

# PENNSYLVANIA BULLETIN

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

**No. 568, March 2022**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

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### 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**.

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### Fiscal Notes

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

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2022.

## 4 Pa. Code (Administration)

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443, 685, 828, 968, 969, 1111, 1453, 1599



# THE COURTS

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY

#### Detention of Juveniles in Compliance with the Juvenile Justice Reform Act; Administrative Order No. 107

##### Administrative Order

*And Now*, this 4th day of March, 2022, pursuant to 34 U.S.C. § 11133(a)(11)(B), it is hereby *Ordered* and *Directed* that in any matter:

a. in which a juvenile (a child under the age of eighteen) is arrested on or after December 21, 2021, for an act designated as a crime under the laws of this Commonwealth and subject to adult criminal proceedings, including both charges that are “direct filed” as adult criminal proceedings pursuant to the exceptions of the Pa. Juvenile Act (42 Pa.C.S. § 6302) and charges transferred from juvenile proceedings to adult criminal proceedings pursuant to the Pa. Juvenile Act (42 Pa.C.S. § 6355); and

b. in which the juvenile is not released on bail or otherwise pending further proceedings; the juvenile shall be detained at the Bucks County Youth Center until such time as a Judge of the Court of Common Pleas makes an “interest of justice” determination as required by 34 U.S.C. § 11133(a)(11)(B) and remands the juvenile to be held in accordance with such determination.

*By the Court*

WALLACE H. BATEMAN, Jr.,  
*President Judge*

[Pa.B. Doc. No. 22-420. Filed for public inspection March 18, 2022, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF FUNERAL DIRECTORS

#### [ 49 PA. CODE CH. 13 ]

#### Child Abuse Reporting Requirements

The State Board of Funeral Directors (Board) amends §§ 13.11, 13.77, 13.231, 13.301—13.307 and 13.401, and adds §§ 13.308 and 13.309 (relating to child abuse recognition and reporting—mandatory training requirement; and child abuse recognition and reporting course approval process) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 16(a) of the Funeral Director Law (63 P.S. § 479.16(a)) sets forth the Board's general rulemaking authority. Under sections 6301—6388 of 23 Pa.C.S. (relating to Child Protective Services Law) (CPSL), specifically, section 6383(b)(2) of the CPSL, the Board is required to promulgate regulations to implement the mandatory reporting requirements for licensees of the Board.

#### *Purpose and Explanation*

Since 2014, the General Assembly has made numerous amendments to the CPSL, including the requirement imposed by the act of April 15, 2014 (P.L. 411, No. 31) (Act 31) on many professional and occupational licensing boards, including the Board, to require training in child abuse recognition and reporting for licensees who are considered “mandated reporters” under the CPSL. Section 2 of Act 31 provided that these training requirements would apply to all persons applying for a license or certificate, or applying for renewal of a license or certificate, on or after January 1, 2015. The Board implemented the training requirements as mandated at the beginning of 2015 and subsequently proposed this rulemaking to update the Board's existing regulations on the subject of child abuse reporting to be consistent with the CPSL, as amended.

The proposed rulemaking was published at 51 Pa.B. 1320 (March 13, 2021) for 30 days of public comment, but no public comments were received. The Independent Regulatory Review Commission (IRRC) submitted comments on May 12, 2021. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. The following represents a summary of IRRC's comments and the Board's response.

#### *Summary of IRRC's Comments and the Board's Response*

First, IRRC points out that the proposed rulemaking did not address funeral directors who hold limited licenses under § 13.77 (relating to limited license). Noting that funeral directors are mandated reporters under 23 Pa.C.S. § 6311(a)(2) (relating to persons required to report suspected child abuse), IRRC asked the Board to explain how the child abuse recognition and reporting training and continuing education requirements will be implemented for these funeral directors. Further, IRRC

asked the Board to consider clarifying the requirements for limited license funeral directors or explain why it is not necessary to do so.

The Board agrees that limited license holders are considered mandated reporters and are subject to the training and continuing education requirements. The failure to include amendments to § 13.77 in the proposed rulemaking was merely an oversight, which is corrected in this final-form rulemaking. At the present time, the Board has reciprocal agreements with Delaware, New Jersey and West Virginia, and there are approximately 119 limited license holders. IRRC also asked the Board to include this information in the Regulatory Analysis Form (RAF) when submitted with this final-form rulemaking. The Board includes this information.

Next, IRRC noted that it would improve clarity if the specifically-defined term “person responsible for the child's welfare” in § 13.301 (relating to definitions relating to child abuse reporting requirements) were used in subparagraphs (i)(D) and (ii)(D) of the definition of “perpetrator,” which is limited to individuals of certain ages who are responsible for the child's welfare. The Board agrees and makes the suggested amendment.

With regard to § 13.302 (relating to suspected-child abuse—mandated reporting requirements), IRRC pointed out that the proposed rulemaking did not include the provisions of 23 Pa.C.S. § 6311(b)(2) and (3), which clarify that the duty to report includes the responsibility to report suspected child abuse even when the child has not come before the mandated reporter or when the identity of the person responsible for the child abuse is not known. IRRC asked the Board to add the omitted statutory provisions or explain why it is unnecessary to do so. The Board agrees that the omitted language clarifies the duty to report and adds it to this final-form rulemaking.

Similarly, IRRC noted that some language from 23 Pa.C.S. § 6314 (relating to photographs, medical tests and X-rays of child subject to report) was not included in § 13.303 (relating to photographs, medical tests and X-rays of child subject to report). The omitted language requires mandated reporters to make these types of materials available to law enforcement officials in the course of investigating cases of alleged child abuse. For consistency, IRRC suggested that the Board add this statutory language to this final-form rulemaking or explain why it is not necessary to do so. Upon review, the Board agrees that this language would aid clarity and avoid ambiguity. Therefore, the Board adds it to this final-form rulemaking.

Next, IRRC noted that § 13.306 (relating to confidentiality—waived) was not amended to include the requirements in 23 Pa.C.S. § 6311.1 (relating to privileged communications) which provides that privileged communications between a mandated reporter and a client does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse. IRRC asked the Board to explain why the requirement was not included in the regulation. IRRC further asked the Board to consider adding this provision or explain why it is unnecessary to do so. Further, IRRC suggests that, if this section is not being amended, it should not be included in this final-form rulemaking.

The Board did not initially include this provision because there is no recognized privilege under Commonwealth law with regard to communications between a funeral director and a client. However, upon review, the Board considered the possibility that another recognized privilege may apply and determined that adding the omitted language would serve to protect the public health and safety. For this reason, the Board amends § 13.306 to include the omitted language.

With regard to § 13.308(a) (relating to child abuse recognition and reporting—mandatory training requirement), IRRC noted that, unlike subsection (b), subsection (a) does not include the implementation procedures for submission of proof of the 3 hours of approved training which is a prerequisite to licensure. IRRC asked the Board to revise this subsection to include the implementation procedures. In response, the Board amends subsection (a) to make it clear that individuals applying for a license shall have completed at least 3 hours of training which has been approved by both the Department of Human Services and the Bureau of Professional and Occupational Affairs, as set forth in § 13.309 (relating to child abuse recognition and reporting course approval process). The Board also clarifies the process for an applicant to certify that the applicant has either completed the required training or has been granted an exemption under subsection (c) and that the Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption.

IRRC expressed three concerns with § 13.308(c)(3), pertaining to exemptions from the training or continuing education requirements for individuals who demonstrate that they should not be subject to these requirements. First, IRRC noted that the standards for documentation and evaluation of exemption requests are vague. Second, this subsection does not specify if the exemption is limited to one biennial renewal period. Third, the process for notification of approval or denial of the exemption is not included in the proposed rulemaking. IRRC asked the Board to address these concerns in this final-form rulemaking.

It is difficult to set standards for documentation that would apply to all situations in which an exemption would be appropriate. For example, it may include documentation that the licensee is an approved trainer in the area of child abuse recognition and reporting. Another example might be a licensee who volunteers as a Court-appointed Special Advocate for children who are victims of abuse or neglect. These individuals are required to complete at least 30 hours of preservice training and 12 hours of annual in-service training. See 37 Pa. Code § 200.221 (relating to training). Generally, the Board evaluates these requests to determine whether the 2 or 3 hours of training in the area of child abuse recognition and reporting would be duplicative of other training the individual has completed or is unnecessary under the circumstances.

In response to IRRC's comment, the Board amends subsection (c)(3) to clarify these standards. The Board adds subsection (d) to clarify that exemptions granted under subsection (c) are only applicable for the biennial renewal period for which the exemption is requested. The Board explains the process for notifying applicants/licensees of the grant or denial of an exemption request in subsection (d). If an exemption is granted, the license will be issued or renewed. If an exemption is denied, the

applicant or licensee will receive a discrepancy notice by e-mail notifying them of the need to complete an approved course, or to submit additional documentation in support of their request for an exemption.

Finally, IRRC identified some typographical errors in §§ 13.307(b)(4) (relating to noncompliance) and 13.308(c) and in the RAF, which have been corrected in this final-form rulemaking. IRRC also asked that the number of limited license funeral directors be included in responses to questions # 15, 16 and 19 in the RAF. As noted previously, there are approximately 119 limited license holders. This information has been updated in the RAF.

#### *Description of Amendments to this Final-Form Rulemaking*

Section 13.77 is amended to include the requirement that applicants for a limited license complete at least 3 hours of approved training in child abuse recognition and reporting and that applicants for biennial renewal of a limited license complete at least 2 hours of approved continuing education in child abuse recognition and reporting in accordance with § 13.308(a) and (b).

The definition of "perpetrator" in § 13.301 is amended to use the defined term "person responsible for the child's welfare."

Section 13.302 is amended and restructured to include the provisions of 23 Pa.C.S. § 6311(b)(2) and (3), which clarify that the duty to report includes the responsibility to report suspected child abuse even when the child has not come before the mandated reporter or when the identity of the person responsible for the child abuse is not known.

Section 13.303 is amended to include language from 23 Pa.C.S. § 6314 requiring mandated reporters to make medical summaries or reports of photographs, X-rays and relevant medical tests available to law enforcement officials in the course of investigating cases of alleged child abuse.

Section 13.306 is amended to include the requirements in 23 Pa.C.S. § 6311.1 which provides that privileged communications between a mandated reporter and a client does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse.

A typographical error in § 13.307(b)(4) is corrected to include the complete citation to 23 Pa.C.S. § 6319, pertaining to penalties for failure to report suspected child abuse.

Substantial amendments are made to § 13.308. First, subsection (a) is amended to make it clear that individuals applying for a license shall have completed at least 3 hours of training which has been approved by both the Department of Human Services and the Bureau of Professional and Occupational Affairs, as set forth in § 13.309. The Board clarifies the process for an applicant to certify that the applicant has either completed the required training or has been granted an exemption under subsection (c) and that the Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption.

In subsection (c), a typographical error is corrected by deleting the word "holder." Also, paragraph (3) is amended to clarify the standards for evaluation of requests for exemptions by explaining that the Board may grant an exemption if it finds that the completion of the

training or continuing education is duplicative or unnecessary under the circumstances. The Board adds subsection (d) to clarify that exemptions granted under subsection (c) are only applicable for the biennial renewal period for which the exemption is requested and to explain the process for notifying applicants/licensees of the grant or denial of an exemption request.

#### *Fiscal Impact and Paperwork Requirements*

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. Because licensees are already required to complete mandatory continuing education, and these 2 hours in child abuse recognition and reporting are incorporated in the existing requirement, there would be no increased burden. Only applicants for licensure would incur an additional requirement, and as there are many low-cost and free options available to complete the training, the Board anticipates this impact to also be minimal. Because all approved training providers of the mandatory training in child abuse recognition and reporting are required to report attendance/participation electronically, there are no additional paperwork requirements imposed on licensees. In addition, the implementation of an electronic reporting system for mandated reporters of child abuse under the CPSL by the Department of Human Services has decreased the paperwork requirements related to the mandatory reporting requirements.

#### *Sunset Date*

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 26, 2021, the Board submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 1320, to IRRC and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), the House Professional Licensure Committee (HPLC) and the Legislative Reference Bureau.

Under section 5(c) of the Regulatory Review Act, IRRC, the SCP/PLC and the HPLC were provided with copies of the comments received on the regulation, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered all comments received from IRRC. No public comments were received. The Board also received no comments from the SCP/PLC or the HPLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on November 30, 2021, the Board delivered this final-form rulemaking to IRRC, the SCP/PLC and the HPLC. Under section 5.1(j.2) of the Regulation Review Act, the final-form rulemaking was deemed approved by the SCP/PLC and the HPLC on January 25, 2022. 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 Kristel Hennessy Hemler, Board Administrator, State Board of Funeral Directors, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-FUNERAL@PA.GOV.

#### *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, but no comments were received.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 51 Pa.B. 1320.

(4) This final-form rulemaking is necessary and appropriate for the administration of the 23 Pa.C.S. §§ 6301—6388.

#### *Order*

The Board, therefore, orders that:

(a) The regulations of the Board at 49 Pa. Code Chapter 13 are amended by amending §§ 13.11, 13.77, 13.231, 13.301—13.307 and 13.401 and adding §§ 13.308 and 13.309 to read as set forth in Annex A.

*(Editor's Note: The amendment to § 13.77 was not included in the proposed rulemaking.)*

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

(c) The Board shall submit this final-form rulemaking 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*.

WILLIAM G. HARRIS,  
*Chairperson*

*(Editor's Note: See 52 Pa.B. 1029 (February 12, 2022), for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 16A-4824 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS**

#### **LICENSURE**

#### **§ 13.11. General requirements.**

\* \* \* \* \*

(c) In addition to the educational and training requirements, an applicant for licensure in this Commonwealth shall pass a combined oral, practical and written examination. A limited exception will be the granting of a restricted license to estates, widow's or widower's of deceased funeral directors.

(d) An applicant for licensure as a funeral director in this Commonwealth shall complete at least 3 hours of training in child abuse recognition and reporting in accordance with § 13.308(a) (relating to child abuse recognition and reporting—mandatory training requirement) as a condition of licensure.

**LICENSURE OF A FUNERAL DIRECTOR FROM ANOTHER STATE**

**§ 13.77. Limited license.**

(a) A person licensed by a reciprocal state to practice the profession of funeral director who seeks a limited license shall apply to the Board on a form provided by the Board, including:

(i) An original certification from the reciprocal state that the applicant is licensed as a funeral director in that jurisdiction and is in good standing.

(ii) The fee prescribed by § 13.12 (relating to fees).

(iii) Certification of completion of at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 13.308(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) A limited license shall be subject to biennial renewal. The limited license holder shall complete, as a condition of renewal, at least 2 hours of approved continuing education in child abuse recognition and reporting in accordance with § 13.308(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(c) A limited license shall become inactive upon the revocation, suspension, placement upon inactive status, or other lapse of the holder's license in the reciprocal state. Unless a limited license is otherwise suspended or revoked, the Board may reinstate the limited license to active status upon proof that the holder's license in the reciprocal state is no longer revoked, suspended, placed on inactive status or otherwise lapsed.

(d) The Board may take disciplinary action against the holder of a limited license for any unprofessional conduct that occurs within this Commonwealth. The Board will report to the reciprocal state any disciplinary action taken against the holder of a limited license.

**LICENSE RENEWAL**

**§ 13.231. Biennial registration; unregistered status and inactive status; failure to renew.**

(a) A licensee shall register each biennial period to retain the right to practice. Initial registration shall automatically occur when a license is issued. Registration for a biennial period expires on the first day of February of every even numbered year. Unless excused by the Board for good cause under section 10(b)(4) of the act (63 P.S. § 479.10(b)(4)), the Board will not grant an application for renewal of a funeral director license unless the licensee has certified that the licensee has completed the amount of continuing education required by § 13.401 (relating to credit hour requirements), including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 13.308(b) (relating to child abuse recognition and reporting—mandatory training requirement).

\* \* \* \* \*

**CHILD ABUSE REPORTING REQUIREMENTS**

**§ 13.301. Definitions relating to child abuse reporting requirements.**

The following words and terms, when used in this section and §§ 13.302—13.309 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

*Bodily injury*—Impairment of physical condition or substantial pain.

*Child*—An individual under 18 years of age.

*Child abuse*—Intentionally, knowingly or recklessly doing any of the following:

(i) Causing bodily injury to a child through any recent act or failure to act.

(ii) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.

(iii) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.

(iv) Causing sexual abuse or exploitation of a child through any act or failure to act.

(v) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

(vi) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

(vii) Causing serious physical neglect of a child.

(viii) Engaging in any of the following recent acts:

(A) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

(B) Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.

(C) Forcefully shaking a child under 1 year of age.

(D) Forcefully slapping or otherwise striking a child under 1 year of age.

(E) Interfering with the breathing of a child.

(F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(G) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(I) is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), when the victim of the sexual offense was under 18 years of age when the crime was committed;

(II) has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors;

(III) has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions); or

(IV) has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

(ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

*ChildLine*—An organizational unit of the Department of Human Services, which operates a 24-hour a day Statewide toll-free telephone system for receiving reports

of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Mandated reporter*—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this chapter, the term includes licensed funeral directors.

*Parent*—A biological parent, adoptive parent or legal guardian.

*Perpetrator*—An individual who has committed child abuse as defined in this section. The following apply:

- (i) This term includes only the following:
  - (A) A parent of the child.
  - (B) A spouse or former spouse of the child's parent.
  - (C) A paramour or former paramour of the child's parent.
  - (D) An individual 14 years of age or older who is a person responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program, activity or service.
  - (E) An individual 14 years of age or older who resides in the same home as the child.
  - (F) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption of the child.
  - (G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

- (A) A parent of the child.
- (B) A spouse or former spouse of the child's parent.
- (C) A paramour or former paramour of the child's parent.
- (D) A person responsible for the child's welfare who is 18 years of age or older.
- (E) An individual 18 years of age or older who resides in the same home as the child.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

*Program, activity or service*—Any of the following in which children participate and which is sponsored by a school or a public or private organization:

- (i) A youth camp or program.
- (ii) A recreational camp or program.
- (iii) A sports or athletic program.
- (iv) A community or social outreach program.
- (v) An enrichment or educational program.
- (vi) A troop, club or similar organization.

*Recent act or failure to act*—An act or failure to act committed within 2 years of the date of the report to the Department of Human Services or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical neglect*—Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

- (i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
- (ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

*Sexual abuse or exploitation*—Any of the following:

(i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:

(A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.

(B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

(C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

(A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(E) Institutional sexual assault as defined in 18 Pa.C.S. 3124.2 (relating to institutional sexual assault).

(F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).

(J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

**§ 13.302. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.*

(1) Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), funeral directors are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.

(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(2) Nothing in this subsection shall require a child to come before the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this subsection shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Whenever a mandated reporter is required to make a report under subsection (a) in the capacity as a member of the staff of a medical, dental or other public or private institution, school, facility or agency, that licensee shall report immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) *Reporting procedure.* A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(1) Making an oral report of suspected child abuse by telephone to ChildLine at (800) 932-0313, followed by a

written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this paragraph may be submitted electronically.

(2) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (related to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis). A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(d) *Written or electronic reports.* A written or electronic report of suspected child abuse, shall include the following information, if known:

(1) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.

(2) Where the suspected child abuse occurred.

(3) The age and sex of each subject of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or any sibling of the child.

(5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.

(6) Family composition.

(7) The source of the report.

(8) The name, telephone number and e-mail address of the person making the report.

(9) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(10) Other information required by Federal law or regulation.

(11) Other information which the Department of Human Services may require by regulation.

**§ 13.303. Photographs, medical tests and X-rays of child subject to report.**

A funeral director may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 13.302(c)(2) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. Medical summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6490(a)(9) or (10) (relating to release of information in confidential reports).

**§ 13.304. Suspected death as a result of child abuse—mandated reporting requirement.**

A funeral director who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

**§ 13.305. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a funeral director who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317, shall have immunity from civil and criminal liability that might otherwise result by reason of the funeral director's actions. For the purpose of any civil or criminal proceeding, the good faith of the funeral director shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a funeral director's actions under §§ 13.302—13.304 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

**§ 13.306. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 13.302—13.304 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions in § 13.201 (relating to professional responsibilities) and any other client confidentiality, ethical principle or professional standard that might otherwise apply. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a client does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse.

**§ 13.307. Noncompliance.**

(a) *Disciplinary action.* A funeral director who willfully fails to comply with the reporting requirements in §§ 13.302—13.304 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 479.11).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a funeral director who is required to report a case of suspected child abuse or to make a referral to the appropriate authorities and who willfully fails to do so commits a criminal offense, as follows:

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if all of the following apply:

(i) The mandated reporter willfully fails to report.

(ii) The child abuse constitutes a felony of the first degree or higher.

(iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report continues while the mandated reporter knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under 23 Pa.C.S. § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

**§ 13.308. Child abuse recognition and reporting—mandatory training requirement.**

(a) Except as provided in subsection (c), individuals applying to the Board for a license shall have completed at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services and the Bureau, as set forth in § 13.309 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensees seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, at least 2 hours of approved continuing education in child abuse recognition and reporting. This 2 hours of continuing education in child abuse recognition and reporting will be accepted as a portion of the continuing education required under § 13.401 (relating to credit hour requirements) regardless of whether it otherwise meets the requirements of §§ 13.402—13.405. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 13.309 (relating to child abuse recognition and reporting course approval process). The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course or the licensee has obtained an exemption under subsection (c).



(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training as required under section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(2) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training required under 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(3) The applicant or licensee submits documentation acceptable to the Board demonstrating why the applicant or licensee should not be subject to the training or continuing education requirement. Each request for an exemption under this paragraph will be considered on a case-by-case basis. The Board may grant the exemption if it finds that completion of the training or continuing education requirement is duplicative or unnecessary under the circumstances.

(d) Exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested. If an exemption is granted, the Board will issue or renew the license, as applicable. If an exemption is denied, the Board will email the applicant or licensee a discrepancy notice notifying them of the need to either complete an approved course or, if warranted, to submit additional documentation in support of their request for an exemption.

**§ 13.309. Child abuse recognition and reporting course approval process.**

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required under 23 Pa.C.S. § 6383(b) (relating to education and training) by submitting the course materials set forth in subsection (b) simultaneously to the Department of Human Services (DHS), Office of Children, Youth and Families, and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120; or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; or electronically at RA-stcpsl\_course\_app@pa.gov.

(b) Submissions shall include the following:

(1) Contact information (mailing address, email address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) The course related materials including, as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

(v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.

(vi) For online courses, a transcript or recording of audio training.

(8) Citation of sources, including written permission to use copyrighted material, if applicable.

(9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.

(10) Printed materials used to market the training.

(11) Evaluation used to assess participants' satisfaction with the training.

(12) Sample certificate of attendance/participation, which shall include:

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

(iv) Length of training (2 or 3 hours).

(v) Name and signature of the authorized representative of the approved provider. The signature may be an electronic signature.

(vi) Statement affirming the participant attended the entire course.

(13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.

(c) The Bureau will notify the applicant in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

**CONTINUING EDUCATION**

**§ 13.401. Credit hour requirements.**

(a) During each biennial renewal period, a licensed funeral director shall complete 6 hours of continuing education, including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 13.308(b) (relating to child abuse recognition and reporting—mandatory training requirement). Except for the mandatory training in child abuse recognition and reporting, this provision does not require a funeral director to complete continuing education during the renewal period in which the funeral director is first issued a license.

(b) Except as permitted in § 13.231(d) (relating to biennial registration; unregistered status and inactive status; failure to renew) or as directed by the Board, continuing education may satisfy the requirement of subsection (a) only for the biennium during which it was completed. No hour of continuing education may be used to satisfy the requirement of subsection (a) for more than 1 biennium.

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## **Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

### **STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

#### **[ 49 PA. CODE CHS. 47, 48 AND 49 ]**

#### **Child Abuse Reporting Requirements**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) amends §§ 47.12, 47.32, 47.51—47.57, 48.12, 48.32, 48.51—48.57, 49.12, 49.32, and 49.51—49.57 and adds §§ 47.58, 47.59, 48.58, 48.59, 49.58 and 49.59 to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. § 1906(2)) sets forth the Board's general rulemaking authority. Under sections 6301—6388 of 23 Pa.C.S. (relating to Child Protective Services Law) (CPSL), specifically section 6383(b)(2) of the CPSL (relating to education and training), the Board is required to promulgate regulations to implement the mandatory reporting requirements for licensees of the Board.

#### *Background and Purpose*

Since 2014, the General Assembly has made numerous amendments to the CPSL, including the requirement imposed by the act of April 15, 2014 (P.L. 411, No. 31) (Act 31) on all health-related Boards to require training in child abuse recognition and reporting for licensees who are considered "mandated reporters" under the CPSL. Section 2 of Act 31 provided that these training requirements would apply to all persons applying for a license or applying for renewal of a license on or after January 1, 2015. The Board implemented the training requirements as mandated at the beginning of 2015 and subsequently proposed this final-form rulemaking to update the Board's existing regulations on the subject of child abuse reporting to be consistent with the CPSL, as amended.

The proposed rulemaking was published at 51 Pa.B. 14 (January 2, 2021) for 30 days of public comment, but no public comments were received. The Independent Regulatory Review Commission (IRRC) submitted comments on March 3, 2021. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. The following represents a summary of

IRRC's comments and the Board's response, and a description of the amendments made to this final-form rulemaking.

#### *Summary of IRRC's Comments and the Board's Response*

Initially, IRRC commented that subsection (a) of §§ 47.58, 48.58 and 49.58 (relating to child abuse recognition and reporting—mandatory training requirement) requires an individual applying for licensure to complete at least 3 hours of training in child abuse recognition and reporting, but does not address documentation and reporting of completion of that training. IRRC asked the Board to revise this subsection to include implementation procedures for submitting proof of training. In response, the Board revises subsection (a) to clarify that the 3 hours of training must be approved by the Department of Human Services and the Bureau of Professional and Occupational Affairs (Bureau), as set forth in §§ 47.59, 48.59 and 49.59 (relating to child abuse recognition and reporting course approval process) to assure that the course provider can electronically report the completion of the training to the Bureau. The completion of the training is then automatically recorded on the applicant's profile in the Pennsylvania Licensing System (PALS). An applicant would need to certify on the application that the applicant has either completed the training or has been granted an exemption by the Board. The Board amends this subsection to clarify that the Board will not issue a license unless the PALS system includes the report from an approved course provider or the Board has granted an exemption.

IRRC also commented that the standards for documentation and evaluation of exemption requests under subsection (c)(3) is vague. This provision implements section 6383(b)(6) of the CPSL (23 Pa.C.S. § 6383(b)(6)) which provides that a licensing board may exempt an applicant or licensee if that individual submits documentation acceptable to the licensing board that demonstrates that the individual should not be subject to the training or continuing education requirement. IRRC asks the Board to explain the standards for sufficient documentation and the evaluation process for reviewing a request for an exemption. It is difficult to set standards for documentation that would apply to all situations. For example, the Board has granted exemptions to licensees who work for the Department of Human Services, Office of Children, Youth and Families, which is the office that is responsible for investigating reports of suspected child abuse. Acceptable documentation in this circumstance might be a letter from the individual's supervisor verifying employment and a job description that shows the licensee is responsible for investigating reports of suspected child abuse. Or it may include documentation that the employee is an approved trainer in the area of child abuse recognition and reporting. Another example might be a licensee who volunteers as a Court-appointed Special Advocate (CASA) for children who are victims of abuse or neglect. These individuals are required to complete at least 30 hours of pre-service training and 12 hours of annual in-service training. See 37 Pa. Code § 200.221 (relating to training). Generally, the Board evaluates these requests to determine whether 3 hours of training in the area of child abuse recognition and reporting would be duplicative of other training the individual has completed or is unnecessary under the circumstances. In addition, the Board would not find it sufficient for an applicant or licensee to simply state that they do not include children in their practice due to the expanded scope of the duty to report set forth in section 6311(b) of the CPSL, which no longer

requires the mandated reporter to come into contact with the child in the course of their employment, occupation or practice of a profession.

In response to IRRC’s comment, the Board amends subsection (c)(3) to clarify these standards. The Board adds new subsection (d) to clarify that exemptions granted under subsection (c) are only applicable for the biennial renewal period for which the exemption is requested. The Board explains the process for notifying applicants/licensees of the grant or denial of an exemption request in subsection (d). If an exemption is granted, the license will be issued or renewed. If an exemption is denied, the applicant or licensee will receive a discrepancy notice by e-mail notifying them of the need to complete an approved course, or to submit additional documentation in support of their request for an exemption.

IRRC also pointed out that, unlike §§ 47.58(b) and 49.58(b), the comparable provision in § 48.58(b) did not include the explanatory language clarifying that the 2 hours of continuing education in child abuse recognition and reporting “are a portion of the total continuing education required for biennial renewal.” In response, the Board adds this language to § 48.58(b).

Next, IRRC pointed out that the definition of “mandated reporter” in § 49.51 (relating to definitions relating to child abuse reporting requirements) cross references § 49.52 (relating to suspected child abuse—mandated reporting requirements.) However, the definition of “mandated reporter” in §§ 47.51 and 48.51 cross references 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse). For clarity and consistency, IRRC asked the Board to revise the definition in § 49.51 to cross-reference the statute. The Board makes the requested revision to the definition in § 49.51 to cross reference the statute in this final-form rulemaking.

Finally, IRRC noted that under 23 Pa.C.S. § 6311(a)(12), an individual supervised or managed by a Board licensee who has direct contact with children in the course of employment is also a mandated reporter. For that reason, the Board included a reminder to its licensees in the preamble to the proposed rulemaking that individuals they supervise or manage should be aware of the reporting requirements. IRRC asked the Board to explain if it will use additional methods to communicate this message to its licensees. IRRC also asked the Board to consider whether it would be appropriate to require its licensees to advise employees of their mandated reporter status.

The Board considered this comment, and although the Board does not find it necessary to impose such a duty on its licensees, the Board has other means at its disposal, such as the Board’s web site and newsletters, to assure that licensees are aware that individuals that they supervise or manage who come into contact with children in the course of their employment are also mandated reporters and should be aware of the reporting requirements under the CPSL.

*Description of the Amendments to this Final-Form Rulemaking*

In addition to revisions that were made in response to IRRC’s comments, the Board took this opportunity to make additional clarity edits and to correct typographical errors. The following is a description of all amendments made to this final-form rulemaking.

*§§ 47.51, 48.51 and 49.51—Definitions relating to child abuse reporting requirements*

The Board amends the definition of “perpetrator” to use the defined term “person responsible for the child’s welfare” at subparagraphs (i)(D) and (ii)(D) to aid clarity. In addition, the Board corrects typographical errors in the definition of “perpetrator” in §§ 47.51 and 49.51 at subparagraph (i)(F) to refer to “birth or adoption to the child,” and in § 49.51 at subparagraph (ii)(B) to correct the spelling of the word “spouse.” The Board corrects a typographical error in the definition of “sexual abuse or exploitation” in § 48.51 at subparagraph (i)(D) to refer to “actual or simulated sexual activity.” Finally, the Board amends the cross-reference in the definition of “mandated reporter” in § 49.51 to cross reference 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to be consistent with §§ 47.51 and 48.51.

*§§ 47.52, 48.52 and 49.52—Suspected child abuse—mandated reporting requirements*

To aid clarity and to be consistent with the CPSL, the Board adds two additional paragraphs to subsection (a) to include language contained in 23 Pa.C.S. § 6311(b)(2) and (3), which clarify that nothing in this subsection shall require a child to come before the mandated reporter to make a report of suspected child abuse; and that nothing in this subsection shall require the mandated reporter to identify the person responsible for the suspected child abuse to make a report.

*§§ 47.53, 48.53 and 49.53—Photographs of child subject to report*

To aid clarity and to be consistent with the CPSL, the Board amends these sections to include language in section 6314 of the CPSL (23 Pa.C.S. § 6314) that requires that summaries or reports of the photographs shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6490(a)(9) or (10) (relating to release of information in confidential reports).

*§§ 47.58, 48.58 and 49.58—Child abuse recognition and reporting—mandatory training requirement*

In response to IRRC’s comment, the Board amends subsection (a) to clarify the process for applicants and approved course providers to document completion of the required 3 hours of training as condition of licensure and to notify licensees that the Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting completion of the training by the applicant or the applicant has obtained an exemption under subsection (c).

The Board amends subsection (b) to clarify that the continuing education in child abuse recognition and reporting must be completed within the applicable biennial renewal period to be credited for licensure renewal. The Board also took this opportunity to clarify that if a licensee holds more than one license issued by the Board, or holds a license issued by another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses. In addition, in response to IRRC’s comment, the Board amends § 48.58(b) to be consistent with §§ 47.58(b) and 49.58(b), by clarifying that the 2 hours of continuing education in child abuse recognition and reporting “are a portion of the total continuing education required for biennial renewal.”

With regard to subsection (c), pertaining to exemptions, the Board clarifies that for purposes of licensure renewal,

comparable training completed under paragraph (1) or (2) must have been completed during the relevant biennial renewal period. The Board amends paragraph (3) in response to IRRC's comment to set forth the standards for documentation and evaluation of exemption requests where the individual demonstrates that the training or continuing education requirement is duplicative or unnecessary under the circumstances. The Board also clarifies that it is not enough that the applicant or licensee states that they do not include children in their practice.

Finally, the Board adds new subsection (d) to clarify that exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested. This subsection also clarifies the process for the grant or denial of an exemption.

#### *Fiscal Impact and Paperwork Requirements*

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. Because licensees are already required to complete mandatory continuing education, and these 2 hours in child abuse recognition and reporting are incorporated in the existing requirement, there would not be an increased burden. Only applicants for licensure would incur an additional requirement and, as there are many low-cost and free options available to complete the training, the Board anticipates this impact to also be minimal. Because all approved Act 31 training providers are required to report attendance/participation electronically, there are no additional paperwork requirements imposed on the regulated community. In addition, the implementation of an electronic reporting system for mandated reporters of child abuse under the CPSL by the Department of Human Services has decreased the paperwork requirements related to the mandatory reporting requirements.

#### *Regulatory Review*

Under section 5(a) and (f) of the Regulatory Review Act (71 P.S. § 745.5(a) and (f)), on November 24, 2020, the Board submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 14, to IRRC and the Legislative Reference Bureau. The Board subsequently submitted the notice of proposed rulemaking to the Chairpersons of the HPLC and the SCP/PLC for review and comment on February 19, 2021, as required under section 5(f) of the Regulatory Review Act.

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 from IRRC, the HPLC or the SCP/PLC and the public.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on November 30, 2021, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on January 25, 2022. 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 Sarah McNeill, Board Administrator, State Board of

Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-SOCIALWORK@pa.gov.

#### *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, but no comments were received.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 51 Pa.B. 14.

(4) This final-form rulemaking is necessary and appropriate for the administration 23 Pa.C.S. §§ 6301—6388.

#### *Order*

The Board, therefore, orders that:

(a) The regulations of the Board at 49 Pa. Code Chapters 47, 48 and 49 are amended by amending §§ 47.12, 47.32, 47.51—47.57, 48.12, 48.32, 48.51—48.57, 49.12, 49.32, and 49.51—49.57 and adding §§ 47.58, 47.59, 48.58, 48.59, 49.58 and 49.59 to read as set forth in Annex A.

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

(c) The Board shall submit the final-form regulation to IRRC, the HPLC and the SCP/PLC as required by law.

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

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

JOY E. CORBY, PHD, LMFT,  
*Chairperson*

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

**Fiscal Note:** Fiscal Note 16A-6919 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

#### **LICENSURE**

#### **§ 47.12. Qualifications for licensure.**

General qualifications and requirements for applicants for licensure are as follows:

\* \* \* \* \*

(5) The applicant has submitted two Certificates of Recommendation on forms furnished by the Board.

(6) The applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 47.58(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(7) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

**CONTINUING EDUCATION**

**§ 47.32. Requirement for biennial renewal.**

The Board requires, as a condition of biennial renewal of a bachelor social worker’s license, a social worker’s license or a clinical social worker’s license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers. Excess clock hours may not be carried over to the next biennium. At least 3 of the required 30 clock hours must be related to ethical issues and at least 2 clock hours must be in child abuse recognition and reporting in accordance with § 47.58(b) (relating to child abuse recognition and reporting—mandatory training requirement).

**CHILD ABUSE REPORTING REQUIREMENTS**

**§ 47.51. Definitions relating to child abuse reporting requirements.**

The following words and terms, when used in this section and §§ 47.52—47.59 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

*Bodily injury*—Impairment of physical condition or substantial pain.

*Bureau*—Bureau of Professional and Occupational Affairs within the Department of State of the Commonwealth.

*Child*—An individual under 18 years of age.

*Child abuse*—

Intentionally, knowingly or recklessly doing any of the following:

- (i) Causing bodily injury to a child through any recent act or failure to act.
- (ii) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- (iii) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- (iv) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (v) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (vi) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (vii) Causing serious physical neglect of a child.
- (viii) Engaging in any of the following recent acts:
  - (A) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
  - (B) Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.
  - (C) Forcefully shaking a child under 1 year of age.

(D) Forcefully slapping or otherwise striking a child under 1 year of age.

(E) Interfering with the breathing of a child.

(F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(G) Leaving a child unsupervised with an individual, other than the child’s parent, who the actor knows or reasonably should have known:

(I) is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), when the victim of the sexual offense was under 18 years of age when the crime was committed;

(II) has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors;

(III) has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions); or

(IV) has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

(ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

*ChildLine*—An organizational unit of the Department of Human Services, which operates a 24-hour a day Statewide toll-free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Mandated reporter*—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this chapter, the term includes all licensed bachelor social workers, licensed social workers and licensed clinical social workers.

*Parent*—A biological parent, adoptive parent or legal guardian.

*Perpetrator*—An individual who has committed child abuse as defined in this section. The following apply:

- (i) This term includes only the following:
  - (A) A parent of the child.
  - (B) A spouse or former spouse of the child’s parent.
  - (C) A paramour or former paramour of the child’s parent.
  - (D) An individual 14 years of age or older who is a person responsible for the child’s welfare or who has direct contact with children as an employee of child-care services, a school or through a program, activity or service.
  - (E) An individual 14 years of age or older who resides in the same home as the child.
  - (F) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.

(G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

- (A) A parent of the child.
- (B) A spouse or former spouse of the child's parent.
- (C) A paramour or former paramour of the child's parent.
- (D) A person responsible for the child's welfare who is 18 years of age or older.
- (E) An individual 18 years of age or older who resides in the same home as the child.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

*Program, activity or service*—Any of the following in which children participate and which is sponsored by a school or a public or private organization:

- (i) A youth camp or program.
- (ii) A recreational camp or program.
- (iii) A sports or athletic program.
- (iv) A community or social outreach program.
- (v) An enrichment or educational program.
- (vi) A troop, club or similar organization.

*Recent act or failure to act*—An act or failure to act committed within 2 years of the date of the report to the Department of Human Services or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical neglect*—Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

- (i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
- (ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

*Sexual abuse or exploitation*—Any of the following:

- (i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:
  - (A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.

(B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

(C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

- (A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).
- (B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- (C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (E) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- (F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).
- (H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).
- (I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).
- (J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).
- (K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
- (L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
- (M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

**§ 47.52. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.*

(1) Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed bachelor social workers, licensed social workers and licensed clinical social workers are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- (i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.

(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(2) Nothing in this subsection shall require a child to come before the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this subsection shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Whenever a licensed bachelor social worker, licensed social worker or licensed clinical social worker (licensee) is required to make a report under subsection (a) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that licensee shall report immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) *Reporting procedure.*

(1) A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(i) Making an oral report of suspected child abuse by telephone to ChildLine at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this subparagraph may be submitted electronically.

(ii) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (related to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis). A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(2) A written or electronic report of suspected child abuse must include the following information, if known:

(i) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.

(ii) Where the suspected child abuse occurred.

(iii) The age and sex of each subject of the report.

(iv) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.

(v) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.

(vi) Family composition.

(vii) The source of the report.

(viii) The name, telephone number and e-mail address of the person making the report.

(ix) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(x) Other information required by Federal law or regulation.

(xi) Other information that the Department of Human Services may require by regulation.

**§ 47.53. Photographs of child subject to report.**

A licensed bachelor social worker, licensed social worker or licensed clinical social worker may take or cause to be taken photographs of the child who is subject to a report. Summaries or reports of the photographs taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 47.52(c)(1)(ii) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and may obtain them or duplicates of them upon request. Summaries or reports of the photographs shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6490(a)(9) or (10) (relating to release of information in confidential reports).

**§ 47.54. Suspected death as a result of child abuse—mandated reporting requirement.**

A licensed bachelor social worker, licensed social worker or licensed clinical social worker who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

**§ 47.55. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a licensed bachelor social worker, licensed social worker or licensed clinical social worker who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317, shall have immunity from civil and criminal liability that might otherwise result by reason of the actions of the licensed bachelor social worker, licensed social worker or licensed clinical social worker. For the purpose of any civil or criminal proceeding, the good faith of the licensed bachelor social worker, licensed social worker or licensed clinical social worker shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensee's actions under §§ 47.52—47.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

**§ 47.56. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 47.52—47.54 (relating to suspected child

abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient/client does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503) by releasing information necessary to complete the report.

**§ 47.57. Noncompliance.**

(a) *Disciplinary action.* A licensed bachelor social worker, licensed social worker or licensed clinical social worker who willfully fails to comply with the reporting requirements in §§ 47.52—47.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a licensed bachelor social worker, licensed social worker or licensed clinical social worker who is required to report a case of suspected child abuse or to make a referral to the appropriate authorities and who willfully fails to do so commits a criminal offense, as follows:

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if all of the following apply:

- (i) The mandated reporter willfully fails to report.
- (ii) The child abuse constitutes a felony of the first degree or higher.
- (iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report continues while the mandated reporter knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under 23 Pa.C.S. § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

**§ 47.58. Child abuse recognition and reporting—mandatory training requirement.**

(a) Except as provided in subsection (c), individuals applying to the Board for a license shall complete, as a

condition of licensure, at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services and the Bureau, as set forth in § 47.59 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensees seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, at least 2 hours of approved continuing education in child abuse recognition and reporting, as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 47.59. The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course within the applicable biennial renewal period or the licensee has obtained an exemption under subsection (c). If a licensee holds more than one license issued by the Board, or holds a license issued by another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training as required by section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(2) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training required by 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.



(3) The applicant or licensee submits documentation acceptable to the Board demonstrating why the applicant or licensee should not be subject to the training or continuing education requirement. The Board will not grant an exemption based solely upon proof that children are not part of the applicant's or licensee's practice. Each request for an exemption under this paragraph will be considered on a case-by-case basis. The Board may grant the exemption if it finds that completion of the training or continuing education requirement is duplicative or unnecessary under the circumstances.

(d) Exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested. If an exemption is granted, the Board will issue or renew the license, as applicable. If an exemption is denied, the Board will e-mail the applicant or licensee a discrepancy notice notifying them of the need to either complete an approved course or, if warranted, to submit additional documentation in support of their request for an exemption.

**§ 47.59. Child abuse recognition and reporting course approval process.**

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required under 23 Pa.C.S. § 6383(b) (relating to education and training) by submitting the course materials set forth in subsection (b) simultaneously to the Department of Human Services, Office of Children, Youth and Families and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120 or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649 or electronically at RA-stcpsl\_course\_app@pa.gov.

(b) Submissions must include the following:

(1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) The course related materials, including as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

(v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.

(vi) For online courses, a transcript of audio training.

(8) Citation of sources, including written permission to use copyrighted material, if applicable.

(9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.

(10) Printed materials used to market the training.

(11) Evaluation used to assess participants' satisfaction with the training.

(12) Sample certificate of attendance/participation, which must include:

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

(iv) Length of training (2 or 3 hours).

(v) Name and signature of the authorized representative of the provider. The signature may be an electronic signature.

(vi) Statement affirming the participant attended the entire course.

(13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.

(c) The Bureau will notify the applicant in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS**

**LICENSURE**

**§ 48.12. General qualifications for licensure.**

General qualifications and requirements for applicants for licensure are as follows:

\* \* \* \* \*

(5) The applicant has submitted two certificates of recommendation on forms furnished by the Board.

(6) The applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 48.58(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(7) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

**CONTINUING EDUCATION**

**§ 48.32. Requirement for biennial renewal.**

The Board requires, as a condition of biennial renewal of a marriage and family therapist's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers. Up to 20 clock hours may be obtained by home study. Excess clock hours may not be carried over to the next biennium. At least 3 of the required 30 clock hours must be related to ethical issues and at least 2 of the required 30 clock hours must be completed in child abuse recognition and reporting in accordance with § 48.58(b) (relating to child abuse recognition and reporting—mandatory training requirement).

**CHILD ABUSE REPORTING REQUIREMENTS**

**§ 48.51. Definitions relating to child abuse reporting requirements.**

The following words and terms, when used in this section and §§ 48.52—48.59 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

*Bodily injury*—Impairment of physical condition or substantial pain.

*Bureau*—Bureau of Professional and Occupational Affairs within the Department of State of the Commonwealth.

*Child*—An individual under 18 years of age.

*Child abuse*—

Intentionally, knowingly or recklessly doing any of the following:

(i) Causing bodily injury to a child through any recent act or failure to act.

(ii) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.

(iii) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.

(iv) Causing sexual abuse or exploitation of a child through any act or failure to act.

(v) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

(vi) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

(vii) Causing serious physical neglect of a child.

(viii) Engaging in any of the following recent acts:

(A) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

(B) Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.

(C) Forcefully shaking a child under 1 year of age.

(D) Forcefully slapping or otherwise striking a child under 1 year of age.

(E) Interfering with the breathing of a child.

(F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(G) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(I) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), when the victim of the sexual offense was under 18 years of age when the crime was committed.

(II) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(III) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(IV) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

(ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

*ChildLine*—An organizational unit of the Department of Human Services, which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Mandated reporter*—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this chapter, the term includes all licensed marriage and family therapists.

*Parent*—A biological parent, adoptive parent or legal guardian.

*Perpetrator*—An individual who has committed child abuse as defined in this section. The following apply:

(i) This term includes only the following:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) An individual 14 years of age or older who is a person responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program, activity or service.

(E) An individual 14 years of age or older who resides in the same home as the child.

(F) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.

(G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) A person responsible for the child's welfare who is 18 years of age or older.

(E) An individual 18 years of age or older who resides in the same home as the child.

*Person responsible for the child's welfare*—

A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

*Program, activity or service*—Any of the following in which children participate and which is sponsored by a school or public or private organization:

(i) A youth camp or program.

(ii) A recreational camp or program.

(iii) A sports or athletic program.

- (iv) A community or social outreach program.
- (v) An enrichment or educational program.
- (vi) A troop, club or similar organization.

*Recent act or failure to act*—An act or failure to act committed within 2 years of the date of the report to the Department of Human Services or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical neglect*—Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

- (i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
- (ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

*Sexual abuse or exploitation*—Any of the following:

(i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:

- (A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
- (B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
- (C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
- (D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

- (A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).
- (B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- (C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (E) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- (F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).

(J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

**§ 48.52. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.*

(1) Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed marriage and family therapists are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- (i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.
- (ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
- (iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(2) Nothing in this subsection shall require a child to come before the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this subsection shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Whenever a licensed marriage and family therapist is required to make a report under subsection (a) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that licensed marriage and family therapist shall report immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) *Reporting procedure.*

(1) A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(i) Making an oral report of suspected child abuse by telephone to ChildLine at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this subparagraph may be submitted electronically.

(ii) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (related to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis). A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(2) A written or electronic report of suspected child abuse must include the following information, if known:

(i) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.

(ii) Where the suspected child abuse occurred.

(iii) The age and sex of each subject of the report.

(iv) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.

(v) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.

(vi) Family composition.

(vii) The source of the report.

(viii) The name, telephone number and e-mail address of the person making the report.

(ix) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(x) Other information required by Federal law or regulation.

(xi) Other information that the Department of Human Services may require by regulation.

**§ 48.53. Photographs of child subject to report.**

A licensed marriage and family therapist may take or cause to be taken photographs of the child who is subject to a report. Summaries or reports of the photographs taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 48.52(c)(1)(ii) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and may obtain them or duplicates of them upon request. Summaries or reports of the photographs shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6490(a)(9) or (10) (relating to release of information in confidential reports).

**§ 48.54. Suspected death as a result of child abuse—mandated reporting requirement.**

A licensed marriage and family therapist who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

**§ 48.55. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a licensed marriage and family therapist who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317, shall have immunity from civil and criminal liability that might otherwise result by reason of the licensed marriage and family therapist's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensed marriage and family therapist shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensed marriage and family therapist's actions under §§ 48.52—48.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

**§ 48.56. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 48.52—48.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient/client does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503) by releasing information necessary to complete the report.

**§ 48.57. Noncompliance.**

(a) *Disciplinary action.* A licensed marriage and family therapist who willfully fails to comply with the reporting requirements in §§ 48.52—48.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a licensed marriage and family therapist who is required to report a case of suspected child abuse or to make a referral to the appropriate authorities and who willfully fails to do so commits a criminal offense, as follows:

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if all of the following apply:

(i) The mandated reporter willfully fails to report.

(ii) The child abuse constitutes a felony of the first degree or higher.

(iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report continues while the mandated reporter knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under 23 Pa.C.S. § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

**§ 48.58. Child abuse recognition and reporting—mandatory training requirement.**

(a) Except as provided in subsection (c), individuals applying to the Board for a license as a marriage and family therapist shall complete, as a condition of licensure, at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services and the Bureau, as set forth in § 48.59 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensed marriage and family therapists seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, at least 2 hours of approved continuing education in child abuse recognition and reporting as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 48.59 (relating to child abuse recognition and reporting course approval process). The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course within the applicable biennial renewal period or the licensee has obtained an exemption under subsection (c). If a licensee holds more than one license issued by the Board, or holds a license issued by another licensing Board within the

Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training as required by section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(2) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training required by 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(3) The applicant or licensee submits documentation acceptable to the Board demonstrating why the applicant or licensee should not be subject to the training or continuing education requirement. The Board will not grant an exemption based solely upon proof that children are not part of the applicant's or licensee's practice. Each request for an exemption under this paragraph will be considered on a case-by-case basis. The Board may grant the exemption if it finds that completion of the training or continuing education requirement is duplicative or unnecessary under the circumstances.

(d) Exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested. If an exemption is granted, the Board will issue or renew the license, as applicable. If an exemption is denied, the Board will e-mail the applicant or licensee a discrepancy notice notifying them of the need to either complete an approved course or, if warranted, to submit additional documentation in support of their request for an exemption.

**§ 48.59. Child abuse recognition and reporting course approval process.**

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required under 23 Pa.C.S. § 6383(b) (relating to education and training) by submitting the course materials set forth in subsection (b) simultaneously to the Department of Human Services, Office of Children, Youth and Families, and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120 or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649 or electronically at RA-stcpsl\_course\_app@pa.gov.

(b) Submissions must include the following:

(1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) The course related materials, including as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

(v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.

(vi) For online courses, a transcript of audio training.

(8) Citation of sources, including written permission to use copyrighted material, if applicable.

(9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.

(10) Printed materials used to market the training.

(11) Evaluation used to assess participants' satisfaction with the training.

(12) Sample certificate of attendance/participation, which must include:

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

(iv) Length of training (2 or 3 hours).

(v) Name and signature of authorized representative of the providers. The signature may be an electronic signature.

(vi) Statement affirming the participant attended the entire course.

(13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.

(c) The Bureau will notify the applicant in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

## CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS

### § 49.12. General qualifications for licensure.

General qualifications and requirements for applicants for licensure are as follows:

\* \* \* \* \*

(5) The applicant has submitted two certificates of recommendation on forms furnished by the Board.

(6) The applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 49.58(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(7) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

### CONTINUING EDUCATION

#### § 49.32. Requirement for biennial renewal.

The Board requires, as a condition of biennial renewal of a professional counselor's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers. Up to 20 clock hours may be obtained by home study. Excess clock hours may not be carried over to the next biennium. At least 3 of the required 30 clock hours must be related to ethical issues and at least 2 of the required 30 clock hours must be completed in child abuse recognition and reporting in accordance with § 49.58(b) (relating to child abuse recognition and reporting—mandatory training requirement).

### CHILD ABUSE REPORTING REQUIREMENTS

#### § 49.51. Definitions relating to child abuse reporting requirements.

The following words and terms, when used in this section and §§ 49.52—49.59 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

*Bodily injury*—Impairment of physical condition or substantial pain.

*Bureau*—Bureau of Professional and Occupational Affairs within the Department of State of the Commonwealth.

*Child*—An individual under 18 years of age.

*Child abuse*—

Intentionally, knowingly or recklessly doing any of the following:

(i) Causing bodily injury to a child through any recent act or failure to act.

(ii) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.

(iii) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.

(iv) Causing sexual abuse or exploitation of a child through any act or failure to act.

(v) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

(vi) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

(vii) Causing serious physical neglect of a child.

(viii) Engaging in any of the following recent acts:

(A) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

(B) Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.

(C) Forcefully shaking a child under 1 year of age.

(D) Forcefully slapping or otherwise striking a child under 1 year of age.

(E) Interfering with the breathing of a child.

(F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(G) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(I) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), when the victim of the sexual offense was under 18 years of age when the crime was committed.

(II) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(III) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(IV) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

(ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

*ChildLine*—An organizational unit of the Department of Human Services, which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Mandated reporter*—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this chapter, the term includes all licensed professional counselors.

*Parent*—A biological parent, adoptive parent or legal guardian.

*Perpetrator*—An individual who has committed child abuse as defined in this section. The following apply:

(i) This term includes only the following:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) An individual 14 years of age or older who is a person responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program, activity or service.

(E) An individual 14 years of age or older who resides in the same home as the child.

(F) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.

(G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) A person responsible for the child's welfare who is 18 years of age or older.

(E) An individual 18 years of age or older who resides in the same home as the child.

*Person responsible for the child's welfare*—

A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

*Program, activity or service*—Any of the following in which children participate and which is sponsored by a school or by a public or private organization:

(i) A youth camp or program.

(ii) A recreational camp or program.

(iii) A sports or athletic program.

(iv) A community or social outreach program.

(v) An enrichment or educational program.

(vi) A troop, club or similar organization.

*Recent act or failure to act*—An act or failure to act committed within 2 years of the date of the report to the Department of Human Services or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical neglect*—Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

(i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.

(ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

*Sexual abuse or exploitation*—Any of the following:

(i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:

(A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.

(B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

(C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

(A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(E) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

(F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).

(J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

#### § 49.52. Suspected child abuse—mandated reporting requirements.

(a) *General rule.*

(1) Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed professional counselors are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.

(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(2) Nothing in this subsection shall require a child to come before the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this subsection shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Whenever a licensed professional counselor is required to make a report under subsection (a) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that licensed professional counselor shall report immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) *Reporting procedure.*

(1) A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(i) Making an oral report of suspected child abuse by telephone to ChildLine at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this subparagraph may be submitted electronically.

(ii) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (related to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis). A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.



(2) A written or electronic report of suspected child abuse must include the following information, if known:

(i) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.

(ii) Where the suspected child abuse occurred.

(iii) The age and sex of each subject of the report.

(iv) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.

(v) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.

(vi) Family composition.

(vii) The source of the report.

(viii) The name, telephone number and e-mail address of the person making the report.

(ix) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(x) Other information required by Federal law or regulation.

(xi) Other information that the Department of Human Services may require by regulation.

**§ 49.53. Photographs of child subject to report.**

A licensed professional counselor may take or cause to be taken photographs of the child who is subject to a report. Summaries or reports of the photographs taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 49.52(c)(1)(ii) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and may obtain them or duplicates of them upon request. Summaries or reports of the photographs shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6490(a)(9) or (10) (relating to release of information in confidential reports).

**§ 49.54. Suspected death as a result of child abuse—mandated reporting requirement.**

A licensed professional counselor who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

**§ 49.55. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a licensed professional counselor who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317, shall have immunity from civil and criminal liability that might otherwise result by reason of the licensed professional counselor's actions. For the purpose of any civil or criminal proceed-

ing, the good faith of the licensed professional counselor shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensed professional counselor's actions under §§ 49.52—49.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

**§ 49.56. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 49.52—49.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient/client does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503) by releasing information necessary to complete the report.

**§ 49.57. Noncompliance.**

(a) *Disciplinary action.* A licensed professional counselor who willfully fails to comply with the reporting requirements in §§ 49.52—49.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a licensed professional counselor who is required to report a case of suspected child abuse or to make a referral to the appropriate authorities and who willfully fails to do so commits a criminal offense, as follows:

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if all of the following apply:

(i) The mandated reporter willfully fails to report.

(ii) The child abuse constitutes a felony of the first degree or higher.

(iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report continues while the mandated reporter knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

**§ 49.58. Child abuse recognition and reporting—mandatory training requirement.**

(a) Except as provided in subsection (c), individuals applying to the Board for a license as a professional counselor shall complete, as a condition of licensure, at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services and the Bureau, as set forth in § 49.59 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensed professional counselors seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, at least 2 hours of approved continuing education in child abuse recognition and reporting as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 49.59 (relating to child abuse recognition and reporting course approval process). The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course within the applicable biennial renewal period or the licensee has obtained an exemption under subsection (c). If a licensee holds more than one license issued by the Board, or holds a license issued by another licensing Board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training as required by section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(2) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training required by 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(3) The applicant or licensee submits documentation acceptable to the Board demonstrating why the applicant or licensee should not be subject to the training or continuing education requirement. The Board will not grant an exemption based solely upon proof that children are not part of the applicant's or licensee's practice. Each request for an exemption under this paragraph will be considered on a case-by-case basis. The Board may grant the exemption if it finds that completion of the training or continuing education requirement is duplicative or unnecessary under the circumstances.

(d) Exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested. If an exemption is granted, the Board will issue or renew the license, as applicable. If an exemption is denied, the Board will e-mail the applicant or licensee a discrepancy notice notifying them of the need to either complete an approved course or, if warranted, to submit additional documentation in support of their request for an exemption.

**§ 49.59. Child abuse recognition and reporting course approval process.**

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required under 23 Pa.C.S. § 6383(b) by submitting the course materials set forth in subsection (b) simultaneously to the Department of Human Services, Office of Children, Youth and Families, and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120 or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649 or electronically at RA-stcpsl\_course\_app@pa.gov.

(b) Submissions must include the following:

(1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) The course related materials, including as applicable:

- (i) Handouts.
- (ii) Narrated script or talking points.
- (iii) Interactive activities or exercises.
- (iv) Videos and audio/visual content.
- (v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.
- (vi) For online courses, a transcript of audio training.
- (8) Citation of sources, including written permission to use copyrighted material, if applicable.
- (9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.
- (10) Printed materials used to market the training.
- (11) Evaluation used to assess participants' satisfaction with the training.
- (12) Sample certificate of attendance/participation, which must include:
  - (i) Name of participant.

- (ii) Title of training.
- (iii) Date of training.
- (iv) Length of training (2 or 3 hours).
- (v) Name and signature of the authorized representative of the provider. The signature may be an electronic signature.
- (vi) Statement affirming the participant attended the entire course.
- (13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.
- (c) The Bureau will notify the applicant in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

[Pa.B. Doc. No. 22-422. Filed for public inspection March 18, 2022, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[ 28 PA. CODE CHS. 201, 209 AND 211 ]

### Long-Term Care Facilities

The Department of Health (Department), after consultation with the Health Policy Board, proposes to amend 28 Pa. Code §§ 201.12—201.17, 201.22, 209.1, 209.7, 209.8 and 211.1 and add §§ 201.12a and 201.13a to read as set forth in Annex A.

The Department initially decided to submit proposed amendments to Subpart C (relating to long-term care facilities) in five separate packages. The Department acknowledges the concerns regarding the opportunity to comment holistically on this group of proposed rulemakings. The Department has since decided, in response to concerns raised during the public comment period for the previous packages, to reduce the number of proposed packages from five to four by combining the fourth and fifth packages. Given the volume of the regulations, and only slight overlap between packages, presenting the proposed amendments in separate packages has allowed the public a greater opportunity to thoroughly examine, over a longer period of time, the proposed amendments. This has afforded the public the opportunity to provide detailed comments to the proposed amendments. It has also allowed the Department to focus more closely on comments, provide a more considered response to questions and comments, and tailor the remaining proposed packages based on public and stakeholder input.

The Department will begin drafting the corresponding four final-form rulemaking packages after the public has had the opportunity, through the separate public comment periods provided for in each package, to review and comment on all four proposed rulemaking packages. This will ensure that the public has had an opportunity to vet and comment on each package separately as well as in relation to the other packages. For example, if a commentator believes that an amendment in proposed rulemaking 4 does not align with amendments that were proposed in proposed rulemaking 1, the commentator may comment on this during the 30-day public comment period for proposed rulemaking 4.

To be clear, the Department recognizes that it is imperative that the public have the opportunity to review each proposed package separately so that no detail is missed. Each separate package will contain important provisions that deserve to be the focus of discussion. Attempting to combine all four packages into one package will serve to diffuse public comment. The result would not be in the public's interest.

The Department is planning to hold meetings with stakeholders after each public comment period has ended. The first of these meetings, to discuss proposed groups 1 and 2, took place on December 15, 2021. Additional meetings will be scheduled to discuss proposed groups 3 and 4 after the public comment period has ended for each of those groups. The Department also intends to submit all four final-form regulatory packages to the House Health Committee, Senate Health and Human Services Committee, and the Independent Regulatory Review Commission (IRRC) together on the same day, so that all four final-form regulatory packages can be reviewed together as a whole.

As outlined in its first and second proposed rulemakings, the Department tentatively proposes to submit the amendments to Subpart C in the following sequence. The Department is providing this proposed schedule of amendments to aid the public in its review of the proposed packages. This is the third set of amendments to be proposed. The contents of the remaining, proposed rulemaking package, that is, proposed rulemaking 4, may change as the Department reviews and considers that content in the context of feedback received on proposed packages that have already been released for public consideration.

#### *Proposed Rulemaking 1*

§ 201.1. Applicability.

§ 201.2. Requirements.

§ 201.3. Definitions.

§ 211.12(i). Nursing Services.

#### *Proposed Rulemaking 2*

§ 201.23. Closure of facility.

Chapter 203. Application of Life Safety Code for Long-Term Care Nursing Facilities.

Chapter 204. Physical Environment and Equipment Standards for Alteration, Renovation or Construction of Long-Term Care Nursing Facilities.

Chapter 205. Physical Environment and Equipment Standards for Long-Term Care Nursing Facilities.

§ 207.4. Ice containers and storage.

#### *Proposed Rulemaking 3*

§ 201.12. Application for license of a new facility or change in ownership.

§ 201.12a. Evaluation of application for license of a new facility or change in ownership. (new)

§ 201.13. Issuance of license for a new facility or change in ownership.

§ 201.13a. License renewal. (new)

§ 201.14. Responsibility of licensee.

§ 201.15. Restrictions on license.

§ 201.17. Location.

§ 201.22. Prevention, control and surveillance of tuberculosis (TB).

§ 209.1. Fire department service.

§ 209.7. Disaster preparedness.

§ 209.8. Fire drills.

§ 211.1. Reportable diseases.

#### *Proposed Rulemaking 4*

§ 201.18. Management.

§ 201.19. Personnel records. (new proposed title)

§ 201.20. Staff development.

§ 201.21. Use of outside resources.

§ 201.24. Admission policy.

§ 201.25. Discharge policy.

§ 201.26. Power of attorney.

§ 201.27. Advertisement of special services.

- § 201.29. Resident's rights.
- § 201.30. Access requirements.
- § 201.31. Transfer agreement.
- § 207.2. Administrator's responsibility.
- § 209.3. Smoking.
- § 211.2. Physician services.
- § 211.3. Oral and telephone orders.
- § 211.4. Procedure in event of death.
- § 211.5. Clinical records.
- § 211.6. Dietary services.
- § 211.7. Physician assistants and certified registered nurse practitioners.
- § 211.8. Use of restraints.
- § 211.9. Pharmacy services.
- § 211.10. Resident care policies.
- § 211.11. Resident care plan.
- § 211.12. Nursing services.
- § 211.15. Dental services.
- § 211.16. Social services.
- § 211.17. Pet therapy.

#### *Background and Need for Amendments*

The percentage of adults 65 years of age or older in this Commonwealth is increasing. In 2010, approximately 15% of Pennsylvanians were 65 years of age or older. In 2017, this number increased to 17.8%. This Commonwealth also has a higher percentage of older adults when compared to other states. In 2017, this Commonwealth ranked fifth in the Nation in the number (2.2 million) of older adults and seventh in percentage (17.8%). The increase in older Pennsylvanians is expected to continue. It has been estimated that by 2030, there will be 38 older Pennsylvanians (65 years of age or older) for every 100-working age Pennsylvanians (15 years of age to 64 years of age). Penn State Harrisburg, Pennsylvania State Data Center. (July 2018). *Population Characteristics and Change: 2010 to 2017 (Research Brief)*. Retrieved from <https://pasdc.hbg.psu.edu/data/research-briefs/pa-population-estimates>. As the number of older Pennsylvanians increases, the number of those needing long-term care nursing will also increase. It has been estimated that an individual turning 65 years of age today has an almost 70% chance of needing some type of long-term nursing care during the remainder of their lifetime. Administration for Community Living. (February 2020). *How Much Care Will You Need?* Retrieved from <https://acl.gov/ltc/basic-needs/how-much-care-will-you-need>. Currently, there are approximately 73,000 Pennsylvanians residing in 689 long-term care nursing facilities licensed by the Department.

The Department's long-term care nursing facilities regulations have not been updated since 1999, with the last significant update occurring in 1997 after the 1996 amendment to the Health Care Facilities Act (the HCFA or act) (35 P.S. §§ 448.101—448.904b). Since that time, there have been substantial changes in the means of delivering care and providing a safe environment for residents in long-term care nursing facilities. This proposed rulemaking is necessary to improve the quality of care delivered to residents, increase resident safety and minimize procedural burdens on health care practitioners who provide care to residents in long-term care nursing facilities.

The Department began the process of updating the current long-term care regulations in late 2017. The Department sought review, assistance and advice from members of a long-term care work group (LTC Work Group) consisting of relevant stakeholders. The members of the LTC Work Group were drawn from a diverse background and included representatives from urban and rural long-term care facilities and various stakeholder organizations and consumer groups that work in the area of resident care and delivery of services. The LTC Work Group members consisted of representatives from the following organizations: American Institute of Financial Gerontology; Baker Tilly Virchow Krause, LLP; Berks Heim and Rehabilitation; Fulton County Medical Center; Garden Spot Community; HCR ManorCare; Inglis House; Landis Communities; Leading Age; Legg Consulting Services; LIFE Pittsburgh; Luzerne County Community College; The Meadows at Blue Ridge; Mennonite Home, Lutheran Senior Life Passavant Community; PA Coalition of Affiliated Healthcare and Living Communities; Pennsylvania Home Care Association; University of Pittsburgh; and Valley View Nursing Home. The following State agencies participated: Department of Aging; the Department of Human Services (DHS); and the Department of Military and Veteran's Affairs (DMVA).

The members of the LTC Work Group met regularly during 2018 with the LTC Work Group's primary focus being the simplification and modernization of the existing long-term care regulations. Upon completion of the LTC Work Group's discussions, the Department conducted an internal review of the recommended changes. While the Department accepted most of the language and substantive changes proposed by the LTC Work Group and attempted to incorporate them in this proposed rulemaking, the Department is proposing additional changes to language and additional substantive changes, as well.

During 2019 and 2020, the Department conferred with other agencies, that will be potentially affected by the proposed regulatory changes, to seek their input on provisions within their substantive expertise. These agencies included the Department of Aging, DHS and DMVA. The Department received recommendations from these agencies regarding the draft proposed regulations and made additional changes to the proposed regulations to enhance patient safety and quality of care.

The Department in its first and second proposed rulemakings addressed inconsistencies between Federal and State requirements for long-term care nursing facilities licensed in the Commonwealth. In the first proposed rulemaking, the Department proposed to expand the adoption of the Federal requirements to include all of the requirements set forth in 42 CFR Part 483, Subpart B (relating to requirements for long term care facilities). The purpose of that amendment was to create consistency in the application of Federal and State requirements to long-term care nursing facilities in the Commonwealth. In the second proposed rulemaking, the Department proposed to amend existing regulations pertaining to the closure of a long-term care nursing facility to eliminate duplication between existing Federal requirements and State requirements. The Department also proposed in that rulemaking to update requirements for alterations, renovations or construction of long-term care nursing facilities.

In this third proposed rulemaking, the Department is shifting its focus to the requirements that a long-term care nursing facility must meet for licensure, as well as safety requirements and requirements for infection pre-

vention and control. The amendments in this proposed rulemaking include: the continued elimination of provisions that are duplicative of the Federal requirements, and updating requirements for the application for licensure of new facilities and changes in ownership for existing facilities.

*Description of Proposed Amendments*

*Proposed amendments to address application for licensure of new facilities and changes in ownership for existing facilities*

Federal regulations for long-term care nursing facilities require that a long-term care nursing facility be licensed under State and local laws. 42 CFR 483.70(a) (relating to administration). The Commonwealth's HCFA is the State law that governs the licensing of long-term care nursing facilities in this Commonwealth. Section 807 of the HCFA (35 P.S. § 448.807) requires any person desiring to secure a license to maintain and operate a health care facility, which includes long-term care nursing facilities, to submit an application containing the information the Department considers necessary to determine that the facility meets the requirements for licensure. In section 103 of the HCFA (35 P.S. § 448.103) a person is defined as a natural person, corporation (including associations, joint stock companies and insurance companies), partnership, trust, estate, association, the Commonwealth, and any local governmental unit, authority and agency thereof. As used in § 201.3 (relating to definitions) the term "facility" means a licensed long-term care nursing facility as defined in Chapter 8 of the HCFA (35 P.S. §§ 448.801—448.821). The Department, under section 808 of the HCFA (35 P.S. § 448.808), shall issue a license when it is satisfied that certain standards specified within the HCFA have been met. These standards include a determination that the health care provider is a responsible person, that the place to be used as a facility is adequately constructed, equipped, maintained and operated to safely and efficiently render the services offered, that the facility provides safe and efficient services which are adequate for the care, treatment and comfort of the residents of the facility, and that there is substantial compliance with the rules and regulations adopted by the Department under the HCFA.

With respect to a change in ownership for a long-term care nursing facility, Federal regulations specify that a facility must provide written notice to the State agency responsible for licensing the facility. See 42 CFR 483.70(k). The facility must disclose the name and address of each person with an ownership or control interest of 5% or more, whether any of these persons are related to one another, and the name of any other disclosing entity in the past 3 years in which any of these persons has had an ownership or control interest or has held a position as a managing employee. See 42 CFR 483.70(k); 42 CFR 420.206 (relating to disclosure of persons having ownership, financial, or control interest); and 42 CFR 455.104 (relating to disclosure by Medicaid providers and fiscal agents: information on ownership and control). Section 809(a)(3) of the HCFA (35 P.S. § 448.809(a)(3)) states that a transfer of a health care facility may not occur without the Department's approval. The Department uses the change of ownership process as the mechanism for taking a license from one entity and giving it to another. To obtain approval from the Department, the new, proposed owner applies for licensure under § 201.12 (relating to application for license of a new facility or change in ownership). Thus, in practice, the Department has already been requiring the submission of an application under existing § 201.12 for new

long-term care nursing facilities and for changes in ownership for already existing long-term care nursing facilities. Existing § 201.12 contains similar disclosure requirements to the Federal regulations.

The Department, however, has seen a shift in ownership of long-term care nursing facilities, making it difficult to vet prospective owners of these types of facilities under the existing requirements. Specifically, over the past 20 years, the Department has seen a shift in ownership from non-profit entities to for-profit entities. It has been estimated that Nationwide, approximately 70% of long-term care nursing facilities are owned by for-profit entities. Gupta, A., et. al. *Does Private Equity Investment in Healthcare Benefit Patients? Evidence from Nursing Homes*. (February 2021). Retrieved from [https://bfi.uchicago.edu/wp-content/uploads/2021/02/BFI\\_WP\\_2021-20.pdf](https://bfi.uchicago.edu/wp-content/uploads/2021/02/BFI_WP_2021-20.pdf) (hereinafter Gupta study).

The ownership structure of for-profit entities has also become increasingly complex as owners have sought to protect themselves from liability. Complex ownership structures make it difficult to determine exactly who owns the facility, who owns the real property that the facility occupies and most importantly, who exactly is responsible for the care of residents in the facility. This makes it difficult for residents, their families and even regulators to hold owners accountable for the health and safety of residents. Private equity firms, in particular, have recently become interested in owning long-term care nursing facilities. Private equity firms are known for conducting leveraged buyouts, in which an entity is purchased by borrowing the cash needed to make the purchase. In the case of long-term care nursing facilities, private equity owners will often sell the facility's real estate assets shortly after the buyout to generate cash for their investors. This results in the need to pay rent. These rental payments, in addition to the debt incurred during the buyout, reduces the amount of cash available to provide for the care of residents. See Gupta study. This lack of cash can have dire consequences for residents in long-term care nursing facilities, as the facility is forced to cut costs, often by reducing staff. In some cases, the facility may end up closing due to its failure to meet its debt obligations, leaving residents scrambling to find care elsewhere.

The Commonwealth and the Department experienced firsthand, with the well-publicized Skyline Healthcare collapse, the detrimental impact a business failure can have on residents of a long-term care nursing facility. The owner of Skyline Healthcare, Joseph Schwartz, began purchasing and operating long-term care nursing facilities from a small office above a pizza shop in New Jersey. Joseph Schwartz's wife co-owned most of the facilities, and their two sons were vice-presidents of the business. Joseph Schwartz started small with approximately half a dozen facilities, but rapidly began expanding the business. By 2017, it was estimated that Joseph Schwartz was operating more than 100 long-term care nursing facilities Nationwide. At least half of these facilities were leased from Golden Living Centers, whom Joseph Schwartz blamed for issues that arose in the operation of those facilities. Allegations of resident neglect, unpaid bills and bounced checks, and even a resident's death, led to investigations of Skyline in multiple states. Strickler, L., et al. (July 2019). *A nursing home grows too fast and collapses, and elderly and disabled residents pay the price*. Retrieved from <https://www.nbcnews.com/health/aging/nursing-home-chain-grows-too-fast-collapses-elderly-disabled-residents-n1025381>. Here, in this Commonwealth, the Department was forced to install temporary

management at nine facilities when it became clear that Skyline could no longer fiscally operate the facilities. Marselas, K. (May 2018). *Skyline's implosion continues with Pennsylvania takeover*. Retrieved from <https://www.mcknights.com/news/skylines-implosion-continues-with-pennsylvania-takeover/>.

The Department has spent the past several years investigating the best way to evaluate prospective owners of long-term care nursing facilities to protect the health and safety of residents and to prevent a recurrence of what happened with Skyline. The Department has determined that the best way to accomplish this is through the application for licensure process. The application process provides the Department with the opportunity to gather information into the background of a prospective owner. Having as much information as possible regarding the background of a prospective owner will aid the Department in vetting prospective owners to determine whether they are a responsible person under the HCFA. For example, information pertaining to financial stability, corporate history, regulatory history in other jurisdictions, and prospective plans for the management of the facility all provide insight into a person's ability to operate a long-term care nursing facility. This insight is vital in determining whether a person can provide the care necessary for residents in a long-term care nursing facility.

The Department, therefore, in this proposed rulemaking, is proposing several changes and additions to the regulations to clarify the licensure process for new long-term care nursing facilities and renewal of licenses for existing facilities, and to address changes in ownership. These changes and additions go above and beyond the Federal requirements and are being proposed to ensure the health and safety of residents. These changes are detailed more fully as follows.

*§ 201.12. Application for license of a new facility or change in ownership*

The Department is proposing to add "of a new facility or change in ownership" to the title of this section. The Department has always required the submission of an application under existing § 201.12 for changes in ownership for already existing facilities, in addition to new facilities. To eliminate confusion, the Department is proposing to add "a new facility or change in ownership" to the title of this section to clarify that the same application process applies to both new long-term care nursing facilities and changes in ownership for already existing facilities. The Department is also proposing several new requirements in this section, described as follows, to aid the Department in evaluating a person's ability to operate a long-term care nursing facility.

*Subsection (a)*

The Department is proposing to delete this subsection and to replace it with new subsections (a.1) and (a.2) described as follows.

*Subsection (a.1)*

The Department is proposing to move the first sentence from § 201.13(a) (relating to issuance of license for a new facility or change in ownership) into this subsection, with modifications. Specifically, the Department is proposing to replace the words "maintain or operate a facility" with the words "operate or assume ownership of a facility." The Department is proposing the deletion of the word "maintain" because renewals of licenses for existing facilities will be addressed separately in new proposed § 201.13a (relating to license renewal). Moving this language, with

this modification, to § 201.12 makes it clear that all persons who wish to operate or assume ownership of a long-term care nursing facility must first obtain a license from the Department.

*Subsection (a.2)*

The Department is proposing to move the second sentence from existing subsection (a) into this subsection, with modifications. Specifically, the Department is proposing to reword this language to make it clear that a person seeking to operate or assume ownership of a long-term care nursing facility shall obtain an application form from the Division of Nursing Care Facilities in the Department. The Department is proposing to delete the "Bureau of Quality Assurance" from the regulation because it is expected that this office will undergo a name change in the future.

*Subsection (b)*

Subsection (b) specifies information that shall be submitted with an application for licensure of a long-term care nursing facility. The Department is proposing to amend the phrase "the following shall be submitted with the application for licensure" with the phrase "in addition to the completed application and fee required under section 807 of the act, a person seeking to operate or assume ownership of a facility shall submit the following" to clarify that the requirements in this subsection are in addition to the form and fee required by section 807 of the act. Section 807(a) of the act requires a person seeking to operate a long-term care nursing facility to submit an application on a form prescribed by the Department, and section 807(b) of the act delineates the fee that is required to be submitted with an application for licensure. As provided for in proposed subsection (a.2), a person may obtain this application from the Division of Nursing Care Facilities in the Department.

*Paragraph (1)*

The Department is proposing to rephrase the requirements in paragraph (1). The Department is proposing to replace the phrase "names and addresses" with the phrase "names, addresses, e-mail addresses and phone numbers" throughout this paragraph. The Department is proposing to add the phrase, "or will have an ownership or control interest in the facility, whether the interest is in its profits or in the land or building occupied and used as the facility." This proposed language clarifies that this information is required not only for individuals who currently have an ownership interest in a facility but also those that will have an ownership or control interest, as is the case with a change in ownership. Expanding the requirement to include e-mail addresses and phone numbers will provide the Department with additional means of contacting individuals who have or will have an ownership interest in the facility. E-mail addresses and phone numbers also tend to be the most effective and efficient way to communicate with individuals.

The Department is additionally proposing to add the phrase "[f]or purposes of this section, a person who has ownership or control interest is a person with a . . ." before the existing phrase ". . . direct or indirect ownership interest of 5% or more in the facility" and to add the phrase "the organization that holds the license or the land or building occupied and used in the facility" to define the types of persons the Department considers as having an ownership or a control interest in the facility. The Department proposes to break these requirements into subparagraphs (i) and (ii), respectively, for clarity.

*Paragraphs (2), (3) and (4)*

The Department is proposing in paragraph (2) to add the requirement that a person seeking to operate or assume ownership of a facility provide e-mail addresses and phone numbers for owners who are nonprofit corporations of the officers and directors of the corporation. The Department is proposing in paragraph (3) to require partnerships to provide e-mail addresses and phone numbers of the partners. The Department is proposing in paragraph (4) to add the requirement that the e-mail address and phone number of the administrator be provided as well. Expanding the existing requirements in paragraphs (2), (3) and (4) to include e-mail addresses and phone numbers will provide the Department with additional means of contacting these individuals. E-mail addresses and phone numbers also tend to be the most effective and efficient way to communicate with individuals. The Department also proposes to amend the word "owner" to "person" for consistency in the use of that term throughout this section and in the HCFA.

*Paragraph (5)*

This proposed paragraph is new. The Department is proposing, in this paragraph, to require the names, addresses, e-mail addresses and phone numbers of any persons that have or will have a direct or indirect interest in the management of the facility or the provision of services at the facility. Having this contact information provides the Department with a means of contacting the individuals who are responsible for the management of the facility or provision of services, in the event that there is an issue at the facility.

*Paragraph (6)*

This proposed paragraph is new. The Department is proposing to require that corporate history be submitted with the application. The corporate history of the person seeking to operate or assume ownership of a facility will demonstrate whether the person has a sound background in business management, and whether the person has been involved in businesses that have incurred financial distress or legal difficulties. A person with a corporate history of financial or legal difficulties may not be able to operate a long-term care nursing facility.

*Paragraph (7)*

This proposed paragraph is new. The Department is proposing to require a person seeking to operate or assume ownership of a facility to provide a list of every licensed facility in any state, the District of Columbia or territory in which the applicant has or had any percentage of interest in the ownership, management or real property of that facility. Having this list will allow the Department to investigate an applicant's experience with owning or managing other facilities. Prior and existing experience owning or managing other facilities is a good indicator of a person's ability or inability to own a long-term care nursing facility.

*Paragraph (8)*

This proposed paragraph is new. The Department is proposing to require a person seeking to operate or assume ownership of a facility to provide their licensing and regulatory history in all jurisdictions where they have or have had a direct or indirect ownership interest in a long-term care nursing facility. The licensing and regulatory history of a prospective owner's other long-term care nursing facilities demonstrates the prospective owner's ability to provide quality care to residents. A history of noncompliance or licensing issues, such as

revocation of a license, demonstrate that there may be issues regarding the applicant's ability to properly manage a facility or care for residents. Conversely, no history of compliance issues is an indicator that the facilities owned by the person are well managed and provide quality care to residents.

*Paragraph (9)*

This proposed paragraph is new. The Department is proposing to require a person seeking to operate or assume ownership of a facility to provide a detailed summary of current or settled civil actions or criminal actions filed against the person. Civil and criminal actions may not always be captured in a person's licensing and regulatory history. A wrongful death action, for example, may show that a person acted inappropriately in providing care to a resident, but may slip through the cracks from a regulatory perspective. Requiring a person to provide this type of information provides an additional mechanism for capturing potential performance issues during the application process.

*Paragraph (10)*

This proposed paragraph is new. The Department is proposing to require a person seeking to operate or assume ownership of a facility to provide information regarding any financial failures involving any persons identified in the application that resulted in a bankruptcy, receivership, assignment, debt consolidation or restructuring, mortgage foreclosure, corporate integrity agreement, or sale or closure of a nursing facilities, the land it sits on or the building in which it is located. For a long-term care nursing facility to provide quality care, the facility must have the financial stability to properly operate. Staff must be paid, and residents must be provided the appropriate therapies, medications, and accommodations for a facility to properly operate and provide quality care to residents. By obtaining information regarding a prospective owner's financial health, the Department will be able evaluate the ability of the prospective owner to properly operate a long-term care nursing facility.

*Paragraph (11)*

This proposed paragraph is new. The Department is proposing to add, in this paragraph, a catch-all provision that will require a person seeking to operate or assume ownership of a facility to provide any additional information the Department may require. This catch-all provision will provide the Department with flexibility to require additional information as circumstances warrant. The Department recognizes, especially given the lessons learned during the novel coronavirus (COVID-19) pandemic, that there may be circumstances when more information is needed to support an application for licensure of a long-term care facility. Without this additional requirement, these issues could evade review during the initial application process.

*Subsection (c)*

This proposed subsection is new. The Department is proposing to include in this subsection additional requirements to be included with the application to aid the Department in its evaluation of a person's ability to operate a long-term care nursing facility. The proposed amendments to subsection (b) focus on requirements that will allow the Department to assess the financial health and stability of a person, as well as a person's history in operating long-term care nursing facilities. The proposed requirements in subsection (c), on the other hand, are intended to provide the Department with additional infor-



mation, detailed as follows, regarding the person's intentions with respect to the actual operation of the long-term care nursing facility, to ensure that the person will be able to provide safe and adequate care for long-term care nursing residents.

*Paragraphs (1) through (5)*

The Department is proposing in paragraph (1) to require a person seeking to operate or assume ownership of a facility to provide a proposed staffing and hiring plan, which shall include management and oversight staff and the participants of the governing body. The Department is proposing in paragraph (2) to require an applicant to provide a proposed training plan for staff. The Department is proposing in paragraph (3) to require an applicant to provide a proposed emergency preparedness plan that meets the requirements of 42 CFR 483.73(a) (relating to emergency preparedness). The Department is proposing in paragraph (4) to require a person seeking to operate or assume ownership of a facility to provide proposed standard admissions and discharge agreements. The Department is proposing in paragraph (5) to require an applicant to provide a detailed budget for 3 years of operations, prepared in accordance with generally accepted accounting principles and evidence of access to sufficient capital needed to operate the facility in accordance with the budget and facility assessment. Having this information will allow the Department to assess the reasonableness of a prospective owner's proposed plans and the prospective owner's level of preparedness to operate a long-term care nursing facility.

*Subsection (d)*

This proposed subsection is new. The Department recognizes that the application process being proposed is arduous and that mistakes can happen. In addition, the Department may need additional information or explanations regarding information submitted with the application. The Department is therefore proposing to add language to allow an applicant 30 days from the date of the denial of an application to cure defects in the application.

*§ 201.12a. Evaluation of application for license of a new facility or change in ownership*

This proposed section is new. The Department is proposing, in this section, to outline the Department's process for the evaluation of an application for licensure of a new facility or change in ownership. The purpose of delineating, in regulation, the Department's role in the application process is to provide transparency and guidance to applicants as to what the Department will be considering in its evaluation of applicants.

*Subsection (a)*

Under proposed subsection (a), the Department will consider the application form and documents submitted under § 201.12.

*Subsection (b)*

Under this proposed subsection, the Department will approve or deny an application upon completion of the evaluation conducted under subsection (a).

*Subsection (c)*

In this proposed subsection, the Department has outlined what it will consider in determining whether it may approve or deny an application. Specifically, the Department will consider the applicant's past performance related to owning or operating a facility in this Commonwealth or other jurisdictions, the applicant's demon-

strated financial and organizational capacity and capability to successfully perform the requirements of operating a facility, and the applicant's demonstrated history and experience with regulatory compliance, as evaluated in part by evidence of consistent performance in delivering quality care. Past performance and financial issues and a history of regulatory citations are all indications that an applicant may not be able to operate a long-term care nursing facility.

The Department will evaluate each application to determine whether the applicant can operate a long-term care facility.

*§ 201.13. Issuance of license for a new facility or change in ownership*

The Department is proposing to add "for a new facility or change in ownership" to the title of this section to describe the contents of this section more accurately. The Department is proposing changes, detailed as follows, throughout this section to clarify that the contents of this section apply to new facilities or changes in ownership for existing facilities. License renewals for existing facilities will be addressed in new proposed § 201.13a.

*Subsection (a)*

The Department is proposing to delete this subsection. As noted previously, the Department is proposing to move the first sentence of this subsection into § 201.12(a.1) with changes. The second sentence of this subsection, regarding the non-transferability of a license, is duplicative of section 809(a)(3) of the act, which provides that no license shall be transferable except upon written approval of the Department. The Department uses the change of ownership process as the mechanism for taking a license from one entity and giving it to another. To obtain approval from the Department, the new, proposed owner applies for licensure under existing § 201.12. To eliminate confusion, the Department is proposing to update § 201.12 and add new requirements under § 201.12a to clarify what exactly is required of both new applicants and those who desire to assume ownership of an already existing facility.

*Subsection (b)*

The Department is proposing to delete existing language in this subsection requiring an inspection. The Department conducts inspections or surveys, before the issuance of a license for a new facility. See 35 P.S. § 448.806d(a); 35 P.S. § 448.813(a); 35 P.S. §§ 448.806d(a) and 448.813(a)). However, depending on the circumstances, the Department may or may not conduct a survey when there is a change in ownership. For example, if the Department's surveyors were recently in the facility, there may be no need for a survey because the facility has already been inspected. Once the change in ownership has been approved, a survey may be conducted if there is a concern that the facility is not adhering to the Department's regulations. Notwithstanding this practice, the Department has the authority, under sections 806d(a) and 813(a) of the act, to conduct a survey under the act for both the issuance of license for a new facility and a change in ownership. The Department is preserving that right by retaining the language in subsection (e). It is not necessary to retain the requirement of a survey in this particular subsection because, as noted previously, it is already required in the act and in current § 201.13(e), which the Department is retaining, without amendment.

The Department is also proposing to delete references to an application form and licensure fee. Requirements for the application and licensure fee are addressed in the

act and in the proposed changes to § 201.12, as described previously. The Department is proposing to add cross-references to §§ 201.12 and 201.12a to clarify that a license will be issued after the Department receives a completed application, fee, and all of the additional information required to be submitted with an application under § 201.12, and after the Department has completed the evaluation process under § 201.12a.

*Subsection (c)*

The Department is proposing to delete the existing language in subsection (c), which delineates the fees to be submitted with an application for licensure of a long-term care nursing facility. Section 807(b) of the act sets forth the fees that are to accompany an application for a license or renewal of a license. Because these fees are set by statute, the Department is not able to change them, and it is not necessary to specify the fees in regulation.

*Subsection (d)*

The Department is proposing to add “the name and address of the owner of the facility” to the license that will be issued to the owner of a facility. Including this information on a facility’s license will increase transparency for residents and their families, by allowing them to quickly determine who the owner of the facility is and how to contact them. The Department is proposing to delete “and types” of beds from the license as well because this requirement is obsolete. The Department no longer classifies bed types, and thus, this information is not needed on the license.

*Subsection (e)*

The Department is proposing no changes to subsection (e).

*Subsection (f)*

The Department is proposing to delete subsection (f) to eliminate duplication and potential confusion between the regulations and the act. The circumstances under which the Department will issue a provisional license are covered in section 812 of the act (35 P.S. § 448.812).

*Subsection (g)*

The Department is proposing to move subsection (g) into § 201.14 (relating to responsibility of licensee), based on the Department’s decision to amend this section so that it applies only to licenses for new facilities or changes in ownership. Long-term care nursing facilities are required to have on file the most recent inspection reports. Moving this language to § 201.14 will clarify that this responsibility applies to all facilities.

*Subsection (h)*

The Department is proposing to delete the language in existing subsection (h), pertaining to plans of correction, because it is duplicative of the requirements in the HCFA and not necessary to have in the regulations. Under section 814(a) of the act (35 P.S. § 448.814(a)), the Department shall provide notice when, upon inspection, investigation or complaint, it finds a violation of its regulations or the act. This notice shall require the facility to act or submit a plan of correction. The Department currently uses an electronic system for the submission of the plan of correction and provides facilities with instructions on how to submit a plan of correction through this system when one is required.

*Subsection (i)*

The Department is proposing to delete subsection (i) to eliminate duplication and potential confusion between the

regulations and the requirements in the act. Section 809(b) of the act provides that a license shall at all times be posted in a conspicuous place on the premises.

*§ 201.13a. License renewal*

The Department is proposing the addition of this new section to separate the requirements for license renewals from the requirements for licenses of new facilities and changes in ownership for existing facilities.

*Subsection (a)*

This proposed subsection will require long-term care nursing facilities to apply for renewal of their licenses on a form prescribed by the Department with the fee required by the act. This is already required of facilities seeking to renew their licenses, and thus, does not impose any new obligation or burden on facilities.

*Subsection (b)*

This proposed subsection specifies that the Department will renew a license after a survey is conducted which indicates that the facility is in substantial compliance with the act. This is already required of facilities seeking to renew their licenses, and thus, does not impose any new obligation or burden on facilities.

*§ 201.14. Responsibility of licensee*

*Subsection (a)*

The Department is proposing to add the word “Federal” in the first sentence to clarify that licensees are responsible for adhering to Federal as well as State and local minimum standards. The Department is also proposing to add the following sentence to this subsection, “This includes complying with all applicable Federal and State laws, and rules, regulations and orders issued by Federal, State or local agencies.” The purpose of this addition is to make it clear that all licensees are required to adhere to all applicable Federal and State laws, and rules, regulations and orders issued by Federal, State and local agencies. This clarification is important because there may be instances, such as during the COVID-19 pandemic, where information is rapidly changing, and it is imperative that facilities are adhering to rules, regulations and orders that are being issued to ensure the health and safety of residents.

*Subsection (b)*

The Department is proposing to remove the word “the” from this subsection for grammatical reasons. The Department is also proposing to replace the word “insuring” with “ensuring” for the correct usage and spelling of that term. The Department is proposing to replace the phrase, “this subpart, and other relevant Commonwealth regulations” with the phrase, “all applicable Federal and State laws, and rules, regulations, and orders issued by the Department and other Federal, State and local agencies.” The Department is proposing this change for uniformity with the requirement in subsection (a) and to clarify that a licensee is responsible for ensuring that all services for the administration or management of the facility are compliant with all applicable Federal and State laws, and rules, regulations and orders issued by the Department and other Federal, State and local agencies. As mentioned previously, this clarification is important in situations, such as a pandemic, where information is rapidly changing and adherence to rules, regulations and orders issued by Federal, State and local entities is imperative to ensure the health and safety of residents.

*Subsection (c)*

The Department is proposing to add “within 24 hours” from subsection (e) to this subsection to require a licensee, through the administrator, to report to the appropriate Division of Nursing Care Facilities field office within 24 hours serious incidents, involving residents, that are outlined in § 51.3 (relating to notification). The Department is proposing to move this language from subsection (e) into subsection (c) and to delete subsection (e) to streamline this requirement and for ease of readability. The Department is also proposing to move the phrase “as set forth in § 51.3 (relating to notification)” into the first sentence, for grammatical reasons.

*Subsection (d)*

The Department is proposing to delete this subsection because it is duplicative of requirements that are already outlined in § 51.3. Health care facilities, including long-term care nursing facilities, are required to comply with the requirements in § 51.3.

*Subsection (e)*

The Department is proposing to delete this subsection as explained in subsection (c).

*Subsection (f)*

The Department is proposing no changes to this subsection.

*Subsection (g)*

The Department is proposing no changes to this subsection.

*Subsection (h)*

The Department is proposing to delete “and” before “program” and add “and any other” before the word “information” in this subsection. The addition of “and any other” before “information” will provide the Department with flexibility to require licensees to provide other information that may be important to ensure the health and safety of residents. The Department is proposing to add this language due to lessons learned during the COVID-19 pandemic. Throughout the COVID-19 pandemic, there have been times when the Department needed information such as the number of COVID cases within facilities, vaccination status and patient per day calculations. Adding this language into the regulation will make it easier to obtain this information from facilities. The Department is proposing to delete “on forms issued by the Department” to allow for flexibility in how this information is obtained by the Department. Having this flexibility has proven to be vital during the COVID-19 pandemic.

*Subsection (i)*

As explained previously, the Department is proposing to move the language from § 201.13(g) to this subsection. The Department proposes to add the word “Federal” to the requirement that a facility have on file the most recent inspection reports. Facilities that participate in Medicare or Medical Assistance are subject to surveys for compliance with the Federal requirements.

*Subsection (j)*

This proposed subsection is new. The Department is proposing to require long-term care nursing facilities to conduct facility assessments that meet the requirements of 42 CFR 483.70(e), as necessary, but at least quarterly. Currently, under the Federal requirements, a facility must conduct and document a facility-wide assessment to determine the resources necessary to care for its residents

competently during both day-to-day operations and emergencies. The facility must review and update the assessment, as necessary, and at least annually. The Department has determined that quarterly assessments provide a more accurate mechanism through which a facility can determine the resources, particularly staffing levels, needed to properly care for residents. Throughout the year, a facility may experience changes in resident population, resident conditions and staff levels and competencies. Updating the facility assessment on at least a quarterly basis will allow a facility to properly assess the needs of residents and ensure that residents are receiving the most appropriate care and services.

*§ 201.15. Restrictions on license**Subsections (a)*

The Department is proposing to delete subsection (a) as it is duplicative of sections 809(a)(3) and (4) of the act. Section 809(a)(3) provides that a license shall not be transferable except upon prior written approval of the Department. Section 809(a)(4) of the act, provides that a license shall be issued only for the health care facility or facilities named in the application. The Department uses the change of ownership process as the mechanism for taking a license from one entity and giving it to another. Changes in ownership are addressed in proposed §§ 201.12 and 201.13, as discussed previously.

*Subsection (b)*

The Department is proposing to keep the existing language, in this subsection, with minor changes for clarity and ease of readability. The Department is proposing to add the word “automatically” before the word “void” to reflect the understanding, in practice, that a long-term care nursing facility’s license becomes automatically void, without notice, if any of the conditions in paragraphs (1) through (4) occur. In paragraph (1), the Department is proposing to replace the phrase “expiration date has been reached” with the phrase “license term expires” to eliminate possible confusion by clarifying that a license becomes automatically void when the license term expires. In paragraph (3), the Department is proposing to delete “for the transfer of the license” to eliminate confusion in terminology because as discussed previously, the Department uses the change of ownership process as the mechanism for taking a license from one entity and giving it to another. Changes in ownership are addressed in proposed §§ 201.12 and 201.13. The Department is proposing no changes to paragraphs (2) and (4).

*Subsection (c)*

The Department is proposing no changes to subsection (c).

*§ 201.17. Location*

The Department proposes to delete the existing language in this section. The existing language in § 201.17 (relating to location) requires the operation of a facility to be distinct from other related services when the facility is located in the same building as other related services.

The Department proposes to replace the existing language with the following:

With the approval of the Department, a facility may be located in a building that also offers other health-related services, such as personal care, home health, or hospice services, and may share services such as laundry, pharmacy and meal preparations. The facility shall be operated as a unit distinct from other health-related services.

The Department has had to grant a large number of exceptions to permit long-term care nursing facilities to be located in a building that offers other health-related services, such as personal care. The Department recognizes that it is beneficial for long-term care nursing facilities and their residents to have these types of services within the same building. The Department also recognizes that it is beneficial for these entities to share centralized services, such as laundry and meal preparations, to reduce costs. The Department proposes the previous language to accommodate these circumstances. The Department will, however, continue to consider the facility as a distinct unit and prohibit the facility from mixing approved beds, residents and staff between the related health care services.

*Proposed amendments to address infection prevention and control*

In its first proposed rulemaking, the Department proposed to expand its adoption of the Federal requirements to include all of the requirements set forth in 42 CFR Part 483, Subpart B. Under the Department's proposal, all long-term care nursing facilities, even those that do not participate in Medicare or Medicaid, will be required to comply with the Federal requirements. The Department carefully reviewed and considered recommendations from advocacy groups for proposed regulations for infection prevention and control and noted that for the most part, these recommendations align with what is already required by the Federal requirements. The Federal requirements for infection prevention and control, which are located at 42 CFR 483.80 (relating to infection control), are extensive and in the Department's view, thoroughly and adequately address the health and safety needs of residents in long-term care nursing facilities. For example, the Federal requirements have been continuously updated as information has become available regarding best practices for COVID-19 infection control, testing and immunizations. Because the Federal requirements are so robust, the Department is proposing to defer to the Federal requirements in this area and to not add any additional requirements above and beyond the Federal requirements.

*§ 201.22. Prevention, control and surveillance of tuberculosis (TB)*

*Subsection (a)*

The Department is proposing only one change to this subsection. The Department proposes to amend "employees" with "employees" to reflect the current usage and spelling of that term.

*Subsection (b)*

The Department is proposing to add "screening, testing and surveillance for TB" to clarify that this section applies to the screening, testing and surveillance of TB as well as the treatment and management of TB. The Federal requirements for long-term care nursing facilities in 42 CFR Part 483, Subpart B do not specifically address TB. The Department determined that it is important to keep this subsection to clarify that facilities must follow the Centers for Disease Control and Prevention (CDC) guidelines related to TB screening, testing and surveillance. See *TB Screening and Testing of Health Care Personnel*. (2021). Retrieved from <https://www.cdc.gov/tb/topic/testing/healthcareworkers.htm>. The CDC provides the most current and updated guidance regarding TB. The Department is proposing to add "and Prevention" after the words "Centers for Disease Control" as the appropriate name for the CDC is the Centers for Disease Control and Prevention.

*Subsections (c) through (n)*

The Department is proposing to delete subsections (c) through (n) as they are outdated requirements. As noted previously, the CDC provides the most updated guidance for facilities to follow regarding TB.

*Proposed amendments to address fire protection and safety and emergency preparedness*

In its first proposed rulemaking, the Department proposed to expand its adoption of the Federal requirements to include all of the requirements set forth in 42 CFR Part 483, Subpart B. Under the Department's proposal, all long-term care nursing facilities, even those that do not participate in Medicare or Medicaid, will be required to comply with the Federal requirements. The Department carefully reviewed and considered recommendations from advocacy groups for fire protection and safety and emergency preparedness and noted that for the most part, these recommendations align with what is already required by the Federal requirements. The Federal requirements for fire protection and safety and emergency preparedness, which are located at 42 CFR 483.90 (relating to physical environment) and 42 CFR 483.73, are robust and in the Department's view, thoroughly and adequately address the health and safety needs of residents in long-term care nursing facilities. Since the Federal requirements are so robust, the Department is proposing to defer to the Federal requirements in this area and to delete any requirements in the current regulations which conflict with or duplicate the Federal requirements.

*§ 209.1. Fire department service*

The Department is proposing to delete this section as it is outdated and covered by the Department's proposed adoption of the Federal requirements in the proposed amendments to § 201.2 (relating to requirements), which are addressed in the Department's first proposed rulemaking published at 51 Pa.B. 4074 (July 31, 2021). The Federal requirements include requirements for smoke alarms and sprinkler systems, and also incorporate by reference the National Fire Protection Association's Life Safety Code (NFPA 101). See 42 CFR 483.90. The NFPA 101 includes requirements for fire protection and the safety of residents, including fire department service.

*§ 209.7. Disaster preparedness*

The Department is proposing to delete this section as it is outdated and covered by the Department's proposed adoption of the Federal requirements in the proposed amendments to § 201.2, which are addressed in the Department's first proposed rulemaking published at 51 Pa.B. 4074. Emergency preparedness, which encompasses disaster preparedness, is thoroughly covered in 42 CFR 483.73. Facilities are required to have an emergency plan, which must include strategies to assess risks identified in an all-hazards, community-based risk assessment. All-hazards include emerging infectious diseases, as well as natural or man-made emergencies, which may include care-related emergencies, equipment and power failures, interruptions in communications (including cyberattacks), loss of all or a portion of a facility, and interruptions in the normal supply of essentials such as food and water.

*§ 209.8. Fire drills*

The Department is proposing to delete this section as it is outdated and covered by the Department's proposed adoption of the Federal requirements in the proposed amendments to § 201.2, which are addressed in the Department's first proposed rulemaking published at

51 Pa.B. 4074. Requirements for fire drills are addressed in the NFPA 101, which is incorporated by reference in the Federal requirements. See 42 CFR 483.90.

#### § 211.1. Reportable diseases

Based on the recommendations of the LTC Work Group, and due to a rise in bed bug infestations, the Department is proposing to add “bed bug infestations” to the reporting requirements of subsection (b). As discussed previously, the Department is not proposing to add any additional requirements for infection prevention and control based on its adoption of the Federal requirements as State licensure requirements for long-term care nursing facilities.

#### *Fiscal Impact and Paperwork Requirements*

##### *Fiscal Impact*

##### *Commonwealth.*

The Department’s surveyors perform the function of surveying and inspecting long-term care nursing facilities for compliance with both Federal and State regulations. The proposed elimination of sections, as described previously, that are duplicative of the Federal requirements will streamline the survey process for long-term care nursing facilities. This, in turn, will create consistency and eliminate confusion in the application of standards that apply to long-term care nursing facilities.

However, the proposed amendments to the application process outlined in §§ 201.12 and 201.13 will result in costs to the Department. The Department will be required to hire additional staff with sufficient expertise to review and evaluate the financial and other documents that will be required with the new proposed requirements in § 201.12. This review will need to be performed in a very timely manner to prevent any delay in the approval or disapproval of an application for licensure.

Through discussions with other States, the Department learned that the Florida Department of Health (Florida DOH) has a separate financial unit in place that is responsible for the financial analysis of all facility types licensed by the Florida DOH. The Florida DOH financial unit consists of four accounting specialists supervised by an accounting manager, who is a certified public accountant. The Department anticipates that a similar unit would be required to review and process applications, including review of the new information required by the proposed changes to § 201.12. The Department estimates that this will result in an approximate cost of \$600,000 during the unit’s first year of operation. This estimate includes an estimated \$590,312 for salaries and benefits and initial operating costs of \$9,250 for IT equipment and office space for the unit. The Department envisions that this unit will not only review the financial information submitted with an application for licensure, but will also review the other, new types of information that is being proposed under the amendments.

The Department also estimates that there will be a cost to update the actual license to add the information contained in proposed § 201.13 and to update the computer system for the creation of any reports that are internally required for review of the new information required in § 201.12. The Department is not able to estimate the exact cost of this update at this time. It is estimated that the Department will need to expend approximately \$55,000 to make these updates; this cost includes a vendor assessment.

##### *DMVA*

The Department’s proposal to require a facility to complete a facility assessment on at least a quarterly basis goes above and beyond what is required by the Federal requirements, and therefore, may impose some financial burden on facilities. The Department consulted with DMVA, who operates six long-term care nursing facilities in this Commonwealth and would be required to meet this requirement as these facilities currently only perform an annual facility assessment. DMVA indicated that the cost of conducting a facility assessment is insignificant, as it generally just involves compiling information. The facilities operated by DMVA employ quality assurance staff to perform his function. These staff members are compensated at approximately \$65.42 per hour, which includes salary and benefits. Approximately 10 hours per month is spent working on the facility assessment, for an approximate annual cost of \$7,850.95, to meet the current, annual requirement. DMVA does not anticipate an increase in costs or labor to meet the new proposed requirement. Updating the facility assessment on at least a quarterly basis will allow a facility to properly assess the needs of residents and ensure that residents are receiving the most appropriate care and services, thus outweighing any financial burden from performing the additional assessments.

##### *Regulated community*

The Department anticipates little to no financial impact on the 689 licensed long-term care nursing facilities as a result of the proposed elimination of sections that are duplicative of the Federal requirements. All but 3 of the 689 long-term care nursing facilities participate in either Medicare or Medicaid and thus, are required to comply with existing Federal requirements. The three long-term care nursing facilities that do not participate in Medicare or Medicaid may be impacted if they do not already meet the minimum standards within the Federal requirements. However, any financial impact to the three facilities that do not participate in Medicare or Medicaid is outweighed by the need for consistency in the application of standards to all long-term care nursing facilities, regardless of whether the facilities participate in Medicare or Medicaid.

The Department’s proposal to require a facility to complete a facility assessment on at least a quarterly basis goes above and beyond what is required by the Federal requirements, and therefore, may impose some financial burden on facilities. The Department does not have sufficient data to estimate with any certainty the cost impact of requiring additional assessments. The Department believes that many facilities may already be conducting a facility assessment more often than once a year. Those that are not conducting a facility assessment on a quarterly basis may incur some costs related to additional staff hours to conduct the assessment. The Department consulted with DMVA, who operates six long-term care nursing facilities in this Commonwealth and would be required to meet this requirement as these facilities currently only perform an annual facility assessment. DMVA indicated that the cost of conducting a facility assessment is insignificant, as it generally just involves compiling information. The facilities operated by DMVA employ quality assurance staff to perform his function. These staff members are compensated at approximately \$65.42 per hour, which includes salary and benefits. Approximately 10 hours per month is spent working on the facility assessment, for an approximate annual cost of \$7,850.95, to meet the current, annual requirement. DMVA does not anticipate an increase in

costs or labor to meet the new proposed requirement. Updating the facility assessment on at least a quarterly basis will allow a facility to properly assess the needs of residents and ensure that residents are receiving the most appropriate care and services, thus outweighing any financial burden from performing the additional assessments. In addition, a facility may be able to identify cost saving measures during the course of the assessment which would benefit both the facility and the residents and would offset any cost associated with conducting the assessment more often.

The proposed amendments to the application for licensure will only impact existing facilities when there is a proposed change in ownership. Prospective owners of new and existing facilities will be required to submit additional paperwork and will be subject to greater scrutiny under the proposed regulations. This could make it more difficult for existing facility owners to sell their facilities.

#### *Local government*

There are currently 20 county-owned long-term care nursing facilities which account for approximately 8% (8,706 beds) of long-term care nursing beds across this Commonwealth. Allegheny County owns four of the nursing homes; the remaining homes are in the following 16 counties: Berks, Bradford, Bucks, Chester, Clinton, Crawford, Cumberland, Delaware, Erie, Indiana, Lehigh, Monroe, Northampton, Philadelphia, Warren and Westmoreland. All of the county-owned long-term care nursing facilities participate in either Medicare or Medicaid. Because these facilities are already required to comply with Federal requirements, they will not incur a cost as a result of the Department's proposed elimination of sections that are duplicative of the Federal requirements.

The Department's proposal to require a facility to complete a facility assessment on at least a quarterly basis goes above and beyond what is required by the Federal requirements, and therefore, may impose some financial burden on county-owned facilities. The Department does not have sufficient data to estimate with any certainty the cost impact of requiring additional assessments. The Department believes that many facilities may already be conducting a facility assessment more often than once a year. Those that are not conducting a facility assessment on a quarterly basis may incur some costs related to additional staff hours to conduct the assessment. The Department consulted with DMVA, who operates six long-term care nursing facilities in this Commonwealth and would be required to meet this requirement as these facilities currently only perform an annual facility assessment. DMVA indicated that the cost of conducting a facility assessment is insignificant, as it generally just involves compiling information. The facilities operated by DMVA employ quality assurance staff to perform his function. These staff members are compensated at approximately \$65.42 per hour, which includes salary and benefits. Approximately 10 hours per month is spent working on the facility assessment, for an approximate annual cost of \$7,850.95, to meet the current, annual requirement. DMVA does not anticipate an increase in costs or labor to meet the new proposed requirement. Updating the facility assessment on at least a quarterly basis will allow a facility to properly assess the needs of residents and ensure that residents are receiving the most appropriate care and services, thus outweighing any financial burden from performing the additional assessments. In addition, a facility may be able to identify cost saving measures during the course of the

assessment which would benefit both the facility and the residents and would offset any cost associated with conducting the assessment more often.

The proposed amendments to the application for licensure will only impact existing facilities when there is a proposed change in ownership, and new facilities. Prospective owners of new and existing facilities will be required to submit additional paperwork and will be subject to greater scrutiny under the proposed regulations. This could make it more difficult if the counties listed previously decide to sell their facilities.

#### *Prospective owners of long-term care nursing facilities*

Prospective owners of long-term care nursing facilities will be impacted by the amendments to the application for licensure. These prospective owners will be required to submit additional paperwork and will be subject to greater scrutiny under the proposed regulations. The Department does not have the ability to determine what costs a prospective owner may incur from providing this additional paperwork. The Department, however, is not requiring that a prospective owner submit this paperwork in any type of specific format, which may ease some of the burden. Some of the paperwork that will be required, such as financial documentation, may already be in the prospective owner's possession. Other paperwork, such as a staffing plan and an emergency preparedness plan, may need to be developed for the application for licensure if the prospective owner has not already prepared these documents as part of their business and operation plans. A prospective owner may incur a cost if they choose to consult with someone, such as an accountant or attorney when compiling this paperwork.

#### *General public*

There is expected to be no cost to the general public. The proposed amendments to the application for licensure process will provide peace of mind to the general public, especially those who reside in long-term care nursing facilities and their families, by ensuring that prospective owners are properly vetted. In addition, the proposed changes to § 201.12(d) to include the name and address of the owner of the facility will allow residents, and their families, to identify more readily who to contact if a problem occurs at the facility. These changes will provide much needed transparency in the process and allow for residents, and their families, to make informed decisions regarding where to go for their care.

#### *Paperwork Requirements*

There will be no change to the actual application form for licensure. This form is already required under existing § 201.12, and already covers new licenses, changes in ownership and license renewals. The proposed amendments to § 201.12 will require those seeking to operate a new long-term care nursing facility or to assume ownership of an already existing facility to submit additional paperwork but will not change what is already on the current application form for licensure. The Department is not proposing a specific format for the submission of this paperwork.

Under proposed § 201.14(j), long-term care nursing facilities will be required to complete a facility assessment, as needed, but at least quarterly, that meets the requirements of 42 CFR 483.70(e). This may be a new paperwork requirement for the three facilities that do not participate in either Medicare or Medicaid. The remaining facilities that participate in either Medicare or Medicaid are already required to complete a facility assessment at least annually under the Federal requirements but will

need to adjust their process to account for the additional assessments that are proposed under § 201.14(j). The Department is only requiring that the contents of the facility assessment meet, at a minimum, the requirements of 42 CFR 483.70(e) and is not proposing to impose any particular form or format for this information.

*Statutory Authority*

Sections 601 and 803 of the HCFA (35 P.S. §§ 448.601 and 448.803) authorize the Department to promulgate, after consultation with the Health Policy Board, regulations necessary to carry out the purposes and provisions of the HCFA. Section 801.1 of the HCFA (35 P.S. § 448.801a) seeks to promote the public health and welfare through the establishment of regulations setting minimum standards for the operation of health care facilities that includes long-term care nursing facilities. The minimum standards are to assure safe, adequate, and efficient facilities and services and to promote the health, safety and adequate care of patients or residents of those facilities. In section 102 of the HCFA (35 P.S. § 448.102), the General Assembly has found that a purpose of the HCFA is, among other things, to assure that citizens receive humane, courteous and dignified treatment. Finally, section 201(12) of the HCFA (35 P.S. § 448.201(12)) provides the Department with explicit authority to enforce its rules and regulations promulgated under the HCFA.

The Department also has the duty to protect the health of the people of this Commonwealth under section 2102(a) of the Administrative Code of 1929 (71 P.S. § 532(a)). The Department has general authority to promulgate regulations under section 2102(g) of the Administrative Code of 1929).

*Effectiveness/Sunset Date*

This proposed rulemaking will become effective upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking. A sunset date will not be imposed. The Department will monitor the regulation and update them as necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 2, 2022, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate Health and Human Services Committee and the House Health Committee. A copy of this material is available to the public upon request.

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

*Contact Person*

Interested persons are invited to submit comments, suggestions or objections to the proposed regulations within 30 days after publication of this notice in the *Pennsylvania Bulletin*. The Department prefers that comments, suggestions or objections be submitted by e-mail to RA-DHLTCRegs@pa.gov. Persons without access to e-mail may submit comments, suggestions or objections to Lori Gutierrez, Director, Office of Policy, 625 Forster Street, Room 814, Health and Welfare Building, Harrisburg, PA

17120, (717) 317-5426. Persons with a disability may submit questions in alternative format such as by audio tape, Braille, or by using V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this document may contact Lori Gutierrez at the previously listed e-mail, address or telephone number so that necessary arrangements can be made. Comments should be identified as pertaining to proposed rulemaking 10-223 (Long-term care nursing facilities, Proposed Rulemaking 3).

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

**Fiscal Note:** 10-223. (1) General Fund; (2) Implementing Year 2021-22 is \$0; (3) 1st Succeeding Year 2022-23 is \$655,000; 2nd Succeeding Year 2023-24 is \$620,000; 3rd Succeeding Year 2024-25 is \$651,000; 4th Succeeding Year 2025-26 is \$683,000; 5th Succeeding Year 2026-27 is \$718,000; (4) 2020-21 Program—\$23,093,000; 2019-20 Program—\$22,513,000; 2018-19 Program—\$23,009,000; (7) Quality Assurance; (8) recommends adoption. The Quality Assurance appropriation is able to absorb this increase.

**Annex A**

**TITLE 28. HEALTH AND SAFETY  
PART IV. HEALTH FACILITIES**

**Subpart C. LONG-TERM CARE FACILITIES  
CHAPTER 201. APPLICABILITY, DEFINITIONS,  
OWNERSHIP AND GENERAL OPERATION OF  
LONG-TERM CARE NURSING FACILITIES.**

**OWNERSHIP AND MANAGEMENT**

§ 201.12. Application for license of a new facility or change in ownership.

(a) [ **An application for a license to operate a facility shall be made under section 807 of the act (35 P.S. § 448.807). The application form shall be obtained from the Division of Nursing Care Facilities, Bureau of Quality Assurance, Department of Health. ] (Reserved).**

**(a.1) A person may not operate or assume ownership of a facility without first obtaining a license from the Department.**

**(a.2) A person seeking to operate or assume ownership of a facility shall obtain an application form from the Division of Nursing Care Facilities, Department of Health.**

(b) [ **The following shall be submitted with the application for licensure ] In addition to the completed application and fee required under section 807 of the act (35 P.S. § 448.807), a person seeking to operate or assume ownership of a facility shall submit the following:**

(1) [ **The names and addresses of a person who has direct or indirect ownership interest of 5% or more in the facility as well as a written list of the names and addresses of the facility's officers and members of the board of directors. ] The names, addresses, e-mail addresses and phone numbers of any person who has or will have an ownership or control interest in the facility, whether the interest is in its profits or in the land or building occupied and used as the facility, as well as a written list of the names, addresses, e-mail addresses and phone**

numbers of the facility's officers and members of the board of directors. For purposes of this subsection, a person who has or will have ownership or control interest is:

(i) A person with a direct or indirect ownership interest of 5% or more in the facility.

(ii) The organization that holds the license or the land or building occupied and used as the facility.

(2) If the [ owner ] person is a nonprofit corporation, a complete list of the [ names and addresses ] names, addresses, e-mail addresses and phone numbers of the officers and directors of the corporation and an exact copy of its charter and articles of incorporation which are on file with the Department of State as well as amendments or changes.

(3) If the [ owner ] person is a partnership, the [ names and addresses ] names, addresses, e-mail addresses and phone numbers of partners.

(4) The name, address, e-mail address, phone number and license number of the administrator.

(5) The names, addresses, e-mail addresses and phone numbers of any persons that have or will have a direct or indirect interest in the management of the facility or the provision of services at the facility.

(6) The person's corporate history.

(7) A list of every licensed facility in any state, the District of Columbia or territory in which the person has or had any percentage of interest in the ownership, management or real property of that facility.

(8) The person's licensing and regulatory history in all jurisdictions where the person has or has had a direct or indirect ownership interest in a facility.

(9) A detailed summary of current or settled civil actions or criminal actions filed against the person.

(10) Financial failures involving persons identified in the application that resulted in a bankruptcy, receivership, assignment, debt consolidation or restructuring, mortgage foreclosure, corporate integrity agreement, or sale or closure of a nursing facility, the land it sits on or the building in which it is located.

(11) Any additional information the Department may require.

(c) In addition to the information required under subsection (b), a person seeking to operate or assume ownership of a facility shall provide the following:

(1) A proposed staffing and hiring plan, which shall include the management and oversight staff, the structure of the facility's governing body and its participants.

(2) A proposed training plan for staff.

(3) A proposed emergency preparedness plan that meets the requirements of 42 CFR 483.73(a) (relating to emergency preparedness).

(4) Proposed standard admissions and discharge agreements.

(5) A detailed budget for 3 years of operations, prepared in accordance with generally accepted accounting principles, and evidence of access to

sufficient capital needed to operate the facility in accordance with the budget and the facility assessment.

(d) A person who fails, under this section, to demonstrate capacity to operate a facility, will be given 30 days from the date of the denial of an application to cure the application.

§ 201.12a. Evaluation of application for license of a new facility or change in ownership.

(a) The Department will conduct an evaluation of the application, which will include consideration of the application form and documents submitted under § 201.12 (relating to application for license of a new facility or change in ownership).

(b) Upon completion of the evaluation conducted under subsection (a), the Department will approve or deny the application.

(c) The Department will consider the following in determining whether to approve or deny an application:

(1) The person's past performance related to owning or operating a facility in this Commonwealth or other jurisdictions.

(2) The person's demonstrated financial and organizational capacity and capability to successfully perform the requirements of operating a facility based on the information provided under § 201.12.

(3) The person's demonstrated history and experience with regulatory compliance, including evidence of consistent performance in delivering quality care.

§ 201.13. Issuance of license for a new facility or change in ownership.

(a) [ A person may not maintain or operate a facility without first obtaining a license issued by the Department. A license to operate a facility is not transferable without prior approval of the Department. ] (Reserved).

(b) A license to operate a facility will be issued when the Department [ receives the completed application form and the licensure fee and when, after inspection by an authorized representative of the Department, it has been ] has determined that the necessary requirements for licensure have been met under § 201.12 (relating to application for license of a new facility or change in ownership) and § 201.12a (relating to evaluation of application for a new facility or change in ownership).

(c) [ The required fee for a license is:

Regular Licenses (new or renewal) .....	\$250
Each inpatient bed in excess of 75 beds ..	\$2
Provisional I License .....	\$400
Each inpatient bed.....	\$4
Provisional II License .....	\$600
Each inpatient bed.....	\$6
Provisional III License.....	\$800
Each inpatient bed.....	\$8
Provisional IV License.....	\$1,000
Each inpatient bed.....	\$10 ]

(Reserved).



(d) The license will be issued to the owner of a facility and will indicate the name and address of the facility, the name and address of the owner of the facility, the number [ and types ] of beds authorized and the date of the valid license.

(e) A regular license will be issued when, in the judgment of the Department, there is substantial compliance with this subpart.

(f) [ A provisional license is governed by the following:

(1) A provisional license will be issued if there are numerous deficiencies or a serious specific deficiency and if the facility is not in substantial compliance with this subpart and the Department finds that:

(i) The applicant is taking appropriate steps to correct the deficiencies in accordance with a timetable submitted by the applicant and agreed upon by the Department.

(ii) There is no cyclical pattern of deficiencies over a period of 2 or more years.

(2) The provisional license will be issued for a specified period of time not more than 6 months. The provisional license may be renewed, at the discretion of the Department, no more than three times. Upon substantial compliance with this subpart, a regular license will be issued. ] (Reserved).

(g) [ The facility shall have on file the most recent inspection reports, relating to the health and safety of residents, indicating compliance with applicable State and local statutes and regulations. Upon request, the facility shall make the most recent report available to interested persons. ] (Reserved).

(h) [ If the Department's inspection report indicates deficiencies, the facility shall indicate in writing its plans to make corrections and specify dates by which the corrective measures will be completed. The plans are valid only upon approval by the Department. ] (Reserved).

(i) [ The current license shall be displayed in a public and conspicuous place in the facility. ] (Reserved).

#### § 201.13a. License renewal.

(a) A facility shall apply to renew its license on a form prescribed by the Department with the fee required under section 807(b) of the act (35 P.S. § 807(b)).

(b) The Department will renew a license to operate a facility after a survey is conducted by the Department that indicates the facility is in substantial compliance with section 808(a) of the act (35 P.S. § 448.808(a)) and this subpart.

#### § 201.14. Responsibility of licensee.

(a) The licensee is responsible for meeting the minimum standards for the operation of a facility as set forth by the Department and by other Federal, State and local agencies responsible for the health and welfare of residents. This includes complying with all applicable Federal and State laws, and rules, regulations and orders issued by Federal, State or local agencies.

(b) If [ the ] services are purchased for the administration or management of the facility, the licensee is respon-

sible for [ insuring ] ensuring compliance with [ this subpart, and other relevant Commonwealth regulations ] all applicable Federal and State laws, and rules, regulations and orders issued by the Department and other Federal, State and local agencies.

(c) The licensee through the administrator shall report within 24 hours to the appropriate Division of Nursing Care Facilities field office serious incidents involving residents [. As ] as set forth in § 51.3 (relating to notification). For purposes of this subpart, references to patients in § 51.3 include references to residents.

(d) [ In addition to the notification requirements in § 51.3, the facility shall report in writing to the appropriate division of nursing care facilities field office:

(1) Transfers to hospitals as a result of injuries or accidents.

(2) Admissions to hospitals as a result of injuries or accidents. ] (Reserved).

(e) [ The administrator shall notify the appropriate division of nursing care facilities field office as soon as possible, or, at the latest, within 24 hours of the incidents listed in § 51.3 and subsection (d). ] (Reserved).

(f) Upon receipt of a strike notice, the licensee or administrator shall promptly notify the appropriate Division of Nursing Care Facilities field office and keep the Department apprised of the strike status and the measures being taken to provide resident care during the strike.

(g) A facility owner shall pay in a timely manner bills incurred in the operation of a facility that are not in dispute and that are for services without which the resident's health and safety are jeopardized.

(h) The facility shall report to the Department [, on forms issued by the Department, ] census, rate [ and ], program occupancy and any other information [ as ] the Department may request.

(i) The facility shall have on file the most recent inspection reports, relating to the health and safety of residents, indicating compliance with applicable Federal, State and local statutes and regulations. Upon request, the facility shall make the most recent report available to interested persons.

(j) The facility shall conduct a facility-wide assessment that meets the requirements of 42 CFR 483.70(e) (relating to administration), as necessary, but at least quarterly.

#### § 201.15. Restrictions on license.

(a) [ A license shall apply only to the licensure, the name of the facility and the premises designated therein. It may not be transferrable to another licensee or property without prior written approval of the Department. ] (Reserved).

(b) A license becomes automatically void without notice if any of the following conditions exist:

(1) The [ expiration date has been reached ] license term expires.

(2) There is a change in ownership and the Department has not given prior approval.

(3) There is a change in the name of the facility, and the Department has not given prior approval [ **for the transfer of the license** ].

(4) There is a change in the location of the facility and the Department has not given prior approval.

(c) A final order or determination by the Department relating to licensure may be appealed by the provider of services to the Health Policy Board under section 2102(n) of The Administrative Code of 1929 (71 P.S. § 532(n)).

§ 201.17. Location.

[ The facility shall be operated as a unit reasonably distinct from the other related services, if located in a building which offers various levels of health-related services. ] With the approval of the Department, a facility may be located in a building that offers other health-related services, such as personal care, home health or hospice services, and may share services such as laundry, pharmacy and meal preparations. The facility shall be operated as a unit distinct from other health-related services.

§ 201.22. Prevention, control and surveillance of tuberculosis (TB).

(a) The facility shall have a written TB infection control plan with established protocols which address risk assessment and management, screening and surveillance methods, identification, evaluation, and treatment of residents and [ **employees** ] employees who have a possible TB infection or active TB.

(b) Recommendations of the Centers for Disease Control and Prevention (CDC), United States Department of Health and Human Services (HHS) shall be followed in screening, testing and surveillance for TB and in treating and managing persons with confirmed or suspected TB.

(c) [ **A baseline TB status shall be obtained on all residents and employees in the facility.** ] (Reserved).

(d) [ **The intradermal tuberculin skin test is to be used whenever skin testing is done. This consists of an intradermal injection of 0.1 ml of purified protein derivative (PPD) tuberculin containing 5 tuberculin units (TU) using a disposable tuberculin syringe.** ] (Reserved).

(e) [ **The 2-step intradermal tuberculin skin test shall be the method used for initial testing of residents and employees. If the first test is positive, the person tested shall be considered to be infected. If the first test is negative, a second test should be administered in 1–3 weeks. If the second test is positive, the person tested shall be considered to be previously infected. If the second test result is negative, the person is to be classified as uninfected.** ] (Reserved).

(f) [ **Persons with reactions of  $\geq 10$  mm or persons with symptoms suggestive of TB regardless of the size of the test reaction, shall be referred for further diagnostic studies in accordance with CDC recommendations.** ] (Reserved).

(g) [ **A written report of test results shall be maintained in the facility for each individual, irrespective of where the test is performed. Reactions**

**shall be recorded in millimeters of induration, even those classified as negative. If no induration is found, “0 mm” is to be recorded.** ] (Reserved).

(h) [ **Skin test “negative” employees having regular contact of 10 or more hours per week with residents shall have repeat tuberculin skin tests at intervals determined by the risk of transmission in the facility. The CDC protocol for conducting a TB risk assessment in a health care facility shall be used to establish the risk of transmission.** ] (Reserved).

(i) [ **Repeat skin tests shall be required for tuberculin-negative employees and residents after any suspected exposure to a documented case of active TB.** ] (Reserved).

(j) [ **New employees shall have the 2-step intradermal skin test before beginning employment unless there is documentation of a previous positive skin reaction. Test results shall be made available prior to assumption of job responsibilities. CDC guidelines shall be followed with regard to repeat periodic testing of all employees.** ] (Reserved).

(k) [ **The intradermal tuberculin skin test shall be administered to new residents upon admission, unless there is documentation of a previous positive test.** ] (Reserved).

(l) [ **New tuberculin positive reactors (converters) and persons with documentation of a previous positive reaction, shall be referred for further diagnostic testing and treatment in accordance with current standards of practice.** ] (Reserved).

(m) [ **If an employee’s chest X-ray is compatible with active TB, the individual shall be excluded from the workplace until a diagnosis of active TB is ruled out or a diagnosis of active TB is established and a determination made that the individual is considered to be noninfectious. A statement from a physician stating the individual is noninfectious shall be required.** ] (Reserved).

(n) [ **A resident with a diagnosis of TB may be admitted to the facility if:**

(1) Three consecutive daily sputum smears have been negative for acid-fast bacilli.

(2) The individual has received appropriate treatment for at least 2-3 weeks.

(3) Clinical response to therapy, as documented by a physician, has been favorable. ] (Reserved).

CHAPTER 209. FIRE PROTECTION AND SAFETY PROGRAMS FOR LONG-TERM CARE NURSING FACILITIES.

FIRE PROTECTION AND SAFETY

§ 209.1. [ **Fire department service** ] (Reserved).

[ **The telephone number of the emergency services serving the facility shall be posted by the telephones in each nursing station, office and appropriate place within the facility.** ]

§ 209.7. [ **Disaster preparedness** ] (Reserved).

[ (a) The facility shall have a comprehensive written disaster plan which shall be developed and

maintained with the assistance of qualified fire, safety and other appropriate experts. It shall include procedures for prompt transfer of casualties and records, instructions regarding the location and use of alarm systems and signals and fire fighting equipment, information regarding methods of containing fire, procedures for notification of appropriate persons and specifications of evacuation routes and procedures. The written plan shall be made available to and reviewed with personnel, and it shall be available at each nursing station and in each department. The plan shall be reviewed periodically to determine its effectiveness.

(b) A diagram of each floor showing corridors, line of travel, exit doors and location of the fire extinguishers and pull signals shall be posted on each floor in view of residents and personnel.

(c) All personnel shall be instructed in the operation of the various types of fire extinguishers used in the facility. ]

§ 209.8. [ Fire drills ] (Reserved).

[ (a) Fire drills shall be held monthly. Fire drills shall be held at least four times per year per shift at unspecified hours of the day and night.

(b) A written report shall be maintained of each fire drill which includes date, time required for

evacuation or relocation, number of residents evacuated or moved to another location and number of personnel participating in a fire drill. ]

#### CHAPTER 211. PROGRAM STANDARDS FOR LONG-TERM CARE NURSING FACILITIES.

##### § 211.1. Reportable diseases.

(a) When a resident develops a reportable disease, the administrator shall report the information to the appropriate health agencies and appropriate Division of Nursing Care Facilities field office. Reportable diseases, infections and conditions are listed in § 27.21a (relating to reporting of cases by health care practitioners and health care facilities).

(b) Cases of scabies [ and ] or lice or bed bug infestations shall be reported to the appropriate Division of Nursing Care Facilities field office.

(c) Significant nosocomial outbreaks, as determined by the facility's medical director, Methicillin Resistant Staphylococcus Aureus (MRSA), Vancomycin-Resistant Staphylococcus Aureus (VRSA), Vancomycin-Resistant Enterococci (VRE) and Vancomycin-Resistant Staphylococcus Epidermidis (VRSE) shall be reported to the appropriate Division of Nursing Care Facilities field office.

[Pa.B. Doc. No. 22-423. Filed for public inspection March 18, 2022, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 101—GENERAL ASSEMBLY

### LEGISLATIVE REFERENCE BUREAU

#### [ 101 PA. CODE CH. 31 ]

#### Right-to-Know Law; Amended; Statement of Policy

The Legislative Reference Bureau (Bureau) under section 504(a) of the Right-to-Know Law (65 P.S. § 67.504(a)) amends § 31.2 (relating to open-records officers) to read as set forth in Annex A. This statement of policy deletes the Joint Legislative Air and Water Pollution Control and Conservation Committee and updates contact information for the Legislative Audit Advisory Commission.

#### Effective Date

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

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

*(Editor's Note: Title 101 of the Pennsylvania Code is amended by amending the statement of policy in § 31.2 to read as set forth in Annex A.)*

#### Annex A

#### TITLE 101. GENERAL ASSEMBLY

#### PART I. LEGISLATIVE REFERENCE BUREAU

#### Subpart E. STATEMENTS OF POLICY

#### CHAPTER 31. RIGHT-TO-KNOW LAW

#### Subchapter A. PRELIMINARY PROVISIONS

#### § 31.2. Open-records officers.

##### (a) Designation.

(1) Under section 502(a)(2) of the law (65 P.S. § 67.502(a)(2)), the Bureau will coordinate with each nonadjudicative legislative service agency to do one of the following:

(i) Accept the nonadjudicative legislative service agency's designation of the open-records officer.

(ii) Designate the head of the nonadjudicative legislative service agency as the open-records officer.

(2) The designations under paragraph (1) are as follows:

(i) The Bureau's designation is set forth in § 31.12 (relating to contact information).

(ii) The Capitol Preservation Committee:

Open-Records Officer Capitol Preservation Committee Room 630, Main Capitol Building Harrisburg, PA 17120 Fax: (717) 772-0742 E-mail: rtkrequest@cpc.state.pa.us

(iii) The Center for Rural Pennsylvania:

Open-Records Officer The Center for Rural Pennsylvania 625 Forster Street, Room 902 Harrisburg, PA 17120 Fax: (717) 772-3587 E-mail: RTK@rural.palegislature.us

(iv) (Reserved).

(v) The Joint State Government Commission:

Open-Records Officer Joint State Government Commission 108 Finance Building Harrisburg, PA 17120 Fax: (717) 783-9380 E-mail: jntst02@legis.state.pa.us

\* \* \* \* \*

(xi) The Legislative Audit Advisory Commission:

Open-Records Officer Legislative Audit Advisory Commission 211 Ryan Office Building P.O. Box 202099 Harrisburg, PA 17120-2099 Fax: (717) 705-1986 E-mail: laacrtkl@pahousegop.com

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[Pa.B. Doc. No. 22-424. Filed for public inspection March 18, 2022, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Referendum on Continuation of the Pennsylvania Apple Program

I. The Pennsylvania Apple Program was established under the provisions of the Agricultural Commodities Marketing Act (Act). The Act requires that the Secretary of Agriculture call a referendum of affected producers every five years to determine whether or not a majority of those voting still desire the program. The program was established by a referendum conducted in 2017. It is now time for a review referendum to determine whether a majority of the apple producers desire the program to continue.

II. *Referendum Period:* The referendum period shall be from March 21, 2022, until 4 p.m. on April 18, 2022. Completed ballots shall be mailed or hand-delivered to the Pennsylvania Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Hand-delivered ballots must be received by 4 p.m. on April 18, 2022. Ballots that are mailed must be postmarked no later than April 18, 2022, and received no later than May 6, 2022.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 18, 2022, to all affected producers whose names appear on the list of Pennsylvania apple producers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for

determination of whether a producer is eligible to vote is March 18, 2022. Names of affected eligible producers shall be taken from the commodity apple list of producers maintained in the Office of the Secretary of Agriculture. An affected producer is a person who produces or grows, or causes to be produced or grown, apples in Pennsylvania for the purpose of sale and has 500 or more apple trees of all ages.

V. *Counting of Ballots:* The ballots will be opened and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 10 a.m., Monday, May 9, 2022, at the Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*, and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than seven (7) calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*.

VIII. *Effective Date:* The foregoing order shall be effective immediately.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 22-425. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 8, 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

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-01-2022	Somerset Trust Company Somerset Somerset County	Route 30, Cedar Street Latrobe Westmoreland County	Filed
03-04-2022	Community State Bank of Orbisonia Orbisonia Huntingdon County	350 North Main Street Mercersburg Franklin County	Approved

**NOTICES**

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-03-2022	Customers Bank Phoenixville Chester County	<i>To:</i> 701 Reading Avenue West Reading Berks County  <i>From:</i> 1001 Penn Avenue Wyomissing Berks County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
03-02-2022	Investment Savings Bank Altoona Blair County  Amendment to Article II of the institution's Articles of Incorporation provides for the principal place of business of the bank to be relocated from 1201 8th Avenue, Altoona, Blair County, PA, to 900 South 16th Street, Altoona, Blair County, PA. Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	Approved
03-02-2022	Investment Savings Bank Altoona Blair County  Amendment to Article II of the institution's Articles of Incorporation provides for the principal place of business of the bank to be relocated from 1201 8th Avenue, Altoona, Blair County, PA, to 900 South 16th Street, Altoona, Blair County, PA. Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	Effective

**CREDIT UNIONS**

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
03-03-2022	Community Regional Credit Union Kingston Luzerne County  Application for approval to merge Community Regional Credit Union, Kingston, with and into Choice One Community Federal Credit Union, Plains Township.	Filed

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 22-426. Filed for public inspection March 18, 2022, 9:00 a.m.]

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**

**Municipal Annual Audit Compliance**

Under Commonwealth law, municipalities are required to file with the Department of Community and Economic Development (Department) a Municipal Annual Audit and Financial Report annually by April 1 and for Cities, the due date is March 1.

The following municipalities are not compliant with this legal requirement for 1 or more calendar years. For more information individuals should contact the Municipal Statistics Division at the Department, RA-munistats@pa.gov.

RICHARD P. VILELLO, Jr.,  
*Deputy Secretary of Community Affairs*

<i>County Name</i>	<i>Entity ID</i>	<i>Entity Name</i>
Armstrong	030423	Ford Cliff Borough
Beaver	040513	Eastvale Borough
Beaver	040573	Fallston Borough
Beaver	040603	Frankfort Springs Borough
Beaver	040843	Homewood Borough
Bedford	050663	Manns Choice Borough
Bedford	050753	New Paris Borough
Bedford	050783	Pleasantville Borough
Bradford	080485	Leroy Township
Bradford	080875	Sheshequin Township
Butler	101293	Portersville Borough
Cambria	110093	Ashville Borough
Cambria	110213	Brownstown Borough

<i>County Name</i>	<i>Entity ID</i>	<i>Entity Name</i>
Clearfield	170423	Coalport Borough
Columbia	190813	Orangeville Borough
Cumberland	210543	Newville Borough
Dauphin	220213	Gratz Borough
Delaware	230664	Lower Chichester Township
Fayette	260363	Fayette City Borough
Huntingdon	311053	Shade Gap Borough
Indiana	320275	Canoe Township
Jefferson	330035	Barnett Township
Jefferson	330843	Timblin Borough
Juniata	340213	Mifflin Borough
Lackawanna	350845	North Abington Township
Lancaster	361593	Terre Hill Borough
Luzerne	400155	Buck Township
Luzerne	400723	Freeland Borough
Lycoming	410785	McNett Township
Mifflin	440273	Kistler Borough
Perry	500033	Blain Borough
Schuylkill	540243	Coaldale Borough
Schuylkill	540573	Gilberton Borough
Schuylkill	540753	Landingville Borough
Schuylkill	540873	Mechanicsville Borough
Schuylkill	540903	Middleport Borough
Schuylkill	540995	New Castle Township
Schuylkill	541023	New Philadelphia Borough
Schuylkill	541293	Port Carbon Borough
Schuylkill	541355	Porter Township
Schuylkill	541773	Tremont Borough
Somerset	560123	Benson Borough
Susquehanna	580935	New Milford Township
Susquehanna	580995	Oakland Township
Venango	610035	Allegheny Township
Washington	630903	Finleyville Borough
Washington	631293	New Eagle Borough
Westmoreland	650903	Madison Borough
Westmoreland	651053	New Alexandria Borough
York	671355	Paradise Township
York	672163	Yorkana Borough

[Pa.B. Doc. No. 22-427. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Public Meeting

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and

Natural Resources (Department) will hold a public meeting on March 23, 2022, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The public meeting may be attended by means of WebEx through a link found on the Council's web site prior to the public meeting at [www.dcnr.pa.gov/cnrac](http://www.dcnr.pa.gov/cnrac).

Questions concerning this public meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. For public comment to be considered at the public 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. 22-428. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application by Kairos University to Operate a Location in this Commonwealth

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval for Kairos University to open a location in Myerstown, PA. Kairos University has applied to open a location at Evangelical Theological Seminary in Myerstown, PA for the purposes of marketing and recruitment.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher Education, Access and Equity, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-6786 or write to the previously listed address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodations to participate, should contact the Division of Higher Education, Access and Equity at (717) 783-6786 to discuss accommodations.

NOE ORTEGA,  
*Secretary*

[Pa.B. Doc. No. 22-429. Filed for public inspection March 18, 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](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

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

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

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

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

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP's tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP's website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice). Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

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

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



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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
3997405	Minor Sewage Treatment Facility Individual WQM Permit	Amendment	Parkland School District 2219 N. Cedar Crest Blvd. Allentown, PA 18104	South Whitehall Township Lehigh County	NERO
PAG033664	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Fenner Precision Polymers 311 West Stiegel Street Manheim, PA 17545 (Location: 1296 Loop Road Lancaster, PA 17601)	Lancaster City Lancaster County	SCRO
NOEXSC376	No Exposure Certification	New	Acuity Brands 7 Logistics Drive Carlisle, PA 17013	Carlisle Borough Cumberland County	SCRO

**II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.**

*Northcentral Regional Office*

**PA0208779**, Industrial, SIC Code 3111, **Clearfield Leather, Inc.**, 120 Cooper Road, Curwensville, PA 16833-1542. Facility Name: Wickett & Craig-Curwensville Tannery. This existing facility is located in Curwensville Borough, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River (WWF) and West Branch Susquehanna River (WWF, MF), is located in State Water Plan watershed 8-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.133 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	44	97	XXX	Report	Report	175
Total Suspended Solids	64	140	XXX	Report	Report	200
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Oil and Grease	16	35	XXX	15	30	30
Total Nitrogen	XXX	Report Avg Mo	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	Report Avg Mo	XXX	Report	XXX	XXX
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Chromium, Hexavalent	Report	Report	XXX	Report	Report	XXX
Pentachlorophenol (ug/L)	0.034	0.053	XXX	30.4	47.4	75.9
1,2,4-Trichlorobenzene (ug/L)	Report	Report	XXX	Report	Report	XXX
Benzo(a)Anthracene (ug/L)	0.001	0.002	XXX	1.01	1.58	2.53
Benzo(a)Pyrene (ug/L)	0.0001	0.0002	XXX	0.1	0.16	0.25
Benzo(k)Fluoranthene (ug/L)	Report	Report	XXX	Report	Report	XXX
3,4-Benzofluoranthene (ug/L)	0.001	0.002	XXX	1.01	1.58	2.53
Dibenzo(a,h)Anthracene (ug/L)	0.0001	0.0002	XXX	0.1	0.16	0.25
Hexachlorobutadiene (ug/L)	Report	Report	XXX	Report	Report	XXX
Indeno(1,2,3-cd)Pyrene (ug/L)	0.001	0.002	XXX	1.01	1.58	2.53
Chromium, Total	0.98	2.47	XXX	Report	Report	5.5
	Avg Qrtly			Avg Qrtly		

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.

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

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.

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

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.

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

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

- Chemical Additives
- Stormwater Requirements

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

The EPA Waiver is in effect.

**PA0114049**, SIC Code 4952, **Lewis Township Municipal Authority**, P.O. Box 51, Millmont, PA 17845-0051. Facility Name: Lewis Township Sewer System STP. This existing facility is located in Lewis Township, **Union County**.

Description of Existing Activity: DEP self-initiated NPDES permit amendment for an existing discharge of treated sewage to correct nutrient annual load limits and implement compliance schedule.

The receiving stream(s), Penns Creek (WWF), is located in State Water Plan watershed 6-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .044 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Weekly Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	25	Avg Mo 40	XXX	50
Total Suspended Solids	XXX	XXX	30	45	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Nov 1 - Apr 30	XXX	XXX	XXX	Avg Mo 200	XXX	1,000
May 1 - Oct 31	XXX	XXX	XXX	Avg Mo Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	Daily Max XXX	XXX	XXX
Ultraviolet light transmittance (%)	XXX	XXX	Report Daily Min	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	18	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	Avg Mo 6	12	18
May 1 - Sep 30	XXX	XXX	XXX	Avg Mo	Wkly Avg	

The proposed effluent limits for Outfall 001 are based on a design flow of .044 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Weekly Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	25	Avg Mo 40	XXX	50
Total Suspended Solids	XXX	XXX	30	45	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Nov 1 - Apr 30	XXX	XXX	XXX	Avg Mo 200	XXX	1,000
May 1 - Oct 31	XXX	XXX	XXX	Avg Mo Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	Daily Max XXX	XXX	XXX
Ultraviolet light transmittance (%)	XXX	XXX	Report Daily Min	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	18	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	Avg Mo 6	12	18
May 1 - Sep 30	XXX	XXX	XXX	Avg Mo	Wkly Avg	

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Weekly Average</i>	<i>Maximum</i>	
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .044 MGD.—Raw Sewage Influent Monitoring:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

**PA0002917**, Industrial, SIC Code 4911, **Allegheny Energy Supply Co. LLC**, c/o Environmental Performance, Greensburg, PA 15601. Facility Name: Armstrong Power Station. This existing facility is located in Washington Township, **Armstrong County**.

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

The receiving stream(s), Allegheny River (WWF), is located in State Water Plan watershed 17-D and 17-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 006:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for IMP 106:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 010:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for IMP 110:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 011:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 012:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 013 are based on a design flow of 0.042 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX

The proposed effluent limits for Outfall 014:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for IMP 115 are based on a design flow of 0.029 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX

The proposed effluent limits for IMP 215:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX

The proposed effluent limits for IMP 315:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX

The proposed effluent limits for Outfall 016:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX

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

The EPA Waiver is not in effect.

**PA0256072**, Storm Water, SIC Code 5169, **RiverLift Industries, Inc.**, P.O. Box 532, West Elizabeth, PA 15088-0532. Facility Name: RiverLift Industries Glasshouse Road Site. This proposed facility is located in Jefferson Hills Borough, **Allegheny County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated industrial stormwater.

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

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Total Dissolved Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Chloride	XXX	XXX	XXX	XXX	XXX	Report

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Total Dissolved Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Chloride	XXX	XXX	XXX	XXX	XXX	Report

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Total Dissolved Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Chloride	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 008 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Total Dissolved Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Chloride	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 009 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Total Dissolved Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Chloride	XXX	XXX	XXX	XXX	XXX	Report

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

The EPA Waiver is in effect.

**PA0216453**, Industrial, SIC Code 3325, **McConway & Torley, LLC**, 109 48th Street, Pittsburgh, PA 15201-2755. Facility Name: McConway & Torley, LLC Pittsburgh Facility. This existing facility is located in Pittsburgh City, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of non-contact cooling water and treated stormwater associated with industrial activity.

The receiving stream(s), Allegheny River (WWF), is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.6 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD090083	New	James Baker 1748 Central Park Orefield, PA 18069-8907	Springfield Township Bucks County	SERO
PAD150247	New	Reuben Riehl 492 Mount Pleasant Road Honey Brook, PA 19344	Honey Brook Township Chester County	SERO
PAD150238	New	Mobile Realty 3, LLC 1768 Oregon Pike Lancaster, PA 17601-4203	Honey Brook Township Chester County	SERO
PAD510209 A-2	Amendment	Richmond Street Developers, LLC 2337 Philmont Avenue 2nd Floor Huntingdon Valley, PA 19006-6200	City of Philadelphia Philadelphia County	SERO
PAD130036	New	St Luke's University Health Network Bret Bachman 801 Ostrum Street Bethlehem, PA 18015	Franklin Township Carbon County	NERO
PAD400054	New	Ben Davidowitz P.O. Box 87 Nanticoke, PA 18634	Harveys Lake Borough Luzerne County	NERO
PAD390217	New	Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Upper Macungie Township Lehigh County	NERO
PAD390228	New	Kay Brookshire, LLC 5930 Hamilton Blvd. Allentown, PA 18106	Macungie Borough Lehigh County	NERO
PAD280001	102 Individual Permit	Grove U.S., LLC 1565 Buchanan Trail East Greencastle, PA 17225-9037	Antrim Township Franklin County	SCRO
PAD010001 A-1	102 Individual Permit Amendment	CCD Rock Creek LLC 1751 A West Diehl Road Naperville, IL 60563	Straban Township Adams County	SCRO
PAD210076	102 Individual Permit	AOH Holdings, LLC 637 South River Road Halifax, PA 17032	South Middleton Township Cumberland County	SCRO
PAD360079	102 Individual Permit	Michael and Emma Stoltzfus 189 Soapstone Hill Road Peach Bottom, PA 17563	Fulton Township Lancaster County	SCRO
PAD500013 A-1	102 Individual Permit Amendment	Fishing Creek Valley Associates 4712 Smith Street Harrisburg, PA 17109	Marysville Borough Perry County	SCRO
PAD440016	102 Individual Permit	David O. Miller 27 State Street Lewistown, PA 17044	Granville Township Mifflin County	SCRO
PAD670066	102 Individual Permit	Bentley Farms, LP 4535 Lincoln Highway York, PA 17402	Hellam Township York County	SCRO
PAD500016	102 Individual Permit	Merrimart Farms, LLC 19 Martin Lane Loysville, PA 17047-9146	Southwest Madison Township Perry County	SCRO



<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD210081	102 Individual Permit	1852 Mechanicsburg, LLC 1852 Thorndal Circle 3rd Floor Darien, CT 06820	Hampden Township Cumberland County	SCRO
PAD360013 A-2	102 Individual Permit Amendment	Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608-9395	Mt. Joy Township Lancaster County	SCRO
PAD610005	New	Titusville Solar LLC 3402 Pico Boulevard Santa Monica, CA 90405	Cherrytree Township Venango County	NWRO
PAD100018	New	Twin Oaks Development LLC P.O. Box 297 Wexford, PA 15090	Buffalo Township Butler County	NWRO
PAD420001A2	Renewal	National Fuel Gas Distribution Corporation 1100 State Street Erie, PA 16501	Lafayette Township McKean County	NWRO

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 2822501, Public Water Supply.**

Applicant	<b>Beck Manufacturing</b> 9170 Molly Pitcher Highway Greencastle, PA 17225
Municipality	Antrim Township
County	<b>Franklin</b>
Responsible Official	Bernard Lowery Operations 9170 Molly Pitcher Highway Greencastle, PA 17225
Consulting Engineer	Robert H. Schemmerling, P.E. RHS Engineering, Inc. 2909 Conococheague Lane Greencastle, PA 17225
Application Received	January 6, 2022
Description	Demonstration of 4-log treatment of viruses and installation of reverse osmosis for TDS removal.

**Application No. 3622506, Public Water Supply.**

Applicant	<b>City of Lancaster</b> 120 North Duke Street P.O. Box 1599 Lancaster, PA 17601
Municipality	Manheim Township
County	<b>Lancaster</b>
Responsible Official	Christine Volkay-Hilditch Deputy Director of Public Works Utilities 120 N Duke Street P.O. Box 1599 Lancaster, PA 17608-1599
Consulting Engineer	Benjamin Perwien, P.E. City of Lancaster 120 North Duke Street P.O. Box 1599 Lancaster, PA 17608-1599
Application Received	January 25, 2022

Description Rehabilitation of the Hess Boulevard pump station.

**Application No. 3822503**, Public Water Supply.

Applicant **Richland Borough**  
5 Pine Street  
P.O. Box 676  
Richland, PA 17087

Municipality Millcreek Township

County **Lebanon**

Responsible Official Kelly Bricker  
President  
5 Pine Street  
P.O. Box 676  
Richland, PA 17087

Consulting Engineer Daniel R. Connolly, P.E.  
Becker Engineering, LLC  
525 Greenfield Road  
Suite 201  
Lancaster, PA 17601

Application Received February 15, 2022

Description Construction of a Well No. 9 as a new source of supply.

*Northwest Region: Safe Drinking Water Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 6222501**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Address 9 Center Street

Municipality Clarendon Borough

County **Warren**

Responsible Official Zach Martin  
Western Area Mgr  
644 N. Water Avenue  
Sharon, PA 16146

Consulting Engineer Robert L. Horvat, Jr., P.E.  
Entech Engineering, Inc.  
400 Industry Drive  
Suite 200  
Pittsburgh, PA 15275

Application Received Date February 28, 2022

Description Addition of Granular Activated Carbon Units at WTP

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to

use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787.*

Contact: Charline Bass.

**831 East Lincoln Highway**, 831 East Lincoln Highway, Coatesville, PA 19320, City of Coatesville, **Chester County**. Brian Donoghue, Comstock Environmental Services LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Peter Karakelian, Coatesville Land, Inc., 444 Egypt Road, Norristown, PA 19403 submitted a Notice of Intent to Remediate. The contaminants benzene, naphthalene, and 1,2,4-trimethylbenzene (1,2,4-TMB) were detected in soil. Additionally, the contaminants benzene, toluene, ethylbenzene, xylenes, naphthalene, 1,2,4-TMB, 1,3,5-TMB, EDB, and EDC were detected in groundwater. The future intended use of the property is nonresidential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Delaware County Daily Times* on January 12, 2022.

**Sharswood Development**, 2077 Ridge Avenue, Philadelphia, PA 19121, City of Philadelphia, **Philadelphia County**. Shad Manning, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142 on behalf of Leslie Smallwood-Lewis, Sharswood Partners, LLC, 3525 I Street, Philadelphia, PA 19134 submitted a Notice of Intent to Remediate. Soil has been impacted with the release of benzo(a)pyrene, benzo(b)fluoranthene, indeno(1,2,3-cd) pyrene, arsenic & vanadium. The site is currently undeveloped land. Proposed use of the site will include commercial and residential structures. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on November 23, 2020.

**Former Philadelphia Media Network Facility**, 800 River Road, Conshohocken, PA 19428, Upper Merion Township, **Montgomery County**. Jeffrey K. Welsh, PG, Penn Environmental & Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 19807 on behalf of Kevin S. Kyle, 800 Schuylkill River Road Associates, LLC, 201 King of Prussia Road, Suite 501, Radnor, PA 19807 submitted a Notice of Intent to Remediate. Site groundwater has been impacted with VOCs and metals. The proposed future use of the property will be nonresidential. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *The Times Herald* on January 7, 2022.

**Alliance 51st Street**, 1646 South 51st Street, Philadelphia, PA 19143, City of Philadelphia, **Philadelphia County**. Lawrence G. Brunt, PE, Arcadis US, Inc., 1 Harvard Way, Suite 5, Hillsborough, NJ 08844 on behalf of Max Ryan, Alliance 51st Street, LLC, 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with PAHs (including benzo(a)pyrene) in the soil as well as petroleum hydrocarbons (including benzene and 1,2,4-trimethylbenzene) and lead in both the soil and groundwater. The proposed future use of the property will be nonresidential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Philadelphia News* on February 14, 2022.

*Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Williamsport, PA 17701.*

**JM Star, Inc. Project**, Interstate 80 at MM 184W, Loganton, PA 17747, Greene Township, **Clinton County**. EnviroServe Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of JM Star, Inc., 2644 Dempster Street, Suite 102, Park Ridge, IL 60068, has submitted a Notice of Intent to Remediate site soil contaminated with diesel fuel and used motor oil. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on January 13, 2022.

**COP Tract 551 B**, 5804 Bodine Mountain Road, Ralston, PA 17763, McIntyre Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT Corporation, 33 West Third Street, Suite 300, Williamsport, PA 17701, has submitted a Notice of Intent to Remediate site soil contaminated with produced water. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Williamsport Sun-Gazette* on February 25, 2022.

## 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.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James A Beach, P.E., New Source Review Chief, (484) 250-5920.*

**23-0119K: Sunoco Partners Marketing & Terminals, L.P. (SPMT)**, 100 Green Street, Marcus Hook, PA 19061-0426. On February 14, 2022, a Prevention of Significant Deterioration (PSD) Plan approval application for a proposed expansion of the current ethane processing capacity at its existing Title V facility, located in Marcus Hook Borough, **Delaware County**. This will increase the ethane processing capacity from 75,000 barrels per day (bpd) to 85,000 bpd. The proposed ethane processing expansion includes the installation of the following equipment:

- A new (fourth) ethane chiller train, also including a mixed refrigerant liquid compressor and heat exchanger, in parallel with the three existing ethane chiller trains.
- A new boil off gas system for one of the refrigerated ethane product storage tanks to be installed under previously-issued Plan Approval No. 23-0119J.
- New (additional) components for the feedstock metering, feedstock heating, amine treatment, and demethanizer off gas system.
- New piping, components (i.e., valves, pressure relief valves, pump and compressor seals, and flanges/connectors), and process vents.

The Department of Environmental Protection's Southeast Regional Office (DEP's SERO) is reviewing the application for the proposed ethane processing expansion, which is a major permitting action at a major facility. The application can be found at DEP's SERO Community Information Page <https://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>, under SPMT tab. The facility is located in an Environmental Justice (EJ) area; therefore, the application triggers the EJ Enhanced Public Participation Policy.

**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.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, P.E., New Source Review Chief, (412) 442-4168.*

**65-00891D: Firestone Building Products Company, LLC**, Building 102 Avenue A, Youngwood, PA 15697. Notice is hereby given that the Department of Environ-

mental Protection (Department) intends to issue a modification to plan approval No. 65-00891D to Firestone Building Products Company, LLC for authorization of the transfer and use of 71 tons of volatile organic compound (VOC) emission reduction credits (ERCs) at the Youngwood Plant in Youngwood Borough, **Westmoreland County**. The VOC ERCs have been created from the shutdown of flexographic printing presses at the Bemis Facility in Luzerne County, PA and have been purchased from Mattawoman Energy, LLC.

The plan approval application, the Department's review memorandum, the proposed plan approval, and other relevant information are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review, please contact the Department at 412.442.4000.

A person may oppose the proposed plan approval modification by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, or [asandy@pa.gov](mailto:asandy@pa.gov). 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-65-00891D) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

All comments must be received prior to the close of business 30 days after the date of this publication.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification 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](mailto:eorris@pa.gov). All comments must be received prior to the close of business 30 days after the date of this publication.

**26-00573: Johnson Matthey, Inc.**, 605 Mountain View Drive, Smithfield, PA 15478. In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) intends to issue an Air Quality State Only Operating Permit (SOOP) renewal to Johnson Matthey, Inc. to authorize the operation of a facility located in Georges Township, **Fayette County**.

Johnson Matthey manufactures selective catalytic reduction (SCR) catalysts for automotive and heavy-duty diesel truck engines and industrial emissions control applications. The facility is consisting of two Dryers, an Oven, Batching Tank Fume Extraction, Batching Powder Addition System, Batching Tank Powder Extraction, a Diesel Fired Emergency Generator (760 hp), indirect heating equipment, small combustion sources, material handling equipment and Control Devices such as Wet Scrubber, Batching Powder Dust Collector. Potential facility-wide potential emissions were estimated by the applicant to be 48.1 tpy of VOCs, 49.7 tpy of NO<sub>x</sub>, 2.28 tpy of PM, 10.47 tpy of CO, 0.10 tpy of SO<sub>2</sub> and 0.23 tpy of HAPs.

The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work prac-

tice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121–145, and the NSPS of 40 CFR Part 60 Subpart IIII.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (26-00573) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

All comments must be received prior to the close of business 30 days after the date of this publication.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

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

*Contact: David Balog, New Source Review Chief, (814) 332-6940.*

**37-368A: Amerikohl Aggregates, Incorporated—Moscipan Mine**, 1401 Woodside Avenue, Ellwood City, PA 16114, for the installation of a portable mineral processing plant, and associated diesel-fired generator engines at their facility in Shenango Township, **Lawrence County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 37-368A to Amerikohl Aggregates, Inc. for the installation of a portable mineral processing plant, and associated diesel-fired generator engines at the company's Moscipan Mine facility located on Savannah Road, Shenango Township, Lawrence County. The Plan Approval will subsequently be incorporated into a State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 37-368A is for the installation of a portable mineral processing plant, consisting of a grizzly feeder, two (2) crushers, two (2) screens and associated conveyors, with emissions of particulate matter to be controlled by water spray dust suppression systems; and five (5) associated diesel-fired generator engine(s). Based on the information provided by the applicant and DEP's own analysis, emissions from the subject source(s) will not exceed 34.05 tons of nitrogen oxides (NO<sub>x</sub>), 7.33 tons of carbon monoxide (CO), 2.70 tons of volatile organic compounds (VOC), 2.24 tons of sulfur oxides (SO<sub>x</sub>), and 4.69 tons of particulate matter per year.

The proposed sources will be subject to the applicable provisions of 40 CFR 60 Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) and 40 CFR 63 Subpart ZZZZ (National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines). The Plan Approval will contain additional testing, monitoring, record-keeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval No. 37-368A and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

**37-373A: Amerikohl Aggregates, Incorporated—Welsh Quarry**, 1401 Woodside Avenue, Ellwood City, PA 16114, for the installation of a portable mineral processing plant, and associated diesel-fired generator engines at their facility in Shenango Township, **Lawrence County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 37-373A to Amerikohl Aggregates, Inc. for the installation of a portable mineral processing plant, and associated diesel-fired generator engines at the company's Welsh Quarry facility located on Jockey Moore Road, Shenango Township, Lawrence County. The Plan Approval will subsequently be incorporated into a State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 37-373A is for the installation of a portable mineral processing plant, consisting of two (2) grizzly feeders, two (2) crushers, three (3) screens and associated conveyors, with emissions of particulate matter to be controlled by water spray dust suppression systems; and five (5) associated diesel-fired generator engine(s). Based on the information provided by the applicant and DEP's own analysis, emissions from the subject source(s) will not exceed 37.13 tons of nitrogen oxides (NO<sub>x</sub>), 8.00 tons of carbon monoxide (CO), 2.95 tons of volatile organic compounds (VOC), 2.44 tons of sulfur oxides (SO<sub>x</sub>), and 7.60 tons of particulate matter per year.

The proposed sources will be subject to the applicable provisions of 40 CFR 60 Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) and 40 CFR 63 Subpart ZZZZ (National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines). The Plan Approval will contain additional testing, monitoring, record-keeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public

inspection between the hours of 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval No. 37-373A and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

#### OPERATING PERMITS

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#### 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.

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**18-00007: Brodart Co.,** Brodart Co., 500 Arch Street, Williamsport, PA 17701-7809, for the Title V permit renewal authorization for their McElhattan Plant facility in Wayne Township, **Clinton County**.

The sources for the facility consist of Sources ID 031-033 (boiler 1, combustion units, and air makeup units, respectively), Sources ID P110 and P116 (woodworking dust collection and associated baghouse or fabric collectors), Sources ID P101—P108, P209, P210A, P211, P212 (paint/finishing booths 1—9, 10A, 11 and 12, respectively), as well as additional finishing, assembly process, misc. source operations, as follows: Source ID P122 (UV coating operations), Source ID P115 (powder paint line), Source ID P111 (deburg oven), Source ID P119 (gluing operations), Source ID P118 (fab. shop welding booth), Source ID P120 (parts washers), and Source ID P117 (emergency generator). The type and quantity of pollutants emitted on a facility-wide potential emission basis are, as follows: NO<sub>x</sub> (as NO<sub>2</sub>)—7.74 tons per year (tpy), CO—6.20 tpy, SO<sub>x</sub>—0.034 tpy, PM<sub>2.5</sub>—189 tpy, VOCs—99.65 tpy, HAPs—49.98 tpy, GHG (as CO<sub>2</sub>)—8,678 tpy, and 349 tpy for PM<sub>10</sub>. One modification to Source ID P119 had occurred during the permit term which was approved by RFD by the Department. The RFD approval conditions regarding the modification/Source ID P119 are incorporated into this Title V permit renewal auth. The facility is also subject to Prevention of Significant Deterioration and Nonattainment New Source Review requirements, as well as Standards of Performance for New

Stationary Sources, the National Emission Standards for Hazardous Air Pollutants for Source Categories, and the Compliance Assurance Monitoring, along with all applicable State requirements derived from 25 Pa. Code Chapters 121 and 145. Specifically, certain sources or units at the facility are currently subject to 40 CFR Part 63 subparts JJ, ZZZZ and DDDDD, as well as all applicable provisions under 25 Pa. Code §§ 129.77 and 129.101—129.107. No change in the applicable Federal and/or State emission limitations or standards to any source within the facility had occurred based on the information provided by the company within the Title V permit renewal application. Minor changes to verify compliance with all applicable requirements will be incorporated based on evaluation of the Title V permit renewal application information submitted to the Department. The Title V permit renewal authorization incorporates all applicable Federal and State air quality regulatory requirements, including the appropriate testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

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

**35-00064: FXI, Inc./Archbald,** 103 Power Boulevard, Archbald, PA 18403. The Department intends to issue an Operating Permit Modification for their facility located in Archbald City, **Lackawanna County**. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**54-00027: Perryman Co./Frackville Operations,** 11 Clearly Clean Way, Frackville, PA 17931. The Department intends to issue an Operating Permit for their facility located in West Mahanoy Township, **Schuylkill County**. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**54-00021: Pine Grove Landfill, Inc.,** 193 Shultz Road, Pine Grove, PA 17963. The Department intends to issue an Operating Permit Administrative Amendment for their facility located in Pine Grove Township, **Schuylkill County**. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**67-03037: Hard Chrome Specialists**, 41 Leigh Drive, York, PA 17406, to issue a State Only Operating Permit for the specialty plating facility in Manchester Township, **York County**. The potential emissions are estimated to be 75.33 pounds of total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart N—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks and 40 CFR 63 Subpart W—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

**67-03146: Johnson Controls Navy Systems, LLC**, Grantley Plant, 631 Richland Avenue, York, PA 17405, for a natural minor operating permit renewal for equipment coating booths and testing with emergency engine-generators and associated operations located in Spring Garden Township, **York County**. The actual 2020 emissions were 2.63 tons of NO<sub>x</sub> and 2.04 tons of VOC. The Operating Permit will include emission standards and work practice standards along with monitoring, recordkeeping, and reporting requirements designed to ensure the facility complies with the applicable air quality regulations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**41-00063: Ralph S. Alberts Co., Inc.**, 60 Choate Circle, Montoursville, PA 17754, to issue a renewal State Only Operating Permit for the Montoursville Plant located in Fairfield Township, **Lycoming County**. The facility is currently operating under State Only Operating Permit 41-00063. The facility's main sources include a polyurethane foam production process, six paint spray booths, one cold cleaning sink, one fluidized sand bed cleaning machine, 34 natural gas-fired heaters and various woodworking equipment. The facility has potential emissions of 3.50 TPY of CO; 9.98 TPY of NO<sub>x</sub>; 0.02 TPY of SO<sub>x</sub>; 6.94 TPY of PM/PM<sub>10</sub>; 22.73 TPY of VOCs; 12.97 TPY HAPs; 3,227 TPY GHGs. The polyurethane foam production process is subject to 40 CFR Part 63, Subpart O—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources. The facility is subject to Title 25 Pa. Code § 129.77—Control of emissions from the use of application of adhesives, sealants, primers and solvents. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 63. All pertinent documents used in the evaluation of the application are available for public review during normal

business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**14-00033: Spectra Wood, Inc.**, 2651 Carolean Industrial Drive, State College, PA 16801, to issue a renewal State Only Operating Permit for their facility located in College Township, **Centre County**. The facility's main sources include 11 natural gas fired combustion units, seven (7) surface coating booths, woodworking operations and various other wood coating operations. The facility has potential emissions of 57.29 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 2.01 tpy of nitrogen oxides, 1.69 tpy of carbon monoxide, 42.06 tpy of volatile organic compounds, 4.39 tpy of hazardous air pollutants and 0.01 tpy of sulfur oxides. The potential emissions at the facility remained same since last issuance of the permit. No emission or major equipment changes are being proposed by this action. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief, (412) 442-4336.*

**04-00480: Valley Medical Facilities Inc. dba Heritage Valley**, 1000 Dutch Ridge Rd., Beaver, PA 15009. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a synthetic minor State Only Operating Permit for the operation of boilers and generators at their facility located in Brighton Township, **Beaver County**.

Valley Medical Facilities, Inc. operates three gas and oil-fired boilers, four diesel-fired electric generators, and two ethylene oxide sterilizers. This facility has a potential to emit 65.0 tons/12-consecutive month period (12-cmp) of NO<sub>x</sub>, 16.7 tons/12-cmp of CO, 0.5 ton/12-cmp of SO<sub>x</sub>, 1.5 tons/12-cmp of VOCs, 7.4 tons/12-cmp of PM<sub>10</sub>, 0.3 ton/12-cmp of HAPs, and 0.5 ton/12-cmp of methane. The emergency generators are limited to 500 hours of operation per 12-consecutive month period (12-cmp). The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

## 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.

*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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity must always exceed acidity.			
pH must always be greater than 6.0; less than 9.0.			

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov (Contact: Theresa Reilly-Flannery).*

**Permit No. 22880301. NPDES Permit No. PA0223948. Rocky Licensing Corp.**, 201 Iron Valley Drive, Lebanon, PA 17042, revision to mine deeper and increase the NPDES average discharge rate to the quarry operation in Lower Swatara Township, **Dauphin County**, affecting 60.10 acres. Receiving stream: Swatara Creek, classified for the following use: WWF. Application received: February 8, 2022.

**Permit No. 6575SM1. Hanson Aggregates PA, LLC**, 7660 Imperial Way, Allentown, PA 18195, correction to update the reclamation plan to include fill material for reclamation for a quarry operation in Hamilton Township, **Monroe County**, affecting 180.0 acres. Receiving streams: Lake Creek and Cherry Creek, classified for the following uses: HQ—CWF, MF. Application received: February 16, 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



<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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-EPCAMBRIA@pa.gov (Contact: Melanie Ford-Wigfield).*

**NPDES No. PA0279854. Mining Permit No. 31220101. J & J Svonavec Excavating, Inc.,** 110 Windermere Lane, Somerset, PA 15501. New NPDES permit in Wood Township, **Huntingdon County**, affecting 121.6 acres related to a coal mining activity permit. Receiving stream: unnamed tributary to Great Trough Creek, classified for the following use: TSF. Application received: January 17, 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 unnamed tributary to Great Trough Creek:

<i>Outfall number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	New	Stormwater	Precipitation Induced
002	New	Stormwater	Precipitation Induced

<i>Outfall number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
003	New	Stormwater	Precipitation Induced
004	New	Pit Water	Intermittent
005	New	Pit Water	Intermittent

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>
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	1.7	3.4	4.2
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

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EPMOSHANNON@pa.gov (Contact: Ashley Smith).*

**NPDES No. PA0257516. Mining Permit No. 17110101. A. W. Long Coal Company**, 127 Logan Street, Philipsburg, PA 16866, renewal of an NPDES permit for discharge resulting from coal surface mining in Morris Township, **Clearfield County**, affecting 361.9 acres. Receiving stream(s): Unnamed Tributaries to Hawk Run and Hawk Run, classified for the following use(s): CWF, MF. This receiving stream is included in the Moshannon Creek TMDL. Application received: November 29, 2021.

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

The following outfalls discharge to Unnamed Tributaries to Hawk Run and Hawk Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
003	Existing	Sedimentation Pond C	Precipitation Induced
004	Existing	Sedimentation Pond D	Precipitation Induced
005	Existing	Sedimentation Pond E	Precipitation Induced
006	Existing	Sedimentation Pond F	Precipitation Induced
007	Existing	Sedimentation Pond G	Precipitation Induced
008	Existing	Sedimentation Pond H	Precipitation Induced
012	Existing	Treatment Basin 2	Intermittent (Pumped)
013	Existing	Treatment Basin 3	Intermittent (Pumped)
014	Existing	Treatment Basin 4	Intermittent (Pumped)
015	Existing	Treatment Basin 5	Intermittent (Pumped)

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

<i>Outfalls: 012 &amp; 013 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
<i>Parameter</i>			
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	1.7	3.4	4.2
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

<i>Outfalls: 014 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
<i>Parameter</i>			
Iron (mg/L)	2.3	4.6	5.7
Manganese (mg/L)	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
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

<i>Outfalls: 014 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			
<i>Outfalls: 015 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	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
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			
<i>Outfalls: 003, 007 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	2.4	4.8	6.0
Manganese (mg/L)	1.7	3.4	4.2
Aluminum (mg/L)	Report		
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			
<i>Outfalls: 004, 005, 006 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	2.3	4.6	5.7
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.8	5.6	7.0
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			
<i>Outfalls: 008 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.2	4.4	5.5
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			

**NPDES No. PA0269972. Mining Permit No. 17210101. Black Cat Coal, LLC, 446 W Cemetery Road, Curwensville, PA 16833, a new NPDES permit for discharges resulting from coal surface mining in Pike Township, Centre County, affecting 31 acres. Receiving stream(s): Unnamed Tributary to Little Clearfield Creek, classified for the following use(s): HQ-CWF, MF. This receiving stream is included in the Clearfield Creek TMDL. Application received: October 5, 2021.**

The following outfalls require a non-discharge alternative:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	New	Sedimentation Pond A	No Discharge
002	New	Treatment Facility B	No Discharge

There is no proposed surface discharge from the previously listed facilities to the receiving stream due to the implementation of Best Management Practices in the form of infiltration galleries. Instantaneous maximum BAT limits will be applied to the outfall effluent entering the infiltration galleries for the protection of the groundwater.

The following outfall discharges to Unnamed Tributary to Little Clearfield Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	New	Sediment Pond Emergency Spillway

The only potential point source discharges to surface water are the discharges from the emergency spillway of a sediment pond during precipitation that exceeds a 10 yr/24 hr event. Effluent limits for the emergency spillway are as follows:

*Outfalls: 001 Sediment Pond Emergency Spillway  
(During >10-yr/24-hr Precipitation Event)*

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (mg/L)	N/A	N/A	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

**NPDES No. PA0115576. Mining Permit No. 14860103. Keystone Coal Company**, 1915 Wigmore Street, Jacksonville, FL 32206, renewal of an NPDES permit for discharges resulting from postmining treatment of coal mine drainage in Curtin Township, **Centre County**, affecting 4 acres. Receiving stream(s): Beech Creek, classified for the following use(s): CWF, MF. This receiving stream is included in the Beech Creek TMDL. Application received: October 29, 2021.

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

The following outfall discharges to Beech Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Passive Treatment System	Continuous (0.0014 MGD)

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

<i>Outfalls: 001 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

**NPDES No. PA0269743. Mining Permit No. 17140103. RES Coal, LLC**, 51 Airport Road, Clearfield PA 16830, renewal of an NPDES permit for discharges resulting from bituminous coal surface mining in Chest and Burnside Townships, **Clearfield County**, affecting 184.5 acres. Receiving stream(s): Spring Run and unnamed tributary to Spring Run, classified for the following use(s): CWF. This receiving stream is included in the Chest Creek Watershed TMDL. Application received: December 27, 2021.

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

The following outfalls discharge to Spring Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	SPA	Precipitation Induced
002	Existing	SPB	Precipitation Induced
003	Existing	SPC	Precipitation Induced
005	Existing	SPE	Precipitation Induced
006	Existing	TB1	Intermittent (Pumped)
007	Existing	TB2	Intermittent (Pumped)

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

<i>Outfalls: 006 &amp; 007 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0

<i>Outfalls: 006 &amp; 007 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Aluminum (mg/L)	Report		
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)	Report		
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

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

<i>Outfalls: 001—003, &amp; 005 (Dry Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 001—003, &amp; 005 (≤10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	N/A	N/A	7.0
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Outfalls: 001—003, & 005 (>10-yr/24-hr Precip. Event)*  
 pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
 Alkalinity must exceed acidity at all times.

The following outfalls discharge to an unnamed tributary to Spring Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>	
004	Existing	SPD	Precipitation Induced	
008	Existing	TB3	Intermittent (Pumped)	
<i>Outfall: 004 (All Weather Conditions)</i>				
<i>Parameter</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>	
	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>	
Iron (mg/L)	2.3	4.6	5.7	
Manganese (mg/L)	1.6	3.2	4.0	
Aluminum (mg/L)	1.2	2.4	3.0	
Total Suspended Solids (mg/L)	35.0	70.0	90.0	
Sulfate (mg/L)		Report		
Flow (gpm)		Report		
Temperature (°C)		Report		
Specific Conductivity (µmhos/cm)		Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.				
Alkalinity must exceed acidity at all times.				
<i>Outfall: 008 (All Discharges)</i>				
<i>Parameter</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>	
	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>	
Iron (mg/L)	2.3	4.6	5.7	
Manganese (mg/L)	1.6	3.2	4.0	
Aluminum (mg/L)	1.2	2.4	3.0	
Total Suspended Solids (mg/L)	35.0	70.0	90.0	
Sulfate (mg/L)		Report		
Flow (gpm)		Report		

<i>Outfall: 008 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Noncoal NPDES Draft Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov (Contact: Theresa Reilly-Flannery).*

**NPDES No. PA0224839. Mining Permit No. 66100301. Meshoppen Stone, Inc.,** P.O. Box 127, Meshoppen, PA 18630, renewal of NPDES permit in Meshoppen Township, **Wyoming County**, affecting 220.2 acres. Receiving stream: unnamed tributaries to Meshoppen Creek, classified for the following uses: CWF, MF. Application received: August 8, 2021.

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 tributary to Meshoppen Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
SPA (001)	Existing	Stormwater	0.0042 MGD
SPB (002)	Existing	Stormwater	0.0102 MGD
SPC (003)	Existing	Stormwater	0.0053 MGD

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

The following limits apply to dry weather discharges from the following stormwater outfalls: SPA, SPB, SPC

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Oil and Grease (mg/L)			Monitor And Report	

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:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Settleable Solids (ml/L)				0.5

**NPDES No. PA PA0226262. Mining Permit No. 66770301. American Asphalt Paving Co.,** 500 Chase Road, Shavertown, PA 18708, new NPDES permit in Eaton Township, **Wyoming County**, affecting 84.5 acres. Receiving stream: Bowman's Creek, classified for the following use: HQ-CWF. Application received: November 15, 2021.

No discharges to Bowman's Creek.

**NPDES No. PA0226271. Mining Permit No. 58220801. Saula Natural Stone, LLC,** 281 Church Street, Great Bend, PA 18821, new NPDES permit in New Milford Township, **Susquehanna County**, affecting 6.0 acres. Receiving stream: East Lake Creek/Salt Lick Creek Watershed, classified for the following uses: HQ—CWF, MF. Application received: December 27, 2021.

Non-Discharging Best Management Practices will be in effect.

**NPDES No. PA0226289. Mining Permit No. 58222503. Robert R. Reddon,** 927 Germantown Road, Susquehanna, PA 18847, new NPDES permit in Harmony Township, **Susquehanna County**, affecting 11.0 acres. Receiving stream: East Branch Hemlock Creek/Starrucca Creek Watershed, classified for the following use: Designated Use CWF, MF, Existing Use—EV. Application received: January 3, 2022.

Non-Discharging Best Management Practices will be in effect.

## 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.*

**E5402222-001. Brewster Land Company**, 70 Eighteenth Drive, Franklin, MA 02038, Kline Township, Schuylkill County, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the construction of the McAdoo Project:

1. A fill in 0.08 acre of the floodway of a UNT to Each Branch Little Schuylkill River (CWF, MF) consisting of a cul-de-sac and associated grading.

2. An outfall within the floodway of a UNT to Each Branch Little Schuylkill River (CWF, MF) consisting of a 24-inch diameter SLCPP stormwater pipe, concrete endwall, and riprap apron.

3. An outfall within the floodway of a UNT to Each Branch Little Schuylkill River (CWF, MF) consisting of an 18-inch diameter RCP stormwater pipe, flared end section, and riprap apron.

4. A stormwater outfall within the floodway of a UNT to Each Branch Little Schuylkill River (CWF, MF) consisting of a 20-LF extension of an existing 36-inch diameter stormwater culvert and the construction of concrete endwalls.

5. A utility line crossing within the floodway of UNT to Each Branch Little Schuylkill River (CWF, MF) consisting of a 6-inch diameter ductile iron water pipe.

6. A utility line crossing within the floodway of UNT to Each Branch Little Schuylkill River (CWF, MF) consisting of a 6-inch diameter HDPE sewage force main.

7. A fill within a 0.04-acre area of PEM Wetlands (Other) consisting of a 1,209,600 ft<sup>2</sup> warehouse building.

8. A fill within a 0.09-acre lacustrine open of water (CWF, MF) consisting of a 1,209,600 ft<sup>2</sup> warehouse building.

9. A fill within a 0.02-acre lacustrine open body of water (CWF, MF) consisting of a 1,209,600 ft<sup>2</sup> warehouse building.

The project is located approximately 0.6 mile west of the intersection of S.R. 309 and Lofty Road (Conyngham, Delano, Hazleton, PA Quadrangle Latitude: 40° 52' 29" Longitude: -76° 0' 59") in Kline Township, Schuylkill County. (Conyngham, Delano, Hazleton, PA Quadrangle, Latitude: 40° 52' 29"; Longitude: -76° 0' 59").

**E4002222-002. The Hub at Sand Springs, LLC**, 4511 Falmer Drive, Bethlehem, PA 18020, Butler Township, Luzerne County, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain to the following water obstructions and encroachments associated with Phase 5D of the Sand Springs Golf Course Community Development Project:

1. To place fill within a de minimus area of PEM Wetlands (Other) equal to 0.038-acre with work consisting of a parking lot and associated grading.

2. A stormwater outfall within a de minimus area of PEM Wetlands (Other) equal to 0.001-acre with work consisting of a 24-inch diameter HDPE pipe, a concrete endwall, and an R-4 riprap apron.

The project is located directly north of the intersection of Sand Spring Drive N. Old Turnpike Road (Freeland, PA Quadrangle Latitude: 40° 03' 42.57"; Longitude: -75° 57' 50.43") in Kline Township, Schuylkill County. (Freeland, PA Quadrangle, Latitude: 41° 3' 42.57"; Longitude: -75° 57' 50.43").

**E4502222-002. Richard Frankel**, 819 Parkridge Drive, Media, PA 19063, Coolbaugh Township, Monroe County, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 3-piece sectional dock who's shape can be manipulated but has an overall maximum area of 128 square feet, in Arrowhead Lake (EV, MF). The project is located at 298 North Arrow Drive. (Thornhurst, PA Quadrangle, Latitude: 41° 09' 57"; Longitude: -75° 33' 52").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E3603221-006: Ephrata Borough Authority**, 124 South State Street, Ephrata, PA 17522-2411 in Ephrata Borough, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove and replace/enlarge the solids processing building at existing Wastewater Treatment Plant (WWTP) # 1, in order to upgrade the solids processing and handling capabilities of the treatment facility. The proposed project will include 0.15 acre of permanent impact to the FEMA 100-year floodplain of the Cocalico Creek (WWF, MF), requiring a Chapter 106 Floodplain Management Permit. The project is located at 405 South Reading Road, Ephrata, PA 17522-1600 (Latitude: 40.1746, Longitude: -76.1982).

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E0829222-005: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Smithfield Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 300' by 400' well pad and 1,250 linear foot long access road impacting 38,376 square feet of a palustrine emergent (PEM) wetland and 37,853 square feet of a palustrine forested (PFO) wetland. (Ulster, PA Quadrangle, Latitude: 41.839736°; Longitude: -76.595468°);

2. A 300' by 400' well pad impacting 13,372 square feet of a palustrine forested (PFO) wetland. (Ulster, PA Quadrangle, Latitude: 41.838868°; Longitude: -76.595300°).

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 44,561 square feet (1.023 acres) of permanent wetland impacts and 45,040 square feet (1.034 acres) 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 0.75 acre of on-site wetland restoration and 7.161 acres of wetland credits at the Camp Brook Restoration Site (Elkland, PA Quadrangle, Latitude: 41.988385°; Longitude: -77.337152°), permit application number E5929221-006.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Waterways Engineering & Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, 717-787-3411.*

**EA02-008CO. Ms. Julie Jakubec, O'Hara Township**, 325 Fox Chapel Road, Pittsburgh, PA 15238, O'Hara Township, **Allegheny County**, U.S. Army Corps of Engineers Pittsburgh District.

Applicant proposes to construct a non-jurisdictional dam across a tributary to the Allegheny River (WWF) to alleviate downstream flooding. The dam will permanently impact approximately 110 feet of the tributary; no wet-

lands will be impacted. The proposed project location is in O'Hara Township, Allegheny County. (Glenshaw, PA Quadrangle, Latitude: 40.5090; Longitude: -79.9194).

#### EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

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

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

#### Applications received under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

*Northwest Region: Oil & Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

ESCGP-3 # ESG15-083-0005A—Clermont West Branch D07-U Pipeline  
Applicant Name NFG Midstream Clermont, LLC  
Contact Person Mr. Michael Kasprzak  
Address 6363 Main Street  
City, State, Zip Williamsville, NY 14221  
County McKean  
Township(s) Sergeant  
Receiving Stream(s) and Classification(s) West Fork West Branch Potato Creek—HQ-CWF; UNT to Brewwer Run—HQ-CWF; UNT to and East Branch Clarion River—HQ-CWF



## 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](http://www.dep.pa.gov/CWPUBLICNOTICE).

DEP office contact information to review official files relating to the final actions in Section I is as follows:

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

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

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

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

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.**

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5491401	Minor Sewage Facility Individual WQM Permit	Issued	East Union Township Sewer Authority P.O. Box 245 Sheppton, PA 18248	East Union Township Schuylkill County	NERO
PA0060411	Minor Sewage Facility >=0.05 MGD and <1 MGD Individual NPDES Permit	Issued	Aqua Pennsylvania Wastewater, Inc. 762 W. Lancaster Ave. Bryn Mawr, PA 19010	Thornhurst Township Lackawanna County	NERO

## NOTICES

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0011517	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Keystone Cement Company Route 329 Box A Bath, PA 18014	East Allen Township Northampton County	NERO
PA0276448	Industrial Stormwater Individual NPDES Permit	Issued	Cardinal LG Company 42 Archbald Heights Road Jessup, PA 18434	Archbald Borough Lackawanna County	NERO
PAI132276	MS4 Individual NPDES Permit	Issued	North Whitehall Township 3256 Levans Road Coplay, PA 18037	North Whitehall Township Lehigh County	NERO
PA006023	Minor Sewage Facility <0.05 MGD Individual NPDES Permit	Issued	Silver Lake Township Municipal Authority P.O. Box 154 Brackney, PA 18812	Silver Lake Township Susquehanna County	NERO
PAR212217	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Potters Industries P.O. Box 841 Valley Forge, PA 19482	Salem Township Luzerne County	NERO
PA0228818	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	First Quality Tissue, LLC 904 Woods Avenue Lock Haven, PA 17745-3348	Castanea Township Clinton County	NCRO
PA0023264	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Twin Borough Sanitary Authority P.O. Box 118 17 River Drive Mifflin, PA 17058-0118	Milford Township Juniata County	SCRO
PA0081451	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Red Lion Area School District 696 Delta Road Red Lion, PA 17356-9185	Chanceford Township York County	SCRO
PA0086690	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Kalas Manufacturing Inc. 167 Greenfield Road Lancaster, PA 17601-5814	East Cocalico Township Lancaster County	SCRO
PA0266124	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	2000 Perkiomen Avenue, LLC 503 Hanley Lane Downingtown, PA 19335	Robeson Township Berks County	SCRO
PA0024040	Major Sewage Facility >=1 and <5 MGD Individual NPDES Permit	Issued	Highspire Borough Authority 640 Eshelman Street Highspire, PA 17034-1610	Highspire Borough Dauphin County	SCRO
PA0085812	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Altoona Water Authority Kettle Creek WTP 900 Chestnut Avenue Altoona, PA 16601	Tyrone Township Blair County	SCRO
PAG124804	PAG-12 NPDES General Permit for CAFOs	Issued	Jeremy Woodling 725 Center Ave Beaver Springs, PA 17812-9234	Spring Township Snyder County	SCRO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXSC295	No Exposure Certification	Issued	Johnson & Johnson Consumer, Inc 1838 Colonial Village Lane Lancaster, PA 17601-6700	East Lampeter Township Lancaster County	SCRO
NOEXSC374	No Exposure Certification	Issued	Bulk Chemicals Inc 1074 Stinson Drive Reading, PA 19605-9440	Muhlenberg Township Berks County	SCRO
NOEXSC170	No Exposure Certification	Issued	York Plant Holding, LLC 651 Memory Lane York, PA 17402	Springettsbury Township York County	SCRO
PA0026352	Major Sewage Facility >=1 MGD and <5 MGD Individual NPDES Permit	Issued	Riverview Sanitary Authority 3100 University Boulevard Moon Township, PA 15108-2530	Coraopolis Borough Allegheny County	SWRO
PA0033405	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	West Newton DJVNW, LLC 812 18th Street Ambridge, PA 15003-1803	Sewickley Township Westmoreland County	SWRO
6519400	Minor Sewage Treatment Facility Individual WQM Permit	Issued	West Newton DJVNW, LLC 812 18th Street Ambridge, PA 15003-1803	Sewickley Township Westmoreland County	SWRO
PA0209368	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Benton Foundry, Inc. 5297 State Route 487 Benton, PA 17814-7641	Sugarloaf Township Columbia County	NCRO

## II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
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
PAC510052	PAG-02 General Permit	Issued	NewCourtland Elder Services 6970 Germantown Avenue Philadelphia, PA 19119-2114	City of Philadelphia Philadelphia County	SERO
PAC230004	PAG-02 General Permit	Issued	R2K Partners, LLC P.O. Box 541 Villanova, PA 19085-0541	Clifton Heights Borough Delaware County	SERO
PAC510233	PAG-02 General Permit	Issued	ALDI Inc. (Pennsylvania) 2700 Saucon Valley Road Center Valley, PA 18034-9340	City of Philadelphia Philadelphia County	SERO
PAC510229	PAG-02	Issued	3200 Germantown Associates, LP 3890 North 10th Street Philadelphia, PA 19140-3106	City of Philadelphia Philadelphia County	SERO
PAC510249	PAG-02	Issued	1700 N. American St., LLC 740 Sansom Street Suite 501 Philadelphia, PA 19106	City of Philadelphia Philadelphia County	SERO
PAD150059	PAG-02 General Permit	Issued	Malvern Hill Associates, LP 201 King of Prussia Road Suite 501 Radnor, PA 19087-5148	East Whiteland Township Chester County	SERO

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD510149	PAG-02 General Permit	Issued	Southeastern Pennsylvania Transportation Authority (SEPTA) 1234 Market Street Philadelphia, PA 19107	City of Philadelphia Philadelphia County	SERO
PAD090077	PAG-02 General Permit	Issued	601 Spruce Street Investment Partners LLC 101 Stewart Lane Chalfont, PA 18914-1809	Perkasie Borough Bucks County	SERO
PAD090003 Renewal	PAG-02 General Permit	Issued	Link Logistics Real Estate 602 West Office Center Drive Suite 200 Fort Washington, PA 19034	Milford Township Bucks County	SERO
PAD150059	PAG-02 General Permit	Issued	Malvern Hill Associates, LP Attn: Jerry O'Connor 201 King of Prussia Road Suite 501 Radnor, PA 19087	East Whiteland Township Chester County	SERO
PAD510213 (Formerly PAI015116005) Major Amendment	PAG-02 General Permit	Issued	Philadelphia Water Department 1101 Market Street Philadelphia, PA 19107	City of Philadelphia Philadelphia County	SERO
PAD230055	Individual NPDES	Renewal	1200 Calcon Hook Investment, LLC 416 Bethlehem Pike Fort Washington, PA 19034	Darby Township Delaware County	SERO
PAD150026	Individual NPDES	Renewal	1200 Calcon Hook Investment, LLC 416 Bethlehem Pike Fort Washington, PA 19034	Darby Township Delaware County	SERO
PAC350010	PAG-02 General Permit	Issued	New Ventures Realty, LLC 911 Deer Run Drive Archbald, PA 18403	Archbald Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC390166	PAG-02 General Permit	Issued	Mukesh Patel & Dilip Patel 108 Park Vista Terrace Allentown, PA 18104	City of Allentown Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583
PAC350121	PAG-02 General Permit	Issued	JBAS Realty, LLC 1 Keystone Place Jessup, PA 18434-1818	City of Scranton Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC540114	PAG-02 General Permit	Issued	PPL Eletrical Utilities Corporation 827 Hausman Road Allentown, PA 18104	Mahanoy City Borough Mahanoy Township Schuylkill County	Schuylkill Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742
PAD390220	Individual NPDES	Issued	Members 1st Federal Credit Union 5000 Louise Drive Mechanicsburg, PA 17055	Upper Macungie Township Lehigh County	NERO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC390157	PAG-02 General Permit	Issued	Eagle View Townes LLC 132 Sonoma Way Macungie, PA 18062	Whitehall Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583
PAD390210	Individual NPDES	Issued	Jaindl Land Company 3150 Coffeetown Rd. Orefield, PA 18069	Lower Macungie Township Lehigh County	NERO
PAC440015 A-2	PAG-02 Permit Amendment	Issued	AJM Real Estate Holdings LLC 685 Skywagon Drive Reedsville, PA 17084	Brown Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717.248.4695
PAC670546	PAG-02 Permit	Issued	Ryan Carl 8 Hillside Drive Jacobus, PA 17407	York Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670523	PAG-02 Permit	Issued	Penn Township 20 Wayne Avenue Hanover, PA 17331	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670533	PAG-02 Permit	Issued	Jason W. Dunaja 14140 West Bricker Court Glen Rock, PA 17327	Railroad Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC310025	PAG-02 Permit	Issued	Walker Township 5568 Bouquet Street P.O. Box 116 McConnelstown, PA 16660	Walker Township Huntingdon County	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 814.627.1627
PAC210270	PAG-02 Permit	Issued	Cumberland Valley School District 6746 Carlisle Pike Mechanicsburg, PA 17050	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210271	PAG-02 Permit	Issued	Escambia Properties 18 Sage Crest Circle Enola, PA 17025	Lower Allen Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812

## NOTICES

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC210042 A-3	PAG-02 Permit	Issued	Rider Musser Development, LLC 6 Kacy Court Suite 204 Mechanicsburg, PA 17055	Upper Allen Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAD060053	102 Individual Permit	Issued	Jo-Jaz Properties LLC 8 Willow Street Industrial Park Fleetwood, PA 19522	Maidencreek Township Berks County	SCRO
PAD440013	102 Individual Permit	Issued	Dryhouse Stoneworks, LLC 30 Walnut Grove Lane Belleville, PA 17004	Union Township Mifflin County	SCRO
PAC020764	PAG-02 General Permit	Issued	Greg Formosa 626 Hemlock Road Coraopolis, PA 15108	South Fayette Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAC020530-A-4	PAG-02 General Permit	Issued	Allegheny County Airport Authority Landslide Terminal 4th Floor Mezzanine Suite 1050 Pittsburgh, PA 15231	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAC020798	PAG-02 General Permit	Issued	Pittsburgh Water and Sewer Authority 1200 Penn Avenue Pittsburgh, PA 15222	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAC020749-A-1	PAG-02 General Permit	Issued	Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	Elizabeth Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAC020799	PAG-02 General Permit	Issued	Maronda Homes, LLC 11 Timberglen Drive Imperial, PA 15126	Indiana Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAC020275-A-1	PAG-02 General Permit	Issued	Pressley Ridge, Inc. 5500 Corporate Drive Suite 400 Pittsburgh, PA 15237	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAC020109	PAG-02 General Permit	Issued	Cavalier Land Partners, LP 2543 Washington Road Pittsburgh, PA 15241	Pine Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAC020792	PAG-02 General Permit	Issued	Pittsburgh Department of Public Works Bureau of Facilities 414 Grant Street Room 301 Pittsburgh, PA 15219	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020761	PAG-02 General Permit	Issued	FedEx Freight, Inc. 2200 Forward Drive Harrison, AR 72601	O'Hara Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAC020151	PAG-02 General Permit	Issued	Housing Authority City of Pittsburgh 200 Ross Street Pittsburgh, PA 15219	Richland Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219
PAC630249	PAG-02 General Permit	Issued	Ringgold School District 400 Main Street New Eagle, PA 15067	Finleyville Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301
PAG6302040	PAG-02 General Permit	Issued	Peters Township 610 East McMurray Road McMurray, PA 15317	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301
PAC630232	PAG-02 General Permit	Issued	Aloe Family 1994, LP 1009 Beaver Grade Road Suite 200 Moon Township, PA 15108	Robinson Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301
PAC630241	PAG-02 General Permit	Issued	Primax Properties, LLC 1100 East Morehead Street Charlotte, NC 28204	Union Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301
PAC100016A1 Renewal	PAG-02 General Permit	Issued	Fossil Rock Services 102 Kotchey Lane Harmony, PA 16037	Franklin Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAD220008	NPDES	Issued	LDI Associates Dauphin, LLC 2000 Technology Parkway Mechanicsburg, PA 17050	Middle Paxton Township Dauphin County	Regional Permit Coordination Office (RPCO) Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov

## 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>
Chiques View Farms Kenton Reiff 1775 Pinkerton Road Mount Joy, PA 17552	Lancaster	336.8	466.02	Beef, Ducks	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).**

*Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Pehala, Clerk Typist 2, 570-830-3077.*

**Permit No. 2350034, Operation Permit, Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Municipality	Roaring Brook Township
County	<b>Lackawanna</b>
Type of Facility	Public Water Supply
Consulting Engineer	Joshua P. Shoff, E.I.T. Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661
Permit Issued	February 24, 2022
Description of Action	Issuance of a Partial Operation Permit for the Elmbrook Water System—Jonslea Well House Improvements.

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

**Construction Permit No. 0521508 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Evitts Creek Water Company</b> 57 North Liberty Street Cumberland, MD 21502
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Municipality Cumberland Valley Township  
 County **Bedford**  
 Consulting Engineer Robert Smith, P.E.  
 Evitts Creek Water Company  
 57 North Liberty Street  
 Cumberland, MD 21502  
 Permit Issued February 15, 2022  
 Description Media replacement and cleaning  
 of the air scour piping in Filters  
 No. 13—18.

**Construction Permit No. 2821520 MA, Minor Amendment**, Public Water Supply.

Applicant **Bear Valley Joint Authority**  
 218 School House Road  
 St. Thomas, PA 17252  
 Municipality Letterkenny Township  
 County **Franklin**  
 Consulting Engineer Brendan West, P.E.  
 Suez Water Pennsylvania, Inc.  
 6310 Allentown Blvd  
 Harrisburg, PA 17112  
 Permit Issued February 15, 2022  
 Description Interconnect with Suez Water  
 Pennsylvania's Kensington  
 System (PWS ID No. 7280064).

**Construction Permit No. 0621519**, Public Water Supply.

Applicant **Michael Jay Properties LLC**  
 415 Water Street  
 Temple, PA 19560  
 Municipality Muhlenberg Township  
 County **Berks**  
 Consulting Engineer Jamie Lorah, P.E.  
 Spotts Stevens & McCoy  
 1047 North Park Road  
 Reading, PA 19610  
 Permit Issued January 25, 2022  
 Description Vended water system

**Construction Permit No. 0621523**, Public Water Supply.

Applicant **Oley Turnpike Dairy, Inc.**  
 6229 Oley Turnpike Road  
 Oley, PA 19547  
 Municipality Oley Township  
 County **Berks**  
 Consulting Engineer Karen C. Pollock, P.E.  
 Systems Design Engineering  
 1032 James Drive  
 Lessport, PA 19533  
 Permit Issued December 6, 2021  
 Description Application for a replacement  
 nitrate system, a replacement  
 UV disinfection system, and for  
 cartridge filtration

**Construction Permit No. 0521506**, Public Water Supply.

Applicant **Hillside Terrace MHP, LLC**  
 2958 Willow Street  
 Pike Willow Street, PA 17584  
 Municipality East St. Clair Township  
 County **Bedford**  
 Consulting Engineer David M. Cunningham, P.E.  
 Keller Engineers, Inc.  
 420 Allegheny Street  
 Hollidaysburg, PA 16648  
 Permit Issued December 6, 2021  
 Description The construction permit is for a  
 proposed iron and manganese  
 treatment for the existing  
 system.

**Construction Permit No. 2821515**, Public Water Supply.

Applicant **Suez Water Pennsylvania**  
 6310 Allentown Blvd.  
 Harrisburg, PA 17112  
 Municipality Hamilton Township  
 County **Franklin**  
 Consulting Engineer Brendan West, P.E.  
 Suez Water Pennsylvania Inc  
 6310 Allentown Blvd  
 Harrisburg, PA 17112  
 Permit Issued February 15, 2022  
 Description Installation of an interconnect  
 and purchase of finished water  
 from Bear Valley, Franklin  
 County, Pennsylvania Joint  
 Authority.

**Construction Permit No. 5021505**, Public Water Supply.

Applicant **JLM Real Estate Investments, LLC**  
 950 E Main Street  
 Schuylkill Haven, PA 17972  
 Municipality Saville Township  
 County **Perry**  
 Consulting Engineer Robert H. Schemmerling, P.E.  
 RHS Engineering, Inc.  
 2909 Conococheague Lane  
 Greencastle, PA 17225  
 Permit Issued February 15, 2022  
 Description Construction permit for a new  
 system and treatment.

**Operation Permit No. 3617519** issued to: **Frogtown Café (PWS ID No. 7360443)**, 684 Marticville Road, Pequea, PA 17565, Martic Township, **Lancaster County**, on February 24, 2022 for facilities approved under Construction Permit No. 3617519.

**Operation Permit No. 0518504 MA** issued to: **Municipal Authority of the Borough of Bedford (PWS ID No. 4050002)**, 244 West Penn Street, Bedford, PA 15522, Bedford Borough, **Bedford County**, on February 7, 2022 for facilities approved under Construction Permit No. 0518504 MA.

**Operation Permit No. 2118513** issued to: **Pennsylvania American Water Company (PWS ID No.**

**7210029**), 852 Wesley Drive, Mechanicsburg, PA 17055, Silver Spring Township, **Cumberland County**, on January 31, 2022 for facilities approved under Construction Permit No. 2118513.

**Comprehensive Operation Permit No. 3060347** issued to: **Governor Mifflin School District (PWS ID No. 3060347)**, 10 South Waverly Street, Shillington, PA 19607, Brecknock Township, **Berks County**, on February 15, 2022, for the operation of facilities at Brecknock Elementary School approved under Construction Permit No. 0621510. Comprehensive Operation Permit for Brecknock Elementary School, as well as operation of the corrosion control equipment approved in Construction Permit No. 0621510.

**Operation Permit No. 6722502 MA** issued to: **PA DCNR—Bureau of State Parks (PWS ID No. 7670801)**, RCSOB 8 Floor, 400 Market Street, Harrisburg, PA 17105, Warrington Township, **York County**, on February 15, 2022 for facilities at Gifford Pinchot State Park submitted under Application No. 6722502 MA. This construction/operation permit is for an IFE turbidimeter replacement for filter UF # 1.

**Transferred Comprehensive Operation Permit No. 7360100** issued to: **We Care Communities, LLC (PWS ID No. 7360100)**, 135 Herr Drive, Peach Bottom, PA 17563, East Drumore Township, **Lancaster County**, on February 15, 2022. Action is for a Change in Ownership for the operation of facilities previously issued to John Hoffer.

**Operation Permit No. 0621536** issued to: **Aqua Pennsylvania, Inc. (PWS ID No. 3060133)**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, Centre Township, **Berks County**, on February 8, 2022 for facilities at Hillcrest Estates II approved under Construction Permit No. 0621536.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in

environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787.*

Contact: Charline Bass.

**Sharswood Development**, 2077 Ridge Avenue, Philadelphia, PA 19121, City of Philadelphia, **Philadelphia County**. Shad Manning, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Leslie Smallwood-Lewis, Sharswood Partners, LLC, 3525 I Street, Philadelphia, PA 19134 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with benzo(a)pyrene, benzo(b)fluoranthene, indeno(1,2,3-cd)pyrene, arsenic and vanadium. The report is intended to document remediation of the site to meet the site-specific standard.

**Pollock Park**, 839 and 841 Cross Street, Pottstown, PA 19464, Pottstown Borough, **Montgomery County**. Joseph P. Kraycik, Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482 on behalf of Michael A. Lenhart, Borough of Pottstown, 100 East High Street, Pottstown, PA 19464 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil contaminated with VOCs, PAHs and PCBs. The report is intended to document remediation of the site to meet the site-specific standard.

**Ardrossan Phase 4 Site**, 555-599 Darby-Paoli Road, Radnor, PA 19085, Radnor Township, **Delaware County**. Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher Scott D'Angelo c/o David S. Blum, The Robert L. Montgomery Trust and MA Radnor LLC, 212 Rose Lane, Haverford, PA 19041 submitted a Final Report concerning remediation of site soil contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene, naphthalene and lead. The report is intended to document remediation of the site to meet the Statewide health standard.

**Powel and Auriemma Residences**, 445 and 443 Penn Road, Plymouth Meeting, PA 19462, Plymouth Township, **Montgomery County**. Jason Charles, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Penny Dunyan, Worcester Heating and Air Conditioning, 2830 West Main Street, Suite 3, Eagleville, PA 19403 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**Former Cardone Industries Plant # 20**, 327 East Chew Avenue, Philadelphia, PA 19120, City of Philadelphia, **Philadelphia County**. Justin Lauterbach, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19604 on behalf of Alan Levin, FASAL, Inc., 4280 Aramingo Avenue, Philadelphia, PA 19124 submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the background standard.

**Former Lehigh Rubber**, 32 West Bridge Street, Morrisville, PA 19067, Morrisville Borough, **Bucks County**. Tony Belfield, Resources Control Consultants, 10 Lippincott Lane, Unit 1, Mt. Holly, NJ 19007 on behalf of Christopher Cacace, 32 West Bridge Street, LLC, P.O. Box 3314, Hamilton, NJ 08619 submitted a Final Report concerning remediation of site soil and groundwater contaminated with organic and inorganic compounds. The report is intended to document remediation of the site to meet the Statewide health standard/site-specific standard.

**601 Spruce Street**, 601 West Spruce Street, Perkasio, PA 18944, Perkasio Borough, **Bucks County**. Mark Fortna, Penn Environmental and Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901 on behalf of James Cassidy, 601 Spruce Street Investment Partners, LLC, 270 West Walnut Lane, Philadelphia, PA 19144 submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs and inorganics. The report is intended to document remediation of the site to meet the site-specific standard.

*Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Amcor Well Site**, 139 Smurkowski Road, Meshoppen, PA 18630, Meshoppen Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated by a release of diesel from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Former CJ's Auto Repair**, 504 South Main Street, Shrewsbury, PA 17361, Shrewsbury Borough, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Mr. Michael Sacilotto c/o Ms. Denise Brusak, P.O. Box 495, Stewartstown, PA 17363, submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with leaded/unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide health & site-specific standards.

**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, submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide health standard.

*Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Williamsport, PA 17701.*

**JM Star, Inc. Project**, Interstate 80 at MM 184W, Loganton, PA 17747, Greene Township, **Clinton County**. EnviroServe Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of JM Star, Inc., 2644 Dempster Street, Suite 102, Park Ridge, IL 60068, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and used motor oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**COP Tract 551 B**, 5804 Bodine Mountain Road, Ralston, PA 17763, McIntyre Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT Corporation, 33 West Third Street, Suite 300, Williamsport, PA 17701, has submitted a Final report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Statewide health standard.

*Southwest Region: Environmental Cleanup & Brownfield Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Fueland # 228**, Storage Tank Facility ID # 02-26620, 1927 Brownsville Road, Pittsburgh, PA 15210, Pittsburgh City, **Allegheny County**. Letterle & Associates, Inc., 2859 Oxford Blvd., Allison Park, PA 15101, on behalf of Superior Petroleum Company, 8199 McKnight Road, Pittsburgh, PA 15237, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Statewide health or background standard.

**507 Allegheny Avenue**, Storage Tank Facility ID # 02-29688, 507 Allegheny Ave, Oakmont, PA 15139, Oakmont Borough, **Allegheny County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of PALG UST VI, LLC, 645 West Hamilton St, Suite 500, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide health or background standard.

**Ben Avon Mini Mart**, Storage Tank Facility ID # 02-36089, 200 Division Avenue, Ben Avon, PA 15202, Ben Avon Borough, **Allegheny County**. Stephen A. Zbur, PG, CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Pravin Patel, Halp Enterprise, Inc. 200 Division Avenue, Pittsburgh, PA 15202, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the site specific standard.

**BFS Foods—Rt. 218 Bulk Plant**, Storage Tank Facility ID # 30-23918, 1446 Smith Creek Road, Waynesburg, PA 15370, Waynesburg Borough, **Greene County**. Letterle & Associates, Inc., 2859 Oxford Blvd., Allison Park, PA 15101, on behalf of Bruceton Farm Service, Inc., 116 Shannon Drive, Morgantown, WV 26508, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Statewide health or background standard.

**JBS Gas and Snacks IV**, Storage Tank Facility ID # 56-80112, 4077 Glades Pike Road, Somerset, PA 15501,

Somerset Township, **Somerset County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of James Barron, 848 Husband Road, Somerset, PA 15501, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the site specific standard.

**Beard's Auto Center**, Storage Tank Facility ID # 63-09745, 1464 Park Avenue, Washington, PA 15301, Washington City, **Washington County**. Letterle & Associates, Inc., 2859 Oxford Blvd., Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia Street, Canonsburg, PA 15314, 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 site specific standard.

**Main Street Food Market**, Storage Tank Facility ID # 63-80682, 500 North Main Street, Washington, PA 15301, Washington City, **Washington County**. Flynn Environmental, Inc., 5640 Whipple Avenue NW, North Canton, OH 44720, on behalf of Schneider Real Estate Company, 726 Frank Street, Pittsburgh, PA 15227, submitted a Remedial Action Plan concerning remediation of soil contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Site Specific and Statewide health or background standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act

for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfield Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Charline Bass, 484-250-5787.*

**Former Ashbourne Country Club**, 1100 Ashbourne Road, Cheltenham, PA 19012, Cheltenham Township, **Montgomery County**. Jeffrey K. Walsh, PG, Penn E&R, Inc., 400 Old Dublin Pike, Doylestown, PA 18901 on behalf of Louis Dalesio, Land Group LTD/Liberty Development Company, 1930 Route 309, Coopersburg, PA 18036 submitted a Final Report concerning the remediation of site soil contaminated with arsenic and lead. The Report was reviewed by the Department which issued a technical deficiency letter on February 9, 2022.

**Darby Town Center**, 150 South MacDade Boulevard, Darby, PA 19023, Darby Borough, **Delaware County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jeff Nurk, MacDade Darby Development, LP, 5004 State Road, Drexel Hill, PA 19026 submitted a Final Report concerning the remediation of site groundwater contaminated with lead. The Report was reviewed by the Department which issued a technical deficiency letter on February 22, 2022.

**NP Falls Township Industrial, LLC—Keystone Trade Center (KTC)—Lot 23**, One Ben Fairless Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County**. John Garges, GHD Services Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Andy Mace, NP Falls Township Industrial, LLC, 2652 Mayfair Lane, York, PA 17408 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning the remediation of site soil contaminated with vanadium. The Final Report did not demonstrate attainment of the site-specific standard and was disapproved by the Department on February 25, 2022.

**2120-34 East York Street**, 2120-34 East York Street, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Jeff Hosterman, Tetra Tech, Inc., 240 Continental Drive, Suite 200, Newark, DE 19713 on behalf of Michael Tomasetti, 210 East York Street, LLC, 1 North 3rd Street, Unit # 154, Philadelphia, PA 19106 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil contaminated with PAHs and metals. The Report was reviewed by the Department which issued an administrative deficiency letter on February 24, 2022.

**Latch-Rosen Property**, Lot 46-04-195, Post Road, Trainer, PA 19061, Trainer Borough, **Delaware County**. Catherine Grzybek, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Deborah LaMond, Phillips 66 Remediation Management, 1400 Park Avenue, Room BOB S-26, Linden, NJ 07036 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning the remediation of site soil contaminated with diesel fuel. The Report was reviewed by the Department which issued an administrative deficiency letter on February 24, 2022.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

**Former BP Terminal No. 4574**, 901 Mountain Home Road, Sinking Spring, PA 19608, Sinking Spring Borough, **Berks County**. Antea USA, Inc., 535 Route 38, Suite 200, Cherry Hill, NJ 08002, on behalf of Mr. Jim Smith, BP Remediation Management, 201 Helios Way, Houston, TX 77079 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Final Report did not demonstrate attainment of the site-specific standard and was disapproved by the Department on March 1, 2022.

*Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Williamsport, PA 17701.*

**Ayers Trucking Motor Vehicle Accident**, 1056 Mountain Road, Monroeton, PA 18832, Franklin Township, **Bradford County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of M.R. Dirt, Inc., 21189 Route 187, Towanda, PA 18848, has submitted a Final Report concerning remediation of site soil contaminated with drill cuttings. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on March 4, 2022.

**SWN Production Company, LLC GU U—Beaumont-Schaunt-Pad**, 223 Swisher Lane, LeRaysville, PA 18829, Stevens Township, **Bradford County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18891, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, has submitted a Final Report concerning remediation of site soil contaminated with mineral oil. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on March 4, 2022.

**Tanner & Hana 6HC on the Tanner & Hana BRA Pad**, 485 Brown Homestead Lane, Wyalusing, PA 18853, Wyalusing Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning site soil contaminated with produced water. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on February 7, 2022.

**MBMA Property—Former Elevated Water Storage Tank**, Intersection of Industrial Park Road & Industrial Parkway, Muncy, PA 17756, Muncy Creek Township, **Lycoming County**. Entech Engineering, 201 Penn Street, Reading, PA 19603, on behalf of Muncy Borough Municipal Authority, P.O. Box 201, Muncy, PA 17756, has submitted Final Report concerning remediation of site soil contaminated with lead. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on March 1, 2022.

**Highland & York, LLC Project**, 240 North Third Street, Lewisburg, PA 17837, Lewisburg Borough, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Highland & York, LLC, 660 Sixth Street, Northumberland, PA 17857, has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 heating oil. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on February 3, 2022.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Fmr. Martin's Sunoco**, 18298 Conneaut Lake Road, Meadville, PA 16335, Vernon Township, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Travaglini Enterprises, Inc., 211 Chestnut Street, Meadville, PA 16335 has submitted a Final Report concerning remediation of site soil and site groundwater contaminated with 1,2 Dibromoethane, Benzene, 1,2 Dichloroethane, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4 Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylenes, and Lead. The Final report demonstrated attainment of the Statewide health standard and was approved by the Department on March 3, 2022.

**Mark's Tire & Auto Service**, 7421 West Lake Road, Fairview, PA 16415, Fairview Township, **Erie County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16332 on behalf of Mark's Tire Service, 7421 West Lake Road, Fairview, PA 16415 has submitted a Final Report concerning remediation of site soil and site groundwater contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Ethylbenzene, Isopropylbenzene (Cumene), Methyl-tert-butyl Ether, Naphthalene, Toluene, and Xylene. The Final report demonstrated attainment of the Statewide health standard and was approved by the Department on March 4, 2022.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *New Applications Received*

**Sustain LLC**, 4684 Bentwood Road, New Waterford, OH 44445. License No. **PA-AH 0919**. Effective January 25, 2022.

**Sharps Environmental Services, Inc.**, 1544 NE Loop, Carthage, TX 75633. License No. **PA-AH 0920**. Effective February 3, 2022.

#### *Renewal Applications Received*

**S-J Transportation Co., Inc.**, 1176 US Route 40, Woodstown, NJ 08098. License No. **PA-AH 0015**. Effective January 13, 2022.

**Freehold Cartage, Inc.**, P.O. Box 5010, Freehold, NJ 07728. License No. **PA-AH 0067**. Effective January 25, 2022.

**Environmental Specialists, Inc.**, 1000 Andrews Avenue, Youngstown, OH 44505. License No. **PA-AH 0587**. Effective January 18, 2022.

**Tri-Line Carriers GP Inc.**, 1179 Ridgeway Rd, Woodstock, ON N4S 0A9. License No. **PA-AH 0736**. Effective February 22, 2022.

**Manage Direct Systems Environmental, LLC**, P.O. Box 471, Douglassville, PA 19518. License No. **PA-AH 0810**. Effective February 15, 2022.

**LEI, Inc.**, P.O. Box 550, Independence, LA 70443. License No. **PA-AH 0811**. Effective January 13, 2022.

**Evouqua Water Technologies, LLC**, 210 Sixth Ave, Pittsburgh, PA 15222. License No. **PA-AH 0812**. Effective February 16, 2022.

**Waste Management of PA, Inc.**, 782 Antrim Rd, Wellsboro, PA 16901. License No. **PA-AH 0813**. Effective January 12, 2022.

**Earth Smart Environmental Solutions, LLC**, 232 South Dillard Street, Winter Garden, FL 34787. License No. **PA-AH 0833**. Effective February 3, 2022.

**Graf Brothers Leasing, Inc.**, 166 Lafayette Road, Salisbury, MA 01952. License No. **PA-AH 0836**. Effective December 28, 2021.

**Suttles Truck Leasing, Inc.**, P.O. Box 129, Demopolis, AL 36732. License No. **PA-AH 0856**. Effective February 10, 2022.

**Bennett Heavy & Specialized, LLC**, 1001 Industrial Parkway, McDonough, GA 30253. License No. **PA-AH 0896**. Effective February 10, 2022.

**McClymonds Supply & Transit Co.**, P.O. Box 296, Portersville, PA 16051. License No. **PA-AH 0897**. Effective January 18, 2022.

**The Environmental Service Group (NY), Inc.**, 177 Wales Avenue, Tonawanda, NY 14150. License No. **PA-AH S144**. Effective January 24, 2022.

*New Transporter Licenses Issued*

**Sustain LLC**, 4684 Bentwood Road, New Waterford, OH 44445. License No. **PA-AH 0919**. Effective January 25, 2022.

**Sharps Environmental Services, Inc.**, 1544 NE Loop, Carthage, TX 75633. License No. **PA-AH 0920**. Effective February 3, 2022.

*Transporter Licenses Reissued*

**S-J Transportation Co., Inc.**, 1176 US Route 40, Woodstown, NJ 08098. License No. **PA-AH 0015**. Effective January 13, 2022.

**Freehold Cartage, Inc.**, P.O. Box 5010, Freehold, NJ 07728. License No. **PA-AH 0067**. Effective January 25, 2022.

**Environmental Specialists, Inc.**, 1000 Andrews Avenue, Youngstown, OH 44505. License No. **PA-AH 0587**. Effective January 18, 2022.

**Tri-Line Carriers GP Inc.**, 1179 Ridgeway Rd, Woodstock, ON N4S 0A9. License No. **PA-AH 0736**. Effective February 22, 2022.

**Manage Direct Systems Environmental, LLC**, P.O. Box 471, Douglassville, PA 19518. License No. **PA-AH 0810**. Effective February 15, 2022.

**LEI, Inc.**, P.O. Box 550, Independence, LA 70443. License No. **PA-AH 0811**. Effective January 13, 2022.

**Evouqua Water Technologies, LLC**, 210 Sixth Ave, Pittsburgh, PA 15222. License No. **PA-AH 0812**. Effective February 16, 2022.

**Waste Management of PA, Inc.**, 782 Antrim Rd, Wellsboro, PA 16901. License No. **PA-AH 0813**. Effective January 12, 2022.

**Earth Smart Environmental Solutions, LLC**, 232 South Dillard Street, Winter Garden, FL 34787. License No. **PA-AH 0833**. Effective February 3, 2022.

**Graf Brothers Leasing, Inc.**, 166 Lafayette Road, Salisbury, MA 01952. License No. **PA-AH 0836**. Effective December 28, 2021.

**Suttles Truck Leasing, Inc.**, P.O. Box 129, Demopolis, AL 36732. License No. **PA-AH 0856**. Effective February 10, 2022.

**Bennett Heavy & Specialized, LLC**, 1001 Industrial Parkway, McDonough, GA 30253. License No. **PA-AH 0896**. Effective February 10, 2022.

**McClymonds Supply & Transit Co.**, P.O. Box 296, Portersville, PA 16051. License No. **PA-AH 0897**. Effective January 18, 2022.

**The Environmental Service Group (NY), Inc.**, 177 Wales Avenue, Tonawanda, NY 14150. License No. **PA-AH S144**. Effective January 24, 2022.

*Transporter Licenses Expired*

**PSC Industrial Outsourcing, LP, d/b/a Philip West Industrial Services**, 900 Georgia Ave., Deer Park, TX 77536. License No. **PA-AH 0395**. Effective December 22, 2021.

**REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*New Applications Received*

**Sharps Environmental Services, Inc.**, 1544 NE Loop, Carthage, TX 75633. License No. **PA-HC 0288**. Effective February 3, 2022.

*Renewal Applications Received*

**Citiwaste, LLC**, 893 Shepherd Ave, Brooklyn, NY 11208. License No. **PA-HC 0243**. Effective January 24, 2022.

**Triumvirate Environmental, Inc.**, 200 Inner Belt Road, Somerville, MA 02143. License No. **PA-HC 0245**. Effective February 10, 2022.

**Graf Brothers Leasing, Inc.**, 166 Lafayette Rd., Salisbury, MA 01952. License No. **PA-HC 0275**. Effective December 28, 2021.

**Biosan Disposal LLC**, 155 Great Arrow Ave., Buffalo, NY 14207. License No. **PA-HC 0276**. Effective February 10, 2022.

*Transporter License Issued*

**Sharps Environmental Services, Inc.**, 1544 NE Loop, Carthage, TX 75633. License No. **PA-HC 0288**. Effective February 3, 2022.

*Transporter License Reissued*

**Citiwaste, LLC**, 893 Shepherd Ave, Brooklyn, NY 11208. License No. **PA-HC 0243**. Effective January 24, 2022.

**Triumvirate Environmental, Inc.**, 200 Inner Belt Road, Somerville, MA 02143. License No. **PA-HC 0245**. Effective February 10, 2022.

**Graf Brothers Leasing, Inc.**, 166 Lafayette Rd., Salisbury, MA 01952. License No. **PA-HC 0275**. Effective December 28, 2021.

**Biosan Disposal LLC**, 155 Great Arrow Ave., Buffalo, NY 14207. License No. **PA-HC 0276**. Effective February 10, 2022.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 301305. Calgon Carbon Corporation**, 3000 GSK Drive, Moon Township, PA 15108. The permit for the Calgon Carbon Corporation Residual Waste Transfer Facility located at 3000 Grand Ave., Pittsburgh, PA 15225, Neville Township, **Allegheny County**, was terminated by the Department on March 3, 2022 at the request of the permittee. On October 28, 2021, the permittee notified the Department of closure of the facility and requested their bond be released. The final closure and bond release was approved by the Southwest Regional Office on March 3, 2022.

Persons interested in reviewing the permit may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 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.*

**GP1-01-05022B: Knouse Foods Cooperative, Inc.**, 800 Peach Glen Idaville Road, Peach Glen, PA 17375-0001, on March 4, 2022, for the existing Boiler 5 at the Orrtanna fruit processing facility located in Hamiltonban Township, **Adams County**.

**GP11-38-05024D: Pennsy Supply, Inc.**, 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, on March 2, 2022,

for a non-road engine, under GP11, at the Prescott Quarry located in South Lebanon Township, **Lebanon County**.

**GP14-29-03011: BL Cornelius, LLC**, 322 North Second Street, McConnellsburg, PA 17233, on March 2, 2022, for the operation of an existing human crematory, under GP14, at the facility located in McConnellsburg Borough, **Fulton County**. The general permit authorization was renewed.

**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.**

*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.*

**06-03102B: The City of Reading**, 815 Washington Street, Reading, PA 19601, on March 4, 2022, for upgrades to the Reading Waste Water Treatment Plant on Fritz Island located in the City of Reading, **Berks County**. The plan approval was extended.

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**39-00016: Buckeye Energy Services, LLC, Macungie Terminal.**, P.O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049-0368. On February 23, 2022, the Department issued a renewal of the Title V Operating Permit for the petroleum bulk stations and terminals facility in Lower Macungie Township, **Lehigh County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of Loading Racks and Gasoline and Distillate Storage Tanks. The control devices are a Vapor Collection System (VCU) and a Vapor Recovery System (VRU). The Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00019: Buckeye Pipeline Co, LLC, Macungie Station**, P.O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049-0368. On February 23, 2022, the Department issued a renewal of the Title V Operating Permit for the refined petroleum pipelines facility in Lower Macungie Township, **Lehigh County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of Pumps and Gasoline and Distillate Tanks. The Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeep-

ing, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00028: Buckeye Terminals, LLC, Macungie Terminal**, P.O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049-0368. On February 23, 2022, the Department issued a renewal of the Title V Operating Permit for the petroleum bulk stations and terminals facility in Lower Macungie Township, **Lehigh County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of a Loading Rack and Gasoline Storage Tanks. The control device is a Vapor Collection System (VCU). The Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**42-00011: International Waxes, Inc.**, 45 Route 446, Smethport, PA 16749-5413. On February 24, 2022, the Department issued the renewal Title V Operating Permit for the petroleum wax manufacturing facility located in Keating Township, **McKean County**. The air contamination sources include boilers 1, 2, 5, and 6, rerun unit charge heater 2, crude unit vacuum heater, resin heater, No. 2 earth burner, diesel fire pumps, emergency generators, storage tanks (# 3, # 28, # 29, # 32), plant-wide fugitive emissions, an MEK/Toluene storage tank, waste water treatment plant, propane deresiner unit, and a flue gas holder. The No. 2 earth burner is controlled by a scrubber. Storage tanks 3, 28, 29, and 32 are controlled by the crude unit flare. The propane deresiner unit is controlled by a propane flare. The facility is a major facility due to its potential to emit NO<sub>x</sub>, SO<sub>x</sub>, VOC, total HAPs, and a single speciated HAP (toluene) after permit limitations. Potential emissions of the primary pollutants are as follows: 209.72 TPY NO<sub>x</sub>, 88.15 TPY CO, 389.27 TPY VOC, 18.13 TPY PM<sub>10</sub>, 12.90 TPY PM<sub>2.5</sub>, 135.95 TPY SO<sub>x</sub>, 140.89 TPY total HAP, 136.18 TPY toluene, and 1.12 TPY xylene. Boilers 1, 2, 5, and 6 are operating under plan approval 42-011C, which includes conversion of the coal-fired boilers to natural gas with fuel oil as a backup fuel. Boilers 1, 2, 5, 6, rerun unit charge heater 2, crude unit vacuum heater, resin heater, and No. 2 earth burner are subject to 40 CFR 63 Subpart DDDDD, NESHAP for Boilers and Process Heaters at major sources of HAP. Boilers 5 and 6 are subject to 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The 400 HP diesel fire pump and diesel air compressor engines are subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. Diesel fire pumps 2—4, and the boiler house generator are subject to 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The MEK/toluene storage tank is subject to 40 CFR 63 Subpart EEEE, NESHAP for Organic Liquids Distribution (Non-Gasoline). The wastewater treatment plant and flue gas holder are subject to alternative RACT under 25 Pa. Code 129.99, which include emission restrictions of

VOC from each source. Boilers 1—3, the process heaters, diesel fire pumps 1 and 2, the diesel air compressor engine, the boiler house generator, propane deresiner unit, and flares are subject to presumptive RACT under 25 Pa. Code 129.97, which includes an emission restriction of NO<sub>x</sub> from the boilers. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**48-00034: Lafayette College/Easton**, 730 Sullivan Road, Easton, PA 18042. The Department issued, on February 3, 2022, a State-Only Operating Permit for operation of sources at their facility located in Easton City, **Northampton County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**48-00016: Lehigh University/Packer, Mountaintop, Goodman Campuses**, 681 Taylor Street, Bethlehem, PA 18015. The Department issued, on February 8, 2022, a State-Only Operating Permit for operation of sources at their facility located in Bethlehem City, **Northampton County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**58-00021: Xpress Natural Gas, LLC**, 300 Brickstone Sq, Ste 1005, Andover, MA 01810. The Department issued, on February 18, 2022, a State-Only Operating Permit for operation of sources at their facility located in Forest Lake Township, **Susquehanna County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**66-00033: Deer Park Lumber Inc., Deer Park Mfg Plant**, 3042 SR 6, Tunkhannock, PA 18657-7797. On February 17, 2022, the Department issued a renewal State-Only (Synthetic) Minor Operating Permit for the sawmills and planning mills facility in Tunkhannock Township, **Wyoming County**. The sources consist of a 27.4 MMBtu wood fired boiler. The control devices consist of dual multiclones. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.



*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) issued a renewal Operating Permit for the following facility:

**OP21-000029: Social Security Administration Office**, 300 Spring Garden Street, Philadelphia, PA 19123, issued on March 2, 2022 for the operation of air emission sources at an office building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: three (3) boilers firing natural gas or No. 2 oil during periods of natural gas curtailment rated less than 6 MMBtu/hr, one (1) boiler firing natural gas rated less than 3 MMBtu/hr, and one (1) emergency generators firing diesel fuel rated 1,676 HP.

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**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.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**65-00634: Eastern Gas Transmission and Storage, Inc.**, 5000 Dominion Blvd., Glen Allen, VA 23060. Administrative Amendment, issued on February 1, 2022, to change the name of the owner/operator on the permit. The name of the owner/operator is now Eastern Gas Transmission and Storage, Inc. (EGTS). The JB Tonkin Compressor Station is located in Municipality of Murrysville, **Westmoreland County**.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*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.*

**01-05040: Texas Eastern Transmission LP—Heidlersburg Compressor Station**, 3975 Oxford Road, Gettysburg, PA 17325. Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.001 tpy VOC resulting from the installation of additional piping equipment components for pull ports at the Heidlersburg Compressor Station located in Tyrone Township, **Adams County**. This is the first de minimis emissions increase at the facility during the term of the current Operating Permit.

**21-03111: World Energy Harrisburg, LLC**, 2850 Appleton Street, Suite E, Camp Hill, PA 17011, pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for the following de minimis emission increases resulting from the installation of biodiesel transloading

operations at the biodiesel production plant located in Lower Allen Township, **Cumberland County**: 0.0003 tpy of VOCs, and 0.0003 tpy HAP as methanol. This is the first de minimis emissions increase at the facility during the term of the current Operating Permit.

**36-05025: Texas Eastern Transmission LP—Marietta Compressor Station**, 1462 River Road, Marietta, PA 17547. Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.001 tpy VOC resulting from the installation of additional piping equipment components for pull ports at the Marietta Compressor Station located in East Donegal Township, **Lancaster County**. 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.*

**63-00937: MarkWest Liberty Midstream & Resources, LLC**, 4600 J Barry Ct, Ste 500, Canonsburg, PA 15317. Per 25 Pa. Code § 127.449(i), this notice is for the following de minimis emission increase at MarkWest Liberty Midstream & Resources, LLC located in Mt. Pleasant Township, **Washington County**: installation and operation of one (1) pig launcher and one (1) pig receiver within the facility fence line. The de minimis increases for this facility includes only this project and include the following increases: less than or equal to 0.11 tons per year (tpy) of VOC and less than or equal to 0.003 tpy of total HAPs. No other de minimis increases have been submitted to the Department for this facility since the most recent permit authorization date of October 1, 2020.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**TVOP 46-00124: Montgomery Chemical, LLC**, 901 Conshohocken Road, Conshohocken, PA 19428. On March 4, 2022, for the closure of a sodium borohydride production facility located in Plymouth Township, **Montgomery County**. The Operating Permit was revoked at request of permittee because all production at the facility has ceased and production equipment removed from the facility.

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**39-309-079: Lafarge North America**, 5160 Main Street, Whitehall, PA 18052, on March 4, 2022 to terminate the PAL (Plant wide Applicability Limit) permit previously issued on November 1, 2017 to their facility in Whitehall Township, **Lehigh County**

## 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*

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

**Mining Permit No. 63981301. NPDES Permit No. PA0215171. Ohio County Coal Resources, Inc., 46226 National Road, Saint Clairsville, OH 43950 to transfer the permit and related NPDES permit from the Ohio County Coal Company located in West Finley Township, Washington County. Application received: December 4, 2020. Permit issued: October 14, 2021.**

**Mining Permit No. 30121301. NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to revise the permit and related NPDES permit for installation of a degas borehole located in Richhill and Morris Townships, Greene County, affecting 4.9 surface acres. Application received: March 18, 2021. Permit issued: November 3, 2021.**

**Mining Permit No. 17743702. NPDES Permit No. PA0215490. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to renew the permit and related NPDES Permit located in Huston Township, Clearfield County. Application received: January 23, 2020. Permit issued: November 24, 2021.**

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

## WATER OBSTRUCTIONS AND ENCROACHMENTS

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Gillian Pehala, Clerk Typist 2, 570-830-3077.*

**E4002221-018. Rich Rome, 969 Lakeside Drive, Harveys Lake, PA 18618, Harveys Lake Borough, Luzerne County, U.S. Army Corps of Engineers, Baltimore District.**

To remove an existing 959 ft<sup>2</sup>, pile-supported dock/boathouse structure and to construct and maintain a 493 ft<sup>2</sup>, pile-supported dock and an 1,129 ft<sup>2</sup>, pile-supported boathouse within the normal pool elevation of Harveys Lake (HQ-CWF, MF). The project is located at 969 Lakeside Drive, approximately 0.2 mile southwest of the intersection of Lakeside Drive (S.R. 415) and Carrie Street (Harveys Lake, PA Quadrangle, Latitude: 41° 22' 38"; Longitude: -76° 1' 38") in Harveys Lake Borough, Luzerne County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E6703221-004. Manchester Township, 3200 Farm-trail Road, York, PA 17406-5699 in Manchester Township, York County, ACOE Baltimore District.**

To construct and maintain two (2) 48.0-inch diameter stormwater pipe outfalls and associated riprap scour

protection in an Unnamed Tributary to Little Conewago Creek (TSF, MF) for the purpose of improving stormwater management. The project is located adjacent to Brittany Drive and Rosepointe Drive in Manchester Township, York County (Latitude: 40.0055; Longitude: -76.7882). The permit was issued on March 8, 2022.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Dana Drake.*

**E2605122-001, PennDOT District 12-0**, 825 North Gallatin Ave Ext, Uniontown, PA 15401, Bullsken Township, **Fayette County**; Pittsburgh ACOE District.

The applicant has been given consent to:

Remove the existing, 16.64' wide, 4' high, 35.88' long, non-composite steel I-beam bridge, and to construct and maintain a replacement, 18' wide, 5' high, 70' long Precast Concrete Box Culvert, with end sections, in Mounts Creek (WWF) and to construct and maintain stream bank protection along 32 LF on the upstream side, and along 24 LF on the downstream side of the proposed culvert. Cumulatively, the project will have a permanent impact of 150 LF, and a temporary impact of 160 LF, on Mounts Creek (WWF).

For the purpose of replacing the structure carrying S.R. 1051 over Mounts Creek (WWF).

The project site is located near the intersection of Breakneck Road and Spruce Hallow Road (Bullsken, PA USGS topographic quadrangle; N: 40°, 4', 59.4522"; W: 79°, 28', 12.2496"; Sub-basin 18C USACE Pittsburgh District), in Bullsken, Fayette County.

**E6505221-010, Living Treasures II, Inc.**, 288 PA-711, Jones Mills, PA 15646, Donegal Township, **Westmoreland County**; Pittsburgh ACOE District.

The applicant has been given consent to:

1. Operate and maintain three 0.5-horsepower intake pumps within Indian Creek (HQ-CWF), which are located inside wire mesh intake boxes that are approximately 15" x 15" x 15" in size;

2. Operate and maintain three 2-inch diameter PVC pipes within Indian Creek, that are attached to the aforementioned pumps;

For the purpose of supplying water (500 GPD per pump) to three ponds located within animal exhibits. Cumulatively, the project will permanently impact 79 feet of stream and permanently impact 0.003 acre of floodway. The project site is located at 288 PA-711, Jones Mills, PA 15646 (Seven Springs, PA USGS topographic quadrangle; N: 40°, 05', 14"; W: -79°, 20', 48"; Sub-basin 19E; USACE Pittsburgh District), in Donegal Township, Westmoreland County.

**E5605122-001, PennDOT District 9-0**, 1620 N. Juniata St, Hollidaysburg, PA 16648, Hooversville Borough, Conemaugh Township, Shade Township, Quemahoning Township, **Somerset County**; Pittsburgh ACOE District.

The applicant has been given consent to:

1. Remove the existing 41' long, 6' x 4' concrete box culvert; construct and maintain a replacement 48' long,

76" x 48" elliptical concrete pipe, having a permanent impact of 174 LF and a temporary impact of 206 LF on an unnamed tributary (UNT) to Stonycreek River (CWF)(Water 8).

2. Construct and maintain a new roadway embankment slope (WET 8) along Whistler Road, a portion of which will have a total permanent impact of 38' x 10' to Wetland 8.

3. Construct and maintain a new roadway embankment slope (WET 9) along Whistler Road, a portion of which will have a total permanent impact of 48' x 15' and a temporary impact of 73' x 10' to Wetland 9.

4. Remove the existing 69' long, 36" CMP pipe; construct and maintain a replacement 69' long, 36" CMP pipe, having a permanent impact of 90 LF and a temporary impact of 88 LF on same UNT to Stonycreek River (CWF)(Water 10).

5. Place and maintain rock apron around a culvert outlet which conveys an unnamed tributary (UNT) to Soap Hollow Run (CWF), having a permanent impact of 48 LF and a temporary impact of 48 LF on a UNT to Soap Hollow Run (CWF)(Water 24-1).

6. Place and maintain rock apron around a drainage pipe which conveys to the same UNT to Soap Hollow Run (CWF), having a permanent impact of 47 LF and a temporary impact of 47 LF on same UNT to Soap Hollow Run (CWF)(Water 24-2).

7. Construct and maintain a new roadway embankment slope along Tire Hill Road, having a permanent impact of 204 LF and a temporary impact of 204 LF on UNT to Soap Hollow Run (CWF)(Water 25).

8. Remove the existing 42' long, 24' x 3' reinforced concrete T-beam culvert; construct and maintain a replacement 64' long, 20' x 6' precast reinforced concrete box culvert, having a permanent impact of 103 LF and a temporary impact of 156 LF on a UNT to Soap Hollow Run (CWF)(Water 22).

9. Remove the existing 45' long, reinforced concrete encased steel I-beam bridge; construct and maintain a replacement 52' long, 18' x 8' rise precast reinforced concrete box culvert, having a permanent impact of 194 LF and a temporary impact of 254 LF on Soap Hollow Run (CWF)(Water 1).

10. Construct and maintain a new roadway embankment slope along Tire Hill Road, having a permanent impact of 63 LF and a temporary impact of 63 LF on UNT to Soap Hollow Run (CWF)(Water 21).

11. Construct and maintain a new headwall structures on both the upstream and downstream end of the existing 47 LF of pipe, having a permanent impact of 91 LF and a temporary impact of 101 LF on UNT to Stonycreek River (CWF)(Water 19).

12. Place and maintain fill in wetland (WL14), having a permanent impact of 0.021 acre.

13. Place and maintain fill in wetland (WL20), having a permanent impact of 0.006 acre.

14. Place and maintain fill in wetland (WL14), having a permanent impact of 0.0006 acre.

For the purpose of this project is to preserve existing infrastructure and improve transportation safety along SR 0403. The project will permanently impact approximately 1,177 LF and temporarily impact approximately 1,346 LF of stream impacts. The project will have 0.0396 acre of permanent, and 0.021 acre of temporary, wetland impacts.

The project site is located along Campbells Run Road near the intersection of Border Street and Main Street (Hooversville, Geistown, Johnstown, Windber, PA USGS topographic quadrangle; N: 40°, 8', 40.2987"; W: 78°, 54', 50.3"; Sub-basin 20F; USACE Pittsburgh District), in Hooversville Borough, Conemaugh Township, Shade Township, Quemahoning Township, Somerset County.

**E0205221-025, Bridgeville Borough**, 425 Bower Hill Road, Bridgeville, PA, Upper St. Clair Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant has been given consent to:

Remove the existing playground equipment and to construct and maintain replacement playground equipment, subsurface drainage and a poured rubber surface within the Chartiers Creek (WWF) floodway, for the purpose of improving the quality and user experience of the playground.

The project site is located approximately 370-ft west of the park access drive intersection with Chartiers Street (Bridgeville, PA USGS topographic quadrangle; N: 40°, 20', 56"; W: -80°, 6', 27"; Sub-basin 20F; USACE Pittsburgh District) in Upper St. Clair, Allegheny County.

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E2406221-002, Elk County Riders, Inc.**, 133 Gahr Road, Kersey, PA 15846. Byrnedale Trail and Stream Crossing, in Jay Township, **Elk County**, ACOE Pitts-

burgh District (USGS, PA Quadrangle N: 41°, 17', 27.1050"; W: 78°, 30', 09.9327").

Construct and maintain a 10-foot wide by 105-foot long prefabricated bridge providing a clear span of approximately 101.83 feet and an underclearance of approximately 8.58 feet across Kersey Run (CWF, Migratory) in Jay Township's Byrnedale Park to connect a gap in the existing 16 mile ATV trail route located to the east of SR 255 approximately 1.5 miles north of intersection of SR 255 and SR 555 at Weedville (Kersey, PA Quadrangle N: 41°, 17', 27.1050"; W: 78°, 30', 09.9327") in Jay Township, Elk County

*Southwest Region: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222.*

**E0407221-005: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840-1567. CTG Bea Pad in South Beaver Township, **Beaver County**, ACOE Pittsburgh District.

This Joint Permit Application is being submitted for after-the-fact authorization for permanent wetland impacts at the CTG Bea 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 0.111 acre of permanent impact to on-site wetlands. All impacts are associated with the CTG Bea Pad construction in 2013. Finally, 0.780 acre of wetland credits are being purchased from the Robinson Fork Mitigation Bank to off-set the wetland impacts at a 7:1 area ratio.

There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 4,835 SF (0.111) acre) of permanent wetland impacts.

**WETLAND IMPACT TABLE:**

Resource Name	Municipality Quadrangle	Activity	Cow. Class	Listed Trout	Impact Area Temp. (SF)	Impact Length Temp. (LF)	Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
W-CMG-034	Midland	Conversion/Workspace	PFO (Other)	None			3,572		40.727147 -80.458685
W-CMG-035	Midland	Workspace	PFO (Other)	None			174		40.727467 -80.459410
W-CMG-034 & W-CMG-035	Midland	Fill	PFO (Other)	None			1,089		-
TOTAL IMPACTS							4,835		

**ENVIRONMENTAL ASSESSMENTS**

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**EA5929221-002: Repsol Oil and Gas USA, LLC**, 337 Daniel Zenker Drive, Horseheads, NY 14845, Covington Township, **Tioga County**, ACOE Baltimore District.

The removal of fill at a well pad impacting 1,756 square feet (0.04 acre) of an emergent palustrine emergent wetland (Blossburg, PA Quadrangle, Latitude: 41° 43' 43", Longitude: -77° 04' 02"). The impacts are the result of fill

deposition within the subject wetlands during initial site construction by the original well pad owner in Covington Township, Tioga County.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501-508 and 701-704. The appeal should be sent to the Environmental Hearing Board, Second

Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest District: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.*

ESCGP-3 # ESX11-059-0031  
Applicant Name CNX Gas Company LLC  
Contact Person Daniel Bitz  
Address 1000 Consol Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Morris  
Receiving Stream(s) and Classification(s) UNT to Boothe Run (WWF); Booth Run (WWF), Enlow Fork (WWF)

ESCGP-3 # ESX15-059-0063  
Applicant Name Rice Drilling B, LLC  
Contact Person Todd Klaner  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Richhill  
Receiving Stream(s) and Classification(s) North Fork Dunkard Fork (TSF); Dunkard Fork (TSF)

ESCGP-3 # ESX12-125-0116  
Applicant Name MarkWest Liberty Midstream & Resources, LLC  
Contact Person Brian Elliot  
Address 4600 J Barry Court Suite 500  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Cross Creek, Hanover, Jefferson & Smith  
Receiving Stream(s) and Classification(s) Harmon Creek (WWF), Ward Run (WWF), North Fork Cross Creek (WWF), Burgetts Fork (WWF); Cross Creek (WWF), Raccoon Creek (WWF), Paris Run (WWF)

ESCGP-3 # ESX16-125-0008 The following application was denied  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Union  
Receiving Stream(s) and Classification(s) UNTs to Froman Run (TSF)

ESCGP-3 # ESG17-125-0008 The following application was denied

Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Union  
Receiving Stream(s) and Classification(s) UNTs to Mingo Creek (HQ-TSF)

*Northwest Region: Oil & Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

ESCGP-3 # ESG15-083-0005A—Clermont West Branch D07-U Pipeline  
Applicant Name NFG Midstream Clermont, LLC  
Contact Person Mr. Michael Kasprzak  
Address 6363 Main Street  
City, State, Zip Williamsville, NY 14221  
County McKean  
Township(s) Sergeant  
Receiving Stream(s) and Classification(s) West Fork West Branch Potato Creek—HQ-CWF; UNT to Brewwer Run—HQ-CWF; UNT to and East Branch Clarion River—HQ-CWF

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

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**The Following Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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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 DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

DEP 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.*

**North Memorial Highway Retail Associates**, Storage Tank ID # 40-18179, 155 North Memorial Highway, Kingston Township, **Luzerne County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of North Memorial Highway Retail Associates, LLC, 155 North Memorial Highway, Shavertown, PA 18708, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

**Prem LTD**, Storage Tank ID # 45-12905, Route 423 and Route 940, Pocono Pines, PA 18350, Tobyhanna Township, **Monroe 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 gasoline. The report is intended to document the remedial actions for meeting a combination of Site Specific and Statewide health standards.

**Rosemergy's Convenient Store**, Storage Tank ID # 52-01926, 1623 State Route 590, Hawley, PA 18428, Lackawaxen Township, **Pike County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Lochgen LLC, 751 Welcome Lake Road, Hawley, PA 18428, submitted a revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet site-specific standards.

**Speedway # 6756**, Storage Tank ID # 54-14427, 6 Tremont Road, Pine Grove, PA 17963, Pine Grove Township, **Schuylkill County**, EMS Environmental, 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 groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

**Capital Trailways**, Storage Tank ID # 54-22101, 2650 Woodglen Road, Pottsville, PA 17901, Pottsville City, **Schuylkill County**, United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of JAM Woodglen, LLC, P.O. Box 472, Schuylkill Haven, PA 17972, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel. The report is intended to document remediation of the site to meet Statewide health standards.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The Department of Environmental Protection (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 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.

DEP may approve or disapprove plans and reports submitted. This notice provides 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 DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

DEP 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.*

**7-Eleven 21110**, Storage Tank ID # 39-24558, 1146 Chestnut Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221-0711, 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 March 2, 2022.

**Lamont's Service Station**, Storage Tank ID # 40-50622, 798 West 15th Street, Hazleton, PA 18201, Hazleton City, **Luzerne County**, LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Robert Lamanna, 104 Skyline Drive North, Clarks Summit, PA 18411, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of Statewide health standards and was approved by DEP on March 3, 2022.

*Southcentral Regional: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Michael Stefanic, P.G., Project Officer.*

**CRS Friendly Market 40**, Storage Tank Facility ID # 38-60823, 1028 Ben Franklin Highway East, Douglassville, PA 19518-1000, Lebanon City, **Lebanon County**, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Mr. Kapur V. Singh,

742 Walnut Street, Lebanon, PA 17042, submitted a Site Characterization Report under chapter 245.310(b) concerning remediation of soil contaminated with Diesel Fuel

Constituents. The Remedial Action Completion Report demonstrated attainment of the Statewide health standards and was approved by DEP on March 4, 2022.

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## SPECIAL NOTICES

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### WASTE, AIR, RADIATION AND REMEDIATION

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#### Notice of Certification to Perform Radon-Related Activities in Pennsylvania.

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In the month of February 2022, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon related activities in Pennsylvania. The period of certification is two years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Kathleen Remsnyder	P.O. Box 126707 Harrisburg, PA 17112	Testing Individual
Matthew Shaw	P.O. Box 381 Titusville, PA 16354	Mitigation Individual
Steven Kowatic	1370 Meadowlark Dr Pittsburgh, PA 15243	Testing Individual
Anvil Radon Services	239 Buckboard Road Willow Grove, PA 19090	Mitigation Firm
Kevin Dunkle	P.O. Box 211 Worthington, PA 16262	Mitigation Individual
Kyle Underwood	1004 Montgomery Ave Norristown, PA 19403	Testing Individual
David Dowling	273 Krulock Rd Uniontown, PA 15401	Testing Individual
Douglas Beck	3 Wheatsheaf Ct New Hope, PA 18938	Testing Individual
Greg Karkowsky	5850 Centre Ave Apt 407 Pittsburgh, PA 15206	Testing Individual
CEI/Housemaster Home Inspections	435 Crescent Moon Dr Cogan Station, PA 17728	Testing Firm
Kevin Crane	435 Crescent Moon Dr Cogan Station, PA 17728	Testing Individual
RSSI	6312 Oakton St Morton Grove, IL 60053	Laboratory Firm
Frederick Ruziecki	P.O. Box 205 Wind Gap, PA 18091	Testing Individual
Hamid Rafiq	P.O. Box 681 Berwyn, PA 19312	Testing Individual

[Pa.B. Doc. No. 22-430. Filed for public inspection March 18, 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/](http://www.depgreenport.state.pa.us/elibrary/). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where

each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications.

Check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes to TGDs*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

*Draft TGD: New Guidance*

**DEP ID:** 310-2100-003. **Title:** Trenchless Technology Guidance. **Description:** This draft TGD outlines the steps and options to consider, and implement as appropriate, when proposing to use a trenchless technology installation method on any portion of a project. This draft TGD has been prepared to provide information to project proponents that may help to prevent environmental issues, improve project planning, permitting and compliance with applicable regulatory requirements. It is important to note, this is recommended guidance that does not require a new permit.

**Written Comments:** Interested persons may submit written comments on this draft TGD through Wednesday,

May 18, 2022. Comments, including comments submitted by e-mail must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can also be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

**Contact:** Questions regarding this TGD can be directed to Andrew Klinger, Division Chief, Division of Wetlands, Encroachment and Training, Bureau of Waterways Engineering and Wetlands at [anklinger@pa.gov](mailto:anklinger@pa.gov) or (717) 772-5975.

**Effective Date:** Upon publication of notice as final in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 22-431. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Planning Grant Award under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grant to Centre County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at [mvottero@pa.gov](mailto:mvottero@pa.gov) or (717) 772-5719.

#### Act 101, Section 901 Planning Grant

Region	County	Applicant	Project	Grant
Northcentral	Centre	Centre County	Plan Revision	\$75,000

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 22-432. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Rates for Calculating Long Term Operation and Maintenance Cost Bonds for Water Supply Replacement Mining Operations

The Department of Environmental Protection (Department) announces the rates to be used to calculate bond amounts for water supply replacement operation and maintenance costs for anthracite and bituminous coal and industrial mineral mining operations. The authority for bonding mining operations is found under The Clean

Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), 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 Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapters 77 and 86 (relating to noncoal mining; and surface and underground coal mining; general).

The rates are used in calculating the water supply operation and maintenance bond amounts for replacement water supplies affected by activities at mining operations including surface mines, coal refuse disposal



sites, coal refuse reprocessing sites, coal processing facilities, underground coal mining operations and industrial mineral surface mines. The procedures for calculating water supply operation and maintenance bonds are described in Technical Guidance 562-4000-102, "Increased Operation and Maintenance Costs of Replacement Water Supplies," which is available online at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us) (select "Technical Guidance Final Documents," then "Mining Programs").

The Department may review the adequacy of bonds on existing permits at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

#### Rates

The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2017—2021, resulting in a rate of 2.16%. For the rate of return, the interest rate for the 20-year Treasury bill as reported by the Federal Reserve was averaged for the calendar years 2017—2021 resulting in a rate of 2.28%.

The rates in this notice will become effective on April 1, 2022. They will remain in effect until new rates are published. It is anticipated that new rates will be published in February 2023, to be effective April 1, 2023.

For background information and supporting documentation regarding the rates, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 22-433. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Advisory Health Board Amended Meeting

This notice amends the original Advisory Health Board (Board) notice, published at 52 Pa.B. 1325 (February 26, 2022), which scheduled a meeting for Wednesday, March 16, 2022. The Board meeting has been rescheduled for Thursday, March 31, 2022, from 10 a.m. to 11 a.m. Other details of the February 26, 2022, notice remain unchanged.

This meeting is subject to cancellation without notice.

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-434. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Research Advisory Committee Virtual Public Meeting Schedule for Calendar Year 2022

The Department of Health's Health Research Advisory Committee (Committee), established by section 903(b) of

the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold virtual public meetings on the following Mondays from 10 a.m. to 11:30 a.m. and the public may join the virtual public meetings using the Microsoft Teams conference call information included as follows:

Monday, April 4, 2022	Dial (267) 332-8737 Conference ID: 788 728 874#
Monday, July 11, 2022	Dial (267) 332-8737 Conference ID: 788 728 874#
Monday, October 3, 2022	Dial (267) 332-8737 Conference ID: 788 728 874#

The purpose of these virtual public meetings is to review the work of the Committee, confirm the 2022 priorities, plan for future health research priorities and address emerging issues.

For additional information or for persons with disabilities who wish to attend a virtual public meeting and require an auxiliary aid, service or other accommodation, contact Will Cramer, Director, Health Research Office or Pamela Brown, Management Technician, Health Research Office at [ra-healthresearch@pa.gov](mailto:ra-healthresearch@pa.gov). 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).

Check the Department of Health, Health Research Office CURE Health Research Advisory Committee web site at <https://www.health.pa.gov/topics/Research/CURE/Pages/Committee.aspx> for any changes to these virtual public meetings.

These virtual public meetings are subject to cancellation without notice.

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-435. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

The Villa Crest, LLC  
1451 Frankstown Road  
Johnstown, PA 15902  
FAC ID # 24720201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Weatherwood Healthcare and Rehabilitation Center  
100 Evergreen Avenue  
Weatherly, PA 18255  
FAC ID # 030602

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the

Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-436. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Spinal Cord Research Advisory Committee Virtual Public Meeting Schedule for Calendar Year 2022

The Department of Health's Spinal Cord Research Advisory Committee (Committee), established by section 903.1(b) of the Tobacco Settlement Act (35 P.S. § 5701.903A(b)), will hold virtual public meetings on the following Thursdays from 9:30 a.m. to 11 a.m. and the

public may join the virtual public meetings using the Microsoft Teams conference call information included as follows:

Thursday, April 21, 2022	Dial (267) 332-8737 Conference ID: 884 090 802#
Thursday, July 21, 2022	Dial (267) 332-8737 Conference ID: 386 335 775#
Thursday, October 20, 2022	Dial (267) 332-8737 Conference ID: 535 633 884#

The purpose of these virtual public meetings is to review the work of the Committee, review the status and progress of the current request for application, reaffirm priorities, evaluate and refine the process to review the next spinal cord research applications and address emerging issues.

For additional information or for persons with disabilities who wish to attend a virtual public meeting and require an auxiliary aid, service or other accommodation, contact Will Cramer, Director, Health Research Office or Pamela Brown, Management Technician, Health Research Office at (717) 231-2825, ra-healthresearch@pa.gov. 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).

Check the Department of Health, Health Research Office CURE Spinal Cord Research Advisory Committee web site at <https://www.health.pa.gov/topics/Research/CURE/Pages/Spinal-Cord.aspx> for any changes to these virtual public meetings.

These virtual public meetings are subject to cancellation without notice.

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-437. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Medical Assistance Program Fee Schedule; Addition of Procedure Codes for MenQuadfi® and Vaxelis® Vaccine Administration

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the addition of the following procedure codes to the Medical Assistance (MA) Program Fee Schedule for the administration of the MenQuadfi® and Vaxelis® vaccines effective for dates of service on and after June 1, 2021.

CPT Code	Vaccine	Description	MA Fee
90619	MenQuadfi®	Meningococcal conjugate vaccine, serogroups A, C, W, Y, quadrivalent, tetanus toxoid carrier (MenACWY-TT), for intramuscular use	\$10
90697	Vaxelis®	Diphtheria, tetanus toxoids, acellular pertussis vaccine, inactivated poliovirus vaccine, Haemophilus influenzae type b PRP-OMP conjugate vaccine and hepatitis B vaccine (DTaP-IPV-Hib-HepB), for intramuscular use	\$10

The Department updated the MA Program Fee Schedule to include Common Procedural Terminology (CPT) codes 90619 and 90697 for the administration of the vaccines. MA providers are to bill the Department for the administration of the vaccines for MA beneficiaries using the previously listed CPT codes.

The Department will issue an MA Bulletin to providers enrolled in the MA Program advising of the addition of the new CPT codes to the MA Fee Schedule.

#### *Fiscal Impact*

No fiscal impact will result from the addition of these procedure codes.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
Acting Secretary

**Fiscal Note:** 14-NOT-1502. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-438. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Updates to the Medical Assistance Program Fee Schedule for Administration of SARS-CoV-2 Monoclonal Antibody Products

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces that it increased fees in the Medical Assistance (MA) Fee Schedule for the administration of SARS-CoV-2 monoclonal antibody products in the Fee-for-Service delivery systems for the Current Procedural Terminology (CPT) codes identified as follows, effective for dates of service on and after May 6, 2021. The Department also announces that it end-dated procedure code M0239, effective April 16, 2021.

<i>Procedure Code</i>	<i>Description</i>	<i>Old MA Fee</i>	<i>New MA Fee</i>
M0243	Intravenous infusion, casirivimab and imdevimab includes infusion and post administration monitoring	\$247.68	\$360
M0245	Intravenous infusion, bamlanivimab and etesevimab, includes infusion and post administration monitoring	\$247.68	\$360

Additionally, the Department announces the addition of the following CPT codes to the MA Program Fee Schedule for the administration of SARS-CoV-2 monoclonal antibody products for treatment of the SARS-CoV-2. The effective date and MA Fee for each code is indicated as follows.

<i>Procedure Code</i>	<i>Description</i>	<i>Effective Date</i>	<i>MA Fee</i>
M0220	Injection, tixagevimab and cilgavimab, for the pre-exposure prophylaxis only, for certain adults and pediatric individuals (12 years of age and older weighing at least 40kg) with no known SARS-CoV-2 exposure, who either have moderate to severely compromised immune systems or for who vaccination with any available COVID-19 vaccine is not recommended due to a history of severe adverse reaction to a COVID-19 vaccines and/or COVID-19 vaccine components, includes injection and post administration monitoring	12/8/21	\$120.40
M0221	Injection, tixagevimab and cilgavimab, for the pre-exposure prophylaxis only, for certain adults and pediatric individuals (12 years of age and older weighing at least 40kg) with no known SARS-CoV-2 exposure, who either have moderate to severely compromised immune systems or for who vaccination with any available COVID-19 vaccine is not recommended due to a history of severe adverse reaction to a COVID-19 vaccines or COVID-19 vaccine components, or both, includes injection and post administration monitoring in the home or residence; this includes a beneficiary's home that has been made provider-based to the hospital during the COVID-19 public health emergency	12/8/21	\$200.40
M0240	Intravenous infusion or subcutaneous injection, casirivimab and imdevimab includes infusion or injection and post administration monitoring, subsequent repeat doses	7/30/21	\$360
M0241	Intravenous infusion or subcutaneous injection, casirivimab and imdevimab includes infusion or injection and post administration monitoring in the home or residence, this includes a beneficiary's home that has been made provider-based to the hospital during the COVID-19 public health emergency, subsequent repeat doses	7/30/21	\$600

<i>Procedure Code</i>	<i>Description</i>	<i>Effective Date</i>	<i>MA Fee</i>
M0244	Intravenous infusion or subcutaneous injection, casirivimab and imdevimab includes infusion or injection and post administration monitoring in the home or residence; this includes a beneficiary's home that has been made provider-based to the hospital during the COVID-19 public health emergency	5/6/21	\$600
M0246	Intravenous infusion, bamlanivimab and etesevimab, includes infusion and post administration monitoring in the home or residence; this includes a beneficiary's home that has been made provider-based to the hospital during the COVID-19 public health emergency	5/6/21	\$600
M0247	Intravenous infusion, sotrovimab, includes infusion and post administration monitoring	5/26/21	\$360
M0248	Intravenous infusion, sotrovimab, includes infusion and post administration monitoring in the home or residence; this includes a beneficiary's home that has been made provider-based to the hospital during the COVID-19 public health emergency	5/26/21	\$600

The MA Program Fee Schedule has been updated with the fee increases and the new CPT codes previously noted to allow for payment of the administration of SARS-CoV-2 monoclonal antibody products to an MA beneficiary for treatment of SARS-CoV-2.

The Department issued an MA Bulletin to inform providers enrolled in the MA Program of the fee increase and the addition of the CPT codes previously noted for the administration of SARS-CoV-2 monoclonal antibody products to an MA beneficiary for treatment of SARS-CoV-2.

#### *Fiscal Impact*

There is no fiscal impact resulting from the addition of these procedure codes.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1501. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-439. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$50, \$100 or \$500 Instant Lottery Game 1576

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$50, \$100 or \$500 (hereafter “\$50, \$100 or \$500”). The game number is PA-1576.

2. *Price:* The price of a \$50, \$100 or \$500 instant lottery game ticket is \$10.

3. *Play symbols:* Each \$50, \$100 or \$500 instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17

(SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), Star (WIN50) symbol, \$100 Burst (WIN100) symbol and a \$500 Bill (WIN\$500) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game, are: \$10, \$20, \$50, \$100 and \$500. A player can win up to 15 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 13,800,000 tickets will be printed for the \$50, \$100 or \$500 instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets upon which a \$500 Bill (WIN\$500) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that \$500 Bill (WIN\$500) symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which a \$100 Burst (WIN100) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under that \$100 Burst (WIN100) symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which a Star (WIN50) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under that Star (WIN50) symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win PRIZE Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,800,000 Tickets:</i>
\$10 × 5	\$50	600	23,000
(\$10 × 3) + \$20	\$50	600	23,000
(\$20 × 2) + \$10	\$50	600	23,000
\$50 w/ STAR	\$50	13.64	1,012,000
\$50	\$50	200	69,000
\$20 × 5	\$100	600	23,000
(\$50 w/ STAR) × 2	\$100	600	23,000
\$100 w/ \$100 BURST	\$100	50	276,000
\$100	\$100	600	23,000
\$50 × 10	\$500	12,000	1,150
\$100 × 5	\$500	12,000	1,150
(((\$100 w/ \$100 BURST) × 2) + ((\$50 w/ STAR) × 3) + (\$20 × 5) + (\$10 × 5))	\$500	12,000	1,150
(\$50 w/ STAR) × 10	\$500	12,000	1,150
(\$100 w/ \$100 BURST) × 5	\$500	12,000	1,150
\$500 w/ \$500 BILL	\$500	1,200	11,500
\$500	\$500	12,000	1,150

Reveal a “Star” (WIN50) symbol, win \$50 instantly.

Reveal a “\$100 Burst” (WIN100) symbol, win \$100 instantly.

Reveal a “\$500 Bill” (WIN\$500) symbol, win \$500 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$50, \$100 or \$500 instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of \$50, \$100 or \$500, prize money from winning \$50, \$100 or \$500 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$50, \$100 or \$500 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$50, \$100 or \$500 or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 22-440. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$20,000 Lucky Win Instant Lottery Game 1579

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$20,000 Lucky Win (hereafter “\$20,000 Lucky Win”). The game number is PA-1579.

2. *Price:* The price of a \$20,000 Lucky Win instant lottery game ticket is \$2.

3. *Play symbols:* Each \$20,000 Lucky Win instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), WIN (WIN) symbol and a LUCKY (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game, are: \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$200, \$500, \$1,000 and \$20,000. A player can win up to ten times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the \$20,000 Lucky Win instant lottery game.

#### 7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which a WIN (WIN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a LUCKY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which a WIN (WIN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which a LUCKY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in four of the “prize” areas, a prize symbol of \$10.00 (TEN DOL) appears in five of the “prize” areas and a prize symbol of \$50.00 (FIFTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which a WIN (WIN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which a LUCKY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20.00 (TWENTY) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which a WIN (WIN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which a LUCKY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20.00 (TWENTY) appears in four of the “prize” areas, a prize symbol of \$4.00 (FOR DOL) appears in four of the “prize” areas and a prize symbol of \$2.00 (TWO DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which a LUCKY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10.00 (TEN DOL) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which a WIN (WIN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which a LUCKY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10.00 (TEN DOL) appears in two of the “prize” areas, a prize symbol of \$5.00 (FIV DOL) appears in four of the “prize” areas, a prize symbol of \$2.00 (TWO DOL) appears in three of the “prize” areas and a prize symbol of \$4.00 (FOR DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which a LUCKY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5.00 (FIV DOL) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which a WIN (WIN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which a LUCKY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$2.00 (TWO DOL) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which a WIN (WIN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which a WIN (WIN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$5.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4.00 (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(aa) Holders of tickets upon which a WIN (WIN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$4.00 (FOR DOL) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$4.

(bb) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(cc) Holders of tickets upon which a WIN (WIN) symbol appears in the "YOUR NUMBERS" area and a prize

symbol of \$2<sup>00</sup> (TWO DOL) appears in the "prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$2 w/ WIN	\$2	15	560,000
\$2	\$2	25	336,000
\$2 × 2	\$4	150	56,000
(\$2 w/ WIN) + \$2	\$4	100	84,000
\$4 w/ WIN	\$4	75	112,000
\$4	\$4	150	56,000
\$5 w/ WIN	\$5	37.5	224,000
\$5	\$5	75	112,000
(\$2 × 3) + \$4	\$10	300	28,000
(\$2 w/ WIN) × 5	\$10	300	28,000
(\$5 w/ WIN) × 2	\$10	300	28,000
\$10 w/ WIN	\$10	75	112,000
\$10	\$10	300	28,000
LUCKY w/ (\$2 × 10)	\$20	75	112,000
\$5 × 4	\$20	1,500	5,600
(\$2 w/ WIN) × 10	\$20	1,500	5,600
\$20 w/ WIN	\$20	1,500	5,600
\$20	\$20	1,500	5,600
LUCKY w/ (\$5 × 10)	\$50	1,200	7,000
LUCKY w/ ((\$10 × 2) + (\$5 × 4) + (\$2 × 3) + \$4)	\$50	1,200	7,000
\$10 × 5	\$50	12,000	700
(\$5 w/ WIN) × 10	\$50	4,000	2,100
\$50 w/ WIN	\$50	24,000	350
\$50	\$50	24,000	350
LUCKY w/ (\$10 × 10)	\$100	8,000	1,050
LUCKY w/ ((\$20 × 4) + (\$4 × 4) + (\$2 × 2))	\$100	8,000	1,050
\$20 × 5	\$100	60,000	140
(((\$10 w/ WIN) × 5) + ((\$5 w/ WIN) × 2) + (\$10 × 2) + \$20)	\$100	60,000	140
(\$10 w/ WIN) × 10	\$100	60,000	140
\$100 w/ WIN	\$100	60,000	140
\$100	\$100	60,000	140
LUCKY w/ (\$20 × 10)	\$200	120,000	70
\$20 × 10	\$200	120,000	70
\$200 w/ WIN	\$200	120,000	70
\$200	\$200	120,000	70



<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
LUCKY w/ (((\$100 × 4) + (\$10 × 5) + \$50)	\$500	840,000	10
\$50 × 10	\$500	840,000	10
\$500 w/ WIN	\$500	840,000	10
\$500	\$500	840,000	10
LUCKY w/ (\$100 × 10)	\$1,000	840,000	10
\$1,000 w/ WIN	\$1,000	840,000	10
\$1,000	\$1,000	840,000	10
\$20,000	\$20,000	840,000	10

Reveal a “WIN” (WIN) symbol, win prize shown under that symbol automatically.

Reveal a “LUCKY” (WINALL) symbol, win all 10 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$20,000 Lucky Win instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of \$20,000 Lucky Win, prize money from winning \$20,000 Lucky Win instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$20,000 Lucky Win instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$20,000 Lucky Win or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 22-441. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania The Best Mom Ever Instant Lottery Game 1577

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania The Best Mom Ever (hereafter “The Best Mom Ever”). The game number is PA-1577.

2. *Price:* The price of a The Best Mom Ever instant lottery game ticket is \$5.

3. *Play symbols:* Each The Best Mom Ever instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN),

14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), MOM (MOM) symbol and a BEST (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$30<sup>.00</sup> (THIRTY), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$20, \$30, \$50, \$100, \$200, \$400, \$1,000, \$5,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 6,000,000 tickets will be printed for the The Best Mom Ever instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a BEST (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$400 (FOR HUN) appears in two of the “prize” areas and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a BEST (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in eight of the “prize” areas and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400

(FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which a BEST (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which a BEST (WINALL) symbol appears in the play area, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in two of the “prize” areas and a prize symbol of \$30<sup>.00</sup> (THIRTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which a BEST (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in ten of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in one of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which a BEST (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in three of the “prize” areas, a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in eight of the “prize” areas and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which a BEST (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$30<sup>.00</sup> (THIRTY) appears in four of the “prize” areas and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which a BEST (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in six of the “prize” areas, a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in five of the “prize” areas and a prize symbol of \$30<sup>.00</sup> (THIRTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$100 (ONE HUN) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which a BEST (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which a BEST (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the “prize” areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in one of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(y) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$30.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(ee) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$5 w/ MOM	\$5	12	500,000
\$5	\$5	30	200,000
\$5 × 2	\$10	120	50,000
(\$5 w/ MOM) + \$5	\$10	60	100,000
(\$5 w/ MOM) × 2	\$10	60	100,000
\$10 w/ MOM	\$10	40	150,000
\$10	\$10	200	30,000
\$5 × 4	\$20	600	10,000
(\$5 w/ MOM) × 4	\$20	150	40,000
(\$10 w/ MOM) × 2	\$20	150	40,000
\$20 w/ MOM	\$20	120	50,000
\$20	\$20	300	20,000
\$5 × 6	\$30	600	10,000
(((\$5 w/ MOM) × 4) + (\$5 × 2))	\$30	300	20,000

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
$((\$10 \text{ w/ MOM}) \times 2) + \$10$	\$30	300	20,000
$(\$20 \text{ w/ MOM}) + (\$5 \times 2)$	\$30	300	20,000
\$30 w/ MOM	\$30	300	20,000
\$30	\$30	600	10,000
\$5 × 10	\$50	600	10,000
$((\$5 \text{ w/ MOM}) \times 5) + (\$5 \times 5)$	\$50	600	10,000
$(\$10 \text{ w/ MOM}) \times 5$	\$50	200	30,000
\$50 w/ MOM	\$50	300	20,000
\$50	\$50	600	10,000
BEST w/ $((\$5 \times 10) + \$30 + \$20)$	\$100	1,043	5,750
BEST w/ $((\$20 \times 2) + (\$10 \times 2) + (\$5 \times 8))$	\$100	1,043	5,750
\$10 × 10	\$100	24,000	250
$((\$10 \text{ w/ MOM}) \times 8) + ((\$5 \text{ w/ MOM}) \times 4)$	\$100	12,000	500
$(\$50 \text{ w/ MOM}) + (\$10 \times 5)$	\$100	12,000	500
\$100 w/ MOM	\$100	12,000	500
\$100	\$100	24,000	250
BEST w/ $((\$20 \times 6) + (\$10 \times 5) + \$30)$	\$200	6,000	1,000
BEST w/ $((\$30 \times 4) + (\$10 \times 8))$	\$200	6,000	1,000
BEST w/ $((\$50 \times 3) + (\$5 \times 8) + \$10)$	\$200	6,000	1,000
\$50 × 4	\$200	30,000	200
$((\$50 \text{ w/ MOM}) \times 2) + ((\$10 \text{ w/ MOM}) \times 10)$	\$200	24,000	250
$(\$100 \text{ w/ MOM}) \times 2$	\$200	30,000	200
\$200 w/ MOM	\$200	120,000	50
\$200	\$200	120,000	50
BEST w/ $((\$10 \times 10) + \$200 + \$100)$	\$400	120,000	50
BEST w/ $((\$50 \times 2) + (\$30 \times 10))$	\$400	120,000	50
BEST w/ $((\$100 \times 2) + (\$20 \times 10))$	\$400	120,000	50
\$100 × 4	\$400	120,000	50
\$400 w/ MOM	\$400	120,000	50
\$400	\$400	120,000	50
BEST w/ $((\$100 \times 8) + (\$50 \times 4))$	\$1,000	600,000	10
BEST w/ $((\$400 \times 2) + (\$20 \times 10))$	\$1,000	600,000	10
\$1,000 w/ MOM	\$1,000	600,000	10
\$1,000	\$1,000	600,000	10
\$5,000 w/ MOM	\$5,000	600,000	10
\$5,000	\$5,000	600,000	10
\$100,000	\$100,000	600,000	10

Reveal a "MOM" (MOM) symbol, win prize shown under that symbol automatically.

Reveal a "BEST" (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell The Best Mom Ever instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant

lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum

payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of The Best Mom Ever, prize money from winning The Best Mom Ever instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the The Best Mom Ever instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote The Best Mom Ever or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 22-442. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Cash Craze Double Doubler Instant Lottery Game 1578

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Craze Double Doubler (hereafter “Cash Craze Double Doubler”). The game number is PA-1578.

2. *Price:* The price of a Cash Craze Double Doubler instant lottery game ticket is \$5.

3. *Play symbols:* Each Cash Craze Double Doubler instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “DOUBLER” spot. The play symbols and their captions, located in the “WINNING

NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT) and a DOUBLE (DOUBLE) symbol. The play symbols and their captions, located in the “DOUBLER” spot, are: Vault (TRYAGAIN) symbol, Wallet (NOMULT) symbol, Stack of Coins (TRYAGAIN) symbol, Horseshoe (NOMULT) symbol, Crown (TRYAGAIN) symbol, Treasure Chest (NOMULT) symbol and a CRAZE (CRAZE) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$250,000. Cash Craze Double Doubler contains a feature that can multiply certain prizes and a feature that can multiply any prize won. If a prize is won by revealing the DOUBLE (DOUBLE) symbol and the CRAZE (CRAZE) symbol is also revealed in the “DOUBLER” spot, the prize won is quadrupled. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to Number and description of prizes and approximate odds). A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 11,400,000 tickets will be printed for the Cash Craze Double Doubler instant lottery game.

#### 7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a CRAZE (CRAZE) symbol appears in the “DOUBLER” spot, on a single ticket, shall be entitled to a prize of \$2,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000



(y) Holders of tickets upon which a DOUBLE (DOUBLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under that DOUBLE (DOUBLE) symbol, and upon which a CRAZE (CRAZE) symbol appears in the “DOUBLER” spot, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(aa) Holders of tickets upon which a DOUBLE (DOUBLE) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under that DOUBLE (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a CRAZE (CRAZE) symbol appears in the “DOUBLER” spot, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,400,000 Tickets:</i>
\$5	\$5	8.82	1,292,000
\$5 × 2	\$10	600	19,000
CRAZE w/ \$5	\$10	30	380,000
\$5 w/ DOUBLE	\$10	30	380,000
\$10	\$10	300	38,000
\$5 × 4	\$20	600	19,000
CRAZE w/ (\$5 w/ DOUBLE)	\$20	200	57,000
CRAZE w/ (\$5 × 2)	\$20	300	38,000
CRAZE w/ \$10	\$20	100	114,000
\$10 w/ DOUBLE	\$20	85.71	133,000
\$20	\$20	600	19,000
\$5 × 8	\$40	600	19,000
(\$5 w/ DOUBLE) × 4	\$40	600	19,000
CRAZE w/ ((\$5 w/ DOUBLE) × 2)	\$40	600	19,000
CRAZE w/ (\$10 w/ DOUBLE)	\$40	600	19,000
CRAZE w/ \$20	\$40	600	19,000
\$20 w/ DOUBLE	\$40	600	19,000
\$40	\$40	600	19,000
\$5 × 10	\$50	600	19,000
(\$5 w/ DOUBLE) × 5	\$50	600	19,000
CRAZE w/ ((\$5 w/ DOUBLE) + \$10 + \$5)	\$50	600	19,000
CRAZE w/ (\$5 × 5)	\$50	600	19,000
CRAZE w/ (\$20 + \$5)	\$50	600	19,000
\$50	\$50	600	19,000
\$10 × 10	\$100	60,000	190
\$50 × 2	\$100	60,000	190
(\$10 w/ DOUBLE) × 5	\$100	6,000	1,900
CRAZE w/ ((\$5 w/ DOUBLE) × 5)	\$100	1,200	9,500
CRAZE w/ ((\$20 w/ DOUBLE) + (\$5 w/ DOUBLE))	\$100	1,200	9,500
CRAZE w/ ((\$10 × 3) + \$20)	\$100	12,000	950

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,400,000 Tickets:</i>
CRAZE w/ \$50	\$100	24,000	475
\$50 w/ DOUBLE	\$100	24,000	475
\$100	\$100	40,000	285
\$20 × 10	\$200	24,000	475
(\$50 × 2) + (\$10 × 10)	\$200	24,000	475
(((\$10 w/ DOUBLE) × 5) + (\$20 × 5))	\$200	12,000	950
CRAZE w/ ((\$5 w/ DOUBLE) × 10)	\$200	6,000	1,900
CRAZE w/ (\$50 w/ DOUBLE)	\$200	6,000	1,900
CRAZE w/ (\$20 × 5)	\$200	24,000	475
CRAZE w/ (\$50 × 2)	\$200	24,000	475
CRAZE w/ \$100	\$200	12,000	950
\$100 w/ DOUBLE	\$200	8,000	1,425
\$200	\$200	24,000	475
\$100 × 5	\$500	120,000	95
(((\$20 w/ DOUBLE) × 10) + (\$50 × 2))	\$500	120,000	95
(\$50 w/ DOUBLE) × 5	\$500	120,000	95
CRAZE w/ ((\$50 w/ DOUBLE) + \$100 + \$50)	\$500	60,000	190
CRAZE w/ (\$50 × 5)	\$500	60,000	190
CRAZE w/ (\$200 + \$50)	\$500	120,000	95
\$500	\$500	120,000	95
CRAZE w/ (\$50 × 10)	\$1,000	1,140,000	10
\$500 w/ DOUBLE	\$1,000	1,140,000	10
\$1,000	\$1,000	1,140,000	10
CRAZE w/ ((\$1,000 × 2) + \$500)	\$5,000	1,140,000	10
(\$500 w/ DOUBLE) × 5	\$5,000	1,140,000	10
\$5,000	\$5,000	1,140,000	10
\$250,000	\$250,000	1,140,000	10

Reveal a "DOUBLE" (DOUBLE) symbol, DOUBLE the prize shown under that symbol.

Reveal a "CRAZE" (CRAZE) symbol in the DOUBLER spot, DOUBLE any prize won in the play area!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Cash Craze Double Doubler instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000.

Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Cash Craze Double Doubler, prize money from winning Cash Craze Double Doubler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Cash Craze Double Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket,



if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Cash Craze Double Doubler or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 22-443. Filed for public inspection March 18, 2022, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania My Three Million Instant Lottery Game 1575

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania My Three Million (hereinafter “My Three Million”). The game number is PA-1575.

2. *Price:* The price of a My Three Million instant lottery game ticket is \$30.

3. *Play symbols:* Each My Three Million instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and five “BONUS” spots. The “BONUS” spots are each played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), Moneybag (MNYBAG) symbol, 30X (30TIMES) symbol, Trophy (WINALL) symbol and a MY 3 MILL (\$3MIL) symbol. The play symbols and their captions, located in the five “BONUS” spots, are: Check (NOBONUS) symbol, Gold

Bar (TRYAGAIN) symbol, Silver Bar (NOBONUS) symbol, Piggy Bank (TRYAGAIN) symbol, Briefcase (NOBONUS) symbol, Diamond (TRYAGAIN) symbol, Star (NOBONUS) symbol, Ring (TRYAGAIN) symbol, Clock (NOBONUS) symbol, Crown (TRYAGAIN) symbol, Gem (NOBONUS) symbol, Necklace (TRYAGAIN) symbol, \$100 Burst (WIN100) symbol, \$200 Burst (WIN200) symbol, \$500 Burst (WIN500) symbol and a \$1,000 Burst (WIN1K) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$30,000 (TRY THO), \$300,000 (THRHUNTHO) and \$3MILL (THR MIL).

5. *Prizes:* The prizes that can be won in this game, are: \$30, \$40, \$50, \$100, \$200, \$300, \$500, \$1,000, \$5,000, \$30,000, \$300,000 and \$3,000,000. The prizes that can be won in the five “BONUS” spots, are: \$100, \$200, \$500 and \$1,000. My Three Million contains a feature that can multiply certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to Number and description of prizes and approximate odds). A player can win up to 30 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 7,200,000 tickets will be printed for the My Three Million instant lottery game.

#### 7. *Determination of prize winners:*

(a) Holders of tickets upon which a MY 3 MILL (\$3MIL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$3MILL (THR MIL) appears in the “prize” area under that MY 3 MILL (\$3MIL) symbol, on a single ticket, shall be entitled to a prize of \$3,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(c) Holders of tickets upon which a 30X (30TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that 30X (30TIMES) symbol, on a single ticket, shall be entitled to a prize of \$150,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30,000 (TRY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(e) Holders of tickets upon which a 30X (30TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that 30X (30TIMES) symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(f) Holders of tickets upon which a Trophy (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$1,000 (ONE THO) appears in all 25 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$25,000.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING

NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(h) Holders of tickets upon which a Trophy (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in three of the “prize” areas, a prize symbol of \$300 (THR HUN) appears in ten of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5,000.

(i) Holders of tickets upon which a 30X (30TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 30X (30TIMES) symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(j) Holders of tickets upon which a Trophy (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in all 25 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$2,500.

(k) Holders of tickets upon which a 30X (30TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that 30X (30TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,500.

(l) Holders of tickets upon which a 30X (30TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under that 30X (30TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,200.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(n) Holders of tickets upon which a Moneybag (MNYBAG) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(o) Holders of tickets upon which a \$1,000 Burst (WIN1K) symbol appears in any of the “BONUS” spots, on a single ticket, shall be entitled to a prize of \$1,000.

(p) Holders of tickets upon which a Trophy (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in all 25 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(q) Holders of tickets upon which a 30X (30TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that 30X (30TIMES) symbol, on a single ticket, shall be entitled to a prize of \$900.

(r) Holders of tickets upon which a Trophy (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in five of the “prize” areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the “prize” areas and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in 15 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$900.

(s) Holders of tickets upon which a Trophy (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the “prize” areas and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$800.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(u) Holders of tickets upon which a Moneybag (MNYBAG) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$500.

(v) Holders of tickets upon which a \$500 Burst (WIN500) symbol appears in any of the “BONUS” spots, on a single ticket, shall be entitled to a prize of \$500.

(w) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300 (THR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300.

(x) Holders of tickets upon which a Moneybag (MNYBAG) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$300 (THR HUN) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$300.

(y) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(z) Holders of tickets upon which a Moneybag (MNYBAG) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$200.

(aa) Holders of tickets upon which a \$200 Burst (WIN200) symbol appears in any of the “BONUS” spots, on a single ticket, shall be entitled to a prize of \$200.

(bb) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(cc) Holders of tickets upon which a Moneybag (MNYBAG) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$100.

(dd) Holders of tickets upon which a \$100 Burst (WIN100) symbol appears in any of the “BONUS” spots, on a single ticket, shall be entitled to a prize of \$100.

(ee) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(ff) Holders of tickets upon which a Moneybag (MNYBAG) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$50.

(gg) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(hh) Holders of tickets upon which a Moneybag (MNYBAG) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$40.

(ii) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(jj) Holders of tickets upon which a Moneybag (MNYBAG) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$30.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$30 w/ MONEYBAG		\$30	20	360,000
\$30		\$30	15	480,000
\$40 w/ MONEYBAG		\$40	20	360,000
\$40		\$40	15	480,000
\$50 w/ MONEYBAG		\$50	42.86	168,000
\$50		\$50	50	144,000
\$50 × 2		\$100	300	24,000
(\$50 w/ MONEYBAG) + \$50		\$100	150	48,000
	\$100 w/ \$100 BURST	\$100	30	240,000
\$100 w/ MONEYBAG		\$100	100	72,000
\$100		\$100	300	24,000
\$40 × 5		\$200	2,400	3,000
(\$50 w/ MONEYBAG) + \$50	\$100 w/ \$100 BURST	\$200	400	18,000
	\$200 w/ \$200 BURST	\$200	400	18,000
\$200 w/ MONEYBAG		\$200	400	18,000
\$200		\$200	2,400	3,000
\$30 × 10		\$300	6,000	1,200
((\$30 w/ MONEYBAG) × 5) + \$50	\$100 w/ \$100 BURST	\$300	1,200	6,000
(\$100 w/ MONEYBAG) + (\$50 w/ MONEYBAG) + \$50	\$100 w/ \$100 BURST	\$300	1,200	6,000
\$200 w/ MONEYBAG	\$100 w/ \$100 BURST	\$300	1,200	6,000
	(\$200 w/ \$200 BURST) + (\$100 w/ \$100 BURST)	\$300	1,200	6,000
(\$30 w/ MONEYBAG) × 10		\$300	2,400	3,000
\$300 w/ MONEYBAG		\$300	2,400	3,000
\$300		\$300	6,000	1,200
\$50 × 10		\$500	24,000	300
\$100 × 5		\$500	24,000	300

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$30 × 10	\$200 w/ \$200 BURST	\$500	8,000	900
(((\$30 w/ MONEYBAG) × 5) + (\$30 × 5))	(\$100 w/ \$100 BURST) × 2	\$500	8,000	900
(((\$50 w/ MONEYBAG) × 3) + (\$30 × 5))	\$200 w/ \$200 BURST	\$500	8,000	900
(\$30 w/ MONEYBAG) × 10	\$200 w/ \$200 BURST	\$500	8,000	900
(\$100 w/ MONEYBAG) × 4	\$100 w/ \$100 BURST	\$500	8,000	900
\$200 w/ MONEYBAG	(\$200 w/ \$200 BURST) + (\$100 w/ \$100 BURST)	\$500	8,000	900
	(\$100 w/ \$100 BURST) × 5	\$500	8,000	900
	\$500 w/ \$500 BURST	\$500	8,000	900
\$500 w/ MONEYBAG		\$500	8,000	900
\$500		\$500	12,000	600
TROPHY w/ (((\$40 × 5) + (\$30 × 20)))	\$200 w/ \$200 BURST	\$1,000	6,000	1,200
TROPHY w/ (((\$50 × 5) + (\$40 × 5) + (\$30 × 15)))	\$100 w/ \$100 BURST	\$1,000	6,000	1,200
TROPHY w/ (\$40 × 25)		\$1,000	6,000	1,200
\$100 × 10		\$1,000	120,000	60
(\$40 × 5) + (\$30 × 10)	(\$100 w/ \$100 BURST) × 5	\$1,000	24,000	300
(((\$30 w/ MONEYBAG) × 10) + (\$40 × 5))	\$500 w/ \$500 BURST	\$1,000	24,000	300
(((\$100 w/ MONEYBAG) × 6) + (\$30 × 2) + \$40)	(\$200 w/ \$200 BURST) + (\$100 w/ \$100 BURST)	\$1,000	24,000	300
(\$30 w/ MONEYBAG) × 20	(\$100 w/ \$100 BURST) × 4	\$1,000	24,000	300
(\$30 w/ 30X) + (\$50 × 2)		\$1,000	24,000	300
\$30 w/ 30X	\$100 w/ \$100 BURST	\$1,000	24,000	300
	\$1,000 w/ \$1,000 BURST	\$1,000	24,000	300
\$1,000 w/ MONEYBAG		\$1,000	24,000	300
\$1,000		\$1,000	60,000	120
TROPHY w/ (\$100 × 25)	(\$500 w/ \$500 BURST) × 5	\$5,000	360,000	20
TROPHY w/ (((\$500 × 3) + (\$300 × 10) + (\$100 × 2) + (\$30 × 10)))		\$5,000	720,000	10
\$1,000 × 5		\$5,000	1,440,000	5
(((\$30 w/ 30X) × 2) + (\$40 w/ 30X))	(\$500 w/ \$500 BURST) × 4	\$5,000	720,000	10
(\$100 w/ 30X) + (\$50 w/ 30X)	(\$100 w/ \$100 BURST) × 5	\$5,000	720,000	10
\$5,000		\$5,000	1,440,000	5

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
TROPHY w/ (\$1,000 × 25)	(\$1,000 w/ \$1,000 BURST) × 5	\$30,000	480,000	15
\$1,000 w/ 30X		\$30,000	720,000	10
\$30,000		\$30,000	1,440,000	5
(\$5,000 w/ 30X) × 2		\$300,000	1,440,000	5
\$300,000		\$300,000	1,440,000	5
\$3,000,000 w/ MY 3 MILL		\$3,000,000	1,440,000	5

Reveal a “Moneybag” (MNYBAG) symbol, win prize shown under that symbol automatically.

Reveal a “30X” (30TIMES) symbol, win 30 TIMES the prize shown under that symbol.

Reveal a “Trophy” (WINALL) symbol, win all 25 prizes shown.

Reveal a “MY 3 MILL” (\$3MIL) symbol, win \$3 MILLION instantly!

BONUS: Reveal a “\$100 Burst” (WIN100) symbol, “\$200 Burst” (WIN200) symbol, “\$500 Burst” (WIN500) symbol or a “\$1,000 Burst” (WIN1K) symbol in any BONUS spot, win that prize instantly! BONUS spots are played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell My Three Million instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of My Three Million, prize money from winning My Three Million instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the My Three Million instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote My Three Million or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 22-444. Filed for public inspection March 18, 2022, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2021 at \$6,575.

Under 30 Pa.C.S. § 5331(c), the Commission has fixed the maximum amount for 2022 as \$6,885.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 22-445. Filed for public inspection March 18, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Ability Insurance Company; Rate Increase Filing for the Several Policy Forms (TRIP-133165709); Rate Filing

Ability Insurance Company is requesting approval to increase the premium 140.6% on 44 policy holders with LTC forms LT691, LT692, LT694 LT695 and LT201. These policies were issued nationwide between 1991—2004.

Unless formal administrative action is taken prior to June 3, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the word "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to Lorraine Badarzynski, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [lbadarzys@pa.gov](mailto:lbadarzys@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 22-446. Filed for public inspection March 18, 2022, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-21-005, Dated January 14, 2022. Arbitration Award between the Commonwealth and PSCOA effective 7/1/2021 through 6/30/2024.

#### *Governor's Office*

Management Directive No. 310.33—Processing Electronic Invoices in SAP, Amended February 1, 2022.

Management Directive No. 310.34—Use of Agency-Level Unique Entity Identifiers (UEI) in Applications for Federal Grants and Cooperative Agreements, Amended February 9, 2022.

Management Directive No. 315.01—Calculation and Payment of Statutory Salaries, Amended February 1, 2022.

Management Directive No. 315.28—Taxability of State-Provided Parking, Amended February 1, 2022.

Management Directive No. 530.09—Social Security Reporting, Amended February 1, 2022.

Administrative Circular No. 22-04—Approval of 2022-23 Advancement Accounts and Completion of Form STD-133, Request for Approval of Advancement Account, Dated February 1, 2022.

AMY J. MENDELSON,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 22-447. Filed for public inspection March 18, 2022, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY DEPARTMENT OF HEALTH

### Final Recommendations to Ensure Correct Surgical Procedures and Correct Nerve Blocks

This document outlines final recommendations to hospitals, ambulatory surgery facilities, birthing centers and abortion facilities in this Commonwealth to ensure the correct procedure is performed on the correct site, side and patient.

The Patient Safety Authority (Authority) is responsible for submitting recommendations to the Department of Health (Department) for changes in healthcare practices and procedures, which may be instituted for the purpose of reducing the number and severity of serious events and incidents. Once approved by the Department, the Authority is responsible for issuing recommendations to acute and ambulatory care facilities in this Commonwealth. These final recommendations were approved by the Authority's Board of Directors and the Acting Secretary of Health.

#### *Background*

Wrong-site surgery (WSS) is a patient safety event that should never occur.

The National Quality Forum (NQF) defines surgery as "an invasive operative procedure in which skin or mucous membranes and connective tissue is incised or an instrument is introduced through a natural body orifice."<sup>1</sup> NQF states that surgery begins "regardless of setting, at the point of surgical incision, tissue puncture, or the insertion of an instrument into tissues, cavities, or organs," and ends "after counts have concluded, the surgical incision has been closed, and/or operative device(s) such as probes have been removed, regardless of setting."<sup>1</sup> These recommendations apply to all procedures requiring informed consent in this Commonwealth.

In support of the NQF definition of surgery, the Authority affirms that surgery is not limited to those procedures done in an operative room setting. Surgery includes

procedures performed in other clinical departments of the healthcare facility, including those performed at the bedside.

The Authority has tracked WSS since July 2004. During that third quarter of 2004 (July–September) there was an average of 1.33 WSS events per week across this Commonwealth.<sup>2</sup> Fast-forward to the most recent study (2015–2019) and this Commonwealth is still experiencing 1.42 WSS events per week. These 368 events took place in 178 facilities in this Commonwealth.<sup>3</sup> As of December 2019, 380 licensed acute care facilities in this Commonwealth had not reported a WSS in the previous 5 years.

Prevention guidelines are well established. The Joint Commission first issued The Universal Protocol for Preventing Wrong Site, Wrong Procedure, Wrong Person Surgery™ in 2003.<sup>4</sup> The World Health Organization created the WHO Surgical Safety Checklist in association with the Harvard School of Public Health in 2008 to improve the safety of patients undergoing surgical procedures.<sup>5</sup> In September 2011, the Authority identified and published “Principles for Reliable Performance of Correct-Site Surgery” based on its findings during its Preventing Wrong-Site Surgery project.<sup>6</sup> The Authority published evidence to support each of the principles in the Universal Protocol for Preventing Wrong Site, Wrong Procedure, Wrong Person Surgery™ in 2011 and revised this document in 2017.<sup>7</sup> The Authority and the Pennsylvania Society of Anesthesiologists issued a consensus document “Principles for Reliable Performance of Correct-Site Nerve Blocks” in 2018.<sup>8</sup>

The Authority continues to support these prevention guidelines and believes WSS events continue to happen largely due to noncompliance with the established guidelines. The Authority conducted a survey of patient safety officers in this Commonwealth to identify barriers related to the implementation of prevention guidelines.

Barriers largely fell into two categories: noncompliance (including complacency, distractions and lack of buy-in) and time constraints.

The Authority is charged with issuing recommendations to medical facilities on a facility-specific or Statewide basis regarding changes, trends and improvements in healthcare practices and procedures, for the purpose of reducing the number and severity of serious events and incidents. Prior to issuing recommendations, consideration must be given to the expectation of improved quality care; implementation feasibility; other relevant implementation practices; and the cost impact to patients, payors and medical facilities.

The Authority submits that improved quality of care by following the principles it identifies for reliable performance of correct-site surgery is expected due to the supported evidence for each principle first published in 2011. The Authority submits that feasibility of implementation is no longer a consideration, as these practices are well established in the industry and have been implemented by most healthcare organizations across this Commonwealth, the United States and several parts of the world.

Medical facilities face nonpayment penalties for wrong-site surgeries, as well as the cost of litigation when these events occur. Negative cost implications for medical facilities may include the cost of training and the administrative cost related to quality assurance programs. The Authority does not believe that a cost will be incurred related to lost operating room time, as a time-out is

already an accepted standard practice. The Authority is not recommending the length of the time out-be extended, but rather a concerted focus on the quality of the time spent during the time-out. There is no negative cost implication for patients or payors. While direct costs associated with WSSs are not reimbursed by most payors, there may be indirect long-term costs incurred with resulting health issues. Patients may experience out-of-pocket expenses for long-term effects of WSS and working individuals may experience a longer than expected absence from the workforce or be unable to return to the workforce at all.

*Final recommendations to ensure correct surgical procedures and correct nerve blocks*

The final recommendations to ensure the correct surgical procedures and correct nerve blocks appear as follows. Some of these recommendations have been revised in response to feedback the Authority and the Department received during the public comment period. Descriptions of all comments received and responses to those comments appear in the subsequent section.

*Recommendations to ensure the correct surgical procedure is performed on the correct site, side and patient*

*Preoperative verification and reconciliation*

1. The site and side of procedure should be specified when the procedure is scheduled.<sup>9, 10</sup>

2. The procedure, site and side should be noted in the medical record on the history and physical exam record<sup>9, 10</sup> or the procedure note.

3. The procedure, site and side should be discussed and documented on the informed consent form.<sup>9, 10</sup>

4. The individuals, including scheduling staff, registration clerks, ancillary staff, nursing staff, the operating provider and the patient, have an obligation to speak up if they note a discrepancy in any information on the schedule, consent, history and physical, and any office notes. Reconciliation of discrepancies is the responsibility of the operating provider prior to the procedure.

5. The information to verify the correct patient, procedure, side and site, including the patient's or family's verbal understanding, when possible, must be verified by the circulating nurse/designee, anesthesia provider and operating provider.<sup>9, 10</sup> This verification shall be documented in a manner determined by the healthcare facility.

6. Verbal verification with the patient or their representative should be conducted whenever possible. The verbal verification must be done using questions that require active response of specific information rather than passive agreement. Example: Can you tell me your full name? What is your date of birth? What procedure are you having performed today?<sup>9, 10</sup>

7. Patient identification must require at least two unique identifiers, for example, name and date of birth.<sup>9, 10</sup>

8. Discrepancies must be reconciled and documented by the operating provider prior to the procedure.<sup>9–12, 14–16</sup>

*Site Marking*—Site marking recommendations apply to all procedures where there is more than one possible location for the procedure.

9. The site must be marked by the provider responsible for the procedure, for example, surgeon, proceduralist or interventional radiologist, prior to the patient entering the procedure area. The mark must be confirmed by the

attending nurse/designee. The mark must also be confirmed by an alert patient or patient representative when possible. The mark must coincide with the schedule, history and physical, and consent.<sup>9–11, 14–18</sup>

10. The site must be marked with the provider's initials with an indelible marker.<sup>9–11, 14–21</sup>

11. The mark must be made as close to the incision site as possible, so that it is visible in the prepped and draped field.<sup>9–11, 15–18</sup>

#### *Time-out and intraoperative verification*

12. Prior to the induction of anesthesia, the circulating nurse and the anesthesia provider, verify the patient's identity, procedure, site, side, consent and site marking. The patient is included in this verification whenever possible.<sup>5</sup>

13. The provider performing the procedure should announce the time-out. This occurs after the patient is prepped and draped, and immediately prior to skin incision/puncture.<sup>5, 10, 17, 20, 21</sup>

14. Separate formal time-outs must be done for separate procedures, including anesthetic blocks, by the person performing that procedure.<sup>9–11, 17, 21</sup>

15. The noncritical activities in the procedure area must stop during the time-out, including music and nonessential talking that could distract team members.<sup>9–11, 14, 17</sup>

16. The relevant patient documents should be available and actively confirmed during the time-out process.<sup>9–11</sup> Relevant documents include a history and physical, consent, operating room schedule and radiographic studies when applicable.

17. The site mark should be referenced in the prepped and draped field during the time-out.<sup>9, 10, 21</sup>

18. The members of the surgical team should actively and verbally verify agreement with the surgical site, side and relevant documents. Active participation should be used at all times. For example, "Which side is the surgery on?" instead of "The surgery is on the left side. Do you agree?"<sup>9, 10, 14, 17, 19, 20–22</sup>

19. Staff should be engaged in the process and the operating provider should specifically encourage team members to speak up with any concerns during the time-out. The operating provider is responsible for resolving any questions or concerns based on primary sources of information and to the satisfaction of all members of the team before proceeding.<sup>9–11, 14, 19–22</sup>

20. Utilize intraoperative imaging whenever possible for procedures where exact site is not easily determined through external visualization, for example, X-ray and fluoroscopy, to verify spinal level, rib section level or ureter to be stented.<sup>9, 10, 14, 17, 23</sup>

#### *Accountability*

21. Incorporate accountability for these recommendations into the facility's quality assurance and formal evaluation process. This includes both individual and team performance evaluations, ongoing professional practice evaluations and focused professional practice evaluations.

#### *Recommendations to ensure nerve blocks are performed at the correct site and correct patient*

##### *Preoperative verification and reconciliation*

1. Confirm patient identity using at least two forms of patient identification.<sup>8</sup>

2. Reconcile and verify the exact site and laterality of the surgical procedure and the perioperative nerve block site using all forms of available primary and confirmatory patient sources, including surgical consent, patient or representative, or both, operative provider's notes (if available), surgical schedule, and history and physical.<sup>8</sup>

3. If any sources differ, the process stops and a member from the anesthesia block team notifies the surgeon to resolve the conflicting information.<sup>8</sup>

##### *Anesthesia site marking*

4. After confirming the information in the preoperative verification, the responsible anesthesia provider will use a standardized, institutionally approved mark that is distinct from the one used for the surgical site to mark the perioperative nerve block site.<sup>8</sup>

5. Place the mark close to the injection site to ensure it is visible in the prepped and draped field.<sup>8</sup>

6. Repeat the marking process when there are multiple injection sites.<sup>8</sup>

##### *Time out*

7. Secure a block team consisting of at least two people with independent roles (for example, responsible anesthesia provider and preoperative or holding area nurse or circulating nurse).<sup>8</sup>

a. Engage the anesthesia provider to initiate the time-out.<sup>8</sup>

b. The anesthesia provider should be present during the time out and during the nerve block.<sup>8</sup>

8. Conduct a time-out before:

a. Sedating the patient, when possible.

b. Inserting the needle or as close to the procedure as possible.

c. Each nerve block.<sup>8</sup>

9. Minimize distractions and stop all unrelated activity before conducting the time-out.<sup>8</sup>

10. Both the anesthesia provider and block team member verify the procedure that is documented and on the surgical consent (and anesthesia consent if used).<sup>8</sup>

11. Locate and visibly confirm the anesthesia site mark during the time-out.<sup>8</sup>

12. Repeat the time-out process when there are changes to:

a. Block team.

b. Patient location within the perioperative area.

c. Patient positioning.

d. Planned nerve block site.<sup>8</sup>

##### *Accountability*

13. Incorporate accountability for these recommendations into the facility's quality assurance and formal evaluation process. This includes both individual and team performance evaluations, ongoing professional practice evaluations and focused professional practice evaluations.

##### *Responses to comments on draft recommendations to ensure correct-site surgery*

Two organizations and one individual submitted responses to the Authority in response to the Draft Recommendations to Ensure Correct-Site Surgery during the 30-day public comment period from October 23, 2021,



through November 22, 2021. Of the 3 responses received, 12 comments or questions, or both, were identified. Responses to these comments or suggestions, or both, were prepared by the Authority and Department and follow. Note that the recommendations are intended to assist healthcare facilities in reducing harm to patients. They are not intended to guide clinical diagnosis or treatment options.

1. The Authority received one comment requesting clarification of the definition of “surgical procedures.” The commenter states they interpret a surgical procedure as an invasive procedure that is prescheduled and takes place in an operating room or procedure room.

*Response:* The Authority supports the NQF definition of surgery as stated in the Background section of this document. As additionally stated in the Background section of this document, surgery is not limited to those procedures done in an operative room setting. Surgery is also not limited to prescheduled procedures. Surgery includes procedures performed in other clinical departments of the healthcare facility, including those performed at the bedside.

2. The Authority received one comment suggesting an expansion of the definition to include wrong technique or different provider, or both (as agreed upon).

*Response:* The Authority agrees that correct technique and correct provider are critically important—and may be considered for future recommendations.

3. The Authority received one comment related to the burden these recommendations will create for facilities and staff. They stated that The Joint Commission’s Universal Protocol has been in place for many years and that the World Health Organization’s Surgical Safety Checklist is widely used to prevent wrong-site surgeries. Additionally, they state the Joint Commission’s Sentinel Event Policy and the MCARE law require reporting of wrong-site surgeries and that root cause analyses are performed. They state that by going a step further and making this a law is burdensome for facilities and the detailed requirements is distracting for the staff involved in the process. Adding additional laws, rules or regulations that mimic what is already in place does not seem useful in achieving the stated goal.

*Response:* These recommendations are not a law. While the Authority is aware that other organizations, such as The Joint Commission, have had measures in place for many years to prevent WSSs, the Authority does not believe those measures alone are adequate as evidenced by approximately 74 events occurring each year in the Commonwealth of Pennsylvania. These recommendations are intended to enhance existing guidelines. The Authority believes these recommendations, if followed, will reduce the number of WSSs and wrong-site nerve blocks in all Pennsylvania facilities.

4. The Authority received one comment related to recommendation 2 and the notation of procedure, site and side on the history and physical exam record. The commentator states that while this would be best practice there are situations that would preclude this information from being in the history and physical. The commentator states that current regulations/standards from the Department, the Centers for Medicare & Medicaid Services and The Joint Commission allow for a history and physical examination to be completed no more than 30 days prior to, or within 24 hours after, registration or inpatient admission but prior to surgery or a procedure requiring anesthesia services. They provide as an ex-

ample that a patient may be admitted to the hospital and have a history and physical completed upon admission. The same patient may then have a surgery performed at a later date but within the same admission and within 30 days, that was not previously identified or expected at the time the original history and physical was completed. They ask what would the expectation be related to documentation of procedure, site and side, in a history or physical in these circumstances?

*Response:* The Authority agrees that noting the procedure, site, and side on the history and physical exam is best practice. The Authority is also aware that there are situations that fall out of the normal standards, but we believe that most patients should have the correct procedure, site, and side documented on this foundational source document or on the procedure note. Recommendation 2 is revised as follows:

The procedure, site, and side should be noted in the medical record on the history and physical exam record<sup>9,10</sup> or the procedure note.

5. The Authority received one comment regarding recommendation 4 and the responsibility for verification and reconciliation of all staff members, including ancillary staff, scheduling staff and registration clerks. The commentator states that ancillary staff is not defined; that this poses a HIPAA concern, as these staff members do not need to know this information to do their jobs; and that this responsibility is beyond the scope, education and training of these staff members.

*Response:* The Authority disagrees that this is beyond the responsibility of all staff members.

The staff members involved in a patient encounter in which the consent, history and physical, office notes, or schedule, or both, are used have an obligation to speak up if they note a discrepancy. This recommendation is not intended to imply that these staff members are obligated to review each of these documents and resolve the discrepancy themselves; however, if when registering a patient, the clerk notes that the patient is scheduled for right total knee replacement and during the registration process the patient states they are coming in for a shoulder replacement—that registration clerk has an obligation to make the discrepancy known.

Ancillary staff are any staff members, other than those specifically listed, that may encounter the patient and utilize patient verification data.

Recommendation 4 is revised as follows:

All individuals, including scheduling staff, registration clerks, ancillary staff, nursing staff, the operating provider, and the patient, have an obligation to speak up if they note a discrepancy in any information on the schedule, consent, history and physical, and any office notes. Reconciliation of discrepancies is the responsibility of the operating provider prior to the procedure.

6. The Authority received one comment related to recommendation 5 and the patient’s or family’s verbal understanding. The commentator states that the recommendation does not address when a patient may be unable to communicate understanding due to current medical or cognitive condition, nor does the recommendation address instances when a family member is not available. The commenter makes the suggestion to revise the language to include the phrase “when possible.”

*Response:* The Authority agrees with the commenter. The recommendation is modified as follows:

All information to verify the correct patient, procedure, side, and site, including the patient's or family's verbal understanding, when possible, must be verified by the circulating nurse/designee, anesthesia provider, and operating provider.<sup>9, 10</sup> This verification shall be documented in a manner determined by the healthcare facility.

7. The Authority received three comments related to recommendation 9.

a. The patient or their representative, or both, confirming site marking: The commenter states that the recommendation does not address when a patient may be unable to confirm the marking due to a current medical or cognitive condition, nor does the recommendation address when a patient representative is not available. The commenter makes the suggestion to revise the language to include the phrase "when possible."

*Response:* The Authority agrees with the commenter. The recommendation is modified as follows:

The site must be marked by the provider responsible for the procedure, e.g., surgeon, proceduralist, or interventional radiologist, prior to the patient entering the procedure area. The mark must be confirmed by the attending nurse/designee. The mark must also be confirmed by an alert patient or patient representative when possible. The mark must coincide with the schedule, history and physical, and consent.<sup>9–11, 14–18</sup>

b. Other health professionals marking sites: The commenter states that while the Department of Health and the Centers for Medicare & Medicaid Services do not address other health professionals marking sites, The Joint Commission does in National Patient Safety Goal UP.01.02.02 EP3. The Joint Commission standard states, "In limited circumstances, the licensed independent practitioner may delegate the site marking to an individual who is permitted by the organization to participate in the procedure and has the following qualifications: An individual in a medical postgraduate education program who is being supervised by the licensed independent practitioner performing the procedure; who is familiar with the patient; and who will be present when the procedure is performed OR a licensed individual who performs duties requiring a collaborative agreement or supervisory agreement with the licensed independent practitioner performing the procedure (that is, an advanced practice registered nurse or physician assistant); who is familiar with the patient and who will be present when the procedure is performed." *Note:* The hospital's leaders define the limited circumstances (if any) in which site marking may be delegated to an individual meeting these qualifications.

*Response:* The Authority disagrees with the commenter and believes that site marking should not be delegated.

c. Site marking and certain procedures: The commenter stated that they rely on fluoroscopy for final site verification, due to the nature of the procedures and that marking the patient is not specific enough to prevent a wrong-site procedure.

*Response:* The Authority agrees that site marking alone is not sufficient for certain procedures. See recommendation 20. However, the use of intraoperative fluoroscopy does not negate the need to mark the site. A site mark should be made as close to the intended incision/puncture site as possible prior to the patient entering the

operative/procedure room. This mark is intended to alert the team to the general site prior to initiating fluoroscopy to determine exact location.

8. The Authority received one comment related to recommendation 13 and the announcement of the time-out. The commenter stated the provider performing the procedure does not have visualization of the source of truth for the correct patient and procedure to be performed. They believe the circulating nurse, who is the staff member in the room and is able to visualize the consent, takes a more active role in the time-out.

*Response:* The recommendation is that the provider announces the time-out. The purpose of this recommendation is to shift responsibility for quality of the time-out process to the operating provider. The operating provider should ensure that the team stops all activity and is actively engaged before the time-out begins. The recommendation does not imply that the provider needs to ask the questions; this role may be designated to the most appropriate person on the team.

9. The Authority received one comment related to recommendation 14 and separate formal time-outs for separate procedures. The commenter states that they agree separate formal time-outs for separate procedures performed by different personnel are warranted. They also state that conducting separate formal time-outs for separate procedures performed by the same person is duplicative and suggest that a separate site and procedure verification process occur but not another formal time-out.

*Response:* The Authority believes that a separate formal time-out for separate procedures, even when the operating provider is the same, is important to ensure the correct procedures are performed. This recommendation is supported by the American Academy of Orthopaedic Surgeons Information Statement 1043: Surgical Site and Procedure Confirmation (March 2015).

10. The Authority received one comment related to recommendation 16 and the use of office notes during the time-out. The commenter states they agree that relevant information such as history and physical, consent, and operating room schedule should be available, including the addition of nursing assessment and pre-anesthesia assessment; however, the use of office notes is unwarranted and duplicative in relation to the other documents already referenced. They also state that the term "office notes" is ambiguous and not well defined, as to the source of the notes or content.

*Response:* The Authority agrees with the commenter. Recommendation 16 will be revised as follows:

All relevant patient documents should be available and actively confirmed during the time-out process.<sup>9–11</sup> Relevant documents include a history and physical, consent, operating room schedule, and radiographic studies when applicable.

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*Patient Safety Authority*

KEARA KLINEPETER, MSHCPM,  
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*Department of Health*

[Pa.B. Doc. No. 22-448. Filed for public inspection March 18, 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 April 4, 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 April 4, 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 application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2022-3031043. Numedia Limo, LLC** (339 East 9th Avenue, Collegeville, Montgomery County, PA 19426) in limousine service, from points in the Counties of Bucks and Montgomery, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2022-3031148. Allegheny Coach Transportation, Inc.** (4698 State Route 136, Greensburg, Westmoreland County, PA 15601) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Allegheny, Butler, Washington and Westmoreland to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2022-3031255. Penny M. Fogleman** (54 Hiawatha Trail, Lock Haven, Clinton County, PA 17745) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Clinton County, to points in Pennsylvania, and return.

**A-2022-3031282. PND Non Emergency Medical Transportation, Inc., t/a PND Transport** (181 Robbins Avenue, K-4, Penndel, Bucks County, PA 19047) to transport persons, in paratransit service, from points in Bucks County and the City and County of Philadelphia, to points in Pennsylvania, and return.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2022-3030877. Easton Emergency Squad** (908 Packer Street, Easton, Northampton County, PA 18042) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, primarily wheelchair bound persons for both medical and non-medical reasons in paratransit service, from points in the Counties of Lehigh and Northampton, to points in Pennsylvania, and return, as originally captioned at Docket No. A-2015-2508227.

**A-2022-3031135. Autocab, Inc.** (1209 Marshall Avenue, Lancaster, Lancaster County, PA 17601) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-00119919, F.2, persons, upon call or demand in the County of Lancaster.

**A-2022-3031208. Northwest Emergency Medical Services, Inc.** (380 West Bainbridge Street, P.O. Box 384, Elizabethtown, Lancaster County, PA 17022) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, as more thoroughly described in the original ordering paragraphs at A-00122249 and A-2014-2460362.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-449. Filed for public inspection March 18, 2022, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**  
Telecommunications

**A-2022-3031297. Windstream Communications, LLC and Citizens Telecommunications Company of New York, Inc.; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River,**

**LLC; and Frontier Communications of Pennsylvania, LLC.** Joint petition of Windstream Communications, LLC and Citizens Telecommunications Company of New York, Inc.; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; and Frontier Communications of Pennsylvania, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Communications, LLC and Citizens Telecommunications Company of New York, Inc.; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; and Frontier Communications of Pennsylvania, LLC, by their counsel, filed on March 4, 2022, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Windstream Communications, LLC and Citizens Telecommunications Company of New York, Inc.; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; and Frontier Communications of Pennsylvania, LLC's joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-450. Filed for public inspection March 18, 2022, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**  
Telecommunications

**A-2022-3031301. Windstream D&E Systems, Inc. and Citizens Telecommunications Company of New York, Inc.; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; and Frontier Communications of Pennsylvania, LLC.** Joint petition of Windstream D&E Systems, Inc. and Citizens Telecommunications Company of New York, Inc.; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; and Frontier Communications of Pennsylvania, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream D&E Systems, Inc. and Citizens Telecommunications Company of New York, Inc.; Frontier Com-

munications of Breezewood, LLC; Frontier Communications of Canton; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; and Frontier Communications of Pennsylvania, LLC, by their counsel, filed on March 4, 2022, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Windstream D&E Systems, Inc. and Citizens Telecommunications Company of New York, Inc.; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; and Frontier Communications of Pennsylvania, LLC, joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-451. Filed for public inspection March 18, 2022, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Barbara A. Casas, RN, aka Barbara A. Hodgins, RN; Case No. 19-51-001137

On January 31, 2022, Barbara A. Casas, RN, aka Barbara A. Hodgins, RN, Pennsylvania license No. RN555135, last known of Southport, NC, was indefinitely suspended, based on disciplinary action being taken against her license by the proper licensing authority of another state.

Individuals may obtain a copy of the adjudication at [www.pals.pa.gov](http://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. 22-452. Filed for public inspection March 18, 2022, 9:00 a.m.]





