, as policy, a size limitation of 110% for net-metered AESs owned and operated by third parties that are interconnected and placed on property owned or leased and operated by an electric utility customer. Id. at 8. This 110% limitation was intended to be used as criteria in designing a system that is installed as part of the third-party business model, and it does not apply to those systems directly owned or operated by a customer-generator who is not using the third-party owner or operator model. Id. at 8-9. The Commission did not include a kilowatt-hour output restriction on systems utilizing the third-party owner/operator business model.

In the Net Metering Policy Order, the Commission noted that it believed that the 110% design criterion

would be a reasonable way to limit the possibility of merchant generators posing as customer-generators. Id. at 8. The Commission noted that this policy was intended to permit customer-generators who chose to contract with a third-party to own and operate an AES located on property owned or leased and operated by that customer-generator to virtual net meter in the same manner as if that customer-generator owned or operated the AES.

The Commission’s policy adopted in 2012 is rooted in the Commission’s concerns over merchant generators obtaining retail value for excess energy from oversized AESs. After adopting this policy in 2012, the Commission adopted regulations that sought to further preclude large merchant generators posing as customer-generators from receiving full retail value under net metering. In 2016, the Commission made amendments to its regulations in relation to the AEPS Act. The Commission added the definitions “customer-generator” and “utility” to Section 75.1 of the Commission’s regulations to limit the entities who qualified for net metering. 52 Pa. Code § 75.1. See also Implementation of the Alternative Energy Portfolio Standards Act of 2004, Docket No. L-2014-2404361 at 11-20 (Order entered October 27, 2016). The Commission amended Section 75.12 to clarify the definition of virtual net metering by adding the requirement for independent load at each site where an AES is installed. The Commission also defined “independent load” in Section 75.13(a)(1) as electric load having a purpose other than to support the operation, maintenance, or administration of the AES. 52 Pa. Code § 75.13(a)(1).

B. Commonwealth Court’s Opinion

The Commonwealth Court declared the regulations at 52 Pa. Code §§ 75.12 (definition of virtual meter aggregation where we added references to independent load) and 75.13(a)(1) to be invalid and unenforceable. *Hommrich v. Pa. Pub. Util. Comm’n.*, 231 A.3d 1027 (Pa. Cmwlth. 2020). Further, the Court found the definitions of “customer-generator” and “utility” in 52 Pa. Code § 75.1 to be invalid and unenforceable. Id. at 1040. The Court found the three remaining regulations that were challenged—52 Pa. Code §§ 75.13(a)(5), 75.16, and 75.17—to be valid and enforceable. Id. at 1043-44.

The Court found that Section 5 of the AEPS Act, 73 P.S. § 1648.5, grants legislative rule-making authority to the Commission to establish “technical and net metering interconnection rules for customer-generators” intending to own and operate qualifying AESs. Id. at 1040. The Court noted that legislative rulemaking by an administrative agency—as opposed to interpretive rule-making—is an exercise of legislative power that has the effect of law when it is (1) within the legislative power granted by the General Assembly; (2) issued pursuant to proper procedure; and (3) reasonable. Id. at 1034 (quoting *Popowsky v. Pa. Pub. Util. Comm’n.*, 910 A.2d 38, 53 (Pa. 2006)). The Court further noted that all regulations “must be consistent with the statute under which they were promulgated.” Id. Both parties agreed that the regulations at issue were adopted pursuant to proper procedure, so the Court focused its analysis on the two remaining prongs: the Commission’s authority to issue the regulations and whether the regulations are reasonable. Id.

The Court held that under Section 5 of the AEPS Act, the General Assembly conferred relatively narrow authority on the Commission to “develop technical and net

¹ 73 P.S. §§ 1648.1—1648.8 and 66 Pa.C.S. § 2814.

² See Final Order entered on March 29, 2012, under the above referenced caption and docket number (Net Metering Policy Order).

metering interconnection rules for customer-generators” intending to operate alternative energy systems. *Id.* at 1035 (citing 73 P.S. § 1648.5). This, according to the Court, did not represent a “broad grant of authority to do whatever is necessary to effectuate” the AEPS Act. *Hommrich*, 231 A.3d at 1036.

The Court held that the Commission does not have general legislative rule-making authority to promulgate and enforce the challenged net metering regulations under the Public Utility Code, 66 Pa.C.S. §§ 501, 502, 508, 701, 1501, 1504, 2807(e), and 3301(a). *Id.* at 1037. The Court recognized the Commission’s broad authority to regulate public utilities under the Public Utility Code; however, the Court found that the customer-generators at issue here are not public utilities. *Id.* As such, the Court held that the Commission’s authority derives solely from the AEPS Act under which its authority is limited to developing technical and net metering interconnection rules. *Id.*

The Pennsylvania Supreme Court’s order entered on February 17, 2021, affirmed the Commonwealth Court’s opinion and order, thus establishing the Commonwealth Court’s opinion as the final authority on the validity of the Commission’s regulations at issue. *Hommrich*, 245 A.3d 637. Accordingly, the Commission’s regulations at 52 Pa. Code §§ 75.12, 75.13(a)(1) and its definitions of “customer generator” and “utility” at 52 Pa. Code § 75.1 are invalid and unenforceable.

C. Disposition

The Commonwealth Court’s review in *Hommrich* of the Commission’s regulations considered whether the Commission’s regulations differed from the statute. The Court noted that the General Assembly conferred narrow rule-making authority to the Commission in Section 5 of the AEPS Act which authorizes the Commission to “develop technical and net metering interconnection rules for customer-generators intending to operate renewable on-site generators in parallel with the electric utility grid. . . .” *Hommrich*, 231 A.3d at 1035 citing 73 P.S. § 1648.5. The court noted that the AEPS Act did not give the Commission broad authority to do whatever is necessary to effectuate the enabling statute. *Id.*

The Commonwealth Court made a finding that is directly relevant to the Commission’s Net Metering Policy Order. The Court noted that while it recognizes the Commission’s broad authority in regulating public utilities under the Public Utility Code it determined that it was not dealing with “public utilities” in *Hommrich* with respect to customer-generators. *Id.* at 1037. It determined that the AEPS Act applies to “customer-generators,” which by definition are not public utilities. *Id.* The Court relied on this rationale in its holding that the Commission’s authority to regulate customer-generators derives solely from the AEPS Act, and not the Public Utility Code. *Id.*

The Net Metering Policy Order sets forth how the Commission views third-party net metering entities and imposes a design criterion of a system not exceeding 110% of the customer-generator’s electric needs. Like the Commission’s regulations requiring “independent load” and defining “utility” and “customer-generator” the Court would likely apply the same review on the Commission’s policy statement as imposing a requirement that is not

otherwise provided for in the AEPS Act. As the Commonwealth Court has held in *Hommrich* that the Commission’s authority over net metering derives exclusively from the AEPS Act the Commission’s policy statement would also be reviewed in this vane.

The AEPS Act does not define third-party entities and it further does not impose any limitations on the sizes of AESs in relation to the electric needs of customer-generators. The AEPS Act simply defines a customer-generator, in relevant part, as:

A nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations[.]

73 P.S. § 1648.2 (“customer-generator”).

The Net Metering Policy Order alters the AEPS Act’s “customer-generator” definition in two ways. First, the Commission announced it would recognize third-party operators as “operators” under the AEPS Act’s definition of “customer-generator.” Net Metering Policy Order at 6-7. Second, it announced that the size of a third-party owned AES had to be designed to provide no more than 110% of the energy needs at the site of interconnection. *Id.* at 8-9. Based on the reasoning in *Hommrich*, the policy set forth in the Commission’s Net Metering Policy Order would likely be stricken as invalid if challenged in court. Accordingly, it will no longer be the policy of the Commission to limit third-party owned and operated systems to 110% of the customer-generator’s annual electric consumption.

Conclusion

For the reasons set forth herein, the Commission withdraws the policy set forth in the Net Metering Policy Order and it will no longer be the policy of the Commission to limit third-party owned and operated systems to 110% of the customer-generator’s annual electric consumption. The Commission therefore enters this order to withdraw its Net Metering Policy Order at this docket; *Therefore*,

It Is Ordered That:

1. The Commission’s policy statement announced in its final order at Net Metering—Use of Third-Party Operators, Docket No. M-2011-2249441 (Order entered March 29, 2012) is withdrawn.
2. It is no longer the policy of the Commission that net metered alternative energy systems owned and operated by third parties that are interconnected and placed on property owned or leased and operated by an electric utility customer be designed to generate no more than 110% of that utility customer’s annual electricity consumption, at the interconnection meter location and all qualifying virtual meter locations.
3. It is no longer the policy of the Commission that customer-generators with third-party owned and operated systems shall provide with the interconnection application adequate supporting data to demonstrate that the alternative energy system is designed to provide no more than 110% of the customer-generator’s annual electric usage at all qualifying meter locations.

4. The Secretary serve a copy of this Order on the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation and Enforcement, and all electric distribution companies.

5. The Law Bureau shall publish a copy of this Order in the *Pennsylvania Bulletin*.

6. This Docket be marked Closed.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: February 24, 2022

ORDER ENTERED: February 24, 2022

[Pa.B. Doc. No. 22-407. Filed for public inspection March 11, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of the Creekside Homeowner's Association for Declaratory Order regarding the Provision of Water Service to the Unit Owners of the Creekside Homeowners Association; Doc. No. P-2022-3030952

The Creekside Homeowner's Association (Association) has petitioned the Pennsylvania Public Utility Commission (Commission) for a declaratory order under 52 Pa. Code § 5.42 (relating to petitions for declaratory orders)¹ concluding that the Association is a bona fide cooperative association within the meaning of 66 Pa.C.S. § 102 (relating to definitions) and that its provision of water treatment and distribution services to its members, therefore, does not constitute public utility service. Further, the Association seeks a finding from the Commission that at no point during the period that the developer, from whom the Association acquired the water system, owned and operated the water system did the water system provide water service to the public.

In accordance with 52 Pa. Code §§ 5.61—5.66 (relating to answers), answers and petitions to intervene must be filed and served on or before 20 days after this notice is published in the *Pennsylvania Bulletin*, and replies must be filed and served on or before 40 days after this notice is published in the *Pennsylvania Bulletin*. 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 counsel for the Association. Electronic filing and service is available by obtaining 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>. The documents filed in support of the Association's petition are available for inspection and copying at the Commission's Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the Association's business

¹ The reference in Section 5.42 to the "Office of Trial Staff" has been superseded to be a reference to the Commission's Bureau of Investigation and Enforcement.

address. Additionally, the documents may be viewed and downloaded on the Commission's web site at www.puc.pa.gov.

Petitioner: Creekside Homeowner's Association, 2760 Charlestown Road, Lancaster, PA 17603

Through and By Counsel for the Association: Erica R. Townes, Esq. (PA ID # 324907), Barley Snyder, LLP, 100 East Market Street, York, PA 17402, (717) 718-7580, etownes@barley.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-408. Filed for public inspection March 11, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition to Initiate a Proceeding to Issue a Policy Statement on Electric Utility Rate Design for Electric Vehicle Charging; Doc. No. P-2022-3030743

On February 4, 2022, ChargeVC-PA filed a petition under 52 Pa. Code § 5.41 (relating to petitions generally) requesting that the Pennsylvania Public Utility Commission (Commission) initiate a proceeding that will result in the issuance of a Policy Statement on electric utility rate design for electric vehicle charging in this Commonwealth. The Petition is available on the Commission's web site at <https://www.puc.pa.gov/pcdocs/1733312.pdf>. Before addressing the substance of this petition, the Commission seeks comments preliminarily addressing whether to initiate such a proceeding and the parameters of the proceeding, if opened.

Accordingly, the Commission hereby requests comments to the ChargeVC-PA petition. Comments must be filed by the close of business on April 11, 2022, which is 30 days after the date this letter will be published in the *Pennsylvania Bulletin*. Reply comments must be filed by the close of business on May 11, 2022, which is 30 days after the date comments are due. Comments and reply comments must reference the above Docket Number.

Interested parties are encouraged to efile their comments. Information on how to efile comments can be found on the Commission's web site at www.puc.pa.gov/filing-resources/efiling/. Alternatively, comments may be submitted by mail to the Commission at: Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.

The contact person for this matter is Assistant Counsel Joseph Cardinale at jcardinale@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-409. Filed for public inspection March 11, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Modifications to the Review of Voluntarily Negotiated Interconnection Agreements Pursuant to 47 U.S.C. § 252(e)(2) and Implementation of the Telecommunications Act of 1996

Public Meeting held
February 24, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

Proposed Modifications to the Review of Voluntarily Negotiated Interconnection Agreements Pursuant to 47 U.S.C. § 252(e)(2); M-2022-3030709 and Implementation of the Telecommunications Act of 1996; M-00960799

Tentative Opinion and Order

By the Commission:

Through this Tentative Opinion and Order, the Commission requests comments to our proposed action to modify the current practice to approve those interconnection agreements (ICAs) and ICA amendments that have been voluntarily negotiated between a requesting telecommunications carrier (typically, a competitive local exchange carrier or CLEC) and an incumbent local exchange carrier (ILEC) pursuant to the federal Telecommunications Act of 1996 (TA-96), 47 U.S.C. § 252(e)(1). Under current Commission practice, such voluntarily negotiated ICAs and amendments are approved through consideration of the item at a scheduled Public Meeting after the filing and publication in the *Pennsylvania Bulletin*, of a Joint Petition for approval filed by the ILEC.

The Commission proposes to modify its current practice of considering voluntarily negotiated ICAs and ICA amendments at Public Meeting by reviewing and approving these ICAs and amendments via a Secretarial Letter that will be issued through a Commission bureau with delegated authority. Comments to this Tentative Opinion and Order shall be requested thirty (30) days after publication in the *Pennsylvania Bulletin*. Parties may submit Reply Comments ten (10) days thereafter.

I. Background

On June 3, 1996, the Commission entered its initial Order implementing in Pennsylvania, provisions of TA-96 addressing, inter alia, the obligations of the state commission in complying with the far-reaching changes in the regulation of telecommunications companies resulting from the law and associated orders of the Federal Communications Commission (FCC). (Implementation Order, Docket No. M-00960799).¹ Included in the Implementation Order were specific procedures and requirements relating to the filing of ICAs for state commission approval. These state commission obligations regarding ICAs arise from Section 252 of TA-96, 47 U.S.C. § 252, specifically 47 U.S.C. § 252(e).

Pursuant to the Implementation Order, at 24–34, the Commission acknowledged that the process of obtaining

an ICA proceeds in three phases: (1) negotiations phase; (2) arbitration phase; and (3) adjudication phase. Id. at 24.

The Implementation Order concluded, with regard to the “adjudication phase,” that “. . . it is clear that the Act [TA-96] envisions that upon resolution of all terms and conditions of interconnection, whether through negotiation and mediation or arbitration, the contracting parties must reduce the agreement to writing and execute the agreement. Pursuant to Section 252(e), the executed agreement must then be filed with the state commission to conduct the adjudication phase of the proceeding.” Id. at 33; (Emphasis Added; note # 17 omitted).

The Implementation Order, after discussing the relevant time periods for state commissions to act on ICAs which are submitted for approval under TA-96, stated the following:

Pursuant to Section 252(c)(4) of the Act [TA-96], the Commission must approve or reject the agreement, consistent with the standard set forth in Section 252(e) by no later than 90 days from filing for negotiated agreements and 30 days from filing for arbitrated agreements. . . . *The Commission will issue an order approving or rejecting each agreement within the required timeframe established by the Act.* Pursuant to Section 252(h), the Commission will make each approved agreement available for public inspection and copying within ten days of the entry date of the Commission’s order finally approving the agreement.

Id., at 34; (Emphasis Added).

State commission approval of an ICA, evidenced by the filing of a final, executed ICA with the state commission, is mandatory. See TA-96 Section 252(e)(1): “Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.” Id.

In the event a state commission does not act within the time frames set forth in TA-96, there are procedures to notify the FCC and the FCC would, thereafter, assume jurisdiction over the ICA under consideration by the parties. See TA-96 Section 252(e)(5)-(6), 47 U.S.C. § 252(e)(5)-(6).

Additionally, Section 252(h) of TA-96 requires that the state commission “. . . shall make a copy of each agreement approved under subsection (e) and each statement approved under subsection (f) available for public inspection and copying within 10 days after the agreement or statement is approved. . . .” See 47 U.S.C. § 252(h) (Emphasis Added). Emphasis on use of the word, “approved,” is noted for purposes of the discussion, below, that TA-96 is only concerned with the end-result, i.e., the final contract document, namely, the ICA.

II. Discussion

The Public Utility Code, 66 Pa.C.S. § 305(c) (Code), provides in pertinent part, “The commission may appoint, fix the compensation of, authorize and delegate such officers, consultants, experts, engineers, statisticians, accountants, inspectors, clerks and employees as may be appropriate for the proper conduct of the work of the commission. . . .”

Review of ICAs and current Commission practice for approval of ICAs that have been voluntarily negotiated indicates that final Commission review and approval at the adjudication phase has become routine, ministerial, and non-policy making. Prior to Commission consider-

¹ See In Re: Implementation of the Telecommunications Act of 1996, Docket No. M-00960799 (Order entered June 3, 1996); 1996 WL 482990 (Pa.P.U.C.) (Implementation Order); also In Re: Implementation of the Telecommunications Act of 1996, Docket No. M-00960799 (Order on reconsideration entered September 9, 1996); Proposed Modifications to the Review of Interconnection Agreements (Order entered May 3, 2004).

ation of the Joint Petition seeking approval, the ILEC and CLEC have negotiated and resolved all outstanding issues for purposes of inclusion into a final document. A Joint Petition for approval of the ICA is then filed, noting that the ICA has memorialized the consensus reached on all outstanding issues and represents the entire agreement of the parties. Thereafter, the Joint Petition (including the ICA) has been published in the *Pennsylvania Bulletin* with an opportunity for comment by non-signatories but interested parties. After this period of time has elapsed, the ICA is scheduled for consideration by the Commission at a Public Meeting. The aforementioned procedure is identically followed for amendments to voluntarily negotiated ICAs.

When presented for Commission review, the standard of review of the state commission of a voluntarily negotiated ICA is narrowly defined by TA-96. The standard for review of a negotiated interconnection agreement is set out in Section 252(e)(2) of TA-96, 47 U.S.C. § 252(e)(2). Section 252(e)(2) provides in pertinent part, that:

(2) Grounds for rejection. The state commission may only reject—

(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that—

(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity. . . .²

The Commission's initial Implementation Order used the word "order" to describe Commission final "approval" of an ICA in its discussion of state commission compliance with TA-96. See Implementation Order at 34 (Emphasis Added): "The Commission will issue an *order* approving or rejecting each agreement within the required timeframe established by the Act [TA-96]."

On review of the pertinent orders involving ICAs that we have issued since the Implementation Order, in conjunction with Commission orders which have delegated authority to bureaus for purposes of, inter alia, administrative efficiency, the Commission concludes that the use of the word, "order" in the original Implementation Order was a generic reference to Commission "approval," that would be consistent with the obligations of state commissions under TA-96. In the context in which we used the word, "order" and on review of Commission delegation order precedent, the word "order" is ambiguous and did not express a definitive Commission intent that all ICAs should be the subject of a Public Meeting item for approval.³

Based on the foregoing, our use of the word "order" in the Implementation Order does not preclude or foreclose delegation of authority to a Commission bureau to "approve" a voluntarily negotiated ICA through a Secretarial

Letter under the conditions and circumstances we address in this Tentative Opinion and Order.⁴

Consistent with the Commission's prior delegations of authority to bureaus, items which are clearly policymaking, rulemaking or adjudicative in nature are not appropriate for delegation to Commission staff and are, accordingly, reviewed by the Commission and resolved at Public Meeting. See Delegation of Additional Authority Regarding Motor Carrier Abandonment and Discontinuance of Service Applications, Docket No. M-2013-2389253 (Order entered November 14, 2013) (2013 Delegation Order). Policymaking, rulemaking and adjudication decisions determine the direction of the agency on key issues and determine the rights and obligations of persons subject to the Commission's jurisdiction. These represent the core functions of the Commission as an administrative agency, and they remain with the Commission. Id.

Conversely, matters which are routine, ministerial and non-policymaking in nature are candidates for delegation to Commission staff. 2013 Delegation Order.

Because the approval of voluntarily negotiated ICAs and amendments thereto pursuant to TA-96, 47 U.S.C. § 252(e)(2), has become routine, ministerial and non-policy making, we propose to delegate authority to a designated Commission bureau to approve the filing.⁵ The bureau designated with this authority will prepare a Secretarial Letter determining whether the Joint Petition for approval of the ICA should be approved or rejected under the standards of TA-96 and whether the final ICA should be submitted to the Commission pursuant to 47 U.S.C. § 252(h). That Secretarial Letter will then be forwarded to the Commission's Secretary's Bureau for formal issuance in lieu of Public Meeting action. The Secretarial Letter will have the same authority as a Commission order. See 2013 Delegation Order, citing *West Penn Power Co. v. Pa. PUC*, 174 Pa. Super. 123, 100 A.2d 110 (1954).

Under this new procedure, due process controls will be maintained. Each Secretarial Letter will note that an affected party may appeal the staff action (approval or rejection of the ICA under TA-96 standards) to the full Commission by filing a Petition for Appeal from actions of staff pursuant to 52 Pa. Code § 5.44 within 20 days after service of notice of the action. Additionally, no other changes to the current practice will be affected. The Joint Petition for approval of the voluntarily negotiated ICA will continue to be published in the *Pennsylvania Bulletin* to allow interested parties to comment as necessary prior to Commission staff action via a Secretarial Letter.

Furthermore, in the event of changes in telecommunications policy, primarily emanating from the FCC, the assigned Commission bureau will exercise discretion and good judgment in determining whether a voluntarily negotiated ICA reflecting such change in federal policy, should nevertheless be placed on a Public Meeting agenda.⁶

² The standard of review for voluntarily negotiated ICAs is more restrictive than for ICAs subject to arbitration. See 47 U.S.C. § 252(e)(b)(4)(C) regarding agreements arrived at through compulsory arbitration. Therefore, parties are incentivized to voluntarily negotiate and resolve outstanding issues in reaching an ICA. See *MCI Communication Corp. v. Bell Atlantic Pennsylvania*, 271 F.3d 491, 500-501 (3d Cir. 2001); cert denied, 537 U.S. 941, 123 S.Ct. 340 (2002) (*MCI v. Bell*).

³ Notwithstanding that the end-result envisioned by TA-96 of the state commission approval of a voluntarily negotiated ICA and an ICA obtained after compulsory arbitration is indistinguishable, this Tentative Opinion and Order solely concerns voluntarily negotiated ICAs and voluntarily negotiated ICA amendments. An arbitrated ICA will have an Initial or Recommended Decision resolving disputed issues. Such Initial or Recommended Decision is subject to the filing of Exceptions. Therefore, this process creates a layer of policy-making for the particular ICA that would not be proper for Secretarial Letter delegation authority to a Bureau.

⁴ We would ask interested parties to comment on the conclusion reached herein. If one disagrees with the conclusion that use of the word "order" in the context in which it was used in the Implementation Order is not ambiguous, the Code provision of Section 703(g), 66 Pa.C.S. § 703(g), provides, in pertinent part, that "the commission may, at any time, after notice and after opportunity to be heard as provided in this chapter, rescind or amend any order made by it." *West Penn Power Company v. Pa. PUC*, 659 A.2d 1055 (Pa. Cmwlth. 1995).

⁵ Under current Commission practice, the Commission's Office of Special Assistants (OSA) is the bureau that has been assigned to prepare draft Opinion and Orders of voluntarily negotiated ICAs for disposition at Public Meeting.

⁶ In certain situations, even a routine matter may be significant and require a Commissioner-level determination on review. When this occurs, the Bureau Director of the designated bureau should place the item on the Public Meeting agenda for full Commission review. See 2013 Delegation Order. The calendar sheet of the Public Meeting agenda item will explain the circumstances regarding the matter. Id.

III. Conclusion

Based on the foregoing, consistent with the authority of the Commission pursuant to 66 Pa.C.S. § 305(c), we issue this Tentative Opinion and Order soliciting comments on whether the approval of voluntarily negotiated ICAs and ICA amendments under TA-96, 47 U.S.C. § 252(e)(2), has become routine, ministerial, and non-policy making, such that the delegation to a Commission bureau to approve or reject such filing via a Secretarial Letter is advisable; *Therefore,*

It Is Ordered That:

1. A Tentative Opinion and Order at Docket No. M-2022-3030709 is, hereby, issued under which we request comments on whether the approval of voluntarily negotiated interconnection agreements under 47 U.S.C. § 252(e)(2), including amendments thereto, has become routine, ministerial, and non-policy making, such that the delegation to a Commission bureau to approve or reject such filing via issuance of a Secretarial Letter in lieu of consideration of the matter at a Public Meeting is advisable.

2. This Tentative Opinion and Order shall be published for comment in the *Pennsylvania Bulletin* and copies served upon all parties having filed pleadings at the above-captioned docket.

3. Interested parties shall file with the Commission's Secretary Bureau, Comments to this Tentative Opinion and Order within thirty (30) days of publication in the *Pennsylvania Bulletin*. Reply Comments may be filed ten (10) days after the date for submission of Comments.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: February 24, 2022

ORDER ENTERED: February 24, 2022

[Pa.B. Doc. No. 22-410. Filed for public inspection March 11, 2022, 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 28, 2022. Filings are recommended to be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by March 28, 2022. 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 appli-

cation, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of persons as described under each application.

A-2022-3030948. Dominic A. Duck, t/a Duck's Transportation (110 Chestnut Street, Howard, Centre County, PA 16841) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Centre County to points in Pennsylvania, and return.

A-2022-3030977. Mercy Ambulance & EMS Inc., t/a Mercy Ambulance, Mercy Fleet & Mercy Group (3021 Franks Road, Suite 8, Huntingdon Valley, Montgomery County, PA 19006) to transport persons, as a common carrier, in paratransit service, from points in Lehigh County, to points in Pennsylvania, and return. *Attorney:* Karen O. Moury, 213 Market Street, 8th Floor, Harrisburg, PA 17101.

A-2022-3031039. Classic Car Service, LLC (275 Glenn Riddle Road, Apartment H-21, Media, Delaware County, PA 19063) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Chester and Delaware to points Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2022-3031119. Zonzon Car Care, LLC (1024 Kerper Street, Philadelphia, Philadelphia County, PA 19111) to transport persons, by motor vehicle, in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

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 persons by *transfer of rights* as described under the application.

A-2022-3030855. Towerdirect, LLC, t/a Towerdirect (P.O. Box 16052, Reading, Berks County, PA 19612-6052) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Berks, to points in Pennsylvania, and return, which is to be a transfer of all rights authorized under the certificate issued at A-6412211, to Southern Berks Regional Emergency Medical Services, Inc., subject to the same limitations and conditions. *Attorney:* Michael Gruin, Esq., 17 North Second Street, 16th Floor, Harrisburg, PA 17101.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2022-3031120. Ride4Health, LLC (1536 Saw Mill Run Boulevard, Pittsburgh, Allegheny County, PA 15210) for the discontinuance and cancellation of its right to

transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Brad Sommer, 6 Market Square, Pittsburgh, PA 15222.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-411. Filed for public inspection March 11, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transmission Lines; Telephonic Prehearing Conference

A-2022-3030969. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation filed under 52 Pa. Code Chapter 57, Subchapter G (relating to Commission review of siting and construction of electric transmission lines) for approval to rebuild the existing Summit-Lackawanna # 1 and # 2 230 kV transmission lines connecting the Summit 230-69 kV substation and the Lackawanna 500-230-69 kV substation in Lackawanna County.

A-2022-3031013. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) (relating to additional powers of certain public utility corporations) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of August and Diana Baker in Dickson City Borough and Scott Township, Lackawanna County for the proposed rebuilding of the Summit-Lackawanna # 1 and # 2 230 kV associated with the proposed Summit-Lackawanna Project is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 22, 2022. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Garrett P. Lent, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601; David B. MacGregor, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601; Michael J. Shafer, Esquire, PPL Electric Utilities Corporation, Two North Ninth Street, Allentown, PA 18101

Telephonic Prehearing Conference

An initial telephonic prehearing conference on the previously-captioned case will be held as follows:

<i>Date:</i>	Tuesday, April 26, 2022
<i>Time:</i>	10 a.m.
<i>Presiding:</i>	Administrative Law Judge Mary Long (412) 565-3550 Fax: (412) 565-5692

At the previously listed date and time, individuals must call into the telephonic prehearing conference. Individuals will not be called by the Presiding Officer.

To participate in the telephonic prehearing conference, individuals must:

- Dial the following toll-free number.
- Enter the PIN number when instructed to do so, listed as follows.
- Speak the individual's name when prompted.

The telephone system will connect individuals to the telephonic prehearing conference.

Toll-free Conference Number: (866) 566-0649
PIN Number: 83345259

Individuals who require an interpreter to participate in the telephonic prehearing conference, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the prehearing conference to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania Hamilton Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

The Commission offers a free eFiling Subscription Service, which allows users to automatically receive an e-mail notification whenever a document is added, removed or changed on the Commission web site regarding a specific case. Instructions for subscribing to this service are on the Commission's web site at http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-412. Filed for public inspection March 11, 2022, 9:00 a.m.]

RURAL HEALTH REDESIGN CENTER AUTHORITY

Auditor's Report and Financial Statement

In accordance with the Pennsylvania Rural Health Redesign Center Authority Act (act) (35 P.S. §§ 449.111—449.201), the Pennsylvania Rural Health Redesign Center Authority (Authority) gives notice of the Authority's independent Auditor's Report and Financial Statements for the fiscal year ended June 30, 2021. Under section 303(e) of the act (35 P.S. § 449.133(e)), a copy of the Authority's financial statement and the authority's audit must be published annually in the *Pennsylvania Bulletin*.

GARY ZEGIESTOWSKY, MBA,
Executive Director

Rural Health Redesign Center Authority (Component Unit of the Commonwealth of Pennsylvania)

Independent Auditor's Report and Financial Statements

June 30, 2021

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
June 30, 2021

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Independent Auditor's Report

Board of Directors
Rural Health Redesign Center Authority
Harrisburg, Pennsylvania

Report on the Financial Statements

We have audited the accompanying financial statements of the Rural Health Redesign Center Authority (Authority), a component unit of the Commonwealth of Pennsylvania as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Authority's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Authority, as of June 30, 2021 and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we also have issued our report dated December 15, 2021, on our consideration of the Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Authority's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Authority's internal control over financial reporting and compliance.



Pittsburgh, Pennsylvania
December 15, 2021

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Management's Discussion and Analysis
Year Ended June 30, 2021

Introduction

This management's discussion and analysis of the financial performance of Rural Health Redesign Center Authority (Authority) provides an overview of the Authority's financial activities for the year ended June 30, 2021. It should be read in conjunction with the accompanying financial statements of the Authority.

Financial Highlights

- The Authority initiated operations during the fiscal year ended June 30, 2021 which included obtaining a \$2,000,000 working capital loan from the Commonwealth of Pennsylvania and contracting with various consulting providers including:
 1. Mathematica – Operational and Administrative Support
 2. RJW Enterprises – Contract Staffing Services
 3. Rural Health Value – Operational Support
- The Authority reported a loss from operations for the fiscal year ended June 30, 2021. The Authority is designed to break even in operations after the initial use of working capital, based on all expenses being funded by corresponding grant and contribution revenue. During the fiscal year ended June 30, 2021, the Authority incurred initial consulting costs that were funded through the working capital loan, and totaled \$966,193
- Major funding sources during the fiscal year ended June 30, 2021 primarily included The Centers for Medicare and Medicaid Innovation (CMMI) and the Rural Health Redesign Center Organization (RHRCO)

Using This Annual Report

The Authority's financial statements consist of three statements—a balance sheet, a statement of revenues, expenses and changes in net position and a statement of cash flows. These statements provide information about the activities of the Authority. The Authority is accounted for as a business-type activity and presents its financial statements using the economic resources measurement focus and the accrual basis of accounting.

The Balance Sheet and Statement of Revenues, Expenses and Changes in Net Position

The balance sheet and the statement of revenues, expenses and changes in net position report information about the Authority's resources and its activities. These statements include all restricted and unrestricted assets and all liabilities using the accrual basis of accounting. Using the accrual basis of accounting means that all of the current year's revenues and expenses are taken into account regardless of when cash is received or paid.

These two statements report the Authority's net position and changes in them. The Authority's total net position—the difference between assets and liabilities—is one measure of the Authority's financial health or financial position.

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Management's Discussion and Analysis
Year Ended June 30, 2021

The Statement of Cash Flows

The statement of cash flows reports cash receipts, cash payments and net changes in cash and cash equivalents resulting from four defined types of activities. It provides answers to such questions as where did cash come from, what was cash used for, and what was the change in cash and cash equivalents during the reporting period.

The Authority's Net Position

The Authority's net position is the difference between its assets and liabilities reported in the balance sheet, as shown in Table 1.

Table 1: Assets, Liabilities and Net Position (Deficit)

	2021
Current Assets	
Cash	\$ 19,785
Grants receivable	285,683
Prepaid expenses	8,423
Total current assets	313,891
 Funds Held at Pennsylvania Treasury	 833,807
Total assets	\$ 1,147,698
 Current Liabilities	
Current maturities of long-term debt	\$ 400,000
Accounts payable	149,348
Accrued expenses	136,648
Total current liabilities	685,996
 Long-Term Debt	 1,400,000
Total liabilities	2,085,996
 Net Position (Deficit)	
Unrestricted (deficit)	(938,298)
Total liabilities and net position (deficit)	\$ 1,147,698

The most significant item in the Authority's balance sheet as of June 30, 2021, was the issuance of debt through a \$2 million loan from the Commonwealth of Pennsylvania. In addition, as part of the initial operating agreement, the Pennsylvania Treasury holds a substantial amount of the Authority's unused funds which amounted to \$833,807 as of June 30, 2021.

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Management's Discussion and Analysis
Year Ended June 30, 2021

Operating Results and Changes in the Authority's Net Position

In 2021, the Authority's operating performance and change in net position was determined as shown in Table 2.

Table 2: Operating Results and Changes in Net Position

	<u>2021</u>
Operating Revenues	
Governmental grants and other contribution income	\$ 1,709,305
Operating Expenses	
Salaries and wages	261,761
Payroll taxes and employee benefits	57,725
Consulting services and professional fees	2,323,351
General and administrative costs	4,766
Total operating expenses	<u>2,647,603</u>
Operating loss and decrease in net position (deficit)	<u>\$ (938,298)</u>

Operating Performance

The overall change in the Authority's net position is its operating income or loss—generally, the difference between governmental grants and other contributions received and the expenses incurred for ongoing operations. In 2021, the Authority reported a loss for operating performance. After the initial use of working capital totaling \$966,193, the Authority experienced a small operating gain thereafter. This is consistent with the Authority's budgetary expectation, as the Authority was formed in the fiscal year ended June 30, 2021, and is operated primarily to administer the PA Rural Health Model. In future reporting periods, the Authority expects any operating gain or loss to be based on timing of expenses and reimbursement.

The Authority's Cash Flows

Changes in the Authority's cash flows are consistent with its operating performance discussed earlier.

Debt Administration

The Authority had \$1,800,000 in debt outstanding at June 30, 2021. See *Note 2* for a summary of the Authority's long-term obligations. The Authority's formal debt issuances are subject to limitations imposed by state law.

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Management's Discussion and Analysis
Year Ended June 30, 2021

Other Economic Factors

The Authority may be impacted by outside factors in the future. Some of these factors may include:

- General economic changes, which may cause operations to significantly increase or decrease
- Federal and state government budget/regulatory changes, which could change the funding and extent of operations
- General factors related to the COVID-19 pandemic that can cause business disruptions

The Authority intends to meet these challenges through timely response as necessary and appropriate management of operational performance.

Contacting the Authority's Financial Management

This financial report is designed to provide its users with a general overview of the Authority's finances and to show the Authority's accountability for the money it receives. Questions about this report and requests for additional financial information should be directed to the Authority Business Administration by emailing c-gzegiest@pa.gov.

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Balance Sheet
June 30, 2021

	2021
Assets	
Current Assets	
Cash	\$ 19,785
Grants receivable	285,683
Prepaid expenses	8,423
Total current assets	313,891
Funds Held at Pennsylvania Treasury	833,807
Total assets	\$ 1,147,698
Liabilities and Net Position (Deficit)	
Current Liabilities	
Current maturities of long-term debt	\$ 400,000
Accounts payable	149,348
Accrued expenses	136,648
Total current liabilities	685,996
Long-Term Debt	1,400,000
Total liabilities	2,085,996
Net Position (Deficit)	
Unrestricted (deficit)	(938,298)
Total liabilities and net position (deficit)	\$ 1,147,698

See Notes to Financial Statements

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Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Statement of Revenues, Expenses and Changes in Net Position
Year Ended June 30, 2021

	2021
Operating Revenues	
Governmental grants and other contribution income	\$ 1,709,305
Operating Expenses	
Salaries and wages	261,761
Payroll taxes and employee benefits	57,725
Consulting services and professional fees	2,323,351
General and administrative costs	4,766
Total operating expenses	2,647,603
Operating loss and decrease in net position	(938,298)
Net Position, Beginning of Year	-
Net Position (Deficit), End of Year	\$ (938,298)

See Notes to Financial Statements

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Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Statement of Cash Flows
Year Ended June 30, 2021

	2021
Cash Flows From Operating Activities	
Grants and contributions received	\$ 1,423,622
Consulting services and professional fees	(2,046,038)
Personnel costs	(314,554)
General and administrative costs	(9,438)
Net cash used in operating activities	(946,408)
Cash Flows From Noncapital Financing Activities	
Proceeds from issuance of long-term debt	2,000,000
Principal paid on long-term debt	(200,000)
Net cash provided by noncapital financing activities	1,800,000
Cash Flows From Investing Activities	
Net deposits to the PA Treasury	(833,807)
Net cash used in investing activities	(833,807)
Increase in Cash	19,785
Cash, Beginning of Year	-
Cash, End of Year	\$ 19,785
Reconciliation of Net Operating Loss to Net Cash Used in Operating Activities	
Operating loss	\$ (938,298)
Changes in assets and liabilities	
Grants receivable	(285,683)
Prepaid expenses	(8,423)
Accounts payable	149,348
Accrued expenses	136,648
Net cash used in operating activities	\$ (946,408)

See Notes to Financial Statements

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Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Notes to Financial Statements
June 30, 2021

Note 1: Nature of Operations and Summary of Significant Accounting Policies

Nature of Operations

Pennsylvania Act 108 of 2019 established the Rural Health Redesign Center Authority (Authority) and the Pennsylvania Rural Health Redesign Center Fund. The Authority is an independent entity that administers the PA Rural Health Model (PAHRM), including recruiting hospitals for participation and approving global budgets. The purpose of this act to protect and promote access by the residents of this Commonwealth to high-quality health care in rural communities by encouraging innovation in health care delivery. This legislation was signed into law on November 26, 2019 by Governor Tom Wolf. The Authority is a component unit of the Commonwealth of Pennsylvania.

The Authority is supported in part by the Rural Health Redesign Organization (RHRCO), which was established in 2020 to serve as a supporting organization to the Authority. The RHRCO is a nonprofit 501(c)(3) corporation structured to support fundraising efforts for the long-term sustainability of the Authority and the PAHRM.

Basis of Accounting and Presentation

The financial statements of the Authority have been prepared on the accrual basis of accounting. Revenues, expenses, assets and liabilities from exchange and exchange-like transactions are recognized when the exchange transaction takes place and are included in operating revenues and expenses.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses and other changes in net position during the reporting period. Actual results could differ from those estimates.

Cash and Cash Equivalents

The Authority considers all liquid investments with original maturities of three months or less to be cash equivalents. As of June 30, 2021, there were no cash equivalents. At times, these amounts may exceed federally insured limits. As of June 30, 2021, the Authority's cash accounts did not exceed federally insured limits.

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Notes to Financial Statements
June 30, 2021

Funds Held at Pennsylvania Treasury (RHRCA Fund)

Funds held at Pennsylvania Treasury (RHRCA Fund) include undistributed amounts from issuance of debt held by the Pennsylvania Treasury until such time as the Authority solicits reimbursement for operational expenses, or other approved uses. These funds are held by the Pennsylvania Treasury as custodian but remain an asset of the Authority, accordingly. Consistent with the treatment of associated long-term debt with the Commonwealth of Pennsylvania, there is no interest earned on funds held by the Pennsylvania Treasury.

The activity within the fund during the year ended June 30, 2021, is as follows:

	Beginning Balance	Loan Proceeds	2021 Operating Expense	Loan Payments	Final Balance
RHRCA Fund (Cash)	\$ -	\$ 2,000,000	\$ (966,193)	\$ (200,000)	\$ 833,807

Grants Receivable

Grants receivable reflect the outstanding amount of consideration to which the Authority expects to be entitled as reimbursement for providing administrative services to the PA Rural Health Model. These amounts are due from governmental programs, such as the Center for Medicare & Medicaid Innovation and are considered governmental grants and other contribution income. Amounts are collected through the PA Treasury and are remitted to the Authority upon approval.

Compensated Absences

The Authority's policies permit most employees to accumulate vacation and sick leave benefits that may be realized as paid time off or, in limited circumstances, as a cash payment. Expense and the related liability are recognized as vacation benefits are earned whether the employee is expected to realize the benefit as time off or in cash.

Expense and the related liability for sick leave benefits are recognized when earned to the extent the employee is expected to realize the benefit in cash determined using the termination payment method. Sick leave benefits expected to be realized as paid time off are recognized as expense when the time off occurs and no liability is accrued for such benefits employees have earned but not yet realized.

Compensated absence liabilities are computed during the year using the regular pay and termination pay rates in effect, but are not eligible to be carried forward into future years and therefore there is no liability estimated as of June 30, 2021.

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Notes to Financial Statements
June 30, 2021

Risk Management

The Authority is exposed to various risks of loss from torts; business interruption; errors and omissions; employee injuries and illnesses; natural disasters; and employee health, dental and accident benefits. Commercial insurance coverage is purchased for claims arising from such matters other than employee health claims. Settled claims have not exceeded this commercial coverage for the year ended June 30, 2021.

Net Position

Net position of the Authority is classified in four components on its balance sheets.

- Net investment in capital assets consists of capital assets net of accumulated depreciation and reduced by the outstanding balances of borrowings used to finance the purchase or construction of those assets.
- Restricted expendable net position is made up of noncapital assets that must be used for a particular purpose, as specified by creditors, grantors or donors external to the Authority, including amounts deposited with trustees as required by bond indentures, reduced by the outstanding balances of any related borrowings
- Restricted nonexpendable net position consists of noncapital assets that are required to be maintained in perpetuity as specified by parties external to the Authority, such as permanent endowments
- Unrestricted net position is the remaining net position that does not meet the definition of net investment in capital assets or restricted net position

Operating Activities

The Authority defines operating activities, as reported on the statement of revenues, expenses, and changes in net position, as those generally result from exchange transactions, such as payments made for goods and services received. Governmental grants and other contribution income are also classified as operating revenue because fundraising activities support the Authority's primary operating purpose.

Grants and Other Contribution Revenue

In accordance with GASB Statement No. 33, *Accounting and Financial Reporting for Nonexchange Transactions*, the Authority is required to record operating and capital pledges as revenue when all eligibility requirements have been met. Grants and other contribution revenue recorded for the year ended June 30, 2021, included \$1,614,724 from CMMI and \$94,581 from RHRCO.

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Notes to Financial Statements
June 30, 2021

Consulting Services and Professional Fees

The Authority outsources a large portion of the administration of the PA Rural Health Model to selected contractors.

Income Taxes

As a governmental organization the Authority is generally exempt from federal and state income taxes under Section 115 of the Internal Revenue Code and a similar provision of state law.

Note 2: Deposits, Investments and Investment Income

Deposits

Custodial credit risk is the risk that in the event of a bank failure, a government's deposits may not be returned to it. The Authority's deposit policy for custodial credit risk requires compliance with the provisions of state law.

State law requires collateralization of all deposits with federal depository insurance; bonds and other obligations of the U.S. Treasury, U.S. agencies or instrumentalities or the state of Pennsylvania; bonds of any city, county, school district or special road district of the state of Pennsylvania; bonds of any state; or a surety bond having an aggregate value at least equal to the amount of the deposits.

At June 30, 2021, there was no balance exposed to custodial credit risk.

Note 3: Long-Term Debt

The following is a summary of long-term debt transactions for the Authority for the year ended June 30, 2021:

	Beginning Balance	2021		Ending Balance	Current Portion
		Borrowings	Payments		
Note payable	\$ -	\$ 2,000,000	\$ 200,000	\$ 1,800,000	\$ 400,000

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Notes to Financial Statements
June 30, 2021

During the fiscal year ended June 30, 2021, the Authority borrowed through a note payable with the Commonwealth of Pennsylvania, the amount of \$2,000,000. The Authority’s obligations under this agreement include total cumulative repayment on or before June 30, 2024. The note is uncollateralized and based on intergovernmental agreement has no interest rate associated therein.

The debt service requirements as of June 30, 2021, are as follows:

Year Ending June 30,	Minimum Debt Service
2022	\$ 400,000
2023	600,000
2024	800,000
	\$ 1,800,000

Note 4: Related Party Transactions

The Authority and Rural Health Redesign Center Organization are related parties. The Rural Health Redesign Center Organization (RHRCO) was established in 2020 to serve as a supporting organization to the Authority. RHRCO is a nonprofit 501(c)(3) corporation structured to support fundraising efforts for the long-term sustainability of the Authority and the Pennsylvania Rural Health Model (PARHM). During the year ended June 30, 2021, the Authority recognized \$94,581 of grants from RHRCO. The outstanding grant receivable from RHRCO was \$6,462 as of June 30, 2021.

Note 5: Contingencies

General Litigation

In the normal course of business, the Authority could be, from time to time, subject to allegations that may or do result in litigation. Some of these allegations are in areas not covered by commercial insurance; for example, allegations regarding employment practices or performance of contracts. The Authority evaluates such allegations by conducting investigations to determine the validity of each potential claim. Based upon the advice of counsel, management records an estimate of the amount of ultimate expected loss, if any, for each of these matters. Events could occur that would cause the estimate of ultimate loss to differ materially in the near term.

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Notes to Financial Statements
June 30, 2021

Note 6: Subsequent Events

Subsequent events have been evaluated through December 15, 2021, which is the date the financial statements were available to be issued.



**Report on Internal Control Over Financial Reporting and on Compliance and
Other Matters Based on an Audit of Financial Statements Performed in
Accordance With *Government Auditing Standards***

Independent Auditor's Report

Board of Directors
Rural Health Redesign Center Authority
Harrisburg, Pennsylvania

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the Rural Health Redesign Center Authority (Authority), a component unit of the Commonwealth of Pennsylvania, which comprise the balance sheet as of June 30, 2021, and the related statements of revenues, expenses and change in net position and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated December 15, 2021.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Authority's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, we do not express an opinion on the effectiveness of the Authority's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit, we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did identify a deficiency in internal control, described in the accompanying schedule of findings and responses as item 2021-01, that we consider to be a significant deficiency.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Authority's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Management's Response to Findings

Management's response to the findings identified in our audit are described in the accompanying schedule of findings and responses. Management's response was not subjected to the auditing procedures applied in the audit of the financial statements, and accordingly, we express no opinion on it.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

BKD, LLP

Pittsburgh, Pennsylvania
December 15, 2021

Rural Health Redesign Center Authority
(Component Unit of the Commonwealth of Pennsylvania)
Schedule of Findings and Responses
Year Ended June 30, 2021

Reference Number	Finding	Management's Response
2021-01	Certain transactions during the fiscal year ended June 30, 2021, were recorded through the net position (deficit) of the Authority, resulting in audit adjustments necessary to correctly report periodic revenues and expenses.	Finding has been corrected internally.

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Maxine M. Case; Case No. 21-45-010992

On July 15, 2021, Maxine M. Case, license No. CO272606, last known of Brookhaven, Delaware County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov.

This order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

ARION R. CLAGGETT,
Acting Commissioner

[Pa.B. Doc. No. 22-414. Filed for public inspection March 11, 2022, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Mahendra Patel, t/d/b/a New York Thread; Case Nos. 17-45-00684 and 18-45-00141

On August 25, 2021, Mahendra Patel, t/d/b/a New York Thread, unlicensed, last known of Langhorne, Bucks County, was assessed a \$500 civil penalty for practicing cosmetology without a license.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov.

This order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

ARION R. CLAGGETT,
Acting Commissioner

[Pa.B. Doc. No. 22-415. Filed for public inspection March 11, 2022, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. PL Nails; Case No. 20-45-012631

On January 27, 2021, PL Nails, license No. CY195108, last known of Easton, Northampton County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov.

This order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing

of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

ARION R. CLAGGETT,
Acting Commissioner

[Pa.B. Doc. No. 22-416. Filed for public inspection March 11, 2022, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Melinda D. Walk; Case No. 20-45-002449

On November 8, 2021, Melinda D. Walk, license No. CO252208, last known of Bellefonte, Centre County, was ordered to cease and desist from the practice of cosmetology, was assessed a \$250 civil penalty and her license remained indefinitely suspended for practicing cosmetology on a suspended license.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov.

This order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

ARION R. CLAGGETT,
Acting Commissioner

[Pa.B. Doc. No. 22-417. Filed for public inspection March 11, 2022, 9:00 a.m.]

STATE BOARD OF NURSING

Automatic Suspension of the License to Practice Professional Nursing of Michael D. Mesko, RN; Case No. 21-51-002437

On December 20, 2021, Michael D. Mesko, RN, Pennsylvania license No. RN324547L, last known of Kersey, Elk County or Depew, NY, had his license automatically suspended, retroactive to September 9, 2021, based on violating The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780.144).

Individuals may obtain a copy of the adjudication at www.pals.pa.gov.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 22-418. Filed for public inspection March 11, 2022, 9:00 a.m.]

STATE BOARD OF NURSING**Bureau of Professional and Occupational Affairs v.
Portia Hamilton, RN; Case No. 19-51-016461**

On December 22, 2021, Portia Hamilton, RN, Pennsylvania license No. RN581582, last known of Philadelphia, Philadelphia County and Trenton, NJ, was assessed a \$500 civil penalty and had her license indefinitely suspended, based on disciplinary action taken against her license by the proper licensing authority of another state and failing to report the same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication at www.pals.pa.gov.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 22-419. Filed for public inspection March 11, 2022, 9:00 a.m.]