

# PENNSYLVANIA BULLETIN

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## Agencies in this issue

The Governor  
The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
Department of Human Services  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Executive Board  
Fish and Boat Commission  
Game Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
State Board of Chiropractic  
State Board of Occupational Therapy  
Education and Licensure

**Detailed list of contents appears inside.**



**Latest Pennsylvania Code Reporter  
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**No. 588, November 2023**

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# CONTENTS

## THE GOVERNOR

### Executive Orders

Pennsylvania Behavioral Health Council ..... 6822

## THE GENERAL ASSEMBLY

### THE GENERAL ASSEMBLY

A concurrent resolution ..... 6827

## THE COURTS

### DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of suspension ..... 6829

### LOCAL COURT RULES

#### Adams County

Rule of judicial administration 450; administrative order No. 22 of 2023 ..... 6828

#### Clinton County

Local rules 1915.26, 1915.27, 1920.51, 1920.55-1 and 1920.55-2; No. AD-1268-2023 ..... 6828

## EXECUTIVE AND INDEPENDENT AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Program requirements for the Pennsylvania Agriculture Veteran Grant Program ..... 6874

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications ..... 6875  
Adjustment to definition of “base figure” in the Loan Interest and Protection Law ..... 6876

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices ..... 6876  
Public comment meeting on the interim-final Environmental Justice policy and Pennsylvania Environmental Justice mapping and screening tool (PennEnviroScreen) methodology document public comment meeting; public comment period extension and additional public comment meetings ..... 6932

### DEPARTMENT OF HEALTH

#### Notices

Long-term care nursing facilities; requests for exception ..... 6933

### DEPARTMENT OF HUMAN SERVICES

#### Notices

Inpatient hospitals qualifying for Medical Assistance disproportionate share payments ..... 6933

Statewide Quality Care Assessment Program for fiscal years 2023-2024 through 2027-2028 ..... 6939

### DEPARTMENT OF REVENUE

#### Notices

Notice of taxable and exempt property ..... 6940  
Pennsylvania Candy Cane Lane fast play game 5216 ..... 6950  
Pennsylvania Gnome for the Holidays fast play game 5215 ..... 6956  
Pennsylvania Let it Snow fast play game 5214 ..... 6964  
Pennsylvania Millionaire Raffle XXXIII raffle lottery game ..... 6971  
Pennsylvania Naughty or Nice fast play game 5213 ..... 6973

### DEPARTMENT OF TRANSPORTATION

#### Notices

Contemplated sale of land no longer needed for transportation purposes (2 documents) ..... 6981  
Green Light—Go: Pennsylvania’s Municipal Signal Partnership Program; invitation to submit applications ..... 6982  
Inspection Advisory Board meeting ..... 6982

### ENVIRONMENTAL QUALITY BOARD

#### Proposed Rulemaking

Water quality standards—site-specific water quality criteria ..... 6854

### EXECUTIVE BOARD

#### Statements of Policy

Reorganization of the Department of Transportation ..... 6872

### FISH AND BOAT COMMISSION

#### Notices

Triploid grass carp permit applications ..... 6982

### GAME COMMISSION

#### Rules and Regulations

Hunting and furtaker licenses; appointment of agents ..... 6844

#### Proposed Rulemaking

Hunting and trapping; furbearers ..... 6870  
Hunting and trapping; general ..... 6869  
Wildlife classification; birds ..... 6868

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of filing a final rulemaking ..... 6983

### INSURANCE DEPARTMENT

#### Notices

Autism spectrum disorders coverage and parity; notice 2023-16 ..... 6983  
Review procedure hearings; cancellation or refusal of insurance ..... 6984

---

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**PENNSYLVANIA GAMING CONTROL BOARD**

**Rules and Regulations**

Slot machine, table game and associated equipment testing and control; accounting and internal controls; private testing and certification facilities ..... 6846

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Proposed Rulemaking**

Proposed rulemaking: natural gas distribution company business practices; 52 Pa. Code § 62.225 .... 6860

**Notices**

Electric generation supplier license cancellation of companies with an expired financial security, insufficient financial security amount or language .... 6984

Service of notice of motor carrier applications ..... 6986  
Water service..... 6986

**PHILADELPHIA PARKING AUTHORITY**

**Notices**

Service of notice of motor carrier applications in the City of Philadelphia..... 6987

**STATE BOARD OF CHIROPRACTIC**

**Rules and Regulations**

Child abuse reporting requirements..... 6830

**STATE BOARD OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE**

**Rules and Regulations**

Child abuse reporting requirements..... 6837

# 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.

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### **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.

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

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

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

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

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

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

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

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

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

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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 2023.

## 4 Pa. Code (Administration)

### Adopted Rules

1	930, 6034
5	596, 930, 1156, 2688, 3531
6	7, 704, 2688, 3534, 3536, 3539, 3542, 3545, 3547, 6822
7	705, 821, 3550, 4955, 6423
7a	7, 3550
93	3082
95	3082
97	3082
99	3082
101	3082
103	3082
105	3082

### Statements of Policy

1	3976
9	611, 1177, 1511, 1946, 2738, 2834, 2966, 3200, 3829, 4425, 5509, 6470, 6872
66	3833

## 12 Pa. Code (Commerce, Trade and Local Government)

### Adopted Rules

145	830
-----	-----

### Proposed Rules

145	5774
-----	------

## 16 Pa. Code (Community Affairs)

### Adopted Rules

41	3188
----	------

## 17 Pa. Code (Conservation and Natural Resources)

### Adopted Rules

45	5892
----	------

## 22 Pa. Code (Education)

### Statements of Policy

238	5512
-----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

77	5159
92a	3309
93	3311
109	333, 943
121	465, 2418
129	465
218	3324
225	4977
227	4977
227a	4977
228	4977
901	830
903	830

### Proposed Rules

93	6170, 6854
901	6698
1021	3193

### Statements of Policy

16	6191
----	------

## 28 Pa. Code (Health and Safety)

### Adopted Rules

18	5757
1113	1275
1141	1275
1141a	1275
1151	1275
1151a	1275
1161	1275
1161a	1275
1171	1275
1171a	1275
1181	1275
1181a	1275
1191	1275
1191a	1275
1211	1275
1211a	1275
1230	1275
1230a	1275

### Statements of Policy

1171a	1179
-------	------

## 31 Pa. Code (Insurance)

### Proposed Rules

89	2046
----	------

## 34 Pa. Code (Labor and Industry)

### Proposed Rules

123	2165
-----	------

## 37 Pa. Code (Law)

### Proposed Rules

301	2590
-----	------

### Statements of Policy

281	5003
471	20

## 40 Pa. Code (Liquor)

### Adopted Rules

13	501
----	-----

### Proposed Rules

5	2735, 3577
15	3111
17	3111

## 43 Pa. Code (Military Affairs)

### Statements of Policy

11	6706
----	------

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

5	6830
16	14, 2961
17	14
18	16, 713, 2961, 5759
19	370
23	5765
25	2963
42	5769, 6837

**Proposed Rules**

5	4420
21	5776
23	2306
45	2316, 2830

**Statements of Policy**

21	1806
23	6711

**52 Pa. Code (Public Utilities)****Proposed Rules**

62	6860
----	------

**Statements of Policy**

69	379, 5926, 6047
----	-----------------

**55 Pa. Code (Human Services)****Adopted Rules**

1101	376
------	-----

**Proposed Rules**

15	2169
----	------

**Statements of Policy**

1101	3704
------	------

**58 Pa. Code (Recreation)****Adopted Rules**

57	5914
63	4408, 5914
65	1385
71	5914
71a	5914
73	5914
93	5615
131	1668
133	3084
135	1668, 3085
137	3088
139	3090, 3100
141	1669, 3103, 3105
143	3106, 6844
147	1670, 3109
461a	6846
469a	6846
623b	5923
625b	4409
627b	4409
629b	4409
631b	1671
633b	5923
635b	1671
651b	4409

**Proposed Rules**

63	2048
65	5497, 5504
93	1176, 1679
97	5505
107	5179
111	5179, 5180, 5505, 5507
133	1680, 6868
135	1932
137	1938
139	1681, 1690
141	1692, 6869, 6870
143	1940, 5001
147	1695

**201 Pa. Code (Rules of Judicial Administration)****Adopted Rules**

19	2560
51	5874

**Proposed Rules**

1	4361
3	4361
5	4361
6	4361
7	4361
19	4361
40	4361

**204 Pa. Code (Judicial System General Provisions)****Adopted Rules**

29	6559
33	1394
81	2162, 4385
83	4385, 4405
209	2693
213	2035, 2702
303	5361, 5708
303a	5361, 5708
307	5470
307a	5470
311	5475

**Proposed Rules**

81	5275
303a	125
307	256
307a	256
311	260, 321

**207 Pa. Code (Judicial Conduct)****Adopted Rules**

1	2039
---	------

**210 Pa. Code (Appellate Procedure)****Adopted Rules**

3	2940
5	2940
9	2940
11	5877, 6696
13	5877
15	5877
16	5877
19	5877
25	5877
33	5877
37	5877
40	5877
69	1397, 3553

**Proposed Rules**

1	4962
9	4962
15	5709
17	5709
21	2725
23	2725
33	5709

**225 Pa. Code (Rules of Evidence)****Adopted Rules**

Art. II	1051
---------	------

**Proposed Rules**

Art. VI	4964
---------	------



**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 322, 5105, 5108  
 1500 ..... 5108  
 1915 ..... 824  
 1920 ..... 1161  
 Part II ..... 1052, 3305

**Proposed Rules**

200 ..... 1160, 5709, 5882  
 1000 ..... 5709  
 1300 ..... 5709  
 1900 ..... 5709  
 1910 ..... 3400, 5709  
 1915 ..... 2560, 3696, 5709  
 1920 ..... 5709  
 1930 ..... 5709  
 1950 ..... 5709  
 2950 ..... 5709  
 Part II ..... 5113, 5709  
 Part III ..... 5709  
 Part XIV ..... 5709  
 Part XV ..... 5709

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 1053  
 3 ..... 3403  
 4 ..... 3403  
 5 ..... 5885  
 7 ..... 3403

**Proposed Rules**

1 ..... 1790, 3553, 5709  
 4 ..... 3818, 5709  
 5 ..... 3553, 5709  
 6 ..... 1660, 4966  
 7 ..... 3553  
 10 ..... 3818

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

**Adopted Rules**

1 ..... 1055  
 4 ..... 5887

11 ..... 1055, 1791  
 12 ..... 1791  
 13 ..... 1791  
 14 ..... 1791  
 15 ..... 1791  
 16 ..... 1791

**Proposed Rules**

1 ..... 2582  
 11 ..... 2039, 2582, 5709, 5752  
 12 ..... 5709  
 14 ..... 2582, 5709  
 15 ..... 2582  
 16 ..... 2582

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

**Adopted Rules**

200 ..... 1056  
 300 ..... 1057

**Proposed Rules**

100 ..... 4361  
 200 ..... 3822, 5709  
 300 ..... 5709  
 400 ..... 5709  
 500 ..... 2947, 3822, 5709  
 1000 ..... 2947  
 1200 ..... 707

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

Unclassified ..... 11, 1162, 1169, 1171, 4406, 6152

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 2041, 6427

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

Unclassified ..... 11, 12, 322, 323, 324, 326, 464, 600, 601, 604, 608, 609, 610, 712, 827, 1060, 1061, 1064, 1398, 1509, 1664, 1665, 1800, 1804, 1928, 2045, 2162, 2292, 2296, 2297, 2304, 2416, 2829, 3076, 3079, 3080, 3186, 3306, 3413, 3572, 3573, 3575, 3702, 3825, 3826, 3828, 3968, 4406, 4970, 4971, 5122, 5158, 5276, 5278, 5496, 5755, 5888, 5889, 6038, 6039, 6040, 6042, 6045, 6167, 6696, 6697, 6828

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

#### [ 4 PA. CODE CH. 6 ]

#### [ EXECUTIVE ORDER NO. 2023-20 ]

### Pennsylvania Behavioral Health Council

October 10, 2023

*Whereas*, the mental health and substance use crises are found in every neighborhood and community throughout the Commonwealth and the wellbeing of Pennsylvanians is of paramount importance to the Administration; and

*Whereas*, the co-occurring mental health illness and substance use disorders influence each other and present a greater risk for higher morbidity and mortality; increased treatment costs; and a higher risk for homelessness, incarceration, and suicides; and

*Whereas*, suicide is a serious public health problem among all age groups; however, it is the second-leading cause of death among youth, and over half (54.6%) of Pennsylvania's youth with major depression have not received any mental health treatment; and

*Whereas*, Safe2Say Something, a life-saving school safety program allowing for anonymous reporting, received 124,626 tips since the program's launch and identifies individuals who may be at risk of hurting themselves or others; and

*Whereas*, over half (51.9%) of Pennsylvania's adults with a mental illness have received no treatment and a quarter (25.7%) of all Pennsylvania's adults were unable to obtain the treatment they needed; and

*Whereas*, the healthcare delivery system is facing increased shortages of providers in vital roles that support people with mental health illnesses and substance use disorders; and

*Whereas*, the COVID-19 pandemic and its impact caused increased and severe mental health challenges, including loneliness, social isolation, acute stress, anxiety, depression, trauma, and loss; and

*Whereas*, this lack of mental health treatment and support for Pennsylvanians, especially our youth and those with intellectual and developmental disabilities and autism, has left emergency departments overwhelmed with people who seek or need a continuum of services, but who are unable to receive timely, affordable, and quality care elsewhere; and

*Whereas*, the Commonwealth recognizes that there are challenges to finding services, and there is a critical need to seek solutions that adequately address the overarching goals for timely access to mental health and substance use disorder care services and to build capacity for prevention, quality treatment and intervention, and recovery for Pennsylvanians; and

*Whereas*, it is essential that state agencies work collaboratively to remove silos and complex processes that prevent the integration of mental health and substance use disorder treatment with primary care services and maximize resources, reduce duplication, and address challenges to promote a holistic approach to improving health outcomes for all Pennsylvanians.

*Now, Therefore*, I Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of

the Commonwealth of Pennsylvania and other laws, do hereby establish the Pennsylvania Behavioral Health Council (hereinafter referred to as "Council") and do order and direct as follows:



*Governor*

**Fiscal Note:** GOV-2023-20. No fiscal impact; recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**

**Subchapter WWW. PENNSYLVANIA BEHAVIORAL HEALTH COUNCIL**

Sec.	
6.931.	Purpose.
6.932.	Responsibilities.
6.933.	Composition of the Pennsylvania Behavioral Health Council.
6.934.	Composition of the advisory committee.
6.935.	Relationship with other agencies.
6.936.	Implementation.
6.937.	Effective date.
6.938.	Termination date.

**§ 6.931. Purpose.**

The Pennsylvania Behavioral Health Council is established to:

- (1) Bring together this Commonwealth's leaders, local governments and community providers to develop and recommend to the Governor the implementation of a Statewide action plan that addresses how to deliver timely and quality mental health and addiction care services, in a culturally relevant, trauma-informed and recovery-oriented manner, through an evidence-based behavioral delivery system.
- (2) Provide recommendations and guidance on how to positively impact the lives of residents of this Commonwealth with mental health or substance use disorder needs, including what would be required for a resilient behavioral health delivery system.
- (3) Identify strategic long-term sustainable investments and policymaking initiatives and recommend concrete actions that could be taken to accomplish those initiatives.

**§ 6.932. Responsibilities.**

The Pennsylvania Behavioral Health Council (Council) shall have the following responsibilities consistent with Federal and State law:

- (1) Develop and recommend to the Governor a Statewide action plan which will create a roadmap to address any gaps in access, affordability and delivery of services.
- (2) Consider and address the following factors when developing the Statewide action plan:
  - (i) This Commonwealth's current behavioral health landscape, including but not limited to new and innovative care delivery models, workforce infrastructure, funding streams, regulatory enhancements, payment models and a data ecosystem to measure gaps in services.
  - (ii) Unmet health-related social needs, health inequities and integration with primary care and how care may be coordinated and provided to treat the whole person.
  - (iii) Collaboration between criminal justice systems, public safety networks and public health organizations to emulate models that have worked effectively at local levels.
  - (iv) Specific legislative, policy and investment recommendations that may materially advance the turnaround time in which individuals with mental health illness and substance use disorder are able to receive needed care or services.
  - (v) The availability of mental health services provided to historically underserved communities.

(3) Bring together State and local agencies, commissions or organizations engaged in the delivery of mental health and substance use disorder services to assist the Council with its purpose and responsibilities, as requested by the Council.

(4) Prepare and deliver to the Governor a Statewide action plan for his review.

(5) Oversee the implementation of the Statewide action plan, as instructed by the Governor.

**§ 6.933. Composition of the Pennsylvania Behavioral Health Council.**

(a) The members of the Pennsylvania Behavioral Health Council (Council) shall be appointed by and serve at the pleasure of the Governor.

(b) The Council shall consist of 33 members, including all of the following:

(1) The Secretary of Policy and Planning or the Secretary's designee.

(2) The Secretary of Human Services or the Secretary's designee.

(3) The Secretary of Health or the Secretary's designee.

(4) The Insurance Commissioner of the Commonwealth or the Commissioner's designee.

(5) The Secretary of Aging or the Secretary's designee.

(6) The Secretary of Drug and Alcohol Programs or the Secretary's designee.

(7) The Secretary of Education or the Secretary's designee.

(8) The Adjutant General of Military and Veterans Affairs or the Adjutant General's designee.

(9) The Commissioner of Pennsylvania State Police or the Commissioner's designee.

(10) The Secretary of Corrections or the Secretary's designee.

(11) The Secretary of State or the Secretary's designee.

(12) The Secretary of Agriculture or the Secretary's designee.

(13) The Executive Director of Pennsylvania Commission on Crime and Delinquency or the Executive Director's designee.

(14) The Secretary of Labor and Industry or the Secretary's designee.

(15) The Director of Digital Strategy at the Governor's Office or the Director's designee.

(16) The Pennsylvania Attorney General or the Attorney General's designee.

(17) Two members of the public with a lived experience, undergoing treatment services or in recovery from mental health illness or substance use disorders.

(18) A family member of an individual who receives mental health illness or substance use disorder treatment services, or both.

(19) Two representatives from county mental health offices, one from a rural county and one from an urban county.

(20) Two representatives from county drug and alcohol services, one from a rural county and one from an urban county.

(21) Two representatives from an area agency on aging, one from a rural county and one from an urban county.

(22) A clinician expert in child and family behavioral healthcare services who is actively practicing.

(23) A substance use disorder treatment specialist or an addiction specialist who is actively practicing.

(24) A primary care provider who is actively practicing.

(25) A clinician expert in treatment for people with co-occurring intellectual and developmental disabilities and autism and mental illness.

(26) Two members from the Pennsylvania House of Representatives.

(27) Two members from the Pennsylvania Senate.

(c) The Secretary of Policy and Planning or designee shall serve as chair and the Secretary of Human Services or designee shall serve as vice chair of the Council.

(d) The Governor shall appoint an executive director, who shall serve at the pleasure of the Governor. The executive director will be housed in the Governor's Office of Policy and Planning. The executive director shall prepare agendas, timelines and meeting schedules; convene and attend all meetings; assist the Council

with fulfilling its responsibilities under this subchapter; and act as the Council's liaison to the Governor's Office through the Governor's relevant designee.

(e) Council members may attend meetings in person or virtually, or through a combination thereof, at the discretion of the chairperson. In person or virtual participation shall be considered attendance for purposes of constituting a quorum.

(f) Council members appointed by the Governor and serving by virtue of their official position with the Commonwealth are those identified in subsection (b)(1)—(16). Other Council members appointed by the Governor will serve for a term of 2 years and may continue to serve until their successor is appointed.

(g) Members of the Council will serve without compensation for their work on the Council.

(h) The Council may assign tasks to the advisory committee, as needed.

**§ 6.934. Composition of the advisory committee.**

(a) The members of the advisory committee shall be appointed by and serve at the pleasure of the Governor. Advisory committee members shall serve for a term of 2 years and may continue to serve until their successor is appointed.

(b) The advisory committee shall bring industry knowledge, expertise, reports, findings and feedback from the communities they serve to assist the Pennsylvania Behavioral Health Council (Council) with its purposes as set forth in this subchapter, at the request of the Council.

(c) The executive director of the Council will serve as the chairperson of the advisory committee and may convene the advisory committee, as needed.

(d) The executive director of the Council will prepare agendas, timelines and meeting schedules for the advisory committee; convene and attend all meetings; assist the advisory committee with the completion of any assigned task; and report on a regular basis to the Council regarding the work being done by the advisory committee.

(e) The advisory committee shall consist of at least 20, but no more than 25, diverse members including the following:

- (1) One representative from the Juvenile Court Judges Commission.
- (2) One representative from the community-based health care services.
- (3) One representative from a managed care organization.
- (4) One representative from a rural and an urban county government that provides behavioral health and child welfare services.
- (5) One representative from a Statewide organization representing county commissioners.
- (6) One representative from the Office of Victim Advocate.
- (7) One representative from an organization representing county drug and alcohol administrators.
- (8) One representative from a Statewide organization representing social workers.
- (9) One representative from the courts of this Commonwealth who is a behavioral health administrator.
- (10) Five representatives from provider associations and community members, one from each of the Commonwealth's five regions (Southwest, Northwest, Central, Northeast and Southeast).
- (11) One representative from an organization representing domestic violence victims.
- (12) One representative from an organization representing sexual assault victims.
- (13) One representative from a Statewide organization representing area agencies on aging.
- (14) One representative from a community-based organization that provides services for independent living for individuals with disabilities.
- (15) One representative from an organization advocating for services to older adults.
- (16) One representative from community behavioral health care services.
- (17) Additional advisory committee members the Council deems necessary.

(f) The members of the advisory committee shall serve without compensation. Advisory committee members may attend meetings in-person or virtually, or through a combination thereof, at the discretion of the chair of the advisory committee.

**§ 6.935. Relationship with other agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Pennsylvania Behavioral Health Council to fulfill its responsibilities as set forth in this subchapter.

**§ 6.936. Implementation.**

This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other persons.

**§ 6.937. Effective date.**

This subchapter shall take effect immediately.

**§ 6.938. Termination date.**

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

[Pa.B. Doc. No. 23-1499. Filed for public inspection November 3, 2023, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### A Concurrent Resolution

(*Editor's Note:* House Resolution 197 of 2023 was signed in the Senate and the House of Representatives on October 23, 2023.)

Extending in whole the disaster emergency declared on June 12, 2023, and extended in whole by the General Assembly until November 1, 2023, in response to the collapse of the northbound bridge and severe compromise of the southbound bridge on Interstate 95 in the City of Philadelphia, Philadelphia County.

*Whereas*, On June 12, 2023, the Governor issued a proclamation declaring a disaster emergency in response to the collapse of the northbound bridge and severe compromise of the southbound bridge on Interstate 95 in the City of Philadelphia, Philadelphia County; and

*Whereas*, On June 11, 2023, a tanker truck fire erupted underneath a northbound and southbound bridge on Interstate 95 in the City of Philadelphia, Philadelphia County; and

*Whereas*, The fire led to the collapse of the northbound bridge and severe compromise of the southbound bridge; and

*Whereas*, The City of Philadelphia and surrounding political subdivisions continue to experience adverse impacts, including ongoing traffic disruption in and around the scene of the incident; and

*Whereas*, These adverse impacts are of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable State, county and municipal emergency response plans; and

*Whereas*, Recovery and rebuilding efforts in response to the damage caused by the incident remain ongoing; and

*Whereas*, On June 30, 2023, the Senate and the House of Representatives both adopted Senate Resolution 136 which extended in whole the declaration of disaster emergency until November 1, 2023; and

*Whereas*, Extending the disaster emergency declaration will ensure that the Commonwealth is eligible to receive emergency relief funding from the Federal Government to assist the Commonwealth recovery and rebuilding activities related to the collapse of the northbound bridge and severe compromise of the southbound bridge on Interstate 95; therefore be it

*Resolved* (the Senate concurring), That the General Assembly, in accordance with section 20(c) of Article IV of the Constitution of Pennsylvania, further extend in whole the disaster emergency declared on June 12, 2023, and extended in whole until November 1, 2023, an additional 120 calendar days from November 1, 2023, in response to the collapse of the northbound bridge and severe compromise of the southbound bridge on Interstate 95 in the City of Philadelphia, Philadelphia County, except as terminated or extended, in whole or in part, by the General Assembly; and be it further

*Resolved*, That, upon adoption of this concurrent resolution by both chambers of the General Assembly, the Secretary of the Senate and the Chief Clerk of the House of Representatives be directed to notify the Governor of the General Assembly's action; and be it further

*Resolved*, That the Secretary of the Senate and the Chief Clerk of the House of Representatives be directed to transmit this concurrent resolution to the Legislative Reference Bureau for publication in the next available issue of the *Pennsylvania Bulletin* as specified under 45 Pa.C.S. § 725(a)(4).

[Pa.B. Doc. No. 23-1500. Filed for public inspection November 3, 2023, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Rule of Judicial Administration 450; Administrative Order No. 22 of 2023

##### Order of Court

*And Now*, this 24th day of October, 2023, the Court hereby creates Rule 450 of the Adams County Rules of Judicial Administration as follows:

##### 450. Payment for Court Appointments.

A. This rule shall be applicable to assignments for which payment for services rendered are assigned by the Court to the County of Adams or to the parties, according to local procedure, including but not limited to the following services:

1. Court-appointed Counsel in criminal, civil, juvenile and orphans' court matters;
2. Custody Conciliator;
3. Divorce Hearing Officer;
4. Gagnon I Master;
5. Juvenile Hearing Master; and
6. Guardian Ad Litem in dependency, custody and support matters.

B. Compensation for the services noted within this rule shall be established from time-to-time by Administrative Order.

C. All court-appointed counsel, conciliators, hearing officers, masters and guardians are encouraged to submit motion for payment of services on a monthly or quarterly basis.

D. In all instances, court-appointed counsel, conciliators, hearing officers, masters and guardians shall submit motion for payment in the calendar year the service was rendered.

1. Motions for payment must be filed by January 7 of a given year for the work performed in the preceding year.

2. Failure to submit motion for payment by January 7 shall result in forfeiture of payment for services rendered.

3. Court-appointed counsel, conciliators, hearing officers, masters and guardians may petition the Court for special consideration if cause is presented as to a delay in submission of motion for payment.

E. This rule is not applicable when services are governed by separate agreement with the County of Adams.

The modification to this rule shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

a. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

b. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to adminrules@pacourts.us;

c. A copy of the proposed local rule(s) shall be published on the 51st Judicial District website;

d. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

e. The effective date of the local rule(s) shall be 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

MICHAEL A. GEORGE,  
*President Judge*

[Pa.B. Doc. No. 23-1501. Filed for public inspection November 3, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CLINTON COUNTY

#### Local Rules 1915.26, 1915.27, 1920.51, 1920.55-1 and 1920.55-2; No. AD-1268-2023

##### Administrative Order of Court

*And Now*, this 23rd day of October, 2023, the Court hereby adopts the following Local Rules 1915.26, 1915.27, 1920.51, 1920.55-1, and 1920.55-2, effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

Erin Karmen, Esquire, Judicial Law Clerk, is Ordered and Directed to do the following:

1. File one (1) copy of this Order and the following Local Rules 1915.26, 1915.27, 1920.51, 1920.55-1, and 1920.55-2 with the Administrative Office of Pennsylvania (AOPC) via email to adminrules@pacourts.us.

2. File one (1) copy of this Order and the following Local Rules 1915.26, 1915.27, 1920.51, 1920.55-1, and 1920.55-2 with the Legislative Bureau for publication in The *Pennsylvania Bulletin*.

3. Publish a copy of this Order and the following Local Rules 1915.26, 1915.27, 1920.51, 1920.55-1, and 1920.55-2 on the Clinton County Court website.

*By the Court*

CRAIG P. MILLER,  
*President Judge*

##### Rule 1915.26. Conciliation Conference.

(a) The Court shall refer all actions for custody of minor children to a Custody Conciliator for purposes of a conciliation conference. Applicable Pennsylvania and local Custody Rules shall be followed.

(b) The Custody Conciliator shall be an attorney of law authorized to practice before the Supreme Court of Pennsylvania and shall be appointed to such position by the President Judge of the Court of Common Pleas of Clinton County. The Custody Conciliator shall not practice family law before a Judge, conference officer, or hearing officer employed in the 25th Judicial District.



(c) The Custody Conciliator shall attempt to resolve the differences between the parties, encourage amicable resolution of those differences and may recommend mediation, or counseling services to the parties. Any resolution of the custody dispute shall be reduced to writing, signed by the parties and counsel, for approval and entry as an Order of the Court.

(d) The Custody Conciliator may conduct an informal hearing, take testimony of the parties under oath, and hear the position of the parties relative to custody. The Custody Conciliator shall have the right to conduct oral examination of the child who is the subject matter of the proceeding. No other witnesses shall be permitted, except in extraordinary cases, and at the discretion of the Custody Conciliator. The testimony shall not be recorded or transcribed. The Custody Conciliator shall not be bound by technical rules of evidence and all evidence of reasonably probative value may be received. The Custody Conciliator shall consider the Court Ordered written evaluations of experts. The hearing shall not be considered a hearing of the type permitted by Pa.R.Civ.P. 1915.4-1 but shall be considered an extension of the conciliation process.

(e) The proceeding shall be concluded on the date fixed for said proceeding, except that the Custody Conciliator may continue the proceeding to a date certain for good cause shown, or to obtain, investigate or evaluative reports from a social service agency or a private provider.

(f) Any investigative or evaluative reports ordered and/or obtained may be considered by the Custody Conciliator.

(g) If a written settlement is not reached, by stipulation, the Custody Conciliator shall file a recommended interim order. At the discretion of the Custody Conciliator, the Custody Conciliator may also file a written report.

(h) Upon receipt of the recommended interim order and any other document from the Custody Conciliator, the Court may issue the interim order, and schedule the matter for a pretrial conference, and/or schedule the matter for a final hearing before the Court.

**Rule 1915.27. Nonappearance at Proceeding before Custody Conciliator.**

(a) If a plaintiff/petitioner fails to appear, without proper cause shown, at the conciliation conference before the Custody Conciliator, and the Custody Conciliator is satisfied that proper notice of the order giving the date and time for the conciliation conference has been given to the plaintiff/petitioner, the Custody Conciliator shall recommend to the Court that an order be entered dismissing the complaint or petition to modify with respect to that party.

(b) If a defendant/respondent or any party joined in the case fails to appear, without proper cause shown, at the conciliation conference before the Custody Conciliator, and the Custody Conciliator is satisfied that proper service of the order has been given to the defendant/respondent or the non-appearing party, it shall be presumed that said party has agreed to a conciliation in that party's absence, and the Custody Conciliator shall proceed and recommend an order to be entered by the Court.

(c) If all parties fail to appear at a conciliator conference before the Custody Conciliator, and the Custody Conciliator is satisfied that proper service has been given to parties, the Custody Conciliator shall recommend to

the Court that an Order be entered dismissing the custody complaint or the petition to modify custody order.

**Rule 1920.51. Hearing by Permanent Hearing Officer.**

(a) The Court of Common Pleas of Clinton County shall appoint a Hearing Officer to hear the following issues concerning divorce matters pending before the Court:

- (1) Alimony;
- (2) Equitable Distribution of Marital Property;
- (3) Counsel Fees;
- (4) Costs and Expenses;
- (5) Divorce pursuant to § 3301(a) or § 3301(b) of the Divorce Code; and

(6) Any allegations in any Counter-Affidavit denying the averments in the Affidavit and action under § 3301(c)(2) or § 3301(d) of the Divorce Code, including the date of separation.

(b) Any party may request a hearing before the Hearing Officer on the above issues by filing a motion in the Office of Prothonotary requesting that the Court Administrator schedule said proceeding.

**Rule 1920.55-1. Continuance Requests and Hearing Officer's Report.**

(b) The Hearing Officer shall file a report as provided by Pa.R.Civ.P. 1920.53 and 1920.54(a). Any request for a continuance of any proceeding before the Hearing Officer shall be filed with the Office of Prothonotary directed to the Office of Court Administrator.

**Rule 1920.55-2. Hearing Officer Procedure.**

The Court adopts the procedures as set forth in Pennsylvania Rule of Civil Procedure 1920.55-2.

[Pa.B. Doc. No. 23-1502. Filed for public inspection November 3, 2023, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on October 12, 2023, pursuant to Rule 214(d)(5), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Peter Andrew Galick (# 316665) be placed on Temporary Suspension from the practice of law, effective November 11, 2023. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Prothonotary*

[Pa.B. Doc. No. 23-1503. Filed for public inspection November, 3, 2023, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF CHIROPRACTIC

#### [ 49 PA. CODE CH. 5 ]

#### Child Abuse Reporting Requirements

The State Board of Chiropractic (Board) amends §§ 5.1, 5.12, 5.13, 5.17, 5.20 and 5.91—5.96, and adds §§ 5.97 and 5.98 (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 302(3) of the Chiropractic Practice Act (63 P.S. § 625.302(3)) sets forth the Board's general rulemaking authority. Under 23 Pa.C.S. Chapter 63 (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 Need for this Final-Form Rulemaking*

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, and were implemented as of that date. This final-form rulemaking is required to update the Board's regulations on the subject of child abuse reporting to comport to the numerous amendments made to the CPSL, and to incorporate the mandatory training requirements required by Act 31.

#### *Summary and Response to Comments*

Notice of the proposed rulemaking was published at 52 Pa.B. 6861 (November 5, 2022). Publication was followed by a 30-day public comment period during which the Board received no public comments. Additionally, there were no comments received from the Independent Regulatory Review Commission (IRRC) other than to say that they have no objections, comments or recommendations to offer. IRRC further advised that if the final-form rulemaking is delivered without revisions, and the committees do not take any action, it will be deemed approved. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. For these reasons, the Board made no changes to this final-form rulemaking.

#### *Fiscal Impact and Paperwork Requirements*

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to this final-form rulemaking. Because licensees are already required

to complete mandatory continuing education, and the 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 June 30, 2023, the Board submitted a copy of this rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the SCP/PLC and the HPLC. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has made no revisions based on a lack of comments received from the public, IRRC, the HPLC and the SCP/PLC.

Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on September 20, 2023, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective September 20, 2023.

#### *Additional Information*

Additional information may be obtained by writing to Shakeena Chappelle, Board Administrator, State Board of Chiropractic, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-CHIROPRACTIC@pa.gov.

#### *Findings*

The State Board of Chiropractic 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 under those sections at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and no comments were received.

(3) Amendments were not made to this final-form rulemaking and therefore the final-form rulemaking does not enlarge the original purpose of the proposed rulemaking published at 52 Pa.B. 6861.

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

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 5, are amended by amending §§ 5.1, 5.12, 5.13, 5.17, 5.20 and 5.91—5.96, and adding §§ 5.97 and 5.98 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

WILLIAM AUKERMAN, DC,  
*Chairperson*

(*Editor’s Note:* See 53 Pa.B. 6319 (October 7, 2023) for IRRC’s approval.)

**Fiscal Note:** Fiscal Note 16A-4322 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 5. STATE BOARD OF CHIROPRACTIC**

**Subchapter A. GENERAL PROVISIONS**

**§ 5.1. Definitions.**

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

*Act*—The Chiropractic Practice Act (63 P.S. §§ 525.101—625.1106).

*Approved chiropractic college*—A chiropractic college approved in accordance with section 303 of the act (63 P.S. § 625.303).

*Board*—The State Board of Chiropractic of the Commonwealth.

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

*Bureau*—The Bureau of Professional and Occupational Affairs of 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 these 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 the 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), where 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.

*Chiropractic specialty*—A specialized area of chiropractic in which a licensee has achieved certification or diplomate status through a program approved by an approved chiropractic college that has established valid standards acceptable to the Board for the achievement of certification or diplomate status.

*Licensee*—An individual holding an unrestricted license to practice chiropractic granted by the Board in accordance with the act and this chapter.

*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 chiropractors.

*NBCE*—The National Board of Chiropractic Examiners.

*National Board of Examination*—An examination developed, prepared, administered and graded by the NBCE.

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

*Perpetrator*—A person 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) A person 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.

**Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND REGISTRATION PROVISIONS**

**§ 5.12. Licensure by examination.**

\* \* \* \* \*

(c) The applicant shall provide proof that the applicant has obtained professional liability insurance in accordance with § 5.41 (relating to certification of professional liability insurance). It is sufficient if the applicant files with the application a copy of a letter from the applicant's professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant's license to practice chiropractic in this Commonwealth. Upon issuance of the license, the licensee has 30 days to submit to the Board the certificate of insurance or a copy of the policy declaration page as described in § 5.41. The effective date of this subsection is September 1, 1988.

(d) The applicant shall submit, or cause to be submitted, evidence of having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 5.97(a) (relating to child abuse recognition and reporting—mandatory training requirement).

**§ 5.13. Licensure by reciprocity.**

\* \* \* \* \*

(d) The applicant shall provide proof that the applicant has obtained professional liability insurance in accordance with § 5.41 (relating to certification of professional liability insurance). It is sufficient if the applicant files with the application a copy of a letter from the applicant's professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant's license to practice chiropractic in this Commonwealth. Upon issuance of the license, the licensee has 30 days to submit to the Board the certificate of insurance or copy of the policy declaration page as described in § 5.41. The effective date of this subsection is September 1, 1988.

(d.1) The applicant shall submit, or cause to be submitted, evidence that the applicant has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 5.97(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(e) The Board may deny an application for licensure by reciprocity as provided in section 506(a) of the act (63 P.S. § 625.506(a)).

**§ 5.17. Biennial registration; unregistered status and inactive status; failure to renew; address of record.**

\* \* \* \* \*

(f) An application for biennial registration shall contain the following information in the manner indicated on the application form:

\* \* \* \* \*

(3) Proof of attendance at continuing education courses during the previous biennial registration period as required by section 507 of the act (63 P.S. § 625.507) and § 5.14 (relating to certification to use adjunctive procedures), if proof was not filed by the expiration of that biennial registration period.

(4) Verification that the applicant has completed at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 5.97(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(g) A licensee failing to file biennial registration application or pay the required registration fee by the registration date will have the license classified as unregistered. As long as a licensee holds an unregistered license, the licensee is not permitted to practice in this Commonwealth. A licensee who does so when the license was unregistered will be required to pay a penalty fee of \$5 for each month or part of a month since the expiration of the biennial registration and may be subject to disciplinary proceedings before the Board or criminal prosecution, or both.

\* \* \* \* \*

(j) To renew an inactive or unregistered license, a licensee shall file an application for biennial registration, pay the current and back registration and penalty fees which are due, submit a notarized affidavit setting forth the time in which the licensee did not practice in this Commonwealth, submit a resumé of activities since the license was last registered, submit a letter of good standing from another state where the licensee has been practicing and submit evidence of compliance with continuing education, including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 5.97(b), and professional liability insurance requirements in accordance with the act and this chapter.

\* \* \* \* \*

**§ 5.20. Volunteer license.**

\* \* \* \* \*

(c) *Applications.* An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide, or cause to be provided:

\* \* \* \* \*

(2) A letter signed by the director or chief operating officer of an approved clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(3) Verification that the applicant has completed at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 5.97(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(d) *Validity of license.* A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period,

the volunteer license holder shall notify the Board of any change in clinic or volunteer status within 30 days of the date of the change, or at the time of renewal, whichever occurs first.

(e) *Biennial renewal.* A volunteer license shall be renewed biennially on forms provided by the Board.

(1) As a condition of biennial renewal, the applicant shall satisfy the same continuing education requirements as a holder of an active, unrestricted license, including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 5.97(b).

(2) The applicant shall be exempt from § 5.6 (relating to fees) pertaining to the biennial renewal fee and shall be exempt from section 508 of the Chiropractic Practice Act (63 P.S. § 625.508) with regard to the maintenance of liability insurance coverage under section 701 of the Health Care Services Malpractice Act (40 P.S. § 1301-701).

\* \* \* \* \*

### Subchapter I. CHILD ABUSE REPORTING REQUIREMENTS

#### § 5.91. 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 chiropractors 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 for the mandated reporter to make a report of suspected child abuse.

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

(b) *Staff members of public or private agencies, institutions and facilities.* Whenever a licensed chiropractor 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 chiropractor 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 which the Department of Human Services may require by regulation.

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

#### § 5.92. Photographs, medical tests and X-rays of child subject to report.

A chiropractor required to report suspected child abuse 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 § 5.91(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. § 6340(a)(9) or (10) (relating to release of information in confidential reports).

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

A chiropractor 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.

**§ 5.94. Immunity from liability.**

(a) Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a chiropractor 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 chiropractor's actions. For the purpose of any civil or criminal proceeding, the good faith of the chiropractor shall be presumed.

(b) The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a chiropractor's actions under §§ 5.91—5.93 (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).

**§ 5.95. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 5.91—5.94 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 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.

**§ 5.96. Noncompliance.**

(a) *Disciplinary action.* A chiropractor who willfully fails to comply with the reporting requirements in §§ 5.91—5.93 (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 506(a)(9) and (13) of the act (63 P.S. §§ 625.506(a)(9) and (13)).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a chiropractor 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:

(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 an individual suspected of child abuse continues while the mandated reporter knows or has reasonable cause to suspect that 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.

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

(a) Except as provided in subsection (c), individuals applying to the Board for an initial license shall complete 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 § 5.98 (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 § 5.98. 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 also 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 subsection (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 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 subsection (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 a 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.

**§ 5.98. 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 shall 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) All 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 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 individual, entity or organization 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. 23-1504. Filed for public inspection November 3, 2023, 9:00 a.m.]

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

### **STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE**

**[ 49 PA. CODE CH. 42 ]**

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

The State Board of Occupational Therapy Education and Licensure (Board) hereby amends its regulations at 49 Pa. Code §§ 42.13—42.16, 42.41—42.47 and 42.53 and adds §§ 42.48 and 42.49 (relating to child abuse recognition and reporting—mandatory training requirements; 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 5(b) of the Occupational Therapy Practice Act (act) (63 P.S. § 1505(b)) sets forth the Board's general rulemaking authority. Under 23 Pa.C.S. Chapter 63 (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 Need for this Final-Form Rulemaking*

Since 2014, the General Assembly has made numerous amendments to the CPSL, including the addition of 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, and were implemented as of that date. This final-form rulemaking is required to update the Board's regulations on the subject of child abuse reporting to comport to the numerous amendments made to the CPSL and to incorporate the mandatory training requirements required by Act 31.

Specifically, the Board is amending §§ 42.13—42.15 (relating to application for licensure; foreign-educated applicants; and application for temporary license) to incorporate the requirement for all applicants to complete, as a condition of licensure, 3 hours of training in child abuse recognition and reporting as required by Act 31. Similarly, the Board is amending §§ 42.16 and 42.53 (relating to biennial renewal; inactive status; failure to renew; and continued competency requirements) to set forth the requirement that licensees applying for biennial renewal or reactivation complete at least 2 hours of continuing education in child abuse recognition and reporting as a condition of renewal or reactivation.

The Board is making comprehensive amendments to the Board's existing child abuse reporting requirements

at §§ 42.41—42.47 to comport to the numerous amendments made to the CPSL since 2014. In addition, the Board is adding two new sections setting forth the mandatory training requirements in section 6383(b)(3)(i) and (ii) of the CPSL. Section 42.48 (relating to child abuse recognition and reporting—mandatory training requirement) sets forth the requirements that all individuals applying for an initial license are required to complete 3 hours of approved training in child abuse recognition and reporting and that all licensees seeking renewal of a license are required to complete at least 2 hours of continuing education in child abuse recognition and reporting as a requirement of renewal. This section also includes the process for applying for an exemption from the mandatory training requirements as set forth in section 6383(b)(4) and (6) of the CPSL, for individuals who have already completed similar training or who otherwise should be exempt from the training requirements.

Finally, the Board is adding § 42.49 (relating to child abuse recognition and reporting course approval process) to set forth the process developed by the Bureau of Professional and Occupational Affairs (Bureau), in conjunction with the Department of Human Services, for individuals, entities and organizations to apply for approval to deliver training required under Act 31. To be approved to provide Act 31 training in child abuse recognition and reporting, an individual, entity or organization must be able to report participation/attendance electronically to the Bureau so that the completion of the training is automatically imported into the applicant's or licensee's record with the Board at the time the course is completed.

#### *Summary and Response to Comments*

Notice of the proposed rulemaking was published at 52 Pa.B. 6560 (October 22, 2022). Publication was followed by a 30-day public comment period during which the Board received no public comments. Additionally, there were no comments received from the Independent Regulatory Review Commission (IRRC) other than to say that they have no objections, comments or recommendations to offer. IRRC further advised that if the final form rulemaking is delivered without revisions, and the committees do not take any action, it will be deemed approved. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments.

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

Upon review of the proposed rulemaking as published, an error was noticed which is now being corrected in this final-form rulemaking. Specifically, § 42.48(d) (relating to child abuse recognition and reporting—mandatory training requirement) provides for exemptions from the mandatory training requirement. The last sentence was incomplete as published. It was intended to clarify that if an exemption is denied, the Board will e-mail the applicant or licensee a 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. The second alternative was inadvertently omitted from the proposed rulemaking as published and is added to this final-form rulemaking. No other changes were made.

*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 continued competency requirements, and the 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 training providers of the mandatory training in child abuse recognition and reporting are required to report participation/attendance 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 August 1, 2023, the Board submitted a copy of this rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the SCP/PLC and the HPLC. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has made no revisions based on a lack of comments received from the public, IRRC, the HPLC and the SCP/PLC.

Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on September 20, 2023, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 21, 2023, and approved the final-form rulemaking.

*Additional Information*

Additional information may be obtained by writing to Paul Keller, Board Administrator, State Board of Occupational Therapy Education and Licensure, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-OCCUPATIONAL@pa.gov.

*Findings*

The State Board of Occupational Therapy Education and Licensure 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 under those sections at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and no comments were received.

(3) Amendments made to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 52 Pa.B. 6560.

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

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 42, are amended by amending §§ 42.13—42.16, 42.41—42.47 and 42.53 and adding §§ 42.48 and 42.49 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

KERRI L. HAMPLE, OTD, OTR/L,  
Chairperson

(*Editor's Note:* See 53 Pa.B. 6319 (October 7, 2023) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 16A-679 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 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE****LICENSURE****§ 42.13. Application for licensure.**

(a) To apply for licensure, an applicant shall pay the required fee and submit or cause to be submitted evidence satisfactory to the Board, on forms provided by the Board, that the applicant meets the following criteria:

\* \* \* \* \*

(4) Has passed the licensure examination or has qualified for a waiver of the licensure examination under § 42.12 (relating to waiver of licensure examination).

(5) Has completed 3 hours of approved training in child abuse recognition and reporting in accordance with § 42.48 (relating to child abuse recognition and reporting—mandatory training requirement).

(b) In addition to the requirements in subsection (a), an applicant for an occupational therapist license shall submit one of the following:

(1) Proof that the applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

\* \* \* \* \*

**§ 42.14. Foreign-educated applicants.**

(a) To apply for licensure, the foreign-educated applicant shall, before examination, submit or cause to be

submitted evidence to the Board, on forms provided by the Board, that the applicant meets the following requirements:

- (1) Is of good moral character.
- (2) Has completed educational requirements substantially equal to § 42.13(2) (relating to application for licensure). The Board will accept a credentials evaluation done by the NBCOT as proof that the foreign-educated applicant has completed the educational requirements.
- (3) Has completed 3 hours of approved training in child abuse recognition and reporting in accordance with § 42.48 (relating to child abuse recognition and reporting—mandatory training requirement).
- (b) The foreign-educated applicant may be licensed by the Board if the applicant has complied with subsection (a) and has met one of the following criteria:

- (1) Passed the licensure examination.
- (2) Qualified for a waiver of the licensure examination under § 42.12 (relating to waiver of licensure examination).

\* \* \* \* \*

§ 42.15. Application for temporary license.

\* \* \* \* \*

(d) In addition to the requirements in subsection (a) or subsection (c), an applicant for a temporary license as an occupational therapist shall submit one of the following:

- (1) Proof that the applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).
- (2) A letter from the applicant’s insurance carrier indicating that the applicant will be covered against professional liability in the amount specified in § 42.61(a) upon issuance of the applicant’s temporary license.
- (3) A certification from the applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment, provided that the applicant does not practice occupational therapy prior to the beginning of employment.

(e) In addition to the requirements in subsection (a) or subsection (c), an applicant for a temporary license as an occupational therapist shall complete, as a condition of licensure, 3 hours of approved training in child abuse recognition and reporting in accordance with § 42.48 (relating to child abuse recognition and reporting—mandatory training requirement).

§ 42.16. Biennial renewal; inactive status; failure to renew.

\* \* \* \* \*

(c) To retain the right to engage in practice, the licensee shall renew the licensee’s license biennially as follows:

- (1) An occupational therapist shall complete the biennial renewal application, pay the required fee, certify completion of the continued competence requirement as specified in § 42.53 (relating to continued competency requirements), submit or cause to be submitted documentation verifying the completion of at least 2 hours of approved continuing education in child abuse recognition and reporting in accordance with § 42.48(b) (relating to child abuse recognition and reporting—mandatory training requirement) and certify maintenance of the required professional liability insurance coverage as specified in § 42.61 (relating to professional liability insurance re-

quirement) which must include the insurance company name and policy number, as applicable.

- (2) An occupational therapy assistant shall complete the biennial renewal application, pay the required fee, certify completion of the continued competence requirement as specified in § 42.53 and submit or cause to be submitted documentation verifying the completion of at least 2 hours of approved continuing education in child abuse recognition and reporting in accordance with § 42.48(b).

\* \* \* \* \*

(g) A licensee who is applying to return to active status is required to pay fees which are due and submit or cause to be submitted all of the following:

- (1) A sworn statement stating the period of time during which the licensee was not engaged in practice in this Commonwealth.
- (2) A resume of professional activities since the most recent licensure.
- (3) A letter of good standing from another state or territory where the licensee is currently licensed or registered to practice, if applicable.

(4) Proof of professional liability insurance coverage as set forth in § 42.61 if applying to reactivate an occupational therapist license.

(5) Verification of completion of at least 2 hours of approved continuing education in child abuse recognition and reporting in accordance with § 42.48(b).

(h) The applicant for licensure renewal will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not engage in practice in this Commonwealth.

\* \* \* \* \*

CHILD ABUSE REPORTING REQUIREMENTS

§ 42.41. Definitions relating to child abuse reporting requirements.

The following words and terms, when used in this section and §§ 42.42—42.49 (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 occupational therapists and occupational therapy assistants.

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

*Perpetrator*—A person who has committed child abuse as defined in this section.

(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.

**§ 42.42. 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), licensees of the Board are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the licensee 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 in order for the mandated reporter to make a report of suspected child abuse.

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

(b) *Staff members of public or private agencies, institutions and facilities.* Whenever a 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.* A licensee 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 (relating 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.* The following information shall be included in the written or electronic reports, 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.

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

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

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

A licensee 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 § 42.42(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. § 6340(a)(9) or (10) (relating to release of information in confidential reports).

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

A licensee 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.

**§ 42.45. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a licensee 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 licensee's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensee 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 §§ 42.42—42.44 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of a child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

**§ 42.46. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 42.42—42.44 (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 provisions in § 42.24(1)(iv) (relating to code of ethics) 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 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.

**§ 42.47. Noncompliance.**

(a) *Disciplinary action.* A licensee who willfully fails to comply with the reporting requirements in §§ 42.42—42.44 (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 16 of the act (63 P.S. § 1516).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a licensee 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 con-

victed 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.

**§ 42.48. 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 § 42.49 (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 § 42.49. 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 a license issued by another licensing Board within the Bureau that also 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 subsection (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 subsection (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 a 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 the 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 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.

**§ 42.49. 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) All 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 a 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 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 individual, entity or organization 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.

#### CONTINUED COMPETENCY

##### 42.53. Continued competency requirements.

(a) Beginning with the July 1, 2013—June 30, 2015, biennium, an occupational therapist shall complete a minimum of 24 contact hours in each biennial period in acceptable continued competency activities listed in § 42.55 (relating to acceptable continued competency activities) as a condition of licensure renewal. Beginning with the July 1, 2019—June 30, 2021, biennium, an occupational therapy assistant shall complete a minimum of 24 contact hours in each biennial period in acceptable continued competency activities listed in § 42.55 as a condition of licensure renewal. At least 2 hours of the required 24 hours shall be completed in child abuse recognition and reporting in accordance with § 42.48 (relating to child abuse recognition and reporting—mandatory training requirement).

(b) With the limited exception of the 2 hours of mandated training in child abuse recognition and reporting, a licensee is exempt from complying with subsection (a) for the first biennial renewal period following initial licensure.

(c) A licensee seeking to reactivate a lapsed or inactive license shall show compliance with the continued competency contact hour requirement, including at least 2 hours of training in child abuse recognition and reporting, during the 2-year period immediately preceding application for reactivation.

(d) As a condition of reinstatement, a licensee whose license has been suspended or revoked shall complete the required continued competency contact hours for each licensure biennium in which the license was suspended or

revoked, including at least 2 hours of approved training in child abuse recognition and reporting.

[Pa.B. Doc. No. 23-1505. Filed for public inspection November 3, 2023, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CH. 143 ]

#### Hunting and Furtaker Licenses; Appointment of Agents

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 16, 2023, meeting amended §§ 143.21, 143.23, 143.24, 143.27, 143.28 and 143.30 and deleted §§ 143.22, 143.25 and 143.26 to reduce issuing agent application fees, minimum annual sales quotas and annual bonding rates.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 5001 (August 12, 2023).

##### 1. Purpose and Authority

The Commission recently conducted an evaluation of its issuing agent program looking for ways to decrease costs and requirements applied to this group. This effort is, in part, related to the Commission's recognition of the significant impact that changes to its license sales process have had on issuing agents in the form of reduced license sales opportunities and increased business costs. For these reasons, the Commission amends §§ 143.21, 143.23, 143.24, 143.27, 143.28 and 143.30 and deletes §§ 143.22, 143.25 and 143.26 to reduce issuing agent application fees, minimum annual sales quotas and annual bonding rates.

Former regulations set the annual issuing agent application fee at \$500. First-year issuing agents were eligible to apply for application fee rebates of up to \$400 depending on the number of licenses they sold throughout the license year. However, few first-year issuing agents recouped more than \$100 to \$200 in rebates each year. Moreover, the \$500 application fee figure was set at a time that predated the availability of Internet license sales and onsite license printing for in-person sales that are now current standards. Due to the updates and advances in the licensing system process and infrastructure over the past decade, the Commission determined that it could safely lower costs to issuing agents by reducing the annual issuing agent application fee from \$500 to \$200 without creating any unreasonable risk to the Commission. Furthermore, this change mitigated the need for the Commission to maintain the existing rebate program, thus allowing the applicable regulations to be simplified by elimination of regulatory text.

Former regulations also required an issuing agent applicant to acquire and maintain an \$18,000 bond. This bonding rate was set at a time when pre-printed paper licenses were sent to issuing agents to cover the Commission's significant investment in the value of the paper license stock, as well as the resulting fees collected by issuing agents. After the Commission's migration to the



current onsite printable licenses, its investment in license paper stock has significantly reduced. Furthermore, the Commission's migration to weekly electronic funds transfers has also reduced the Commission's financial risk associated with collection of the revenues generated by license and permit sales. Lastly, of the few instances in the past 2 years where the Commission collected against an agent's bond, the claims fell well below the \$18,000 figure. Due to all the updates and advances in the licensing system process and infrastructure over the past decade, the Commission determined that it could safely lower costs to issuing agents by reducing the annual bonding rate from \$18,000 to \$11,000 without creating any unreasonable risk to the Commission.

As an added measure to reduce requirements on issuing agents, the Commission determined it appropriate to reduce the annual minimum sales requirement from 50 to 25 license products per year. The changes will also allow mentored hunting permits to be included in an issuing agent's sales figures. Lastly, the Commission determined that it is no longer necessary to maintain the limited November 1 through March 31 application window for issuing agent applications due to the advances in technology and license issuance processes. Allowing applications year-round will give issuing agent applicants greater access without creating any unreasonable burdens on the Commission. It is worth noting that the Commission amended its original proposal to delete § 143.28, by replacing the deletion with the addition of new text specifically authorizing year-round submission of issuing agent applications. This amendment should provide greater clarity on the authorized period of application.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that the Commission shall adopt regulations for "[t]he administration, control and performance of activities conducted pursuant to the provisions of this chapter." The amendments to §§ 143.21, 143.23, 143.24, 143.27, 143.28 and 143.30 and deletion of §§ 143.22, 143.25 and 143.26 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends §§ 143.21, 143.23, 143.24, 143.27, 143.28 and 143.30 and deletes §§ 143.22, 143.25 and 143.26 to reduce issuing agent application fees, minimum annual sales quotas and annual bonding rates.

3. *Persons Affected*

Persons wishing to become an issuing agent within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received on this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional paperwork for the Commission or its issuing agents. However, this final-form rulemaking will result in significant reductions in costs to the Commission's issuing agents in the form of reduced application fees and bonding rates.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information about this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.21, 143.23, 143.24, 143.27, 143.28 and 143.30 and deleting §§ 143.22, 143.25 and 143.26 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-500 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTKAKER LICENSES**

**Subchapter B. APPOINTMENT OF AGENTS**

**§ 143.21. Appointment of agents.**

A person desiring appointment as an agent shall apply to the Commission on the form provided. An application fee of \$200 is required for each location, in the form of a negotiable check or money order payable to "Pennsylvania Game Commission." The completed application, along with the application fee, shall be forwarded to: Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**§ 143.22. [Reserved].**

**§ 143.23. Minimum sales requirement.**

To continue as an agent, a minimum of 25 license or permit products shall be sold each license year. Qualifying licenses, for the purpose of calculating 25 hunting licenses, will be the regular resident, nonresident hunting and furtakers licenses and mentored hunting permits. Archery, muzzleloader, bear, special wild turkey, migratory game bird and replacement licenses are not included

as qualifying licenses. In addition, an agent shall continue to meet the requirements in § 143.27 (relating to conditions for appointment).

**§ 143.24. Fee for reapplication.**

If an agent sells less than the required 25 qualifying licenses in a given license year, and is removed by the Commission, or if an agent voluntarily withdraws, a subsequent reapplication requires payment of the application fee.

**§ 143.25. [Reserved].**

**§ 143.26. [Reserved].**

**§ 143.27. Conditions for appointment.**

A person desiring consideration for appointment as an agent shall meet the following conditions:

- (1) Be a resident of this Commonwealth or an entity registered to do business in this Commonwealth.
- (2) Operate a bona fide sporting goods sales outlet where the public expects to find this service.
- (3) Be open to the public during reasonable daylight and evening hours.
- (4) Not operate on a seasonal or part-time basis.
- (5) Agree to and demonstrate ability to provide full license service and cooperation to the public throughout the entire license sales period, and keep records required by the Commission and by statute.
- (6) Provide security to the Commission in an amount of at least \$11,000.

**§ 143.28. Application period.**

A person requesting appointment as an agent may submit the appropriate completed application form to the Commission in Harrisburg at any time through the license year.

**§ 143.30. Notice of disapproved applications.**

The Commission will provide prompt written notice of its disapproval of an application submitted under this subchapter and return the application fee to the applicant.

[Pa.B. Doc. No. 23-1506. Filed for public inspection November 3, 2023, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

#### [ 58 PA. CODE CHS. 461a AND 469a ]

#### Slot Machine, Table Game and Associated Equipment Testing and Control; Accounting and Internal Controls; Private Testing and Certification Facilities

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1320(b.1), 13A41(b.1), 13B02, 13C02 and 3302, amends Chapter 461a (relating to slot machine and table game device testing and control) and adds Chapter 469a (relating to private testing and certification facilities) to read as set forth in Annex A.

#### *Purpose of this Final-Form Rulemaking*

This final-form rulemaking amends and adds to the existing body of regulation to provide standards for the registration of Private Testing and Certification Facilities in the Commonwealth.

#### *Explanation*

Chapter 461a is amended to provide procedures for the testing of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment at private testing and certification facilities. Previously this chapter only applied to slot machines, table game devices and associated equipment. However, with the gaming expansion in the amendments to the Pennsylvania Race Horse and Development and Gaming Act (4 Pa.C.S. §§ 1101—1904) to include interactive gaming, sports wagering and video gaming, the addition of these forms of games and gaming equipment to the testing requirements was necessary.

In addition to adding interactive gaming, sports wagering and video gaming, § 461a.3 (relating to testing and approval of games and gaming devices, generally) is amended to become inclusive of the games and gaming devices which were authorized as part of the 2017 gaming expansion. Additional amendments include appropriate cross references to interactive gaming, sports wagering and video gaming terminal sections of the Board's regulations. Subsection (e) is added to authorize testing of gaming devices at registered private testing and certification facilities (independent testing labs). Subsection (f) is added to clarify the process by which gaming devices that have been reviewed by approved independent labs shall become available for play in this Commonwealth.

Section 461a.4 (relating to submission for testing and approval) is amended to become inclusive of the games and gaming devices which were authorized as part of the 2017 gaming expansion. Subsection (g)(11) is added to provide required submission of a detailed report after an independent test lab review. Subsections (p), (q), (r) and (s) are added to provide for the abbreviated review and approval process required by 4 Pa.C.S. §§ 1320(b.1) and 13A41(b.1) (relating to slot machine testing and certification standards; and table game device and associated equipment testing and certification standards). Additionally, under these provisions, the Board's Executive Director shall approve or deny a completed submission to the Office of Gaming Laboratory Operations within 30 days of the submission when the game or gaming device submitted for testing has been reviewed by a private testing and certification facility. If the Office of Gaming Laboratory Operations requires more time to complete the review of the report from the testing facility, or the submission is deemed not complete, the 30 days may be tolled.

Chapter 469a is added to the Board's regulations. This chapter provides for the registration of a private testing and certification facility as a Registered Gaming Service Provider and sets forth the standards and requirements for registration. Section 469a.1 (relating to private testing and certification facilities generally) sets forth the general provisions of use of a private testing and certification facility by a manufacturer or gaming-related gaming service provider. Section 469a.2 (relating to registration of private testing and certification facilities) provides the registration process for private testing and certification facilities, including application requirements for both the entity and individuals who own or are in a position of authority of the facility. Section 469a.3 (relating to standards and procedures for private testing and certification

facilities) establishes the standards that a private testing and certification facility must meet to be considered suitable for registration. Section 469a.4 (relating to responsibilities of a private testing and certification facility) provides the responsibilities that a private testing and certification facility must fulfill during its term of registration with the Board. Lastly, section 469a.5 (relating to registration term and renewal) sets forth the term and renewal of a registration.

*Responses to Comments*

The Board received comments from two members of the regulated/prospective regulated community, as well as comments from the Independent Regulatory Review Commission (IRRC). The responses to the comments follow:

1. Fanduel: Request for clarification on modifications to Internet games.

Concern was raised as to the interaction between the proposed amendment to § 461a.4(a) and § 810a.7 (relating to changes to game) of the Board’s regulations which cover changes made to interactive games. It was concerned that as written, amended § 461a.4(a) would require lab testing for all changes made to interactive games approved for play under the interactive gaming regulations. Currently, under § 810a.7 of the regulations and associated Board policy and procedures, changes made in the normal course of business to Board approved interactive games are evaluated pursuant to change management guidelines. The Board does not intend to change its established process and procedures for evaluating changes made to interactive games as a result of the amendment to § 461a.4(a).

2. BMM: General recommendation for adoption of collective terminology in the proposed regulation.

A general comment was given suggesting that the Board use the collective terminology of “gaming products and associated equipment” in lieu of “slot machines, table games, table games devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment” and “submitting entity” rather than “applicant for or holder of a manufacturer license to manufacture slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment, or a gaming related gaming service provider.” The Board declined to adopt this recommendation to avoid potential confusion, as well as to retain consistent terminology usage throughout the entirety of the Board’s regulations.

3. BMM: Clarification requested as to the timeline for document retention under § 469a.4(n).

A concern was raised as to the indeterminant timeline that was created under the initially proposed regulation language. This final-form rulemaking is amended to provide that submission and testing-related documentation shall be retained for a time as the tested item remains approved or authorized. This amended language is consistent with the document retention that the Board’s Bureau of Gaming Laboratory Operations utilizes under the internal review process. Additionally, the independent test labs maintain the option to turn over the covered documents to the Board in lieu of maintaining these records themselves.

Additionally, the following comments were received from IRRC:

1. Compliance with the RRA and regulations of IRRC.

The preamble and RAF to this final-form rulemaking are amended as requested to further expand on the explanations provided and rationale for the regulatory revisions.

2. Section 461a.3. Testing and approval of games and gaming devices, generally—Clarity.

These clarity issues were addressed in Annex A of this final form rulemaking.

3. Section 461a.4. Submission for testing and approval—Clarity; Need; and Fiscal or economic impact.

IRRC reiterated the concerns expressed by Fanduel which previously expressed concern regarding the interaction of §§ 461a.4 and 810a.7 relating to changes to interactive games. Additionally, as there is no intention to change the current procedures for evaluation of changes to interactive games, there is no anticipated fiscal or economic impact.

4. Section 469.2. Registration of private testing and certification facilities.—Clarity.

These clarity issues are addressed in Annex A of this final-form rulemaking.

5. Section 469a.3. Standards for private testing and certification facilities.—Clarity.

These clarity issues are addressed in Annex A of this final-form rulemaking.

6. Section 469a.4. Responsibilities of a private testing and certification facility.—Clarity; Reasonableness of the requirements; and Economic and fiscal impacts.

This clarity issue was further clarified previously. Based upon the amendments made to Annex A, economic impact upon the regulated community is not anticipated.

7. Miscellaneous—Clarity

This clarity issue is addressed in Annex A of this final-form rulemaking.

*Fiscal Impact*

*Commonwealth.* The Board does not expect that this final-form rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. Registration applications will be handled by existing Board staff, as will review of game or gaming device submissions.

*Political subdivisions.* This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* This final-form rulemaking will provide manufacturers and gaming-related gaming service providers the opportunity to have their products reviewed by private testing and certification facilities and seek abbreviated approval by the Board. The testing by private testing and certification facilities will likely require fees to be paid by the party submitting a product for review but will provide for an expedited approval process with the Board, allowing the product to be offered for play or implementation quicker. The Board is not proposing a fee structure for registered private testing facilities to charge.

With regard to entities seeking registration with the Board as a private test facility, they will be required to pay an initial \$500 application fee for the entity and \$60 per principal or other individual requiring submission.

The initial registration fee is \$2,500 for a 5-year term, and \$2,500 per 5-year renewal thereafter.

*General public.* This final-form rulemaking will not have a fiscal impact on the general public.

#### *Paperwork Requirements*

The private testing and certification facility seeking registration will be required to file an application and supplement with the Board. Additionally, any game or gaming product that is submitted to the Bureau of Gaming Laboratory Operations must be accompanied by a testing report prepared by the private testing and certification facility, in addition to the other required submission documents.

#### *Effective Date*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B. 2211 (April 16, 2022) and a copy of the Regulatory Analysis Form to IRRC and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC and the Senate Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking the Board has considered all comments from IRRC, the House and Senate Committees, and the public. With regards to this rulemaking, no comments were received from the Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5(j.2)) on July 12, 2023, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 13, 2023, and approved this final-form rulemaking.

#### *Findings*

The Board finds that:

(1) Public notice of intention to adopt these amendments 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) This final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Parts II and III (relating to gaming; and video gaming).

#### *Order*

The Board, acting under 4 Pa.C.S. Parts II and III, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 461a and 469a, are amended by amending §§ 461a.3 and 461a.4, and adding §§ 469a.1—469a.5 to read as set forth in Annex A with ellipses referring to the existing text of the regulations.

(2) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(3) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

DENISE J. SMYLER,  
*Chairperson*

*(Editor's Note:* See 53 Pa.B. 4068 (July 29, 2023) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 125-240 remains valid for the final adoption of the subject regulations.

### **Annex A**

## **TITLE 58. RECREATION**

### **PART VII. GAMING CONTROL BOARD**

#### **Subpart E. SLOT MACHINE, TABLE GAME DEVICE AND ASSOCIATED EQUIPMENT TESTING AND CONTROL; ACCOUNTING AND INTERNAL CONTROLS**

##### **CHAPTER 461a. SLOT MACHINE, TABLE GAME DEVICE, INTERACTIVE GAME, SPORTS WAGERING DEVICE, VIDEO GAME TERMINAL, AND ASSOCIATED EQUIPMENT TESTING AND CONTROLS**

#### **§ 461a.3. Testing and approval of games and gaming devices, generally.**

(a) In accordance with sections 1320, 13A41, 13B41 and 3701 of the act, slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment operated in this Commonwealth must be tested and approved in accordance with § 461a.4(g) (relating to submission for testing and approval) and Chapters 810a, 1112a and 1407a (relating to interactive gaming testing and controls; video gaming terminal, redemption terminal and associated equipment testing and certification; and sports wagering testing and controls).

(b) The general cost of establishment and operation of the Board's testing facility shall be paid by each manufacturer licensee and gaming related gaming service provider on a quarterly basis based upon each manufacturer's or gaming related gaming service provider's proportion of the total number of products reviewed.

(c) The Board will require payment of all costs for the testing and approval of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment submitted by manufacturers or gaming related gaming service providers or installed at a licensed facility or offered on an approved interactive gaming or interactive sports wagering web site or mobile application, or offered at a licensed truck stop establishment, based on the actual direct costs incurred by the Board.

(d) The Board will require a manufacturer licensee or gaming related gaming service provider seeking approval of a slot machine, table games, table game device, interactive game, sports wagering device, video gaming terminal or all associated equipment to pay all costs of transportation, inspection and testing.

(e) Testing of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment may also be conducted at registered private testing and certifications facilities in accordance with sections 1320(b.1), 13A41(b.1), 13B02(a)(2) and 3701(e) of the act and Chap-

ter 469a (relating to private testing and certification facilities), and a report of the testing shall be provided to the Board for abbreviated certification and approval.

(f) The Bureau of Gaming Laboratory Operations shall review the report from the registered private testing and certification facility, and prior to installation or use of a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment at a licensed facility, on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment shall report the findings to the Board's Executive Director for abbreviated certification and approval in accordance with § 461a.4.

**§ 461a.4. Submission for testing and approval.**

(a) A slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or all associated equipment identified in subsection (c) (collectively referred to as "products" or "equipment, device or software"), or a modification thereto, may not be offered for sale, lease or distribution for ultimate use by a licensee in this Commonwealth unless a prototype identical in all mechanical, electrical, electronic and other respects has been tested by the Bureau of Gaming Laboratory Operations and approved by the Board's Executive Director.

(b) When an applicant for, or holder of, a license develops software or a system that is functionally equivalent to any of the slot systems or table game systems enumerated in subsection (c), interactive game systems, sports wagering systems or video gaming terminal systems, that software or system shall be subject to the testing and approval process of this subpart to the same extent as if the software or system were developed by an applicant for, or holder of, a manufacturer license. Any reference in this subpart to the responsibilities of a manufacturer applies to an applicant for, or holder of, a license developing software or systems subject to testing and approval under this subpart.

(c) For the purposes of this section, slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment that shall be submitted for testing and approval include:

- (1) Slot machines, including bill validators and printers.
- (2) Slot monitoring systems, to the extent the systems interface with slot machines and related systems.
- (3) Casino management systems, to the extent the systems interface with slot machines and related systems.
- (4) Player tracking systems, to the extent the systems interface with slot machines and related systems.
- (5) Progressive systems, including wide area progressive systems.
- (6) Gaming voucher systems.
- (7) External bonusing systems.
- (8) Cashless funds transfer systems.
- (9) Machines performing gaming voucher, coupon or jackpot payout transactions.
- (10) Coupon systems, to the extent the systems interface with slot machines and related systems.
- (11) Other related systems.
- (12) Table game devices including:

(i) Electronic gaming tables as described in § 605a.4 (relating to electronic gaming tables).

(ii) Fully automated electronic gaming tables as described in § 605a.5 (relating to fully automated electronic gaming tables and electronic wagering terminals).

(iii) Progressive table game systems as described in § 605a.7 (relating to progressive table games).

(iv) Automated card shuffling devices as described in § 603a.17 (relating to dealing shoes; automated card shuffling devices).

(v) Electronic dealing shoes as described in § 603a.17.

(vi) Electronic wagering systems as described in § 605a.2 (relating to electronic wagering systems).

(vii) Electronic wagering terminals as described in § 605a.5.

(viii) Hybrid gaming tables as described in § 605a.9 (relating to hybrid gaming tables).

(13) Interactive games and interactive gaming platforms and systems.

(14) Sports wagering terminals and ticket redemption terminals.

(15) Video gaming terminals, including bill validators and ticket printers.

(16) Video gaming voucher redemption terminals.

(17) Video gaming terminal tracking and reporting systems.

(d) Slot machine prototypes, table game prototypes, table game device prototypes, interactive game and platform prototypes, sports wagering device prototypes, video gaming terminal prototypes, and all associated equipment prototypes, and modifications thereto, which are subject to testing and approval under this section will be evaluated by the Bureau of Gaming Laboratory Operations for overall operational integrity and compliance with the act, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. In addition, with regard to any slot machine, fully automated electronic gaming table, electronic wagering terminal or modification thereto, the Bureau of Gaming Laboratory Operations will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines, fully automated electronic gaming tables and electronic wagering terminals.

\* \* \* \* \*

(g) When an applicant for, or holder of, a manufacturer license to manufacture slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or a gaming related gaming service provider seeks Board approval of a slot machine prototype, table game prototype, table game device prototype, as described in subsection (c)(12), interactive game and platform prototypes, sports wagering device prototype, video gaming terminal prototype, associated equipment prototype, or any modification thereto, the manufacturer or gaming related gaming service provider shall submit to the Bureau of Gaming Laboratory Operations the following:

\* \* \* \* \*

(10) In the case of gaming related services, as described in § 613a.1 (relating to definitions; general requirements), which are submitted by an applicant for or holder of a manufacturer license or gaming related gaming service provider certification:

\* \* \* \* \*

(v) Sketches or pictures of the equipment used to play the game.

(11) In the case of slot machines, table games, table games devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or modifications thereto that have been tested by a registered private testing and certification facility, the manufacturer or gaming related gaming service provider shall direct the facility to provide to the Bureau of Gaming Laboratory Operations for review a detailed report from the registered private testing and certification facility regarding the scope of the testing and the results of the testing performed on the slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal, and all associated equipment or modification made thereto, in addition to all other items required in the specific submission checklist to be provided by the manufacturer or gaming related gaming service provider.

(h) At the conclusion of testing of a prototype or modification by the Bureau of Gaming Laboratory Operations, but prior to a decision to approve a prototype or modification, the Board's Executive Director may require a trial period of scope and duration as he deems appropriate to assess the operation of the prototype or modification in a live gaming environment. The conduct of the trial period shall be subject to compliance by the licensed manufacturer, licensed manufacturer designee, applicable licensed suppliers, gaming related gaming service provider and the slot machine licensee with specific terms and conditions as may be required by the Board's Executive Director, which may include development and implementation of product specific accounting and internal controls, periodic data reporting to the Board's Executive Director and compliance with technical standards on trial periods or the prototype or modification adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The Board's Executive Director may authorize the receipt of compensation by a licensed manufacturer, licensed manufacturer designee, licensed supplier or gaming related gaming service provider during the trial period. The Board's Executive Director may order termination of the trial period if it determines that the licensed manufacturer, licensed manufacturer designee, applicable licensed suppliers, gaming related gaming service provider or the slot machine licensee conducting the trial period has not complied with the terms and conditions required by the Board's Executive Director or that the product is not performing as expected.

(i) At the conclusion of testing of a prototype or modification or after review of the report provided by the registered private testing and certification facility, the Bureau of Gaming Laboratory Operations will report to the Board's Executive Director the results of its testing and the results from the private testing and certification facility, if applicable. Upon receipt of the Bureau of Gaming Laboratory Operations' report, the Board's Executive Director will either:

\* \* \* \* \*

(k) A licensee is prohibited from installing in its licensed facility or otherwise offering for play equipment,

device or software, or modification thereto, that is required to be tested unless the equipment, device or software has been approved by the Board's Executive Director. A licensee may not modify, alter or tamper with an approved slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or any associated equipment. Equipment, devices, or software installed in a licensed facility or otherwise offered for play in contravention of this requirement will be subject to seizure by the Board.

(l) Notwithstanding subsection (k), the Board's Executive Director may authorize installation of a modification to a slot machine prototype, table game prototype, table game device prototype, interactive game or platform prototype, sports wagering device prototype, video gaming terminal prototype or any associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer. The request must expressly detail the name and employer of any persons to be involved in the installation of the modification and the manner in which it is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the manufacturer shall submit the modification for full testing and approval in accordance with this subpart.

(m) A licensee shall immediately notify the Bureau of Gaming Laboratory Operations and the casino compliance representatives at the licensed facility, the Bureau of Gaming Operations for interactive gaming, the Office of Sports Wagering Operations, or the Bureau of Casino Compliance for video gaming of any known or suspected defect or malfunction in any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or any associated equipment installed in its licensed facility or on its interactive gaming web site or mobile application. The licensee shall comply with instructions issued by the Bureau of Gaming Laboratory Operations with regard to the continued operation of the slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or any associated equipment.

(n) Concurrent with the initial receipt of slot machines, a slot machine licensee shall file a slot machine master list as required by § 463a.5 (relating to slot machine, electronic wagering terminal and fully automated electronic gaming table master lists).

(o) The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer.

(p) The Executive Director shall approve, approve with conditions, reject the submitted prototype or modification or require additional testing or a trial period under subsection (h) within 30 days of the complete submission of a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment by a manufacturer or gaming related gaming service provider that has been submitted to the Board for abbreviated certification with a testing report from a registered private testing and certification facility. The following apply:

(i) A submission will not be considered complete if it does not contain all necessary documentation as required by subsection (g)(11).

(ii) If after the submission is made the Bureau of Gaming Laboratory Operations determines that a submis-

sion is incomplete, the manufacturer or gaming related gaming service provider will be given written notice of the deficiencies in the submission.

(iii) In the instance of an incomplete submission, the 30-day review for abbreviated certification will only begin when the manufacturer or gaming related gaming service provider provides the supplemental information to the Bureau of Gaming Laboratory Operations.

(q) If the Executive Director fails to approve, approve with conditions, reject the submitted prototype or modification or require additional testing or a trial period under subsection (h) within 30 days of the completed submission a slot machine, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment submitted to the Board for abbreviated certification, the abbreviated certification shall be deemed conditionally approved until the Executive Director renders a decision under subsection (i).

(r) If a manufacturer or gaming related gaming service provider has provided a complete submission to the Bureau of Gaming Laboratory Operations for abbreviated certification but the review of the submission cannot feasibly be completed within 30 days, the manufacturer or gaming related gaming service provider will receive written notice tolling the review of the submission until a time as a review of the submission can be completed.

(s) If during the 30-day review period in subsection (p), the Bureau of Gaming Laboratory Operations preliminarily determines that a complete submission of a slot machine, table game, interactive game, sports wagering device, video gaming terminal and all associated equipment contains an issue or insufficiency likely to negatively affect the integrity of gaming operations, the Bureau of Gaming Laboratory Operations, by written notice to the manufacturer or gaming related gaming service provider, will do all of the following:

- (i) Specify the nature of the insufficiency.
- (ii) Direct that the 30-day review period in subsection (p) be tolled and that any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or any associated equipment not be implemented until approved under subsection (q).

**CHAPTER 469a. PRIVATE TESTING AND CERTIFICATION FACILITIES**

Sec.	
469a.1.	Private testing and certification facilities generally.
469a.2.	Registration of private testing and certification facilities.
469a.3.	Standards and procedures for private testing and certification facilities.
469a.4.	Responsibilities of a private testing and certification facility.
469a.5.	Registration term and renewal.

**§ 469a.1. Private testing and certification facilities generally.**

(a) Manufacturers of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service providers may submit products required to be tested under Chapter 461a (relating to slot machine, table game device, interactive game, sports wagering device, video game terminal, and associated equipment testing and controls) to a private testing and certification facility registered with the Board under this chapter.

(b) Manufacturers of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or

gaming related gaming service providers shall be responsible for any fees or costs imposed by the private testing and certification facility.

(c) Manufacturers of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming services providers shall be responsible for all costs incurred by the Board in reviewing the report issued by the private testing and certification facility and approving the slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or any associated equipment.

(d) Slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment tested by a private testing and certification facility shall be considered under the abbreviated certification and approval process under § 461a.4 (relating to submission for testing and approval).

**§ 469a.2. Registration of private testing and certification facilities.**

(a) A private testing and certification facility seeking to test slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment for use in this Commonwealth shall register with the Board.

(b) A private testing and certification facility shall do all of the following:

- (1) Submit a completed Gaming Service Provider Registration Form and Private Testing and Certification Facility supplement.
- (2) Submit the nonrefundable application fee posted on the Board's web site, which includes the costs of all background investigation.
- (3) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).
- (4) Submit fingerprints of the following individuals in a manner prescribed by the Bureau:
  - (i) Each officer and director of the private testing and certification facility. For purposes of this subparagraph, "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.
  - (ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more or the officers and directors of an entity who have a direct ownership or beneficial interest of 20% or more in the private testing and certification facility, if not otherwise required under subparagraph (i).
  - (c) A person who holds any direct or indirect ownership or beneficial interest in private testing and certification facility or has the right to any profits or distributions directly or indirectly, from the private testing and certification facility may be required to submit fingerprints if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.
  - (d) Each of the individuals required to submit fingerprints under subsections (b)(4) and (c) must be found

qualified by the Board under § 437a.4 (relating to qualification of individuals and entities).

(e) A private testing and certification facility registration will not be issued until all fees and costs have been paid.

(f) The Board will maintain a list of registered private testing and certification facilities.

**§ 469a.3. Standards and procedures for private testing and certification facilities.**

(a) A private testing and certification facility shall meet all of the following requirements:

(1) Be independent from any manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service provider licensed by the Board.

(2) Be accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement.

(3) Demonstrate it is technically competent in testing of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals, or all associated equipment in a manner acceptable to and verified by the Bureau of Gaming Laboratory Operations.

(b) A private testing and certification facility and its owners, managers, supervisory personnel and employees may not do any of the following:

(1) Have a financial interest or a controlling interest, direct or otherwise, in a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service providers licensed by the Board.

(2) Participate, consult or otherwise be involved in the design, development, programming or manufacture of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment.

(3) Have any other interest in or involvement with a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service providers that could cause the private testing and certification facility to act in a manner that is not impartial.

**§ 469a.4. Responsibilities of a private testing and certification facility.**

(a) A holder of a private testing and certification facility registration shall have a continuing duty to comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(b) A private testing and certification facility shall notify the Board immediately if a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or a gaming related gaming service provider licensed by the Board does any of the following:

(1) Attempts, directly or indirectly, to influence improperly a private testing and certification facility or its owners, managers, supervisory personnel and employees,

in regard to a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminals, or all associated equipment, that it, or another person or entity, has submitted for testing or certification for use in a licensed facility, on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment.

(2) Engages in any transaction with a private testing and certification facility that the manufacturer or gaming related gaming service provider is using, has used or intends to use to inspect or certify a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminals, or all associated equipment for use in a licensed facility, on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment, in which the private testing and certification facility is required to participate, consult or otherwise be involved in the design, development, programming or manufacture of these items. This restriction does not limit a manufacturer or gaming related gaming service provider from engaging the private testing and certification facility to provide consulting services, provided that the services do not directly or indirectly indicate, suggest or imply how to design, develop, program or manufacture these items.

(c) Private testing and certification facilities shall maintain copies of the results of any ISO/IEC 17025 audits or reviews and shall notify the Board in writing of the availability of the results within 15 days of when the results become available to the private testing and certification facility. These copies shall be provided to the Board upon request.

(d) In the interest of preserving the integrity of gaming in the Commonwealth, a private testing and certification facility shall not implement or maintain any procedure or policy or take any action that would do any of the following:

(1) Inhibit or prevent a manufacturer or gaming related gaming service provider from submitting a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment, for testing and certification for use in any form of regulated gaming in the Commonwealth.

(2) Call into question or tend to erode the independence of the private testing and certification facility from any clients that use the services of the facility.

(e) A private testing facility shall maintain a version-controlled system of testing documentation and methodologies that the facility uses to provide certification and these materials shall be made available to the Board upon request.

(f) Testing shall be conducted in accordance with Chapters 461a, 810a, 1112a and 1407a and all technical standards, policies and industry notices that the Board may implement or issue.

(g) A private testing and certification facility shall not use, rely on or otherwise refer to any testing, results or work product performed by another private testing and certification facility for any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment that has not previously been approved in writing by the Board.

(h) A private testing and certification facility shall implement and maintain a system of peer review to



monitor the quality of the testing and certification procedures performed by the facility.

(i) A private testing and certification facility shall consult with the Board prior to testing, evaluating, analyzing, certifying, verifying or rendering opinions for or on behalf of the Board relating to any new technology or concept.

(j) A private testing and certification facility shall consult the Board on any questions relating to the testing and certification of any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal, and all associated equipment.

(k) A private testing and certification facility shall keep confidential all information and data prepared or obtained as part of the testing and certification process.

(l) A private testing and certification facility shall implement and maintain security and access control systems designed to secure and protect the confidentiality of all equipment, software and other information entrusted to it as part of the testing and certification process.

(m) A private testing and certification facility shall maintain all test equipment in accordance with the manufacturer's specifications and recommendations and shall provide the Board with evidence of this upon demand.

(n) A private testing and certification facility shall retain all submission and testing-related documentation for such time as the tested item remains approved or authorized for use in this Commonwealth. The records may be maintained in electronic form. The obligation to maintain the records continues even if the private testing and certification facility ceases to be registered with the Board or otherwise ceases its business operation. The private testing and certification facility may turn the records over to the Board in electronic form as an alternative to having to maintain the records after the facility is no longer registered or after the facility ceases business operation.

(o) The Board may conduct periodically an onsite evaluation and review of each private testing and certification facility to evaluate certification results and to verify continued compliance with all registration requirements and protocols.

(p) The Board may establish a system to evaluate the continued quality of the testing and certification performed by a private testing and certification facility which would be posted on the Board's web site.

(q) A private testing and certification facility, its employees, management and owners shall remain independent of any licensed manufacturer of slot machines, table games, table game devices, interactive games, sports wagering device, video gaming terminals and all associated equipment or gaming related gaming service provider.

(r) A private testing and certification facility employee who was employed by, or performed any work for, a manufacturer or gaming related gaming service provider licensed by the Board within 1 year prior to the person's date of employment with the private testing and certification facility may not be permitted to inspect or certify any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment for use in a licensed facility, on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment, with which the person had any involvement whatsoever while employed by the manufacturer or gaming related gaming service provider.

(s) Failure to fully comply with any provision contained herein constitutes a violation and may result in Board-imposed administrative sanctions, up to and including revocation, against the individual or entity to whom the registration was issued.

**§ 469a.5. Registration term and renewal.**

(a) Private testing and certification facility registrations and renewals issued under this chapter will be valid for 5 years from the date of Board approval.

(b) Registered private testing and certification facilities shall submit to the Board a completed renewal application or form and renewal fee at least 6 months prior to the expiration of a registration.

[Pa.B. Doc. No. 23-1507. Filed for public inspection November 3, 2023, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 93 ]

### Water Quality Standards—Site-Specific Water Quality Criteria

The Environmental Quality Board (Board) proposes to amend Chapter 93 (relating to water quality standards). The amendments propose revisions to § 93.8d (relating to development of site-specific water quality criteria) and the replacement of a total mercury water quality criterion with a site-specific methylmercury criterion for Ebaughs Creek in § 93.9o (relating to Drainage List O) as set forth in Annex A.

This proposed rulemaking was adopted by the Board at its meeting of July 11, 2023.

#### A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. Once approved by the United States Environmental Protection Agency (EPA), water quality standards are used to implement the Federal Clean Water Act (CWA) (33 U.S.C. §§ 1251—1389).

#### B. Contact Persons

For further information, contact Michael (Josh) Lookenbill, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, P.O. Box 8774, 400 Market Street, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board," then navigate to the Board meeting of July 11, 2023).

#### C. Statutory Authority

This proposed rulemaking is authorized under sections 5(b)(1) and 402 of The Clean Streams Law (CSL) (35 P.S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the CSL (35 P.S. §§ 691.1—691.1001), and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which grants the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, sections 101(a)(2) and 303 of the CWA (33 U.S.C. §§ 1251(a)(2) and 1313) set forth requirements for water quality standards, which states must meet to implement the CWA in this Commonwealth. Section 101(a)(3) of the CWA declares the National policy that the discharge of toxic pollutants in toxic amounts be prohibited. Section 303(c)(2)(B) directs states to adopt numeric criteria for toxic pollutants if they are present in a discharge that could be reasonably expected to interfere with a state's designated uses and as necessary to support those uses.

#### D. Background and Purpose

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices) on individual sources of pollution. The water quality standards include the existing and designated uses of the surface waters of this Commonwealth, along with the specific numeric and narrative criteria necessary to achieve and maintain those uses, and antidegradation requirements.

The purpose and goals of this proposed rulemaking are: to revise the process for requesting, developing and adopting site-specific water quality criteria in § 93.8d; to delete the Statewide total mercury water quality criterion of 0.05 micrograms per liter (µg/L) for Ebaughs Creek; and to add a site-specific dissolved methylmercury water quality criterion of 0.00004 µg/L for Ebaughs Creek in § 93.9o.

Regulations that clearly outline the site-specific criteria development process are critical to ensuring the Department receives the information necessary to determine if site-specific water quality criteria are applicable, to develop site-specific water quality criteria recommendations that are protective of surface water uses, and to incorporate the site-specific criteria into the Commonwealth's water quality standards. The proposed amendments will clarify when site-specific criteria may be requested or developed by the Department's own initiative and how a permit applicant may submit a request. Under § 93.8d(g) of the existing regulations, the Department has the authority to determine whether new Statewide criteria or modifications to Statewide criteria are appropriate. This determination may be based on the Department's initiative or a request by a permittee. The Department has the authority to develop site-specific criteria and Statewide criteria, as needed, to protect the waters of the United States and the surface waters of this Commonwealth. Due to the proposed deletion of § 93.8d(g), § 93.8d(a) is proposed to be amended to include the Department's continuing role to develop site-specific criteria on its own initiative.

Regarding the site-specific methylmercury water quality criterion for Ebaughs Creek, the York County Solid Waste and Refuse Authority (YCSWRA) has requested the Department develop a site-specific methylmercury water quality criterion for Ebaughs Creek, in lieu of applying the Statewide total mercury water quality criterion, to protect human health from the toxic effects of methylmercury and to inform their National Pollutant Discharge Elimination System (NPDES) permit effluent limitations for Outfall 002. Methylmercury is a component of total mercury and represents the most toxic form of mercury to human health. Since the Department does not currently have Statewide numeric water quality criteria for methylmercury, YCSWRA's request satisfies § 93.8d(a)(3).

On March 16, 2023, the Department met with the Water Resources Advisory Committee (WRAC) to present its recommended updates to § 93.8d and the site-specific methylmercury water quality criterion for Ebaughs Creek. WRAC voted to support presentation of this proposed rulemaking to the Board. Additionally, the Department presented draft regulatory amendments to the Agricultural Advisory Board on March 15, 2023, explaining the proposed changes.

*E. Summary of Proposed Rulemaking**§ 93.8d. Development of site-specific water quality criteria*

The Board proposes to update § 93.8d by revising the site-specific water quality criteria development and adoption process. The proposed amendments in § 93.8d(a) clarify when site-specific water quality criteria may be requested. No significant changes were made to this existing regulation. Subsection (b) requires an applicant to provide information that demonstrates a qualifying factor, under subsection (a), is met and also requires an applicant to show that none of the factors in subsection (a.1) are applicable.

The proposed amendments in subsection (a.1) clarify the conditions under which site-specific water quality criteria may not be requested. Under § 93.8d(a.1)(1), site-specific water quality criteria may not be requested if a pollutant is a cause of nonattainment of the requested waterbody or would otherwise interfere with attainment of protected surface water uses. Under § 93.8d(a.1)(2), an applicant may not request site-specific criteria when there is impairment to the aquatic life use unless the impairment is caused by means other than a pollutant. An applicant may request site-specific criteria when a pollutant, such as sediment, ammonia or iron, is not the cause of an impairment to the aquatic life use. An applicant may request site-specific criteria if, for example, the aquatic life use impairment is caused by flow alterations or habitat modification, which do not involve pollutants. Under § 93.8d(a.1)(3), a site-specific criterion may not be requested for surface waters with an existing or designated use of High Quality Waters (HQ) or Exceptional Value Waters (EV). The existing water quality of HQ or EV waterbodies must be maintained and protected under § 93.4a (relating to antidegradation), and thus, the water quality goals for these waterbodies are already site-specific. All information needed by an applicant to determine whether to make a request for site-specific criteria under subsection (a.1) is publicly available. The applicant's documentation of its determination under subsection (a.1) will be necessary information to provide to the Department under subsection (b). Subsection (b)(5) requires an applicant to provide information that demonstrates a circumstance where a pollutant is not the cause of water use impairments or demonstrates the waterbody is not one with an existing or designated use of HQ or EV.

Subsection (b) identifies the minimum data and information that must be included with an applicant's request for site-specific criteria. The information is necessary to ensure the applicant has evaluated the qualifying factors in subsections (a) and (a.1), with a particular focus on waterbody-specific characteristics. Once an applicant qualifies to proceed with site-specific criteria development, additional data must be submitted and evaluated in accordance with subsections (c) and (c.1).

Once a site-specific water quality criterion is developed and publicly noticed for comment, the Department will prepare a rulemaking for the adoption of the new criterion into Chapter 93. All water quality criteria will be developed through rulemaking and the appropriate rulemaking processes, consistent with the Commonwealth's laws.

Site-specific water quality criteria are used to develop effluent limitations in permits. Given the need for timely permit development, the Department intends to explore all options available for expediting rulemaking procedures to promulgate site-specific water quality criteria while maintaining robust public participation. Although § 93.8d(f)(4)

is proposed for deletion, the obligation remains to promulgate site-specific criteria as regulations. The Department intends to enhance its public notices in the *Pennsylvania Bulletin* to reach a broader audience and will receive and respond to public comments on all draft site-specific water quality criteria. In addition, existing public notification and public participation processes available through the NPDES permitting process outlined in Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) will continue.

*§ 93.9o. Drainage List O*

The YCSWRA owns and operates the York County Sanitary Landfill, which is a 306-acre site located in Hopewell Township, York County. Between 1974 and 1997, the landfill received municipal and industrial waste, which was placed into lined and unlined cells. The site contains approximately 135 acres of unlined landfill. Detection of volatile organic compounds (VOC) in several groundwater wells was discovered in 1983 and was associated with the unlined cells. A treatment system was installed to remove the VOCs and began operation in 1985. The system consisted of 17 extraction wells and air stripping towers. The air stripping towers discharge the treated groundwater to a surface water of this Commonwealth under NPDES permit number PA0081744. Mercury was not known to be present in the discharge when the initial permit was issued. It was later identified as a potential pollutant of concern through the Department's permit renewal application review process.

Mercury is a naturally occurring, widely distributed element that cycles between various forms in the environment through natural processes and human activities with some forms being more toxic than others. Mercury can enter surface waters through multiple pathways, including but not limited to, atmospheric deposition, stormwater runoff generated by precipitation events and NPDES-permitted activities, including treatment systems from contaminated groundwater. Total mercury includes elemental, inorganic and organic forms of mercury. Elemental and inorganic mercury do not contribute significantly to oral toxicity. These forms are poorly absorbed by the human body and do not bioaccumulate in animals if ingested (Agency for Toxic Substances and Disease Registry 1999). Methylmercury, however, has been identified by scientists as one of the most toxic forms of mercury to humans. It is an organic form of mercury that is typically formed in the environment when bacteria capable of methylation are exposed to a source of inorganic or elemental mercury and convert it to methylmercury. Methylmercury in surface waters then enters into the food web of the aquatic ecosystem and bioaccumulates in the aquatic macroinvertebrates and fish. Oral ingestion of mercury by humans occurs almost exclusively through the consumption of contaminated fish and wildlife, and nearly all of the mercury found in animal tissue is in the form of methylmercury. Observed toxicity in humans is also related to exposure amount, exposure pathway and individual susceptibility.

YCSWRA's Outfall 002 discharges treated groundwater into an unnamed tributary to Ebaughs Creek, which is a small first-order tributary (that is, a headwater stream) with limited watershed area. The protected water uses for Ebaughs Creek include Cold Water Fishes, Migratory Fishes (CWF, MF). Based upon the Department's review of the available information, the Department has deter-

mined the primary source of mercury to Ebaughs Creek is the YCSWRA NPDES-permitted discharge and not a result of natural processes.

In accordance with § 93.8d, site-specific criteria may be established for the following three reasons: (1) to reflect conditions in a waterbody that differ from the EPA's criteria recommendations for protection of aquatic life, developed under section 304(a) of the CWA (33 U.S.C. § 1314(a)); (2) where necessary to protect more sensitive, intervening water uses as defined in Chapter 93, Table 2; and (3) where numeric criteria are necessary for a substance not currently listed in Chapter 93. Since the Department does not currently have a Statewide numeric water quality criterion for methylmercury, YCSWRA's request satisfies § 93.8d(a)(3).

YCSWRA requested the Department develop a site-specific methylmercury water quality criterion for Ebaughs Creek, in lieu of applying the Statewide total mercury water quality criterion, to inform their NPDES permit effluent limitations for Outfall 002. Methylmercury is a component of total mercury and represents the most toxic form of mercury to human health. The permit effluent limitations developed for YCSWRA will be a translation of the dissolved methylmercury water quality criterion established by this proposed rulemaking expressed as a site-specific total mercury discharge limit, as required under Federal NPDES regulations. These effluent limitations will continue to provide for control of total mercury while ensuring the toxic component, methylmercury, is not exceeded in the surface water or aquatic organisms.

YCSWRA performed a site-specific study for the collection of data necessary to develop a site-specific methylmercury water quality criterion for Ebaughs Creek that would be protective of human health. As required by § 93.8d(d), YCSWRA submitted a study plan to the Department for review, consideration and approval, and the Department approved a study plan.

Under CWA section 304(a), the EPA publishes recommended water quality criteria guidance that consists of scientific information regarding concentrations of specific chemicals or levels of parameters in water that protect aquatic life and human health. The Federal water quality standards regulations require states to review, for adoption, numeric water quality criteria that are based on section 304(a) criteria recommendations developed by the EPA, consider whether to modify section 304(a) criteria recommendations to reflect site-specific conditions, or establish criteria based on other scientifically-defensible methods.

The EPA has published a section 304(a) dissolved methylmercury water quality criterion recommendation for the protection of human health that is a fish-tissue based criterion of 0.3 milligrams per kilogram (mg/kg) (*Water Quality Criterion for the Protection of Human Health: Methylmercury, USEPA 823-R-01-001*). The EPA supports the adoption of methylmercury water quality criteria for the protection of human health because methylmercury is known to be one of the forms of mercury that is most toxic to humans. States have multiple options when developing and adopting methylmercury criteria, which may include the fish tissue recommendation, a water column criterion value based on the fish tissue recommendation, or both.

The EPA recommends that states adopt water column criteria values if adequate data is available to determine appropriate bioaccumulation factors (BAF). Bioaccumula-

tion is the process of a chemical moving from the external environment (that is, surface water) into an organism. A BAF is a measure of how much a chemical accumulates within an organism. Thus, the Department required YCSWRA to collect fish tissue samples and surface water samples from Ebaughs Creek for the calculation of a site-specific BAF. The site-specific BAF was calculated to be  $5.882398 \times 10^{-6}$  liters per kilogram (L/kg). This BAF along with the human health exposure inputs for body weight, drinking water intake rate and fish consumption rate and the provisions for developing water quality criteria found in Chapters 93 and 16 (relating to water quality toxics management strategy—statement of policy) were used to convert the EPA's fish-tissue-based ambient water quality criterion for methylmercury into a water column criterion. The proposed site-specific dissolved methylmercury criterion for Ebaughs Creek is 0.00004 µg/L. For more information, see the rationale document for *Development of a Site-Specific Methylmercury Water Quality Criterion for Ebaughs Creek*, attached to the Regulatory Analysis Form.

#### F. Benefits, Costs and Compliance

##### *Benefits*

The regulated community and the public benefit from having regulations that clearly outline the site-specific criteria development process. These proposed amendments will ensure that site-specific water quality criteria are protective of surface water uses. Further, the proposed regulations establish qualifying factors that refine who may request development of criteria and clearly identify information the requestor must submit to develop the numeric criteria. This clarity will improve processing of requests for site-specific criteria. The Department intends to further explore ways to process requests in an efficient and timely manner and to enhance public notice of draft criteria for review and comment.

The site-specific dissolved methylmercury water quality criterion contained in this proposed rulemaking would be specific to Ebaughs Creek. YCSWRA's discharge is currently the only known discharge to Ebaughs Creek containing mercury and YCSWRA would benefit by having a permit with effluent limitations developed based on the proposed site-specific water quality criterion. Likewise, persons proposing a new discharge to Ebaughs Creek may benefit from the methylmercury criterion if mercury is found in a proposed new discharge.

##### *Compliance costs*

The proposed amendments to Chapter 93 will not immediately impose any costs on the regulated community. When site-specific criteria are necessary either to protect more sensitive intervening uses than those uses protected by a Statewide criterion or to protect a water use from substances currently lacking numeric criteria in Chapter 93, additional costs may be incurred by persons with NPDES permits. The costs for a permittee would be associated with conducting the required studies to develop the site-specific criteria and implementing the treatment technology necessary to meet the effluent limitations based on the criteria.

In some cases, the adoption of site-specific water quality criteria may result in effluent limitations that are less stringent than those based on Statewide criteria, and therefore, reduce the need for wastewater treatment technologies to remove pollutants, resulting in cost savings for a permittee. Treatment costs are site-specific and

depend upon the size and location of the discharge in relation to the size of the stream and many other factors. Furthermore, requests for site-specific criteria for a variety of pollutants may be initiated by persons with NPDES permits. It is not possible to precisely predict the costs or savings that could be incurred for any existing or new discharges to comply with any future site-specific criteria.

The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations, but these proposed amendments are necessary to ensure existing and designated uses of surface waters of this Commonwealth are afforded the appropriate level of protection and to improve pollution control.

The proposed amendments to § 93.90 for Ebaughs Creek are specific to that waterbody. Furthermore, the proposed site-specific dissolved methylmercury water quality criterion for Ebaughs Creek would be applicable only to YCSWRA, and therefore, YCSWRA would be the only affected party. The proposed amendments will be implemented through the Department's permit and approval actions.

#### *Compliance assistance plan*

Surface waters of this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, including site-specific water quality criteria, which prevent pollution and protect existing and designated surface water uses.

The proposed amendments will be implemented through the Department's permit and approval actions. For example, the NPDES permitting program establishes effluent limitations based on the existing and designated protected water uses of the stream, and the water quality criteria developed to maintain those uses. These effluent limits are established to assure water quality is protected and maintained. Site-specific water quality criteria are protective of the water uses and are implemented in the same manner as Statewide water quality criteria.

#### *Paperwork requirements*

This proposed rulemaking should have no new direct paperwork impact on the Commonwealth, local governments and political subdivisions or the private sector. This proposed rulemaking would be implemented in accordance with existing Department regulations. A process to develop site-specific water quality criteria has been in effect for several decades. The proposed regulations refine the qualifying factors and criteria development studies that apply to a request for site-specific criteria; however, the overall paperwork impact will not change.

#### *G. Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101–13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

Water quality standards are a major pollution prevention tool because they protect water quality and designated and existing uses of surface waters. The proposed amendments would be implemented through the Department's permit and approval actions. For example, the NPDES program will establish the more stringent of technology-based or water quality-based effluent limitations in permits. Water quality-based effluent limitations are determined by the existing and designated uses of the receiving stream and the water quality criteria necessary to protect those water uses. Site-specific water quality criteria are protective of the water uses and are implemented in the same manner as Statewide water quality criteria.

#### *H. Sunset Review*

The Board is not proposing to establish a sunset date for this proposed regulation because it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor this proposed regulation for its effectiveness and recommend updates to the Board as necessary.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 17, 2023, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) 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.

#### *J. Public Comments*

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by December 19, 2023.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

### K. Public Hearing

The Board will hold a virtual public hearing for the purpose of accepting comments on this proposed rule-making. The hearing will be held at 1 p.m. on December 5, 2023.

Persons wishing to present testimony at this hearing must contact Casey Damicantonio for the Department and the Board, (717) 783-8727 or RA-EPEQB@pa.gov, at least 1 week in advance of the hearing to reserve a time to present testimony. Language interpretation services are available upon request. Persons in need of language interpretation services must contact Casey Damicantonio by 5 p.m. on November 28, 2023.

Oral testimony is limited to 5 minutes for each witness. Organizations are limited to designating one witness to present testimony on their behalf at the hearing. Witnesses may provide testimony by means of telephone or Internet connection. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit a written copy of their verbal testimony by e-mail to RegComments@pa.gov after providing testimony at the hearing.

Information on how to access the virtual public hearing will be available on the Board's webpage found through the Public Participation tab on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board"). Prior to a hearing, individuals are encouraged to visit the Board's webpage for the most current information for accessing the hearing.

Members of the public wishing to observe a virtual public hearing without providing testimony are also directed to access the Board's webpage.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 783-8727 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

JESSICA SHIRLEY,  
*Interim Acting Chairperson*

**Fiscal Note:** 7-571. No fiscal impact; recommends adoption.

### Annex A

## TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Subpart C. PROTECTION OF NATURAL RESOURCES

## ARTICLE II. WATER RESOURCES

### CHAPTER 93. WATER QUALITY STANDARDS

#### WATER QUALITY CRITERIA

#### § 93.8d. Development of site-specific water quality criteria.

(a) The Department will consider a request for site-specific criteria, or the Department may develop site-specific criteria on its own initiative, when one or more of the following apply:

(1) There exist site-specific biological or chemical conditions of [receiving waters] the waterbody or waterbody segment which differ from conditions upon which the aquatic life water quality criteria were based.

(2) More stringent criteria are needed for a [parameter] pollutant listed in § 93.7, Table 3 (relating to specific water quality criteria) or § 93.8c, Table 5 (relating to human health and aquatic life criteria for toxic substances) regarding water quality criteria for toxic substances to protect more sensitive, intervening uses.

(3) There exists a need for a site-specific criterion for a [substance] pollutant not listed in § 93.7, Table 3 or § 93.8c, Table 5 [ (relating to water quality criteria for toxic substances) ].

(a.1) Site-specific criteria may not be developed when one or more of the following apply:

(1) If the request is for a waterbody or waterbody segment where a pollutant is a cause of nonattainment for a protected water use as listed in Pennsylvania's Integrated Water Quality Monitoring and Assessment Report, as amended and updated.

(2) If the request is for a waterbody or waterbody segment where an aquatic life use is not attained, unless the causes of nonattainment are due to causes other than pollutants as determined by the Department in an assessment. Assessments are publicly available on the Department's web site.

(3) If the request is for surface waters with an existing or designated use of HQ or EV.

(b) The [request] applicant's demonstration for consideration of site-specific criteria, under subsections (a) and (a.1), must include the [results of scientific studies for the purpose of] following information, at a minimum:

(1) [Defining the areal boundaries for application of the site-specific criteria which will include the potentially affected wastewater dischargers identified by the Department, through various means, including, but not limited to, the total maximum daily load (TMDL) process described in Chapter 96 (relating to water quality standards implementation) or biological assessments] [Reserved].

(1.1) Identification of the pollutant of concern.

(2) [Developing site-specific criteria which protect the surface water's existing and designated uses] [Reserved].

(2.1) Identification of the qualifying factor or factors in subsection (a).

(3) Identification of each waterbody or waterbody segment to which the site-specific criteria would apply, including stream name, municipality or municipalities, county or counties and existing and designated uses of each waterbody or waterbody segment.

(4) Scientific studies, data or other information that demonstrate the qualifying factor or factors in subsection (a) are met, which may include the following:

(i) Peer-reviewed, scientific literature related to the pollutant of concern.

(ii) For a demonstration of the qualifying factor in subsection (a)(1):

(A) Department or Federal water quality criteria rationale documents and regulations related to the pollutant of concern.

(B) Water quality and other relevant data collected on each waterbody or waterbody segment which demonstrate that the conditions differ from conditions upon which the existing aquatic life water quality criteria were based.

(iii) For a demonstration of the qualifying factor in subsection (a)(2):

(A) Documentation of more sensitive, intervening water uses for each waterbody or waterbody segment.

(B) Documentation of the presence, critical habitat or critical dependence of State-listed or Federally-listed threatened or endangered species in or on a surface water, if applicable.

(iv) Additional data or information as requested by the Department or that demonstrates the applicable qualifying factor is met.

(5) Information that demonstrates the factors in subsection (a.1) are not applicable.

(6) Information that demonstrates a water quality-based effluent limitation based on a water quality criterion found in § 93.7, Table 3 or § 93.8c, Table 5 is not achievable.

(c) [ Scientific studies ] Based on the results of a demonstration that the request for site-specific criteria satisfies subsections (a), (a.1) and (b), the Department may require the applicant to undertake studies and submit additional information to develop site-specific criteria that includes the following, at a minimum:

(1) Definition of the areal boundaries for application of the site-specific criteria which will include a description of each waterbody or waterbody segment.

(2) Identification of potentially affected National Pollutant Discharge Elimination System (NPDES)-permitted discharges, water withdrawals, total maximum daily loads (TMDL) and surface water assessments.

(3) Peer-reviewed scientific literature or other Department-approved data to be used in the development of the site-specific criterion. If data will be collected, a copy of the proposed plan for data collection shall be submitted for review, consideration and approval by the Department prior to commencement of data collection. Data collection shall be [ performed ] completed in accordance with the Department's data collection protocols and the following procedures and guidance [ in the ], as amended and updated: Water Quality Standards Handbook (EPA 1994), [ as amended and updated, including: ] "Guidance on the Determination and Use of Water-Effect Ratios for Metals" (February 1994); [ and ] the "Methodology for Deriving Ambient Water Quality Crite-

ria for the Protection of Human Health" (2000) and the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" (1985). Other guidance approved by the [ department ] Department, which is based on EPA-approved or scientifically defensible methodologies, may be used. The development of new or updated site-specific criteria for copper in freshwater systems shall be performed using the biotic ligand model (BLM).

(4) Copies of reports, including toxicity test data, signed by the consultant or entity that performed the work. Signed copies shall be submitted to the Department within 60 days of completion of the tests.

(5) Additional data or information as requested by the Department.

(c.1) If the required data and information is submitted, the Department will evaluate the information and may develop site-specific criteria for each requested waterbody or waterbody segment that protect the existing and designated uses of the surface waters in accordance with the criteria development methodologies outlined in subsection (c)(3), or other EPA-approved guidance and methods.

(c.2) The Department will incorporate approved site-specific criteria into this chapter and maintain a publicly available table of EPA-approved site-specific criteria.

(c.3) Site-specific criteria are not effective for Clean Water Act purposes until approved by the EPA.

(d) [ Prior to conducting studies specified in subsections (b) and (c), a proposed plan of study shall be submitted to the Department for review, consideration and approval ] [Reserved].

(e) [ Signed copies of all reports including toxicity test data shall be submitted to the Department within 60 days of completion of the tests ] [Reserved].

(f) [ If the Department determines that site-specific criteria are appropriate in accordance with subsection (a), the Department will do the following:

(1) Publish the site-specific criterion in the Pennsylvania Bulletin, along with other special conditions under § 92a.82(b)(3) (relating to public notice of permit applications and draft permits) and provide for public participation and public hearing in accordance with §§ 92a.81, 92a.82, 92a.83 and 92a.85.

(2) Maintain a publicly available online table of site-specific criteria.

(3) Submit the methodologies used for site-specific criteria development to the EPA's Regional Administrator for review and approval, within 30 days of Department's final action.

(4) Prepare a recommendation to the EQB in the form of proposed rulemaking, incorporating that criterion for the water body segment ] [Reserved].

(g) [ If the Department determines that new Statewide criteria or modifications to Statewide criteria are appropriate, the Department will prepare a recommendation to the EQB in the form of proposed rulemaking, incorporating the criteria into this chapter. The new criteria and changes to the criteria will become effective following adop-

tion by the EQB as final rulemaking and publication in the *Pennsylvania Bulletin* ] [Reserved].

(h) A person challenging a Department action under this section shall have the burden of proof to demonstrate that the Department's action does not meet the requirements of this section.

**DESIGNATED WATER USES AND WATER QUALITY CRITERIA**

§ 93.9o. Drainage List O.

**Susquehanna River Basin in Pennsylvania**  
*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
3—Stone Run	Basin (all sections in PA)	Chester	TSF, MF	None
2—Deer Creek	Basin (all sections in PA), <b>Source to Ebaughs Creek</b>	York	CWF, MF	None
<b>3—Ebaughs Creek</b>	<b>Basin (all sections in PA)</b>	<b>York</b>	<b>CWF, MF</b>	<b>Delete Mercury Human Health = 0.05 µg/L</b> <b>Add Methylmercury Human Health = 0.00004 µg/L</b>
<b>2—Deer Creek</b>	<b>Basin (all sections in PA), Ebaughs Creek to Mouth</b>	<b>York</b>	<b>CWF, MF</b>	<b>None</b>
1—Chesapeake Bay (MD)				
* * * * *				

[Pa.B. Doc. No. 23-1508. Filed for public inspection November 3, 2023, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

[ 52 PA. CODE CH. 62 ]

**Proposed Rulemaking: Natural Gas Distribution Company Business Practices; 52 Pa. Code § 62.225.**

Public Meeting held  
October 19, 2023

*Commissioners Present:* Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Proposed Rulemaking:* Natural Gas Distribution Company Business Practices; 52 Pa. Code § 62.225; L-2017-2619223

**Order Withdrawing Rulemaking**

*By the Commission:*

The Pennsylvania Public Utility Commission (Commission) proposed at the above-referenced Docket an Advance Notice of Proposed Rulemaking to solicit comments on amending our regulations at 52 Pa. Code § 62.225. The proposed regulatory changes addressed the release, as-

signment, and transfer of capacity among Natural Gas Distribution Companies (NGDCs) and Natural Gas Suppliers (NGSs). The proposed changes resulted from the Commission's Natural Gas Retail Markets Investigation (RMI) and were intended to improve the competitive market by revising how capacity is assigned and addressing the related issues of penalties and imbalance trading. Based on the comments received, the Commission finds that due to the diversity of the NGDCs' systems and operations the viability and benefits of implementing the proposed changes is questionable at this time, accordingly, the Commission, by this order, is withdrawing this proposal and closing this Docket.

*Background*

The history of proceedings that led to the initiation of this ANOPR proceeding is thoroughly recounted in the Commission's Advance Notice of Proposed Rulemaking Order adopted by the Commission at the Public Meeting held on August 31, 2017, and will not be repeated here. Through that ANOPR Order, the Commission released for comment several proposals regarding (1) uniform capacity costs for all customers; (2) capacity assignment from all assets; (3) imbalance trading; and (4) penalty structures during non-peak times. At the August 31, 2017, Public



Meeting, Chairman Gladys Brown Dutrieuille issued a statement in support of the ANOPR process to thoroughly deliberate the proposals.

The ANOPR Order was published in the *Pennsylvania Bulletin* on September 16, 2017, at 47 Pa.B. 5786, with comments on the proposals due within 45 days of publication. The Commission received comments from the following: Columbia Gas of Pennsylvania, Inc. (Columbia); Direct Energy Services, LLC, Direct Energy Business Marketing, LLC, and Direct Energy Business, LLC (collectively, Direct Energy); the Energy Association of Pennsylvania (EAP); Columbia Industrial Intervenors, the Philadelphia Area Industrial Energy Users Group, the Philadelphia Industrial and Commercial Gas Users Group, and the UGI Industrial Intervenors (collectively, Industrials); Mirabito Natural Gas, LLC (MNG); the National Energy Marketers Association (NEMA); National Fuel Gas Distribution Corp. (NFG); the Office of Consumer Advocate (OCA); PECO Energy Company (PECO); Peoples Gas Company LLC (Peoples); the Pennsylvania Energy Marketers Coalition (PEMC); Philadelphia Gas Works (PGW); the Retail Energy Supply Association and Shipley Energy (collectively, RESA); UGI Distribution Companies (UGI); Valley Energy, Inc. (Valley); and WGL Energy Services, Inc. (WGL).

On February 27, 2018, the Commission issued a Secretarial Letter announcing a Technical Conference to be held on March 29, 2018, where participants were given an opportunity to discuss the technical issues related to the proposed regulatory changes at this Docket and at Docket L-2016-2577413. The Technical Conference was held as scheduled.

*Discussion*

The Commission thanks the various stakeholders for their helpful participation and comments throughout this proceeding. We will briefly review the proposals and comments provided below.

*I. Uniform Capacity Costs for All Customers*

Capacity is generally released to NGSs to serve customers participating in the retail competitive natural gas market. This release can occur in different ways, but the cost of the capacity release is generally based upon the system average cost of capacity. In most service territories, an NGDC's capacity released for shopping customers are in turn paid for by the NGS providing the service.

*A. Proposed Regulation*

In the ANOPR, we proposed that applying Peoples' capacity payment mechanism statewide creates immediate and potentially lasting benefits for competition, including non-shopping customers. To accomplish this standardization the Commission proposed the following change to its regulations:

§ 62.225. Release, assignment or transfer of capacity.

(a) An NGDC holding contracts for firm storage or transportation capacity, including gas supply contracts with Commonwealth producers, or a city natural gas distribution operation, may release, assign, or transfer the capacity or Commonwealth supply, in whole or in part, associated with those contracts to licensed NGSs or large commercial or industrial customers on its system.

\* \* \* \* \*

(3) A release, assignment or transfer [ **must be based upon the applicable contract rate for** ] of capacity or Pennsylvania supply [ **and** ] **shall** be

subject to applicable contractual arrangements and tariffs. **Capacity or Pennsylvania supply costs shall be charged to all customers as a non-bypassable charge based on the average contract rate for those services.**

*B. Comments*

Columbia does not support this proposal for several reasons. First, through its 1307(f) process, Columbia already accomplishes what Peoples' standardized approach achieves regarding uniform capacity costs. Second, while Columbia could release capacity at zero cost, doing so would bring greater risk to Columbia's system as NGSs would have the ability to "game the system" by choosing to serve customers seasonally, thereby creating recovery issues for sales customers. Third, releasing capacity at zero cost and direct billing Choice customers would shift certain storage-related commodity costs, appropriately charged to Choice customers today under Columbia's average day program, to sales customers. Fourth, Columbia releases capacity to Choice NGSs on a recallable basis, however Columbia is not required to take the capacity back from the NGS if that capacity need decreases. Finally, Columbia is not aware of any supplier/marketer requesting that Columbia's program mimic Peoples' system. Consequently, Columbia does not support the codification of Peoples' capacity mechanism into existing Commission regulations. Columbia Comments at 7, 8.

If implemented properly, NFG does not object to this proposal but questions whether it would really result in an NGS offering innovative or lower priced services. To be sure, at least in some cases the NGS commodity price would be nominally lower because the capacity cost would be unbundled from the total cost. The same would be true for NGDC default supply service so comparatively there would be no difference; the change would be that the comparison would take place at a nominally lower rate. NFG believes the ANOPR's presumed efficacy of the Uniform Capacity Cost Proposal would benefit from a study comparing NGS rates to NGDC default rates that would include re-bundled rates in Peoples Natural Gas Company LLC territory. NFG Comments at 4.

PECO does not believe that maintaining capacity associated with critical assets for reliability purposes presents NGSs with a market disadvantage. PECO asserts that its virtual storage program eliminates the need to release capacity from critical assets. PECO releases the amount of capacity needed for each supplier to meet the suppliers' requirements, accordingly, NGDCs should not be required to provide virtual access to critical assets. PECO also expressed concern that virtual access could negatively impact reliability, noting that use of its LNG and Propane facilities must be weighed against existing demand and potential future demand requirements or PECO may not be able to meet its supplier of last resort requirements. PECO Comments at 4—7.

Peoples believes that this method has helped the development of the Customer Choice market in its service territory and can recommend this method. Peoples is concerned, however, that a regulation-prescribed method for assigning and recovering the cost of released capacity may be too restrictive and could limit potential responses to changes in the interstate capacity market. Peoples suggests that the Commission consider means other than a regulation for moving the natural gas Customer Choice marketplace toward consistent practices. The goal would be to encourage the adoption of consistent practices without locking the industry into a single methodology

that could not be modified until a future rulemaking permits a change. Peoples Comments at 4.

PGW states that under the Commission's proposal, the suppliers would no longer have to pay for the capacity. Rather, all customers would pay for the capacity. Suppliers would still receive the capacity, and when a supplier re-releases capacity, the NGS would then be able to keep any payments generated from that—rather than it being returned to PGW's customers. Second, this change shifts the risk of collecting costs onto paying customers. PGW is also concerned about the feasibility of incorporating myriad interstate pipeline contracts for a multitude of different services into its billing system. Such wholesale changes could require significant modifications to PGW's billing systems and retail systems. Changes of this nature and breadth will necessarily be a costly endeavor. PGW believes that a one-size fits-all approach may not be the most effective method for handling capacity release. PGW states that the proposal does not work for PGW because it does not sit in or near production areas, and therefore, has much higher capacity costs. PGW respectfully recommends that the Commission continue to provide NGDCs with the flexibility necessary to release capacity in the best interests of its ratepayers and the NGSs that serve each NGDC's territory. PGW Comments at 3, 4.

UGI posits that to the extent the Commission wishes to proceed with the ANOPR's proposal to recover the costs of gas supply assets released, transferred, or sold to Choice Suppliers from customers, UGI believes that the Commission should require that sharing mechanism credits resulting from assets paid for and used by PGC customers alone should be credited to those customers alone. UGI believes that the regulations should not mandate a particular Choice program design but should instead provide the Commission with the flexibility to permit variations to deal with unanticipated conditions. While UGI believes the proposal could be workable, with language changes, UGI believes the potential benefits may be overstated and need to be weighed against the cost of implementation. UGI comments at 8—12.

Valley states that the proposed modifications will be difficult for it to implement and asserts that some of the changes may be inconsistent with the Public Utility Code. Accordingly, Valley requests that the Commission decline to implement the proposed changes or exclude small gas utilities from the requirements. Valley Comments at 4—8.

EAP emphasizes that what works well for Peoples may not be directly comparable or workable for other NGDCs. EAP also states that implementing this change by other utilities may result in significant cost shifts inconsistent with the utilities' obligation to procure least-cost fuel relative to the statutory SOLR role. EAP Comments at 10.

At this time, the OCA does not object to the adoption of this approach if it can be fairly implemented in other systems. The OCA notes that a careful review of each NGDCs Price to Compare may be necessary to facilitate this change. OCA Comments at 2.

Direct Energy supports the Commission's proposal and agrees that applying Peoples' capacity payment mechanism statewide creates immediate and potentially lasting benefits for competition, including non-shopping customers. Direct Energy notes, however, that the rule should apply to Choice customers and any non-choice customer for whom capacity is assigned by the utility, whether as a mandatory requirement or because of the customer requesting that capacity be assigned. Direct Energy agrees

that a socialization of upstream assigned capacity costs has the potential of making the market more competitive, because recovering the capacity costs through a distribution charge will reduce the NGS' financial risks. Direct Energy Comments at 2, 3.

The Industrials submit that the Commission's proposal to establish uniform capacity costs for all customers is unjust and unreasonable. The Industrials state that such a proposal would be problematic for several reasons, including the failure to: (1) recognize the unique differences among customer classes; (2) consider the distinctive capacity requirements on the various NGDCs' systems; (3) identify the provision in Section 2204(d)(3) of the Public Utility Code requiring that the release, assignment, or transfer of capacity shall be at the applicable contract rate for such capacity; and (4) distinguish the fact that the cited Peoples Tariff provision does not apply to Large C&I transportation customers. Assuming, *arguendo*, that the PUC seeks to implement a non-bypassable charge for capacity costs, the Industrials respectfully submit that Large C&I transportation customers be carved out of any application of this charge. Industrial Comments at 2, 3.

MNG states that any rulemaking that socializes costs creates market price distortions (i.e., there is no benefit for efficient use) and removes one of the primary tools upon which suppliers can differentiate and compete. Further, socialization of such valuable assets for the purpose of reducing barriers to entry would be a net loss in competitiveness. Regarding risk of payment, suppliers must be held to credit, reliability, and default standards as would any other unregulated entity. MNG states that burdening customers with assets that are not useful in supplying their geographic location distorts market economics. MNG notes that market distortions occur where any socialization economically benefits some customers and negatively impacts others. Such distortion encourages expansion and contraction of gas service that is contrary to actual market costs and in the long run is not economically sustainable. MNG Comments at 2.

While NEMA appreciates the stated purpose of the proposal, the proposal does not address whether the uniform capacity charge mechanism will include a change in the underlying capacity release program. If the uniform capacity charge mechanism is not accompanied by a commensurate change in which assets are released to suppliers and which assets are retained by the utilities so that suppliers receive an allocation more closely approximating a true slice-of-the-pie than they currently receive, it is not clear that the suppliers will indeed be better off. NEMA is also concerned that capacity costs are properly allocated and unbundled from utility delivery rates and included in the charge. NEMA is further concerned that it may become more challenging to compete with the utility monopoly, not less so, under this proposal. NEMA Comments at 3, 4.

PEMC supports this proposal, particularly the proposed regulatory language that "Capacity or Pennsylvania supply costs shall be charged to all customers as a non-bypassable charge based on the average contract rate for those services." PEMC believes this is an equitable approach, which will ensure system reliability to the benefit of all customers without placing the cost burden on a single group of customers. PEMC asserts that the proposal would minimize the risk of exposure for payment of capacity both from an NGDC and NGS perspective and provides for a level playing field in terms of risk of liability for non-payment of capacity. PEMC states that the proposal could reduce the financial barriers to entry

into the market by reducing the upfront capital required to begin serving customers. PEMC Comments at 3.

RESA supports the Commission’s proposal for a uniform capacity as a means of leveling the playing field. RESA asserts that access to capacity assets, both pipeline and storage, on a level playing field is critical in making the market competitive. RESA posits that it is axiomatic that if suppliers and the default supplier are to receive an equal slice of capacity for each customer, as Peoples provides today, the payment for that slice should be the same for each. RESA states that charging customers directly for capacity assets allows suppliers to avoid the risk of recovery of capacity payments and eliminate the complex systems that some NGDCs employ that charge suppliers and then credit customers against an otherwise identical capacity charge. RESA cautions, however, that the fundamental premise of charging all customers the same amount for capacity, is providing suppliers with a bundle of usable capacity assets that fairly represents the physical basis of the system average cost, otherwise the system average cost basis for the charge would not be appropriate. RESA supports the notion of assigning a representative slice of system capacity assets to suppliers and supports the notion that such slice should follow the customer. RESA notes that NGDCs should not be permitted to provide a functionally inferior bundle of capacity assets, or a slice that includes virtual access to an asset which may have a vastly diminished value compared to the actual asset, and then still charge the system average cost for capacity. RESA Comments at 2, 3.

WGL supports the proposed modifications and agrees with the benefits that they would provide to the market, suppliers, utilities, and customers. WGL states that the changes would potentially reduce the risk for suppliers and simultaneously enable them to enhance their services. WGL notes that by eliminating the need for suppliers to pay for capacity upfront and then be at risk to recover the payments just to break even, suppliers would have a greater opportunity to focus on providing more competitive and innovative products and possibly lower price offerings. WGL cautions that if NGDCs place a new line item on the utility bill it could confuse customers. WGL Comments at 3–5.

C. Disposition

We agree with the commenters that state that a one-size-fits-all approach to capacity assignments is not appropriate for all NGDC systems and operations due to the capacity assets available and the varying costs of those capacity assets for each NGDC. We also agree with the commenters who raise concerns about the cost shift associated with the proposal and the cost-effectiveness of implementing the proposal in several of the service territories. While the proposal may reduce the upfront costs to enter the market in some NGDC service territories, it has not been shown in these comments that such cost reductions would in fact be conveyed to customers. For these reasons we will not proceed with this rule-making proposal and will withdraw the rulemaking and close this docket.

II. Capacity Assignment from All Assets

The Commission recognized that physical access to certain facilities may raise reliability and/or operational problems for NGDCs and their customers. Therefore, virtual access to the asset may be the best option to provide NGSs with the ability to utilize and benefit from the asset but still provides overall control to the NGDC for reliability assurance.

A. Proposed Regulation

In the ANOPR we proposed the following additions to the regulation at 52 Pa Code § 62.225(a)(2):

§ 62.225. Release, assignment or transfer of capacity.

(a) An NGDC holding contracts for firm storage or transportation capacity, including gas supply contracts with Commonwealth producers, or a city natural gas distribution operation, may release, assign or transfer the capacity or Commonwealth supply, in whole or in part, associated with those contracts to licensed NGSs or large commercial or industrial customers on its system.

\* \* \* \* \*

(2) A release of an NGDC’s pipeline and storage capacity assets must follow the customers for which the NGDC has procured the capacity, subject only to the NGDC’s valid system reliability and Federal Energy Regulatory Commission constraints. **When release must be restricted due to reliability or other constraints, an NGDC shall develop a mechanism that provides proxy or virtual access to the assets.**

B. Comments

Columbia does not support this approach for a few reasons. First, Columbia’s complex distribution system makes management of a “virtual access” approach extremely difficult due to its wide-spread geographic location, disaggregated markets, numerous market areas, numerous points of delivery and because of several pipelines feeding into its system. Second, the “virtual access” approach will create greater operational risk and reliability issues for Columbia’s system. Third, given the issues identified above, Columbia would need to implement new systems and modify numerous existing systems just to attempt a “virtual access” approach with no identified benefits to justify these significant costs. Columbia Comments at 11.

While the NFG understands the ANOPR’s intent for providing NGSs with broader, albeit indirect, access to restricted assets, the approach of a generic change to the applicable regulation ignores the unique operating circumstances applicable to and asset portfolios present in each NGDC’s territory. Requiring NGDCs to develop a mechanism that provides proxy or virtual access to restricted assets appears counter to reliability because rather than permitting NGDCs to create different programs that meet each NGDC’s unique reliability concerns, the ANOPR appears to advocate for only one solution—proxy or virtual access. The Virtual Access Mechanism language removes any balancing of the circumstances present; in effect it improperly presumes that restricted access provides a competitive advantage to the NGDC that must be remedied. NFG does not object to employment of virtual access mechanisms as an option but believes a better approach would be to address this concern on an NGDC by NGDC basis. NFG Comments at 6, 7.

Peoples believes providing virtual access to retained capacity can be done, again subject to conditions that may be specific to the capacity or to the NGDC’s operations. In short, the implementation of the concept may have to be company specific and/or be flexible in the definition of proxy or virtual access to the assets. Peoples Comments at 5.

PGW submits that capacity assignment of restricted assets is best managed on an individual NGDC basis to

account for distinct service territory and system design characteristics. As such, PGW proposes that no changes are necessary to the Commission's regulations on this issue. PGW Comments at 6.

UGI states that in the area it operates, it is not reasonable or prudent to assume that substitute gas supplies could be procured at reasonable cost during peak conditions if certain key gas supply assets unexpectedly become unavailable. While the ANOPR appropriately recognizes the existence of reliability assets, UGI asserts that it mistakenly assumes that these assets can be released if there are appropriate contractual restrictions on their use or imposed through operational flow orders (OFO). UGI states that a contractual restriction only gives the utility the right to sue for damages or specific performance, neither of which provide the required gas deliveries on short notice to meet SOLR obligations, potentially affecting reliability. Regarding OFO restrictions, UGI states that such restrictions only enable the utility to issue penalties or deny future service for any violations, noting that such penalties may be of no concern to an insolvent supplier or a supplier leaving the market. UGI states that its Commission-approved bundled city gate sales obligations constitutes the provision of virtual access to its core market gas supply assets that are appropriate for its systems. UGI Comments at 12—14.

Valley has substantial concerns with the proposed use of GCR assets by NGSs. Because Valley is served by a single interstate pipeline, Valley is prudent in arranging for sufficient interstate pipeline capacity to serve its GCR customers. Valley also contracts for storage services near its service territory to ensure operational reliability. Valley uses the pipeline capacity year-round to fill the storage, and then calls upon its gas in storage to meet peak demands during the winter and to balance its system. Even virtual access by NGSs to the assets could impair operational reliability practices in the territory. Valley Comments at 8, 9.

EAP asserts that the proposal is not feasible on all NGDC systems based on the capacity constraints and other unique characteristics that differentiate the eastern Pennsylvania market from the western Pennsylvania market. EAP states that the proposed contractual restrictions only provide legal recourse after the NGDC has already replaced the required gas delivery necessary to fulfill its SOLR obligations, should the initial assets become unavailable due to virtual release. EAP Comments at 10.

The OCA submits that more information is needed from the NGDCs regarding the proposed regulation change. NGSs and NGDCs would need to properly identify assets to which NGSs do not currently have reasonable access, or where current mechanisms are not adequate. The OCA further submits that virtual or proxy capacity access has not been a major issue in recent Purchased Gas Cost proceedings, so it is not clear to the OCA what benefit is sought to be achieved. The OCA further recommends that the Commission develop protocols for specific resources to ensure reliability. OCA Comments at 3.

Direct Energy agrees that capacity should be assigned, as near as possible on a slice of system basis. Direct Energy recognizes that some assets may not be assignable and accordingly supports the Commission's proposal to create virtual access to various supply assets. Direct Energy notes, however, that virtual access must be structured to insure that access is established on a non-discriminatory basis. Direct Energy asserts that it is

important that if the asset creates cost advantages that reduce the cost of gas for the NGDC, then those same cost advantages should be shared with the suppliers. Direct Energy Comments at 4.

NEMA suggests that increased detail and transparency is needed associated with what is or will be deemed a reliability asset by the utility. Utilities should not be permitted to unduly restrict supplier access to assets. NEMA recommends that more information about how virtual pooling will work under the proposal be provided to stakeholders. NEMA Comments at 5.

PEMC supports the proposal for capacity assignment from all assets, subject only to the NGDC's system reliability needs and Federal Energy Regulatory Commission regulations. PEMC states that the NGDC must develop a mechanism that provides a proxy or virtual access to the facilities assets in question to provide suppliers with the ability to utilize and benefit from these assets while allowing the NGDC to maintain overall control for reliability. PEMC states that communication between the suppliers and the NGDC is paramount, and the use of a particular physical asset may be denied based on pre-established rules. PEMC Comments at 4.

RESA suggest that the Section 2204(d)(3) of the Public Utility Code, 66 Pa.C.S. § 2204(d)(3), requires more than the ANOPR acknowledges regarding the level and type of assets that must be released. RESA asserts that this section of the Public Utility Code requires that if an NGDC releases capacity at all, it must indeed release the assets that the company would otherwise have used to serve the customer or group of customers. RESA notes that while the virtual storage does address some of the downside risk, it also eliminates the potential for any upside with any profit gained by selectively releasing the capacity is shared between the asset manager and the utility. RESA asserts that virtual storage does not provide the same optionality as actual storage, even when considering the costs to the supplier of meeting the requirements of the storage operator for filling and withdrawing from that storage. RESA states that if the NGDC were providing a virtual asset that is less valuable than the actual asset, then fairness would dictate that if the NGDC makes any profit on the asset that it will not, or cannot assign, the supplier a share in that profit. RESA does not take issue with the use of an asset manager, but if the primary reason for the non-assignment of a fair slice of assets is the asset manager's need for profit, this would be discriminatory. RESA also contends that assigned capacity must also be usable by the supplier to serve the customers whom it follows—that is, it must reasonably represent the same bundle of assets that the NGDC would use to serve the same customers. RESA Comments at 2—5.

WGL does not support a rule that would change the current programs that utilities have in place to deal with critical assets. WGL believes that such a rule would result in additional, unnecessary burdens for suppliers without commensurate benefits. WGL recommends that the Commission make it standard that all capacity releases be executed monthly, rather than yearly. WGL Comments at 6, 7.

### *C. Disposition*

Again, we agree with the commenters that the one-size-fits-all approach for proxy or virtual access to assets can create greater operational risks for some NGDCs and may not be feasible for some NGDCs. In addition, the proposal would require some NGDCs to implement new systems

and modify numerous existing systems just to attempt a “virtual access” approach with no identified benefits to justify these significant costs. The benefits of the proposal may be suspect in that virtual storage does not provide the same optionality as actual storage, even when considering the costs to the supplier of meeting the requirements of the storage operator for filling and withdrawing from that storage. Commenters noted that the proposal would result in additional, unnecessary burdens for suppliers without commensurate benefits. Commenters also stated that more information about how virtual pooling would work under the proposal needs to be fleshed out prior to implementation. Commenters also noted that virtual or proxy capacity access has not been a major issue in recent Purchased Gas Cost proceedings, where the benefits of such a program can be determined on a case-by-case basis. For these reasons we will not proceed with this rulemaking proposal and will withdraw the rulemaking and close this docket.

### III. Imbalance Trading

Penalties help ensure safe and reliable service in the natural gas market. While system reliability may be the primary mission of the NGDC, it is also a major focus of most market participants. In addition, it requires a cooperative approach between all market participants to ensure reliability. Improving upon this cooperative approach, therefore, should help to improve reliability in the natural gas market.

#### A. Proposed Regulation

In the ANOPR the Commission proposed that imbalance trading between market participants (both Choice and Transportation customers) should be a market feature. To implement this daily imbalance trading, the Commission proposed the following additions to the regulation at 52 Pa. Code § 62.225:

**(5) An NGDC shall provide the opportunity for imbalance trading on the day the imbalance occurred. Capacity may be traded between market participants provided that either:**

**(i) The trade improves the position of both parties.**

**(ii) The trade improves the position of one party and is agreed to by the second party but does not negatively impact the second party's imbalance.**

#### B. Comments

Columbia does not support this recommendation for several reasons. First, Columbia's system is not built for trading between CHOICE and Transportation and therefore it cannot accommodate such trading. Second, permitting NGSs to trade imbalances across transportation programs could result in NGSs “gaming the system.” Third, for Columbia to implement and monitor such a program modification would require that the Company undertake expensive and time-consuming programming costs. Lastly, no party has requested this change and no clear reason as to the basis for such a change has been shared. Columbia Comments at 13.

NFG states that the use of the term “Capacity” in the proposed regulatory text is inconsistent with applicable FERC regulations, potentially exposing NGDCs to substantial penalties; capacity cannot be traded outside of FERC's capacity release mechanism. NFG believes this is simply an improper choice of language and proposes replacing the term Capacity with “Gas Imbalances” in the proposed Section 62.225. NFG, however, is concerned that

the Daily Imbalance Trading Proposal is designed to address a problem that does not exist on its system and even if it did, due to illiquidity, is inferior to trading opportunities on the interstate pipeline system. NFG Comments at 13—16.

Peoples asserts that the allowance of imbalance trading would introduce a reliability risk that does not currently exist. Today, NGSs can trade gas supplies prior to the gas delivery day to satisfy their delivery target amounts. If, instead of acting proactively to manage deliveries, an NGS assumes that it can trade for gas at the end of or after the gas delivery day, and there turns out to be no other NGS in an opposite position with whom to trade imbalances, then the NGDC is left to manage that imbalance. Peoples Comments at 7.

PGW is opposed to daily imbalance trading for its interruptible transportation suppliers but may be amenable to interruptible transportation suppliers trading imbalances at the end of the month. Trading at the end of the month would help ensure better reliability than daily imbalance trading. However, before PGW could support such a proposal, it would need more developed information. PGW agrees that significant technology and system upgrades would be necessary to accommodate daily imbalance trading, as PGW's current system is not able to communicate with suppliers in real-time. Such upgrades would necessarily be costly. PGW does not support trading between interruptible and firm transportation supplier pools. Such a mechanism would be problematic because it could permit NGSs to manipulate the pools to create arbitrage opportunities that profit the NGSs at the expense of ratepayers. PGW Comments at 7.

UGI notes that it does not have smart meters that would permit the collection of real time daily imbalance information for its SOLR customers. UGI must ensure that appropriate deliveries are made to fulfill its SOLR obligations. UGI does provide a balancing service to handle any variations between the specified daily delivery amount and actual use. UGI Comments at 16, 17.

Valley has not implemented an EDI system and EDI will be needed to enable real-time information exchange regarding account usage, deliveries and over or under delivery status. Based on the experiences of Valley's sister-affiliates (Citizens' Electric Company and Wellsboro Electric Company), the costs to implement EDI will be \$500,000 to \$1 million. In a small territory like Valley's the cost equates to approximately \$75 to \$150 per customer. Valley suggests that implementing EDI to facilitate imbalance trading may not be cost-effective. Valley Comments at 9, 10.

EAP does not believe this proposal is workable or valuable to the marketplace and does not benefit customers. EAP states that most NGDCs don't have smart meters and cannot collect real-time, daily information from low volume market customers. The costs for implementing smart meters would be in addition to the IT costs necessary to update the NGDCs' electronic bulletin boards to enable such daily trades. EAP Comments at 11.

The OCA submits that it is not clear that there will be material benefits by creating daily imbalance trading. As a result, the OCA is concerned with the additional costs that will be incurred by developing the needed trading platform. The OCA states that it is unclear if there would be supplies available to trade imbalances on any day because all Choice suppliers should be delivering the requested amount. It may be that NGSs would find useful daily imbalance trading for only their larger, Transporta-

tion Program customers where the NGDC does not specify the daily amount to be delivered. The OCA submits that NGDCs should be required to demonstrate a significant need for daily trading for Choice Program customers if those costs are to be incurred. Similarly, with respect to daily trading of capacity, there should be a demonstration of a significant need prior to the building of a daily trading platform. OCA Comments at 4, 5.

Direct Energy strongly supports the imbalance trading concept and notes that such trading is already permitted on some of the NGDC systems. Direct Energy also supports imbalance trading between Choice and Transportation programs, noting that artificial restrictions about imbalances trading between the two pools appears to be without operational justification. Trading between pools allows a supplier to offset a positive balance against a negative imbalance, causing no net impact on the system. Direct Energy Comments at 5.

NEMA supports the imbalance trading proposal on the basis that it is a source of flexibility for suppliers that provides suppliers with a means to minimize the costs to deliver natural gas to consumers. Moreover, by implementing a standardized approach as is proposed, it provides suppliers with a more definitive basis upon which to do business across utilities, thereby providing greater certainty of the costs of participating in the market. NEMA also agrees that communication of real-time information is critical for daily imbalance trading. NEMA Comments at 6.

PEMC supports the proposal for the trading of daily imbalances with the understanding that there may be system upgrades required to afford access to more real-time information. PEMC states that the proposal provides the ability for suppliers and the NGDCs to manage their portfolios in a more cost-efficient manner by minimizing imbalance penalties. PEMC Comments at 4.

RESA has long championed more uniform and market rational penalties. RESA asserts that the ability to trade imbalances among suppliers in near real time will allow suppliers to balance the market without resort to penalties, when one supplier might be long and the other short on a particular day. RESA acknowledges that daily read meters and IT systems capable of collecting and processing the information is needed, but there is not yet universal deployment of such systems. RESA wishes to be realistic and acknowledges that daily imbalance trading may be more than a few years out, due to the needed first step of upgrading metering capability on a statewide basis and all that such a task involves, even if consideration is given initially only to commercial customers. RESA Comments at 8.

WGL supports the Commission proposal if the rules do not cause a supplier or utility to go outside of the imbalance tolerance threshold, which has been ongoing in the marketplace without a rule in effect. WGL proposes a change to clarify that trades should be allowed between parties if they do not cause either party to go outside the utility's tolerance threshold. WGL Comments at 9.

#### C. Disposition

Commenters agree that significant and costly upgrades to NGDC systems are needed to accommodate daily imbalance trading. Commenters have also noted that no party has requested this change and no clear reason as to the basis for such a change has been shared with some commenters noting that the Daily Imbalance Trading Proposal is designed to address a problem that does not exist and may be inferior to trading opportunities on the

interstate pipeline system. No commenter has demonstrated that the benefits of daily imbalance trading on every NGDC system would provide benefits in excess of the significant costs to upgrade NGDC systems needed to facilitate such a program. Accordingly, we will not proceed with this rulemaking proposal and will withdraw the rulemaking and close this docket.

#### IV. Penalty Structure During Non-peak Times

Penalties are a necessary market feature to help maintain system integrity and reliability. In Pennsylvania and within each NGDC, there is a difference in penalty structure during system peak demand periods and off-peak demand periods. Generally, system peak demand periods occur during the winter months (November through March) or when an operational flow order is issued. Penalties are appropriately higher during system peak demand periods because the harm to system reliability could be substantial. During the Retail Market Investigation stakeholder discussions, concerns were raised about the fairness of penalties during off-peak periods and corresponding questions about whether the penalties were sufficient to prevent inappropriate market behavior.

##### A. Proposed Regulation

In the ANOPR the Commission proposed a standardized penalty mechanism to reduce barriers to participation in the retail natural gas market. To implement this proposed standard, the Commission proposed the following additions to the regulation at 52 Pa. Code § 62.225:

#### **(6) Penalties during system off-peak periods must correspond to market conditions.**

#### **(i) An NGDC shall use the system average cost of gas as the reference point for market based penalties. If an NGDC takes service from a local hub, it may use the local hub as a reference point for market based penalties.**

#### **(ii) The lowest penalty must be set at the market price.**

##### B. Comments

Columbia opposes this proposal for several reasons, not the least of which is because NGDC systems do not function like EDC systems. First, Columbia notes that it does not operate its system in a vacuum. Rather, Columbia communicates and works regularly with NGDCs to resolve issues like that of penalties. Columbia transformed its operational order penalty structure from a flat rate to a market-based rate as part of the settlement agreement in Docket No. R-2016-2529660. Second, an off-peak price structure would not work for Columbia as the Company is subject to operational orders during both peak and off-peak periods. Third, because Columbia has a very wide-spread geographic footprint served directly by six different pipelines it sees a very wide range of prices on the pipelines delivering to its system and has very little flexibility to maneuver receipts from pipeline to pipeline. Lastly, Columbia maintains that a standardized penalty structure works for EDCs but is not a realistic model for NGDCs due to system constraints and the vastly different array of resources the NGDCs must manage. Columbia Comments at 19, 20.

NFG states that while the text of the ANOPR appears to take reliability into consideration, the proposed regulatory addition doesn't capture the reliability discussion in the ANOPR. This is not to say that market pricing cannot be factored into penalties but if done improperly, market-oriented penalty pricing creates a gaming opportunity

that would benefit NGSs that fail to meet their delivery obligations to shopping customers at the expense of non-shopping customers. NFG Comments at 17.

PECO supports using penalty structures that are market-based and that prevent opportunities for arbitrage, however, PECO states that a one-size-fits-all approach will not work for all NGDCs. PECO states that if the penalty is not properly aligned with the specific Choice program, system balancing problems could result. PECO Comments at 8–10.

Peoples' current practice is consistent with this proposal. It provides a market-based cash out value but carries a high enough market premium/discount to encourage NGS attention to delivery obligations and protect retail customers from serving as a free balancing service for Choice suppliers. Peoples Comments at 8, 9.

PGW's daily imbalance penalty structure is designed to protect the reliability of its system by providing appropriate penalties. PGW believes that each NGDC should be provided maximum flexibility to design penalty mechanisms that best fit its unique distribution system needs. PGW would, therefore, recommend that no changes be made to the current regulations. PGW Comments at 10, 11.

UGI states that if system reliability rules are reasonable and clearly communicated, and penalties are appropriately set to deter risky behaviors, suppliers should be able to comply with the reliability rules and avoid penalties. UGI believes that if suppliers can avoid penalties, such penalties should not be considered a barrier to increased participation in the market. UGI further asserts that reliability penalty assessments have not been significant, and thus cannot be considered a significant barrier to the market. UGI Comments at 20.

EAP believes that the current system-specific penalty structure is working to appropriately deter bad actors and avoid compromises to utility reliability. EAP notes that the effects of arbitrage might also be felt by other system customers, jeopardizing wider system supplies. EAP Comments at 12.

The OCA submits that the UGI standard for delivery shortfalls for off-peak periods provides adequate protection for NGDCs. However, it only appears to address shortfalls, not over deliveries. The OCA submits that the proposed regulation appears to be misstated in requiring that the lowest penalty must be set at the market price rather than the difference between published and local market prices. OCA Comments at 6.

Direct Energy supports the Commission's proposal, noting that market-based mechanisms are fairer and more dynamic, and will serve as an effective deterrent to behavior that may threaten operational integrity. Direct Energy, however, does not support a need for a minimum penalty structure. Direct Energy Comments at 6.

The Industrials submit that penalties must consider the actor involved, the impact on the system, and degree of the injury, which is not currently the case. The Industrials recommend that NGDCs not charge penalties, but rather, simply charge the market rates for the imbalance when: (1) an NGS has an imbalance in an opposite direction of the overall system imbalance, resulting in the imbalance aiding the NGDC; (2) the imbalance is caused by the NGDC; or (3) the overall system remains in balance despite various NGS imbalances that negate themselves. The Industrials assert that implementing these changes would still assure that all market players are working towards a balanced system while not unrea-

sonably penalizing a market participant for an error that caused no harm. The Industrials also propose that the Commission adopt a more flexible mechanism, like PGW's and PECO's, that allows suppliers to make-up gas in the summer to alleviate supplier imbalances. Industrials Comments at 7, 8.

NEMA agrees that penalties should be market-based. Additionally, NEMA states that penalties should be focused on deterring actual problems and not be unnecessarily punitive. NEMA notes that off-peak penalties should properly be designed so the punishment fits the crime and that the use of a multiplier in computing a penalty should be limited to a reasonable percentage, reflective of the off-peak period. NEMA Comments at 7.

PEMC supports the proposed penalty structure during non-peak times with the understanding that all NGDCs would establish penalties for system off-peak periods based upon its local gas costs. PEMC states that a straight multiplier could be used to generate the penalty during system off peak periods. At the same time, PEMC believes it is imperative to maintain the discretion of the NGDC to waive penalties, as appropriate, especially if the supplier does not flow the correct amount of gas due to inaccurate information from the NGDC or if an imbalance benefits the NGDC system daily balancing position. PEMC Comments at 5.

RESA agrees that penalties provide a meaningful tool to enforce delivery requirements. RESA states that to the extent penalties are based on actual market prices, however, with a rational multiplier, they will continue to provide an incentive to comply, while not exposing suppliers to extreme risk for non-compliance which can often be the result of mistakes, as opposed to intent to do so. RESA agrees that the Commission's vision that such requirements and the consequences for non-compliance be uniform across all NGDCs is a good way to avoid continual litigation of penalties. RESA also agrees that having a rational and uniform penalty structure on a statewide basis will eliminate barriers to entry and allow suppliers to better understand the risks of providing service. RESA further agrees that a market price multiplied by 115% would be a reasonable maximum penalty for non-delivery on a non-peak day. So long as the market price is determined by indices that are relevant to the service territory, RESA asserts that this should produce the appropriate incentives for compliance. RESA Comments at 9, 10.

WGL notes that utilities can now impose summer penalties on suppliers and that the penalties can be unreasonable. WGL submits that suppliers should have greater flexibility during the summer and proposes additional language. WGL Comments at 10, 11.

### *C. Disposition*

While most commenters agree that a market-based penalty structure provides appropriate incentives to maintain system reliability during peak and off-peak periods, most commenters note that such a penalty structure may not work in every service territory due to each NGDC's unique configuration and operation. Accordingly, we agree with the commenters that state that a one-size-fits-all approach will not work for all NGDCs and that each NGDC should be provided maximum flexibility to design penalty mechanisms that best fit its unique distribution system needs. Accordingly, we will not proceed with this rulemaking proposal and will withdraw the rulemaking and close this docket.

*Conclusion*

As the changes to the Commission's regulations proposed in this proceeding may not work in every service territory due to each NGDC's unique configuration and operational characteristics, the resulting significant costs to implementing the changes and there not being demonstrated benefits in excess of those costs and operational risks, the Commission is withdrawing the proposed regulatory changes. The Commission appreciates the time and effort all stakeholders provided in this proceeding to inform the Commission and the regulated community more fully on natural gas distribution company business practices and potential opportunities to improve those practices; *Therefore,*

*It Is Ordered That:*

1. The instant rulemaking at Proposed Rulemaking: Natural Gas Distribution Company Business Practices; 52 Pa. Code § 62.225, Docket No. L-2017-2619223 be marked closed.

2. A copy of this Order be served on all jurisdictional natural gas distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement and the parties that filed comments in this proceeding.

3. The Law Bureau shall deposit this Order with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

4. The Office of Competitive Market Oversight shall electronically send a copy of this Order to all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

5. A copy of this Order shall be posted on the Commission's website at the Office of Competitive Market Oversight web page and on the web page for the *Retail Markets Investigation—Natural Gas*.

6. This Docket be marked closed.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: October 19, 2023

ORDER ENTERED: October 19, 2023

[Pa.B. Doc. No. 23-1509. Filed for public inspection November 3, 2023, 9:00 a.m.]

## GAME COMMISSION

[ 58 PA. CODE CH. 133 ]

### Wildlife Classification; Birds

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 16, 2023, meeting to amend § 133.21 (relating to classification of birds) to add the Black Rail (*Laterallus jamaicensis*) to the Commonwealth's list of threatened birds due to its Federally protected status and small, sporadic population in this Commonwealth.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the September 16, 2023, meeting of the Commission. Comments can be sent until January 24, 2024, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

Black Rails are the smallest rail species in North America and the most secretive in behavior and habitat. Although this species is considered uncommon in this Commonwealth, compelling evidence indicates territories have been established and nesting may have been attempted. In 2020, the United States Fish and Wildlife Service classified the Eastern Black Rail subspecies *Laterallus jamaicensis jamaicensis* as threatened under the Endangered Species Act of 1973 (16 U.S.C. §§ 1531—1544), indicating between 0 to 5 breeding pairs currently occur in this Commonwealth. The Commission is proposing to amend § 133.21 to add the Black Rail (*Laterallus jamaicensis*) to the Commonwealth's list of threatened birds due to its Federally protected status and small, sporadic population in this Commonwealth.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the commission to "[a]dd to or change the classification of any wild bird or wild animal." Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 133.21 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend § 133.21 to add the Black Rail to the Commonwealth's list of threatened birds.

#### 3. Persons Affected

Persons concerned with Black Rail within this Commonwealth will be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information about this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-501. No fiscal impact; recommends adoption.



**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 133. WILDLIFE CLASSIFICATION**

**Subchapter B. BIRDS**

**§ 133.21. Classification of birds.**

The following birds are classified:

- (1) *Endangered.*
  - (i) King Rail (*Rallus elegans*)
  - (ii) Short-eared Owl (*Asio flammeus*)
  - (iii) Black Tern (*Chlidonias niger*)
  - (iv) Least Bittern (*Ixobrychus exilis*)
  - (v) Piping Plover (*Charadrius melodus*)
  - (vi) Loggerhead Shrike (*Lanius ludovicianus*)
  - (vii) American Bittern (*Botaurus lentiginosus*)
  - (viii) Great Egret (*Ardea alba*)
  - (ix) Yellow-crowned Night Heron (*Nyctanassa violacea*)
  - (x) Common Tern (*Sterna hirundo*)
  - (xi) Blackpoll Warbler (*Setophaga striata*)
  - (xii) Black-crowned Night-Heron (*Nycticorax nycticorax*)
  - (xiii) Dickcissel (*Spiza americana*)
  - (xiv) Sedge Wren (*Cistothorus stellaris*)
  - (xv) Yellow-bellied Flycatcher (*Empidonax flavi-ventris*)
  - (xvi) Upland Sandpiper (*Batramia longicauda*)
  - (xvii) Northern Goshawk (*Accipiter gentilis*)
- (2) *Threatened.*
  - (i) Northern Harrier (*Circus hudsonius*)
  - (ii) Long-eared Owl (*Asio otus*)
  - (iii) [Reserved]
  - (iv) Red Knot (*Calidris canutus rufa*)
  - (v) **Black Rail (*Laterallus jamaicensis*)**

[Pa.B. Doc. No. 23-1510. Filed for public inspection November 3, 2023, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; General**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 16, 2023, meeting to amend § 141.18 (relating to permitted devices) to authorize electronic devices used to disturb water with the purpose of preventing ice formation.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the September 16, 2023, meeting of the Commission. Comments can be sent until January 24, 2024, to the Director,

Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

The Commission recently conducted a formal review of the use of electronic devices intended to maintain open water, frequently referred to as “ice-eaters.” Ice-eaters can come in a variety of forms, such as fountains, propellers and bubblers, all with the intention of disturbing water to prevent ice formation or melt ice that has already formed. Waterfowl hunters use these devices in other jurisdictions where their use is lawful to maintain open water and entice waterfowl to remain in the area for hunting opportunities. When considering electronic devices, the Commission generally reviews to what degree use of a given device might negatively impact principles of resource conservation, equal opportunity, fair chase or public safety. The Commission’s review of these devices determined that their use would have insignificant negative impacts to the previously mentioned principles. Therefore, the Commission is proposing to amend § 141.18 to authorize electronic devices used to disturb water with the purpose of preventing ice formation.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.18 are proposed under this authority.

*2. Regulatory Requirements*

This proposed rulemaking will amend § 141.18 to authorize electronic devices used to disturb water with the purpose of preventing ice formation.

*3. Persons Affected*

Persons concerned with hunting where electronic devices used to disturb water for the purpose of preventing ice formation within this Commonwealth will be affected by this proposed rulemaking.

*4. Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

*5. Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*6. Contact Person*

For further information about this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-502. No fiscal impact; recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 141. HUNTING AND TRAPPING**  
**Subchapter A. GENERAL**

**§ 141.18. Permitted devices.**

Notwithstanding the prohibitions in § 141.6 (relating to illegal devices), the following devices may be used to hunt or take wildlife:

(1) Firearms that use an electronic impulse to initiate discharge of ammunition. This provision is not intended to authorize use of these devices when these firearms are otherwise prohibited devices for the applicable hunting or trapping season.

\* \* \* \* \*

(11) Electronic hand-held and firearm-mounted night-vision and infrared optics used solely for furbearer hunting.

**(12) Electronic devices used to disturb water for the purpose of preventing ice formation.**

[Pa.B. Doc. No. 23-1511. Filed for public inspection November 3, 2023, 9:00 a.m.]

## GAME COMMISSION

[ 58 PA. CODE CH. 141 ]

### Hunting and Trapping; Furbearers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 16, 2023, meeting to amend § 141.67 (relating to furbearer seasons) to prohibit the hunting of any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the September 16, 2023, meeting of the Commission. Comments can be sent until January 24, 2024, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

Over the past several years, the Commission received an increasing number of complaints relating to hunters who are using dogs to hunt coyotes during the regular firearms deer and bear seasons. The Commission determined that the act of using dogs to hunt coyotes during the regular firearms deer and regular firearms bear seasons has resulted in both intentional and unintentional pushing, driving or killing of these big game species. The use of dogs to hunt big game is generally unlawful within this Commonwealth. Moreover, the Commission observed that the use of dogs to hunt coyotes during the regular firearms deer and regular firearms bear seasons has frequently caused interference with hunters who were lawfully hunting deer or bear on properties where these activities coincided. The Commission is proposing to amend § 141.67 to prohibit the

hunting of any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.67 are proposed under this authority.

*2. Regulatory Requirements*

This proposed rulemaking will amend § 141.67 to prohibit the hunting of any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

*3. Persons Affected*

Persons concerned with hunting of any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season within this Commonwealth will be affected by this proposed rulemaking.

*4. Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

*5. Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*6. Contact Person*

For further information about this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-504. No fiscal impact; recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 141. HUNTING AND TRAPPING**  
**Subchapter D. FURBEARERS**

**§ 141.67. Furbearer seasons.**

(a) *Permitted devices.* It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than # 4 buckshot. The centerfire shotgun’s magazine

capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A manually operated or semiautomatic air rifle or manually operated air handgun .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(7) A leg-hold trap, except as prohibited under section 2361(a)(8) of the act (relating to unlawful acts concerning taking of furbearers).

(8) A body-gripping trap, except as prohibited under section 2361(a)(11) of the act.

(9) A cable restraint device authorized by § 141.66 (relating to cable restraints).

(10) A snare, except as prohibited under § 141.62(b) (relating to beaver and otter trapping).

(11) A cage or box trap, except as prohibited under section 2361(a)(17) of the act.

(12) A *raptor*. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act (relating to falconry permits).

(b) *Prohibitions*. While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

(1) Use or possess multiple-projectile shotgun ammunition larger than # 4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Use any firearm, other than authorized in this paragraph, to dispatch legally trapped furbearers during the overlap with the regular or special firearms deer seasons:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

**(4) Hunt any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.**

[Pa.B. Doc. No. 23-1512. Filed for public inspection November 3, 2023, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Transportation

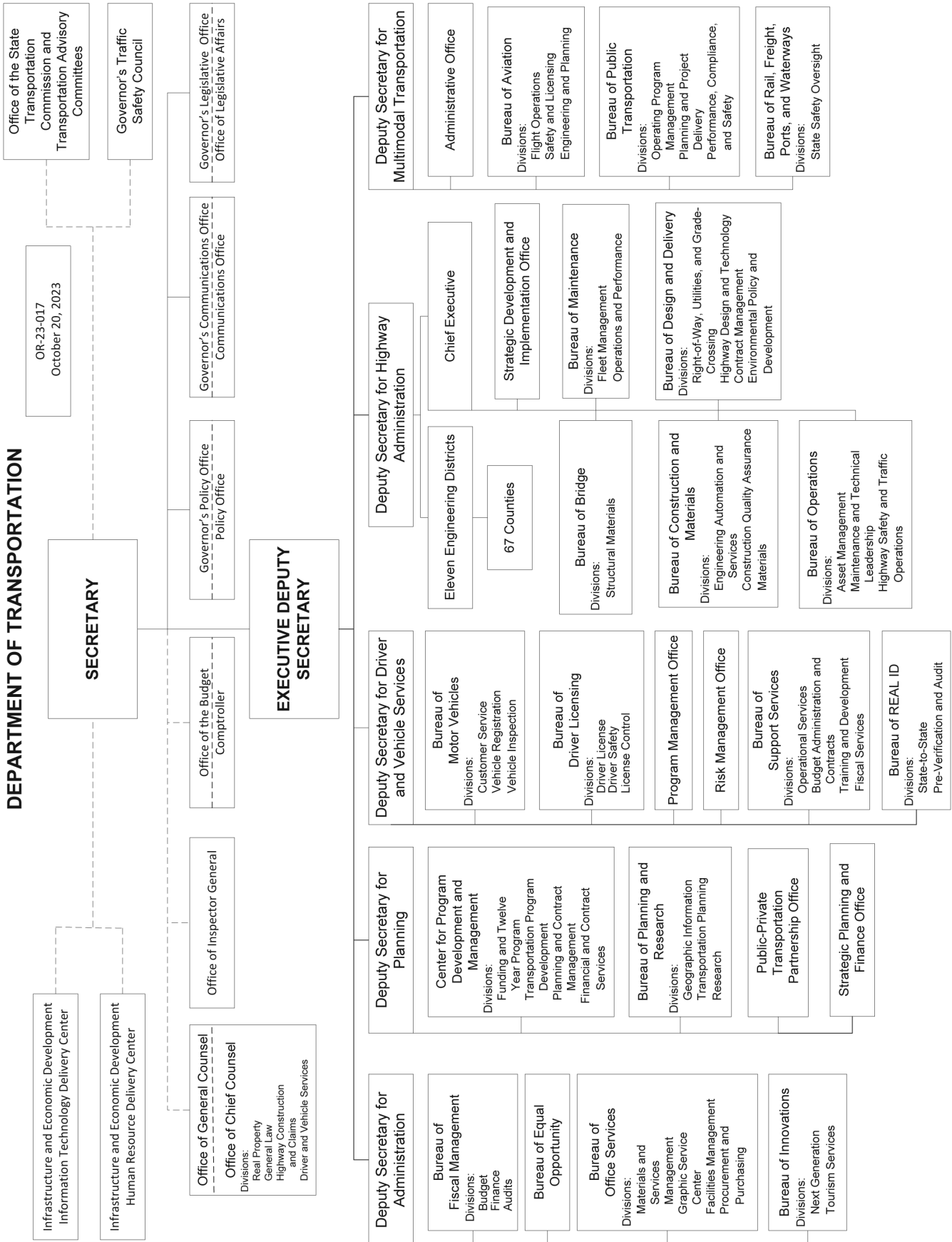
The Executive Board approved a reorganization of the Department of Transportation effective October 20, 2023.

The organization chart at 53 Pa.B. 6873 (November 4, 2023) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 23-1513. Filed for public inspection November 3, 2023, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Program Requirements for the Pennsylvania Agriculture Veteran Grant Program

The Department of Agriculture (Department) hereby provides notice of the standards and requirements for the Pennsylvania Veteran Grant Program (Program). This notice establishes the grant solicitation procedures by the Department to solicit and review applications to conduct one or more “mini-grant” programs for the benefit of military veterans entering or expanding farm operations or related businesses as part of its ongoing commitment to agricultural business and workforce development in Fiscal Year 2023-2024.

1. *Grant Solicitation.* The Department is soliciting applications to conduct one or more “mini-grant” programs for the benefit of military veterans entering or expanding farm operations or related businesses as part of its ongoing commitment to agricultural business and workforce development.

The Department may make awards of up to \$200,000 each to veteran organizations. Veteran organizations who receive grants may award mini-grants to individual veteran farmers, which may not exceed \$10,000 each. The proposed mini-grant program must allow for one or more of the following purposes (additional purposes may be proposed):

- Business planning.
- Feasibility studies.
- Food safety, including Hazard Analysis and Critical Control Points plans.
- Biosecurity planning.
- Cost-sharing implementation of natural resource conservation planning.
- Cost-sharing permitting fees.
- Cost-sharing equipment purchases.
- Working capital.
- Marketing and promotion of agricultural commodities and value-added products.

2. *Scoring of Applications.* The Department will evaluate each complete and timely-filed project proposal and grant application it receives, using a 100-point scale assessing:

- a) Up to 10 points for the project needs statement.
- b) Up to 20 points for projected Program outcomes, including enhancement of diversity, equity and inclusion in farming.
- c) Up to 30 points for the methodology of awarding mini-grants to individual veteran farmers and for ensuring those funds are used as intended.
- d) Up to 20 points for the applicant’s project evaluation process.
- e) Up to 20 points for support, including financial support, and participation in operating the mini-grant from veterans and the farming industry.

Upon completion of application scoring, the Department will prepare a record identifying each complete and

timely-filed project proposal and grant application received and the numerical score assigned to each. The Department will award up to three grants based upon its evaluation and scoring of applications.

3. *Grant Agreement.* After the Secretary approves a grant application, and as a precondition to the Department’s release of grant moneys to a successful applicant, the Department and the applicant shall execute a written or electronic grant agreement which establishes the terms and conditions subject to which the grant is made. The grant agreement will not be effective, and work should not begin, until all required signatures have been applied to the grant agreement. The grant agreement will contain and conform to the requirements of this notice and will also contain special terms and conditions as required by the Secretary of Agriculture. Among the terms of the grant agreement will be a requirement that the grant recipient provide the Department full and complete access to all records relating to the performance of the project and submit the information as the Department may require. Applicants who wish to view the full terms and conditions of the grant agreement in advance of submitting an application may contact the Department at the phone number or e-mail address set forth in section 4. Applicants who are unable to agree to the terms and conditions should not submit an application.

4. *Application Delivery and Deadline.* Interested applicants must submit a complete electronic proposal and grant application using the Department of Community and Economic Development’s Electronic Single Application web site at <https://www.esa.dced.state.pa.us/Login.aspx> by Friday, December 15, 2023, at 5 p.m. Questions regarding this online application process may be directed to Corinne Elliott, at (717) 257-6550 or [corielliot@pa.gov](mailto:corielliot@pa.gov).

5. *Multiyear Projects or Extensions.* The Department may award grant funding for multiyear projects or extensions of an ongoing project, if the Department identifies that a multiyear term or an extension advances the grant’s objectives. Requests for extensions of ongoing projects shall be made, evaluated and processed in accordance with all the requirements of this notice.

6. *Notice of Award.* Applicants shall be notified by mail of the decision on their grant applications by the Department. Best efforts will be made to do so within 15 days of the application deadline.

7. *Nonmatching Cost-Reimbursable Grant.* Grants made hereunder do not require the applicant to provide matching funds; however, outside funding may be considered as an evaluation criterion under paragraph 2 of this solicitation. Payment of grant funds will occur on a reimbursement basis, with the possibility of a 50% advance payment option upon the written submission of justification and subsequent approval of the Department and Comptroller Operations. Applicants that require advance payment must indicate that in their proposal.

8. *Allowable Indirect Cost Reimbursement.* Grants made hereunder are subject to an indirect cost cap of 15% of total direct project costs. For the purpose of this solicitation, indirect costs shall include administrative salaries and benefits, office supplies and equipment, facility-related cost including maintenance and repairs,

telephones, memberships/dues, freight/postage cost and any consultant related costs associated with the administration of this grant.

9. *Reporting Requirements.* Within 60 days of completing a mini-grant program, grant recipients will submit a final report to the Department detailing the program's

results based upon the evaluation method proposed in the application.

RUSSELL REDDING,  
*Secretary*

[Pa.B. Doc. No. 23-1514. Filed for public inspection November 3, 2023, 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 October 24, 2023.

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, may file comments in writing with the Department, for Bank Supervision, by e-mail to ra-bnbnksbmsnspspt@pa.gov or for credit unions, by e-mail to ra-bncusubmissions@pa.gov and trust companies, by e-mail to ra-bntrustsuprvsninq@pa.gov. Comments must be received no later than 30 days from the date that the notice regarding acceptance 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, or for credit unions or trust companies (717) 783-2253.

### APPLICATIONS FOR COMMENT

#### BANKING INSTITUTIONS

##### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Status</i>
10-24-2023	LeTort Management & Trust Company Camp Hill Cumberland County	Accepted
	Amendment to Article 2 of the institution's Articles of Incorporation provides for change in principal place of business from 3130 Morningside Drive, Camp Hill, Cumberland County, PA 17011, to 900 Bent Creek Boulevard, Mechanicsburg, Cumberland County, PA 17050.	
	Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	

#### CREDIT UNIONS

No activity.

### OTHER APPLICATION ACTIVITY

#### BANKING INSTITUTIONS

##### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
10-20-2023	Somerset Trust Company Somerset Somerset County	Route 30, Cedar Street Box 225 Latrobe Westmoreland County	Opened

#### CREDIT UNIONS

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

WENDY S. SPICHER,  
*Secretary*

[Pa.B. Doc. No. 23-1515. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Adjustment to Definition of “Base Figure” in the Loan Interest and Protection Law

The Department of Banking and Securities (Department), as required by the definition of “base figure” in section 101 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation-adjusted base figure for the calendar year 2024.

The Department has determined that the current base figure of \$301,022 adjusted for annual inflation using the “Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100” published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$312,159. This new base figure will be effective January 1, 2024, for the calendar year 2024.

WENDY S. SPICHER,  
*Secretary*

[Pa.B. Doc. No. 23-1516. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP’s website (visit [www.dep.pa.gov](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

*Section*            *Category*

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

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

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General Chapter 92a 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, excluding PAG-01 and PAG-02, 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 indicating DEP’s tentative determination relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications and draft permits, 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 DEP 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 identifies individual NPDES permit applications received and draft permits indicating DEP's tentative determination relating to stormwater discharges associated with construction activities. A 30-day public comment period applies to these applications and draft permits. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information 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).

Applications, NOIs and draft permits, where applicable, may be reviewed at the DEP office that received the application or NOI. 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 and to submit comments for those applications, 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 for permits in Sections I & II; RA-EPWW-SERO@pa.gov for permits in Section III.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES\_NERO@pa.gov for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES\_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.*

*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 for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES\_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6340. Email: RA-EPNPDES\_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.*

*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 Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.*

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

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### **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>
PAD020018	Chapter 102 Individual NPDES Permit	Transfer	Calandra Karl 112 Haverford Road Pittsburgh, PA 15238-1620	Fox Chapel Borough Allegheny County	SWRO
PAD130034	Chapter 102 Individual NPDES Permit	Transfer	PNK P5 LLC 1944 PA-940 Pocono Pines, PA 18350-7742	Kidder Township Carbon County	NERO
PAD150078	Chapter 102 Individual NPDES Permit	Transfer	ESC Chester LLC 55 Country Club Drive Suite 200 Ellicott City, MD 21042	Caln Township Chester County	SERO

<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>
3621805	Joint DEP/PFBC Pesticides Permit	Amendment	Highland Tank & Manufacturing Co. 4535 Elizabethtown Road Manheim, PA 17545-8367	Rapho Township Lancaster County	SCRO
6514801	Joint DEP/PFBC Pesticides Permit	Renewal	Greer George P.O. Box 23 Rector, PA 15677-0023	Ligonier Township Westmoreland County	SWRO
0609404	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Spring Township Berks County 2850 Windmill Road Sinking Spring, PA 19608-1668	Spring Township Berks County	SCRO
0915403	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Chalfont New Britain Township Joint Sewer Authority Bucks County 1645 Upper State Road Doylestown, PA 18901-2624	Doylestown Township Bucks County	SERO
3523404	Major Sewage Treatment Facility Individual WQM Permit	New	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Scranton City Lackawanna County	NERO
3683415	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Lancaster City Lancaster County 120 N Duke Street Lancaster, PA 17602-2825	Lancaster City Lancaster County	SCRO
4709402	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Danville Borough Municipal Authority Montour County P.O. Box 179 12 West Market Street Danville, PA 17821-0179	Danville Borough Montour County	NCRO
4779403	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Danville Borough Municipal Authority Montour County P.O. Box 179 12 West Market Street Danville, PA 17821-0179	Danville Borough Montour County	NCRO
PA0034886	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Transfer	St Products LLC dba Wieland Small Tube Products P.O. Box 1017 200 Oliphant Drive Duncansville, PA 16635-1017	Allegheny Township Blair County	SCRO
PA0217778	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Transfer	Chance Gas & Oil LLC 416 Kirkland Road Clymer, PA 15728-6318	Dunbar Township Fayette County	SWRO
1190201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Transfer	Green Energy Ventures LLC 243 Rubisch Road Ebensburg, PA 15931-4500	Cambria Township Cambria County	SWRO
NOEXNC116	No Exposure Certification	Renewal	Bimbo Bakeries USA 3375 Lycoming Creek Road Williamsport, PA 17701-1035	Old Lycoming Township Lycoming County	NCRO
NOEXSC199	No Exposure Certification	Renewal	Dairy Farmers of American 1405 N 98th Street Kansas City, KS 66111-1865	Muhlenberg Township Berks County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG032221	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	McClain Stone Co. Inc. P.O. Box J Tunkhannock, PA 18657	Brooklyn Township Susquehanna County	NERO
PAG034042	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Atlas Roofing Corp 817 Spangler Road Camp Hill, PA 17011-5823	Camp Hill Borough Cumberland County	SCRO
PAG036530	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Wilbert Funeral Service Inc. 3500 College Boulevard Leawood, KS 66211-1901	Mount Pleasant Borough Westmoreland County	SWRO
PAG036564	PAG-03 NPDES General Permit for Industrial Stormwater	New	Green Energy Ventures LLC 243 Rubisch Road Ebensburg, PA 15931-4500	Cambria Township Cambria County	SWRO
PAG036566	PAG-03 NPDES General Permit for Industrial Stormwater	New	Cycle Salvage 292 Bonzo Road Rochester, PA 15074-2646	New Sewickley Township Beaver County	SWRO
PAG038600	PAG-03 NPDES General Permit for Industrial Stormwater	New	Waste Management of PA Inc. 32870 Route 6 Pittsfield, PA 16340-4732	Pittsfield Township Warren County	NWRO
PAG104853	PAG-10 NPDES General Permit for Hydrostatic Test Water	New	UGI Utilities Inc. 1 UGI Drive Denver, PA 17517-9039	Porter Township Lycoming County	NCRO
1523404	Pump Stations Individual WQM Permit	New	East Whiteland Township Chester County 209 Conestoga Road Frazer, PA 19355-1633	East Whiteland Township Chester County	SERO
3623407	Sewer Extensions Individual WQM Permit	New	Quarryville Borough Authority Lancaster County 300 Saint Catherine Street Quarryville, PA 17566-1236	Quarryville Borough Lancaster County	SCRO
PA0267171	Single Residence STP Individual NPDES Permit	Transfer	Herman Clay P 110 Clover Lane Carlisle, PA 17015-7711	Lower Frankford Township Cumberland County	SCRO
PA0281761	Single Residence STP Individual NPDES Permit	Transfer	Darin & Melissa Linebaugh 115 Church Road Lewisberry, PA 17339-9607	Warrington Township York County	SCRO
6713401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Stettler Staci 584 Bull Run Road Wrightsville, PA 17368-9045	Lower Windsor Township York County	SCRO
6721402	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Darin & Melissa Linebaugh 115 Church Road Lewisberry, PA 17339-9607	Warrington Township York 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*

**PA0111414**, Sewage, SIC Code 4952, **PA American Water Co.**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436. Facility Name: McEwensville STP. This existing facility is located in Delaware Township, **Northumberland County**.

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

The receiving stream(s), Unnamed Tributary to Warrior Run (WWF, MF), is located in State Water Plan watershed 10-D 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 0.045 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
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 Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	9.0	15	XXX	25.0	40.0	50
Total Suspended Solids	11	11.2658 Daily Max	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	Report	0.3151 Daily Max	XXX	Report	Report	XXX
Total Suspended Solids (Total Load, lbs) (lbs)	XXX	4,112.0 Total Annual	XXX	XXX	Daily Max XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	115.0 Total Annual	XXX	XXX	Daily Max XXX	XXX

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

The EPA Waiver is not in effect.

*Northcentral Regional Office*

**PA0008419**, Industrial, SIC Code 2833, 2834, **Cherokee Pharmaceuticals, LLC**, P.O. Box 367, Riverside, PA 17868-0367. Facility Name: Cherokee Pharmaceuticals. This existing facility is located in Riverside Borough, **Northumberland County**.

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

The receiving stream(s), Susquehanna River (WWF, MF) and Susquehanna River (WWF), is located in State Water Plan watershed 5-E 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 9.39 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	pH(S.U.)	XXX	XXX	6.0	XXX	XXX
Oil & Grease	XXX	XXX	XXX	Inst Min 15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	XXX	XXX
Total PCBs	XXX	Report	XXX	XXX	Report	XXX
Total Mercury	XXX	Report	XXX	XXX	Report	XXX
Total Aluminum	XXX	Report	XXX	XXX	Report	XXX
Total Iron	XXX	Report	XXX	XXX	Report	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		IMAX
	Monthly	Annual		Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	XXX	64,884	XXX	XXX	XXX	XXX
Net Total Phosphorus	XXX	11,748	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfalls 002 and 003 are based on a design flow of 0.0 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
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a long-term average flow of 0.59 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
Biochemical Oxygen Demand	890	Report	XXX	Report	Report	360
Biochemical Oxygen Demand Industrial Influent	Report	Report	XXX	Report	Report	XXX
Chemical Oxygen Demand	3,275	Report	XXX	665	Report	1,330
Chemical Oxygen Demand Industrial Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	1,510	Report	XXX	Report	Report	615
Ammonia-Nitrogen	140	410	XXX	29.4	84.1	105
Isopropanol	7.87	19.19	XXX	1.60	3.90	4.87
Phenol	0.09	0.24	XXX	0.02	0.05	0.06
Acetone	0.98	2.46	XXX	0.20	0.50	0.62
Acetonitrile	50.19	123.02	XXX	10.20	25.00	31.25
Hexachlorobenzene (ug/L)	0.0009	0.001	XXX	0.19	0.30	0.48
Benzene	0.09	0.24	XXX	0.02	0.05	0.06
Benzo(a)Anthracene (ug/L)	0.012	0.018	XXX	2.40	3.75	6.01
Benzo(a)Pyrene (ug/L)	0.001	0.002	XXX	0.24	0.38	0.6
3,4-Benzofluoranthene (ug/L)	0.012	0.018	XXX	2.40	3.75	6.01
n-Butyl Acetate	2.46	6.39	XXX	0.50	1.30	1.62
1,2-Dichloroethane	0.49	1.96	XXX	0.10	0.40	0.5
Chloroform	0.63	0.98	XXX	0.13	0.20	0.32
Dibenzo(a,h)Anthracene (ug/L)	0.001	0.002	XXX	0.24	0.38	0.6
Dimethyl Sulfoxide	180	450	XXX	37.5	91.5	114.3
Ethanol	20.17	49.20	XXX	4.10	10.00	12.5
Ethyl Acetate	2.46	6.39	XXX	0.50	1.30	1.62
Heptane	0.09	0.24	XXX	0.02	0.05	0.06
Hexane	0.09	0.24	XXX	0.02	0.03	0.05
Indeno(1,2,3-cd)Pyrene (ug/L)	0.012	0.018	XXX	2.40	3.75	6.01
Methylene Chloride	1.47	4.42	XXX	0.30	0.90	1.12
N-Nitrosodimethylamine (ug/L)	0.008	0.013	XXX	1.68	2.63	4.21
N-Nitrosodi-N-Propylamine	XXX	Report	XXX	XXX	Report	XXX
Tetrahydrofuran	12.79	41.33	XXX	2.60	8.40	10.5
Toluene	0.09	0.29	XXX	0.02	0.06	0.07
Triethylamine	500	1230	XXX	102.0	250.0	312.5
Total Methanol	20.17	49.20	XXX	4.10	10.0	12.5
Methyl Formate	2.46	6.39	XXX	0.50	1.30	1.62
Isopropyl Acetate	2.46	6.39	XXX	0.50	1.30	1.62
Cyanide, Total	XXX	Report	XXX	XXX	Report	XXX
4-Methyl-2-pentanone	XXX	Report	XXX	XXX	Report	XXX
Chlorobenzene	XXX	Report	XXX	XXX	Report	XXX
Dichlorobenzene, Total	XXX	Report	XXX	XXX	Report	XXX
Diethylamine	XXX	Report	XXX	XXX	Report	XXX
Isopropyl Ether	XXX	Report	XXX	XXX	Report	XXX
Xylenes, Total	XXX	Report	XXX	XXX	Report	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average	Daily		Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
n-amyl Acetate	XXX	Report	XXX	XXX	Report	XXX
Amyl Alcohol	XXX	Report	XXX	XXX	Report	XXX
Isobutyraldehyde	XXX	Report	XXX	XXX	Report	XXX
Methyl Cellosolve	XXX	Report	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 0.0432 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average	Average		Average	Maximum	
	Monthly	Weekly		Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	4.0	XXX	XXX
Iron, Total	XXX	XXX	XXX	2.0	XXX	XXX
Manganese, Total	XXX	XXX	XXX	1.0	XXX	XXX

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

- Chesapeake Bay Requirement
- Industrial Stormwater Requirements
- Whole Effluent Toxicity
- Chemical Additives
- Chlorine Minimization
- Cooling Water Intake Structures
- Entrainment Study

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

The EPA Waiver is not in effect.

Northeast Regional Office

**PA0275841**, Industrial, SIC Code 3561, **Curtiss Wright EPD**, 1185 Feather Way, Bethlehem, PA 18015. Facility Name: Curtiss Wright EPD. This existing facility is located in Bethlehem City, **Northampton 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), Saucon Creek, is located in State Water Plan watershed 2-C and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (stormwater).

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

The proposed effluent limits for IMP 101 are based on a design flow of 1.125 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average	Average		Average	Maximum	
	Monthly	Weekly		Monthly	Maximum	
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Total Volume (GPM)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

The proposed effluent limits for IMP 201 are based on a design flow of 1.125 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Total Volume (GPM)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Southcentral Regional Office

**PA0262030**, Sewage, SIC Code 6514, **Staci Stettler**, 584 Bull Run Road, Wrightsville, PA 17368-9045. Facility Name: Stettler Res. This existing facility is located in Lower Windsor Township, **York County**.

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

The receiving stream(s), Bull Run (WWF, MF), is located in State Water Plan watershed 7-I 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 .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

**PA0266787**, Sewage, SIC Code 8811, **Timothy McMillen**, 176 Smith Road, Tyrone, PA 16686-7121. Facility Name: McMillen Residence. This existing facility is located in Antis Township, **Blair County**.

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

The receiving stream(s), Unnamed Tributary to Little Juniata River (WWF, MF), is located in State Water Plan watershed 11-A 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 .0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,0

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

The EPA Waiver is in effect.

Southwest Regional Office

**PA0001937**, Industrial, SIC Codes 3612 and 3613, **Pennsylvania Transformer Technology, Inc.**, 30 Curry Avenue, Canonsburg, PA 15317-1786. Facility Name: Pennsylvania Transformer Technology, Inc. Canonsburg Plant. This existing facility is located in Cecil Township & Canonsburg Borough, **Washington County**.

Description of Existing Activity: The application is for an amendment to an NPDES permit for existing and new discharges of treated groundwater and storm water. The proposed permit will authorize the addition of new contaminated groundwater sources to Outfall 006. The interim and final effluent limits for Outfall 006 and all other terms and conditions of the permit will remain unchanged.

The receiving streams, Chartiers Creek (WWF) and Unnamed Tributary to Chartiers Creek (WWF), are located in State Water Plan watershed 20-F and are classified for Warm Water Fishes, aquatic life, watersupply, and recreation. The discharges are not expected to affect public water supplies.

The effluent limits for Outfall 006 are based on a design flow of 0.288 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	5.0	10.0	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Cyanide, Free (ug/L)	XXX	XXX	XXX	Report	Report	XXX
4,6-dinitro-o-cresol (ug/L)	XXX	XXX	XXX	Report	Report	XXX
3,3-Dichlorobenzidine (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Pentachlorophenol (ug/L)	XXX	XXX	XXX	Report	Report	XXX
2,4,6-Trichlorophenol (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Acrolein (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Acrylonitrile (ug/L)	XXX	XXX	XXX	Report	Report	XXX
1,3-Dichloropropylene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Hexachlorobenzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzidine (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzo(a)Anthracene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzo(a)Pyrene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzo(k)Fluoranthene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
3,4-Benzofluoranthene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Bromoform (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Carbon Tetrachloride (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chlorodibromomethane (ug/L)	XXX	XXX	XXX	Report	Report	XXX
1,1,2-Trichloroethane (ug/L)	XXX	XXX	XXX	Report	Report	XXX
1,2-Dichloroethane (ug/L)	XXX	XXX	XXX	Report	Report	XXX
1,2-Diphenylhydrazine (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Dichlorobromomethane (ug/L)	XXX	XXX	XXX	Report	Report	XXX
1,1,2,2-Tetrachloroethane (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Bis(2-Chloroethyl)Ether (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Bis(2-Ethylhexyl)Phthalate (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chrysene (ug/L)	XXX	XXX	XXX	Report	Report	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Dibenzo(a,h)Anthracene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Hexachlorobutadiene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Hexachlorocyclopentadiene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Hexachloroethane (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Indeno(1,2,3-cd)Pyrene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Methylene Chloride (ug/L)	XXX	XXX	XXX	Report	Report	XXX
N-Nitrosodimethylamine (ug/L)	XXX	XXX	XXX	Report	Report	XXX
N-Nitrosodi-N-Propylamine (ug/L)	XXX	XXX	XXX	Report	Report	XXX
N-Nitrosodiphenylamine (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PCB-1260 (ug/L)	XXX	XXX	XXX	0.000064	0.000128	0.00016
PCBs, Total (ug/L)	XXX	XXX	XXX	0.000064	0.000128	0.00016
Phenanthrene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Tetrachloroethylene (ug/L)	XXX	XXX	XXX	5.0	9.55	12.5
Trichloroethylene (ug/L)	XXX	XXX	XXX	5.0	10.0	12.5
Vinyl Chloride (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The effluent limits for Outfall 006 are based on a design flow of 0.288 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	5.0	10.0	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	18.2	28.4	45.5
Cyanide, Free (ug/L)	XXX	XXX	XXX	11.2	17.5	28.0
4,6-dinitro-o-cresol (ug/L)	XXX	XXX	XXX	28.0	43.7	70.0
3,3-Dichlorobenzidine (ug/L)	XXX	XXX	XXX	0.186	0.291	0.465
Pentachlorophenol (ug/L)	XXX	XXX	XXX	2.40	3.74	6.00
2,4,6-Trichlorophenol (ug/L)	XXX	XXX	XXX	12.4	19.4	31.0
Acrolein (ug/L)	XXX	XXX	XXX	3.90	6.08	9.75
Acrylonitrile (ug/L)	XXX	XXX	XXX	0.453	0.706	1.13
1,3-Dichloropropylene (ug/L)	XXX	XXX	XXX	3.02	4.71	7.55
Hexachlorobenzene (ug/L)	XXX	XXX	XXX	0.002	0.004	0.005
Benzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzidine (ug/L)	XXX	XXX	XXX	0.0008	0.001	0.002
Benzo(a)Anthracene (ug/L)	XXX	XXX	XXX	0.034	0.053	0.085
Benzo(a)Pyrene (ug/L)	XXX	XXX	XXX	0.034	0.053	0.085
Benzo(k)Fluoranthene (ug/L)	XXX	XXX	XXX	0.034	0.053	0.085
3,4-Benzofluoranthene (ug/L)	XXX	XXX	XXX	0.034	0.053	0.085
Bromoform (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Carbon Tetrachloride (ug/L)	XXX	XXX	XXX	2.04	3.18	5.10
Chlorodibromomethane (ug/L)	XXX	XXX	XXX	3.55	5.54	8.88
1,1,2-Trichloroethane (ug/L)	XXX	XXX	XXX	5.24	8.17	13.1
1,2-Dichloroethane (ug/L)	XXX	XXX	XXX	3.37	5.26	8.43
1,2-Diphenylhydrazine (ug/L)	XXX	XXX	XXX	0.319	0.498	0.798
Dichlorobromomethane (ug/L)	XXX	XXX	XXX	4.88	7.62	12.2
1,1,2,2-Tetrachloroethane (ug/L)	XXX	XXX	XXX	1.51	2.35	3.78
Bis(2-Chloroethyl)Ether (ug/L)	XXX	XXX	XXX	0.266	0.415	0.665
Bis(2-Ethylhexyl)Phthalate (ug/L)	XXX	XXX	XXX	10.6	16.6	26.5
Chrysene (ug/L)	XXX	XXX	XXX	0.034	0.053	0.085
Dibenzo(a,h)Anthracene (ug/L)	XXX	XXX	XXX	0.034	0.053	0.085
Hexachlorobutadiene (ug/L)	XXX	XXX	XXX	3.91	6.09	9.78
Hexachlorocyclopentadiene (ug/L)	XXX	XXX	XXX	2.16	3.37	5.40
Hexachloroethane (ug/L)	XXX	XXX	XXX	12.4	19.4	31
Indeno(1,2,3-cd)Pyrene (ug/L)	XXX	XXX	XXX	0.034	0.053	0.085
Methylene Chloride (ug/L)	XXX	XXX	XXX	Report	Report	XXX
N-Nitrosodimethylamine (ug/L)	XXX	XXX	XXX	0.006	0.010	0.015
N-Nitrosodi-N-Propylamine (ug/L)	XXX	XXX	XXX	0.044	0.069	0.110
N-Nitrosodiphenylamine (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PCB-1260 (ug/L)	XXX	XXX	XXX	0.000064	0.000128	0.00016
PCBs, Total (ug/L)	XXX	XXX	XXX	0.000064	0.000128	0.00016
Phenanthrene (ug/L)	XXX	XXX	XXX	2.16	3.37	5.4

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Insta. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Tetrachloroethylene (ug/L)	XXX	XXX	XXX	5.0	9.55	12.5
Trichloroethylene (ug/L)	XXX	XXX	XXX	5.0	10.0	12.5
Vinyl Chloride (ug/L)	XXX	XXX	XXX	0.222	0.346	0.555

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.

*Southwest Regional Office*

**PA0004219**, Industrial, SIC Code 1061, 2819, 3313, **Langeloth Metallurgical Co. LLC**, P.O. Box 608, Langeloth, PA 15054-0608. Facility Name: Langeloth Metallurgical Plant. This existing facility is located in Smith Township, **Washington County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste and stormwater runoff associated with industrial activity.

The receiving stream(s), Unnamed Tributary to Raccoon Creek (WWF) and Unnamed Tributary of Raccoon Creek (WWF), is located in State Water Plan watershed 20-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Insta. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Qrtly	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Insta. 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	Report	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Insta. 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	Report	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Insta. 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	Report	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Cobalt, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Fluoride, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 0.06 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Insta. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	110.0	XXX

The proposed effluent limits for Outfall 301 are based on a design flow of 0.024 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Insta. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	73.0	146.0	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Antimony, Total	Report	Report	XXX	Report	Report	XXX
Arsenic, Total	0.033	0.051	XXX	0.163	0.254	0.41
Boron, Total	Report	Report	XXX	Report	Report	XXX
Cadmium, Total	0.10	0.25	XXX	Report	Report	XXX
Copper, Total	0.75	1.5	XXX	Report	Report	XXX
Fluoride, Total	24.0	43.0	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	0.16	0.34	XXX	Report	Report	XXX
Molybdenum, Total	9.98	19.28	XXX	30.0	60.0	75
Selenium, Total	Report	Report	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	0.52	1.25	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	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.

#### *Southeast Regional Office*

Applicant: **Philadelphia Parks and Recreation**

Applicant Address: 1515 Arch Street, Philadelphia, PA 19102

Application Number: **PAD510230**

Application Type: New

Municipality/County: City of Philadelphia, **Philadelphia County**

Project Site Name: Shepard Recreation Center

Total Earth Disturbance Area (acres): 2.66 acres

Surface Waters Receiving Stormwater Discharges: Schuylkill River (WWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Shephard Recreation Center redevelopment will include an addition and remodel of recreation building, improvements to pool building and basketball courts, playground equipment, utility connections, and underground stormwater detention facilities.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 484-250-5910.

*Northeast Regional Office*

Applicant: **The Preserve at Blue Ridge, LLC**

Applicant Address: 1140 Route 315, Suite 201, Wilkes-Barre, PA 18711

Application Number: **PAD400073**

Application Type: New

Municipality/County: Dorrance Township, **Luzerne County**

Project Site Name: Estates at Blue Ridge

Total Earth Disturbance Area (acres): 41.24 acres

Surface Waters Receiving Stormwater Discharges: 1. UNT to Little Wapwallopen Creek (CWF, MF); 2. Little Wapwallopen Creek (CWF, MF); 3. EV Wetlands

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This project involves an existing wooded area to be developed into 22 lot single family residential subdivision.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Northeast Regional Office*

Applicant: **OZ Realty, LLC**

Applicant Address: 370 Erie Street, Honesdale, PA 18431-1039

Application Number: **PAD640044**

Application Type: New

Municipality/County: Honesdale Borough, **Wayne County**

Project Site Name: OZ Realty Warehouse

Total Earth Disturbance Area (acres): 2.50 acres

Surface Waters Receiving Stormwater Discharges: Lackawaxen River (HQ-TSF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The project involves the construction of a 7,920 square foot warehouse with associated gravel driveway, parking, turn around areas and stormwater management BMP facilities. An on-site barn will also be converted into a garage.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Southeast Regional Office*

Applicant: **Lincoln University**

Applicant Address: 1570 Baltimore Pike, Lincoln University, PA 19352

Application Number: **PAD150161 A-3**

Application Type: Major Amendment

Municipality/County: Lower Oxford Township, **Chester County**

Project Site Name: Lincoln University Amos Hall (Rivero, Cresson, and Vail)

Total Earth Disturbance Area (acres): 1.39 acres

Surface Waters Receiving Stormwater Discharges: UNT to West Branch Big Elk Creek (HQ-TSF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This application is to amend PAD150161 to include a new Project Site Boundary and Earth Disturbance Area adjacent to the existing permitted boundaries. Proposed renovations to an existing university athletic building with associated site improvements (walkways, stairs, landscaping, utilities, stormwater). This application, and all supporting forms and calculations are associated with the Rivero Hall improvements only and do not include the Amos Hall Renovation and Expansion, Vail Hall, or Cresson Hall improvements that are currently permitted.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 484-250-5910.

*Northeast Regional Office*

Applicant: **Ivan Malanyuk**

Applicant Address: 6533 Laurelwood Road, Swiftwater, PA 18370

Application Number: **PAD450187**

Application Type: New

Municipality/County: Tunkhannock Township, **Monroe County**

Project Site Name: Ivan Malanyuk Land Development—Mechanic Shop & Used Car Lot

Total Earth Disturbance Area (acres): 1.23 acres

Surface Waters Receiving Stormwater Discharges: Mud Pond Run (EV, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Mechanic Shop & Used Car Lot with on-site septic, well and stormwater management.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Southwest Regional Office*

Applicant: **Peoples Natural Gas Company LLC**

Applicant Address: 375 North Shore Drive, Suite 600, Pittsburgh, PA 15212

Application Number: **PA630006D**

Application Type: New

Municipality/County: North Bethlehem Township and Somerset Township, **Washington County**

Project Site Name: Goodwin Tombaugh Phase 3 Areas 13—15

Total Earth Disturbance Area (acres): 26 acres

Surface Waters Receiving Stormwater Discharges: Center Branch Pigeon Creek (WWF), North Branch Pigeon Creek (WWF), Pigeon Creek (WWF), South Branch Pigeon Creek (WWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The Project consist of the installation of 11 miles of new 2-inch, 4-inch, and 6-inch plastic gas pipeline in North Bethlehem and Somerset Townships, Washington County, PA. PNG intends to complete a portion of the Project using Horizontal Directional Drilling (HDD) to reduce earth disturbance and limit environmental impacts. The remainder of the Project will be installed via trenching methods. Use of the existing pipeline will be abandoned. The pipeline will remain in place except for sections of exposed pipeline within streams and wetlands, which will be removed. Additionally, the abandoned pipeline will either be removed or capped at all stream and wetland crossings in accordance

with PA DEP requirements. In-lieu of grouting the abandoned line at resource crossings, PNG shall maintain liability of the abandoned line. If there are any environmental concerns or any issues identified due to the abandoned pipe, PNG will be responsible to correct the issue. The Project will be restored to pre-construction conditions and no new permanent impervious areas are proposed.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

*Southwest Regional Office*

Applicant: **Peoples Natural Gas Company LLC**

Applicant Address: 375 North Shore Drive, Suite 600, Pittsburgh, PA 15212

Application Number: **PA630008D**

Application Type: New

Municipality/County: North Strabane Township, Nottingham Township and Union Township, **Washington County**

Project Site Name: Goodwin Tombaugh Phase 4 Areas 3—6

Total Earth Disturbance Area (acres): 27 acres

Surface Waters Receiving Stormwater Discharges: Little Chartiers Creek (HQ-WWF), Mingo Creek (HQ-TSF), Sugar Run (HQ-TSF) & Monongahela River (WWF) and their UNTs

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The Project consist of the installation of 10 miles of new 2-inch, 4-inch, and 6-inch plastic gas pipeline in North Strabane Township, Nottingham Township, and Union Township, Washington County, PA. PNG intends to complete a portion of the Project using Horizontal Directional Drilling (HDD) to reduce earth disturbance and limit environmental impacts. The remainder of the Project will be installed via trenching and insert methods. Use of the existing pipeline will be abandoned. The pipeline will remain in place except for sections of exposed pipeline within streams and wetlands, which will be removed. Additionally, the abandoned pipeline will either be removed or capped at all stream and wetland crossings in accordance with PA DEP requirements. In-lieu of grouting the abandoned line at resource crossings, PNG shall maintain liability of the abandoned line. If there are any environmental concerns or any issues identified due to the abandoned pipe, PNG will be responsible to correct the issue. The Project will be restored to pre-construction conditions and no new permanent impervious areas are proposed.

Special Conditions: This permit does not authorize any obstructions or encroachments to any regulated watercourse or floodway. All permitting required for impacts to regulated watercourses or their floodway are subject to 25 Pa. Code Chapter 105. Appropriate authorization for impacts which require permitting under Chapter 105 must be obtained prior to beginning earth disturbance.

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

*Northeast Regional Office*

Applicant: **Sand Springs Land, LLC**

Applicant Address: 4511 Falmer Drive, Bethlehem, PA 18020

Application Number: **PAD400065**

Application Type: New

Municipality/County: Butler Township, **Luzerne County**

Project Site Name: Anthracite Scouting Residential Subdivision

Total Earth Disturbance Area (acres): 28.02 acres

Surface Waters Receiving Stormwater Discharges: Long Run (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Sand Springs Land LLC is proposing to subdivide and construct 30 dwelling units at a property located between Interstate 81 and Interstate 80, adjacent to the Sand Springs Development Access to the proposed subdivision will be from Long Run Road.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Northeast Regional Office*

Applicant: **Newfoundland Solar 1, LLC**

Applicant Address: 55 Technology Drive, Lowell, MA 01851

Application Number: **PAD640041**

Application Type: New

Municipality/County: Dreher Township, **Wayne County**

Project Site Name: East Sterling Road Solar

Total Earth Disturbance Area (acres): 67.36 acres

Surface Waters Receiving Stormwater Discharges: Wallenpaupack Creek (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The project involves the construction of a 5 MW solar farm, including the installation of solar panels, electrical equipment, access roads and stormwater management BMP facilities.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Northeast Regional Office*

Applicant: **901 Sathers, LLC**

Applicant Address: 3 Empire Blvd., South Hackensack, NJ 07606

Application Number: **PAD400068**

Application Type: New

Municipality/County: Butler Township, **Luzerne County**

Project Site Name: 901 Sathers Warehouse Addition

Total Earth Disturbance Area (acres): 10.16 acres

Surface Waters Receiving Stormwater Discharges: 1. Collins Creek (CWF, MF); 2. EV Wetlands

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The addition to the former Cascades Warehouse will require the relocation of an Unnamed Tributary to Collins Creek further south on the 901 Sathers Drive property. A stormwater infiltration basin will be constructed on site to manage runoff from additional impervious surfaces, and a new stream crossing will be required to access the basin. A new drainage outfall and a utility stream crossing will be required to complete the proposed site improvements. A temporary stream crossing will be required during construction to complete the proposed stream realignment.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Northeast Regional Office*

Applicant: **Nazareth Borough Municipal Authority**

Applicant Address: 872 Tatamy Road, Nazareth, PA 18064

Application Number: **PAD480199**

Application Type: New

Municipality/County: Plainfield Township, **Northampton County**

Project Site Name: NBMA Hower Farm

Total Earth Disturbance Area (acres): 7.36 acres

Surface Waters Receiving Stormwater Discharges: UNT to Little Bushkill Creek (HQ-CWF, MF) & EV Wetlands

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The project involves removal of existing farm buildings and concrete with installation of new farm lanes, staging areas and stormwater management facilities.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Regional Permit Coordination Office*

Applicant: **Keva Flats, LP**

Applicant Address: 707 Eagleview Boulevard, Suite 400, Exton, PA 19341-1159

Application Number: **PAD150304**

Application Type: New

Municipality/County: West Wheatfield Township, **Chester County**

Project Site Name: Keva Flats

Total Earth Disturbance Area (acres): 10.95 acres

Surface Waters Receiving Stormwater Discharges: Lionville Run (CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Construction of two apartment buildings, parking lots, and utilities; floodplain restoration of Lionville Run used as the primary PCSM BMP.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-772-5987.

*Southcentral Regional Office*

Applicant: **Freedom Square, LP**

Applicant Address: 2645 Carnegie Road, York, PA 17402

Application Number: **PAD670092**

Application Type: New

Municipality/County: Conewago Township, **York County**

Project Site Name: Freedom Square

Total Earth Disturbance Area (acres): 51.86 acres

Surface Waters Receiving Stormwater Discharges: UNT to Little Conewago Creek (TSF, MF), Conewago Creek (TSF, MF), and wetlands

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: 167 lot single family residential subdivision with associated roadways

Special Conditions: Wetland Monitoring

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

*Northeast Regional Office*

Applicant: **Valley Industrial Properties, LLC**

Applicant Address: 21 E. 10th Street, Northampton, PA 18067-1718

Application Number: **PAD480125 A-1**

Application Type: New

Municipality/County: East Bangor Borough, **Northampton County**

Project Site Name: Valley Industrial Properties

Total Earth Disturbance Area (acres): 74.21 acres



Surface Waters Receiving Stormwater Discharges: Brushy Meadow Creek (CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Valley Industrial is proposing to use off-site fill material, meeting DEP-approved concentration limits, in combination with on-site overburden material to reclaim a pre act non-coal quarry to the proposed final grades shown in the application, to allow commercial and industrial redevelopment of the site which will provide substantial economic benefits to the local community.

Special Conditions: N/A—No site-specific special conditons proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Southcentral Regional Office*

Applicant: **Borough of Carlisle**

Applicant Address: 53 West South Street, Carlisle, PA 17013

Application Number: **PAD210102**

Application Type: New

Municipality/County: Carlisle Borough, **Cumberland County**

Project Site Name: Carlisle Ridge Street Pump Station No. 2 and Force Main Improvements

Total Earth Disturbance Area (acres): 2.72 acres

Surface Waters Receiving Stormwater Discharges: Letort Spring Run (EV, MF) and EV Wetlands

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Pump station upgrade and sanitary sewer force main construction

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

*Southcentral Regional Office*

Applicant: **PPL Electric Utilities Corporation**

Applicant Address: 827 Hausman Road, GENN 4, Allentown, PA 18104

Application Number: **PA360001D**

Application Type: New

Municipality/County: West Hempfield Township and Manor Township, **Lancaster County**

Project Site Name: WHEM-MANO Permitting Support

Total Earth Disturbance Area (acres): 92.95 acres

Surface Waters Receiving Stormwater Discharges: Strickler Run (WWF, MF), Stamans Run (WWF, MF), Dry Run (WWF, MF), Witmers Run (WWF, MF), UNT to West Branch Little Conestoga Creek (TSF, MF), Wisslers Run (HQ-CWF, MF), Indian Run (WWF, MF), Witmer Run (WWF, MF), UNT to Conestoga River (WWF, MF) and Wetlands (Other)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: PPL intends to rebuild approximately 8.5 miles of existing transmission line.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

*Southcentral Regional Office*

Applicant: **South Middleton Township**

Applicant Address: 520 Park Drive, Boiling Springs, PA 17007

Application Number: **PAD210104**

Application Type: New

Municipality/County: South Middleton Township, **Cumberland County**

Project Site Name: Carlisle Airport

Total Earth Disturbance Area (acres): 7.12 acres

Surface Waters Receiving Stormwater Discharges: Letort Spring Run, EV, MF and Letort Spring Run, EV, MF

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Create a stockpile site and slope flattening

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

*Northeast Regional Office*

Applicant: **Kay Builders Inc., c/o Rick Koze**

Applicant Address: 5930 Hamilton Blvd., Allentown, PA 18106

Application Number: **PAD390280**

Application Type: New

Municipality/County: Upper Milford Township, **Lehigh County**

Project Site Name: The Fields at Twin Run

Total Earth Disturbance Area (acres): 24.51 acres

Surface Waters Receiving Stormwater Discharges: Little Lehigh Creek (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: A 24.62-acre property to be developed into 78 twin homes. Associated improvements include internal roads, sidewalks, associated utilities. Stormwater management will be provided via two detention basins, one of which will provide storage for a spray irrigation system.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

## **STATE CONSERVATION COMMISSION**

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

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

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

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

Individuals in need of accommodations should contact the SCC through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Nathan Martin Turkey Farm 170 Daugherty Road York, PA 17404	York County	11.5	522.96	Turkeys	NA	New

**PUBLIC WATER SUPPLY PERMITS**

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

Individuals 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 Environmental Protection (DEP) 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, DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

**SAFE DRINKING WATER**

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

*Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.*

*Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.*

**Application No. 1723501**, Construction, Public Water Supply.

Applicant	<b>Brady Township Troutville Borough Water Association</b>
Address	P.O. Box 126 Luthersburg, PA 15848
Municipality	Troutville Borough
County	<b>Clearfield County</b>

Responsible Official	Jeff Wilson P.O. Box 126 Luthersburg, PA 15848
Consulting Engineer	Anthony Coval 466 South Main Street Montrose, PA 18801
Application Received	October 23, 2023
Description	The replacement of diaphragm sodium hypochlorite chemical feed pumps to replace them with peristaltic pumps and removal of the permanganate chemical feed system from the PWS Permit.

*Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Lorrie Fritz, CA2, 570-830-3048.*

**Application No. 4023514**, Construction, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b>
Address	852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Plains Township
County	<b>Luzerne County</b>
Responsible Official	Bruce Aiton, P.E. Pennsylvania Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Consulting Engineer	Joseph S. Durkin, P.E. Reilly Associates 49 S. Main Street Suite 200 Pittston, PA 18640
Application Received	September 27, 2023
Description	The project replaces an aged pump station with a below ground hydropneumatic in an antiquated vault with a new at grade duplex pumping station with VFD pumps, automated controller and emergency power.

**Application No. 4023513**, Construction, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b>
Address	852 Wesley Drive Mechanicsburg, PA 17055

Municipality Wilkes-Barre Township  
 County **Luzerne County**  
 Responsible Official Bruce Aiton, P.E.  
 Pennsylvania Water Company  
 852 Wesley Drive  
 Mechanicsburg, PA 17055

Consulting Engineer Maureen Coleman, P.E.  
 Pennsylvania American Water  
 Company  
 852 Wesley Drive  
 Mechanicsburg, PA 17055

Application Received September 27, 2023

Description Replacement of the existing  
 NPW booster pumps with  
 vertical multistage centrifugal  
 pumps to match the existing flow  
 with two in normal operation  
 and one backup.

*Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.*

**Application No. 5423505**, Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
 Address 762 Lancaster Avenue  
 Bryn Mawr, PA 19010

Municipality North Union Township  
 County **Schuylkill County**  
 Responsible Official Mike Fili, Vice President  
 Aqua Pennsylvania, Inc.  
 762 Lancaster Avenue  
 Bryn Mawr, PA 19010

Consulting Engineer David R. Knapton, P.E.  
 GHD, Inc.  
 4068 Mt. Royal Blvd.  
 Gamma Building  
 Suite 201  
 Allison Park, PA 15101

Application Received September 11, 2023

Description Aqua Pennsylvania, Inc.  
 proposes to install a new well  
 pump, level transmitting system  
 and pitless adapter for new Well  
 ER7, construct a new well  
 station facility, construct chlorine  
 contact piping and construct  
 approximately 1,200 linear feet  
 of new transmission main to  
 convey the finished water to the  
 existing water distribution  
 system.

**Application No. 5423506**, Construction, Public Water Supply.

Applicant **Tamaqua Area School  
 District**  
 Address 138 West Broad Street  
 Tamaqua, PA 18252  
 Municipality West Penn Township

County **Schuylkill County**  
 Responsible Official Kenneth Dunkelberger  
 Chief Operations Officer  
 Tamaqua Area School District  
 138 West Broad Street  
 Tamaqua, PA 18252

Consulting Engineer Timothy A. Miller, P.E.  
 Keystone Consulting Engineers,  
 Inc.  
 5012 Medical Center Circle  
 Allentown, PA 18106

Application Received September 12, 2023

Description Addition of corrosion control  
 treatment for lead and copper  
 abatement.

*Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Joseph Mattucci, Program Manager, 717-705-4931.*

**Application No. 3623543**, NCWSA Construction, Public Water Supply.

Applicant **Farmersville Mennonite  
 School**  
 Address 65 East Farmersville Road  
 Ephrata, PA 17522

Municipality West Earl Township  
 County **Lancaster County**  
 Responsible Official Delbert W. Groff  
 65 East Farmersville Road  
 Ephrata, PA 17522

Consulting Engineer Charles A. Kehew, II, P.E.  
 18 South George Street  
 Suite 300  
 York, PA 17404

Application Received October 18, 2023

Description This application proposes cation  
 and anion exchange treatment  
 modifications.

#### WATER ALLOCATIONS

**Application(s) Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

*Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Renee Diehl, Program Director, ra-epswsdw@pa.gov.*

**WA26-1010B**, Water Allocations. **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, City of Uniontown, **Fayette County**. Right to purchase up to 50,000 gallons of water per day from the Indian Creek Valley Water Authority. Application received: October 10, 2023.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (DEP) 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 DEP, 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 DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP'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 DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals 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 DEP'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.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, 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 DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### PLAN APPROVALS

**Application(s) Received for Plan Approval(s) 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 Plan Approval Applications are in Review and No Decision on Disposition Has Been Reached.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: David G. Balog, P.E., New Source Review Section Chief, 814-332-6328.*

**20-00145D: Vitro Meadville Flat Glass**, 5123 Victory Blvd, Cochranon, PA 16314, Greenwood Township, Crawford County. Application received: October 16, 2023.

Application received for the reactivation and initial operation of existing glass production equipment and the construction and initial operation of control devices at their facility in Greenwood Township, Crawford County.

#### PLAN APPROVALS

**Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) 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.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.*

**67-05006B: York County Solid Waste & Refuse Authority**, 2651 Blackbridge Road, York, PA 17406-7901, Manchester Township, York County. Application received: August 1, 2023.

For the installation of SNCR technology and the incorporation of presumptive RACT 3 requirements for the three (3) municipal waste combustors at the York County Resource Recovery Center.

NO<sub>x</sub> emissions from the facility are expected to decrease as a result of the project, and no other pollutants are expected to increase. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the modification of the air contamination sources will enable the sources to comply with applicable regulatory requirements. Based on this finding, DEP proposes to issue a plan approval for the proposed activity. If DEP determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

In accordance with 25 Pa. Code §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO<sub>x</sub> and VOCs for the 2015 ozone NAAQS), the Pennsylvania Department of Environmental Protec-

tion (Department, DEP) has made a preliminary determination to approve a RACT 3 plan for the previously mentioned facility.

The RACT 3 plan approval incorporates provisions and requirements for the control of emissions of nitrogen oxides (NO<sub>x</sub>) and/or volatile organic compounds (VOCs). These provisions and requirements are intended to address the Commonwealth's RACT obligations under section 184 of the Clean Air Act for the 1997, 2008 and 2015 8-hour ozone National Ambient Air Quality Standards. The RACT 3 plan approval does not adopt any new regulations. If approved by the Department, this RACT 3 plan approval will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP). Requirements that are not part of the RACT 3 plan approval will be excluded from the SIP revision submittal.

The following is a summary of the RACT 3 plan approval requirements for this facility that are proposed to be submitted to the EPA as a revision to the Commonwealth's SIP:

I. 129.112(f): Upon completion of startup and a subsequent 90 day optimization testing period for each of the municipal waste combustors following the installation of an air pollution control technology (such as SNCR) on the affected combustor, each modified combustor shall comply with the presumptive RACT 3 emission limit of 110 ppmvd NO<sub>x</sub> at 7% oxygen on a daily average, as per 25 Pa. Code § 129.112(f), and shall follow the requirements of 25 Pa. Code § 129.115 in demonstrating compliance with the limit.

II. 129.112(n): Prior to the installation of an air pollution control technology (such as SNCR) and 90-day optimization testing period on each MSW combustor, the combustors shall comply with the following interim limits:

- (1) Source ID 101—135 ppmvd NO<sub>x</sub> at 7% O<sub>2</sub>;
- (2) Source ID 102—155 ppmvd NO<sub>x</sub> at 7% O<sub>2</sub>;
- (3) Source ID 103—155 ppmvd NO<sub>x</sub> at 7% O<sub>2</sub>.

III. 129.115:

(b): [T]he owner and operator of an air contamination source subject to a NO<sub>x</sub> RACT requirement or RACT emission limitation or VOC RACT requirement or RACT emission limitation, or both, listed in § 129.112 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation by performing the following monitoring or testing procedures:

(3) For a municipal waste combustor with a CEMS, monitoring and testing in accordance with the requirements in Chapter 139, Subchapter C, using a daily average. The daily average will be considered valid if it contains at least 18 valid hourly averages reported at any time during the calendar day as required in the quality assurance section of the continuous source monitoring manual.

(f): The owner and operator of an air contamination source subject to this section and §§ 129.111—129.114 shall keep records to demonstrate compliance with §§ 129.111—129.114 and submit reports to the Department or appropriate approved local air pollution control agency in accordance with the applicable regulations in 25 Pa. Code Part I, Subpart C, Article III (relating to air

resources) and as specified in the operating permit or plan approval for the air contamination source as follows:

(1) The records shall include sufficient data and calculations to demonstrate that the requirements of §§ 129.111—129.114 are met.

(2) Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.

(3) The records necessary to determine compliance shall be reported to the Department or appropriate approved local air pollution control agency on a schedule specified in the applicable regulation or as otherwise specified in the operating permit or plan approval for the air contamination source.

(k): The records shall be retained by the owner or operator for 5 years and made available to the Department or appropriate approved local air pollution control agency upon receipt of a written request from the Department or appropriate approved local air pollution control agency.

IV. In installing, operating, and maintaining an air pollution control technology (such as SNCR) on each of the three combustors, the permittee shall do so in accordance with the manufacturer's specifications and with good operating practices.

V. 129.112(n): As a moderate nonattainment area, Pennsylvania is required to attain the 2015 ozone NAAQS as expeditiously as practicable, but no later than 6 years after the initial designation as nonattainment (83 FR 10376). The initial nonattainment designation occurred on August 3, 2018 (83 FR 25776) meaning Pennsylvania is required to attain the 2015 ozone NAAQS no later than August 3, 2024. Attaining the 2015 ozone NAAQS includes the complete implementation of RACT which means all RACT measures, including the installation and operation of all RACT control devices, must occur before August 3, 2024 unless otherwise specified in an approved compliance agreement.

#### Public Comment Details:

A 30-day public comment period is provided for persons wishing to file a written protest, objection, comments or additional information, which they believe should be considered prior to the issuance of a permit. The written comments, information, protests or objections may be submitted to Thomas Bianca, P.E., Environmental Engineering Manager, Air Quality Program, at 909 Elmerton Avenue, Harrisburg, PA 17110, or at [tbianca@pa.gov](mailto:tbianca@pa.gov) on or before the closing date of this 30-day public comment period. The 30-day public comment period closes on December 3, 2023.

Each written submission must contain the name, address and telephone number of the person submitting the comments, identification of the RACT 3 plan approval, including the permit number, and a concise statement regarding the RACT 3 plan approval provision or requirement that the person is commenting on and the relevancy of the information or objections to issuance of the RACT 3 approval.

Public hearing. A public hearing will be held on December 7, 2023 at 1:00 PM at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed permit action and the proposed SIP revision. To register to speak at the hearing, please contact Thomas Bianca, P.E. at 717-705-4863. Speakers must pre-register in order to testify at the

hearing. The last day to pre-register to speak at the hearing will be the Friday before the hearing.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, may submit a written statement and exhibits within 10 days thereafter to Thomas Bianca, P.E., at 909 Elmerton Avenue, Harrisburg, PA 17110, or at [tbianca@pa.gov](mailto:tbianca@pa.gov).

All pertinent documents are available electronically for public review and copies can be requested by contacting Thomas Bianca, P.E. at 717-705-4863 or at [tbianca@pa.gov](mailto:tbianca@pa.gov).

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

**06-05106B: SFS Group USA, Inc.**, 41 Dennis Drive, Reading, PA 19606, Exeter Township, **Berks County**. Application received: July 19, 2023. For the installation of a dip and spin electrostatic coating line equipped with a 2.5 MMBtu/hr natural gas-fired curing oven at the Exeter plant. The project which includes the new dip coating process and use of clean-up solvents has the potential to increase VOC emissions by approximately 12.5 tpy. The facility operates under a Synthetic Minor permit and the proposed construction and potential increase in VOC emissions will not exceed the emission limits as stated in their current operating permit. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1, 127.12 and 129.52. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. As part of the proposed construction, DEP proposes to authorize the removal of two scrubbers on the existing dip coating line. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

### OPERATING PERMITS

#### Notice of Intent to Issue Title V Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Southcentral Region: Air Quality Program, 909 Elmer Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

**22-05014, AMES Company, Inc.**, 1500 S. Cameron St., Harrisburg, PA 17104, City of Harrisburg, **Dauphin County**. Application received: July 20, 2023. For operation of wheelbarrows and wheelbarrow parts manufacturing facility. Actual emissions from the facility in 2022 were reported to be 1.07 tons of CO, 1.27 tons of NO<sub>x</sub>, 0.03 ton of PM<sub>10</sub>, 0.01 ton of SO<sub>x</sub>, 24.43 tons of VOC, 10.30 tons and 0.04 ton of combined HAPs. The Title V Operating Permit will include emission limits and work

practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52d Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings.

### OPERATING PERMITS

#### Notice of Intent to Issue Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

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

**66-00006, Twin Falls Resources LLC**, P.O. Box 25, Kingsley, PA 18826-0025, Falls Township, **Wyoming County**. Application received: October 13, 2023. The Department intends to issue a renewal State-Only Operating Permit for their rock crushing plant. The proposed 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.

**13-00017, Mountain Crest Crematory Inc.**, 10 E. Kline Rd., McAdoo, PA 18237-2500, Banks Township, **Carbon County**. Application received: October 16, 2023. The Department intends to issue a renewal State-Only Operating Permit for their cremation units. The proposed 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.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

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

**32-00390, Neiswonger Construction, Inc./Sewickley Mine**, 1032 Coleman Rd, Saltsburg, PA 15681, Young Township, **Indiana County**. Application received: November 10, 2022. The Department intends to issue the renewal of the State Only Operating Permit for Neiswonger Construction, Inc. Sewickley Mine for the processing of limestone, sand, gravel, and coal. The facility is a Natural Minor. The primary sources at the facility consist of two crushers, three screens and various conveyors and storage piles. The potential emissions for this facility are estimated at 8.9 tpy PM and 2.6 tpy PM<sub>10</sub>. The renewal permit also contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**10-00309, Harsco Metals**, Route 8 South, Butler, PA 16001, City of Butler, **Butler County**. Application received: November 14, 2022. The Department intends to issue the renewal of the State Only Operating Permit for Harsco Metals. The facility processes slag produced from steelmaking operations of another plant and is a natural minor. The primary sources at the facility are the slag processing and handling activities, an electric-powered screen, a torch cutting unit, and a degreaser. The facility's potential emissions are 13.17 TPY for PM<sub>10</sub> and less than

0.1 TPY each for other regulated pollutants (SO<sub>x</sub>, CO, NO<sub>x</sub>, VOC). The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.*

**21-03007, Purina Animal Nutrition LLC**, 475 St. Johns Church Road, Camp Hill, PA 17011, Hampden Township, **Cumberland County**. Application received: July 28, 2023. For the operation of an animal feed production facility. This is for renewal of the existing state-only permit. Potential air emissions from the facility are estimated at 23.33 tpy PM<sub>10</sub>, 3.57 tpy NO<sub>x</sub>, 6.00 tpy CO, and less than 1 tpy of VOC, HAP, and SO<sub>2</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing and 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

**44-03010, Trinity Plastics, Inc.**, 13 Industrial Park, Lewistown, PA 17044, Granville Township, **Mifflin County**. Application received: June 8, 2023. For the flexographic printing presses at the Lewistown facility. This is for renewal of the existing state-only permit. Actual emissions from the facility in 2022 are estimated at 4.53 tons of VOCs and < 1 ton 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 applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.67a (Control of VOC emissions from flexible packaging printing presses) and 40 CFR Part 63, Subpart KK (National Emissions Standards for the Printing and Publishing Industry).

**31-03008, Danzer Lumber North America, Inc.**, 22510 Groghan Pike, Shade Gap, PA 17255, Dublin Township, **Huntingdon County**. Application received: June 28, 2023. For its Shade Gap lumber operations. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated at 30.3 tpy NO<sub>x</sub>, 53.1 tpy CO, 27.5 tpy PM<sub>10</sub>, 2.3 tpy SO<sub>x</sub>, 1.7 tpy VOCs, and 1.7 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for Federal 40 CFR 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR 63 Subpart JJJJJJ—NESHAPS for Industrial, Commercial, and Institutional Boilers Area Sources, and 40 CFR 63 Subpart ZZZZ—NESHAPS for Stationary Reciprocating Internal Combustion Engines.

*Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.*

**06-05156, Century Cabinetry of Leesport**, 130 E. Wall Street, Leesport, PA 19533, Leesport Borough, **Berks County**. Application received: January 13, 2023.

For the custom cabinet manufacturing plant. This is for renewal of the existing State-Only Permit. The actual emissions from the facility in 2022 year are estimated at 7.2 tons of VOC, 2.6 tons of HAP and less than a ton of particulate. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52.

**67-03035, Martins Potato Chips, Inc.**, P.O. Box 28, Thomasville, PA 17364, Jackson Township, **York County**. Application received: May 5, 2023. For the snack food manufacturing facility. This is for renewal of the existing State-Only Permit. The facility's potential emissions are 10.0 tpy of PM<sub>10</sub>, 6.0 tpy of NO<sub>x</sub>, and 2.0 tpy of CO. The State-only 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.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.*

**15-00154, Jabil, Inc.**, 1303 Goshen Parkway, West Chester, PA 19038, East Goshen Township, **Chester County**. Application received: July 20, 2022. This action is for the renewal of a non-Title V, Natural Minor Operating Permit. The facility is a manufacturer of various medical products including implants and biomaterials for surgical fixation, correction, and regeneration of the human skeleton and its soft tissues. Permitted sources consist of four (4) vapor degreasers, and one (1) diesel-fired, 315 BHP emergency generator. During this renewal two (2) cold cleaning machines, subject to 25 Pa. Code § 129.63, have been moved from the miscellaneous section of the permit to section D of the permit and the Surface Cleaning operation has also been moved to Section D to ensure the VOC emissions do not exceed 2.7 tons per year. The primary pollutant of concern is volatile organic compounds (VOC). The potential total VOC emissions for the processing plant are 3.30 tons per year. Jabil, Inc. is categorized as a natural minor facility and will not exceed any major source thresholds. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

**09-00028, Neenah Northeast, LLC—Quakertown**, 45 N. 4th Street, Quakertown, PA 18951, Quakertown Borough, **Bucks County**. Application received: October 5, 2022. This action is for the initial issuance of a State Only (Synthetic Minor) Operating Permit to replace current Title V Operating Permit (TVOP) No. 09-00028 for the facility. The facility's main sources consist of a saturator (with natural gas-fired drying ovens), two coaters (each with natural gas-fired drying ovens), two graphic arts lines (each with natural gas-fired dryers), a solvent cleaning operation, and a strip-coating operation. In addition, the facility operates and maintains two natural gas/No. 2 fuel oil-fired boilers, two natural gas-fired emergency generator sets, four natural gas-fired



make-up air units, and a parts washer to support the facility. Since DEP last renewed the TVOP in May 2018, no physical changes have occurred at the facility. The two graphic arts lines and one of the coaters are subject to volatile organic compound (VOC) emission rate restrictions of 12.0, 12.3, and 10 tons/yr, respectively. In addition, the solvent cleaning operation and strip-coating operation are each subject to VOC emission rate restrictions of less than 2.7 tons/yr. However, Neenah Northeast, LLC (Neenah), has requested that the facility be subject to a site-level VOC emission restriction of less than 25 tons/yr, so that the facility is no longer considered a major facility. Based on the facility's changed status as an area source of hazardous air pollutants (HAPs) and the rescission of EPA's "Once in, Always In" policy, DEP did not carry over the maximum achievable control technology (MACT) requirements of 40 CFR Part 63, Subparts KK, JJJJ, and OOOO for the surface coating operations at the facility. The average annual VOC and HAP emissions from the facility over the previous 5 calendar years are 4.73 tons/yr and 1.80 tons/yr, respectively. Therefore, the SOOP will reflect the changes mentioned previously. All other requirements in the TVOP will be carried over to the SOOP, including the applicable MACT requirements of 40 CFR Part 63, Subpart ZZZZ, for the emergency generator sets at the facility. As such, the SOOP will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person previously listed in the header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

#### PLAN APPROVALS

**Receipt of Plan Approval Application(s) and Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These Actions May Include the Administrative Amendments of an Associated Operating Permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Mark J Wejkszner, Air Quality Program Manager.*

**35-00061A, Maid-Rite Specialty Foods Inc., P.O. Box 172, Dunmore, PA 18512, Dunmore Borough, Lackawanna County.** Application received: July 28, 2023. For the installation of a new Cooking Line No. 3 and regenerative thermal oxidizer (RTO) at the Maid-Rite facility in Dunmore Borough, Lackawanna County. This facility is a non-Title V facility. The system will be designed by the company to ensure that the malodorous emissions from the facility will not be detected past the property of the person on whose land the source is being operated, as stated in 25 Pa. Code § 123.31. The RTO shall have a minimum VOC destruction efficiency of no less than 98%. VOC emissions from the plant will be under 50 TPY threshold limit, 12-month rolling sum. Total HAP emissions from the facility will be under 25 TPY, 12-month rolling sum. Single HAP emissions will be under 10 TPY, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate emissions. The company shall be subject to

and comply with 25 Pa. Code § 123.41 for Visible emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments; identification of the proposed permit No. 35-00061A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Mark J Wejkszner, Air Quality Program Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**40-00155A, Nucor Towers and Structures, 225 Kiwanis Boulevard, West Hazelton, PA 18202, West Hazelton Borough, Luzerne County.** Application received: June 23, 2023. In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Nucor Towers and Structures (225 Kiwanis Boulevard, West Hazelton, PA 18202) for their facility in West Hazelton Borough, Luzerne County. This Plan Approval No. 40-00155A will be incorporated into a Natural Minor Permit at a later date. Plan Approval No. 40-00155A is for the operation of one (1) 10,550 CFM baghouse to control dust from one (1) shot blast booth and one (1) 4,000 CFM baghouse to control dust from one (1) dry plasma cutting table. Particulate Matter (PM) emissions from the plant will remain under their 100 TPY threshold limit, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.13 for PM emissions and Maximum Achievable Control Technology (MACT) 40 CFR Part 63 Subpart XXXXXX. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00155A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the Depart-

ment of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Mark J Wejkszner, P.E., Program Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications 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 (DEP). 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 DEP 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 DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

### Coal Applications

*Effluent Limits*—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

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

pH must always be greater than 6.0; less than 9.0.

Alkalinity must always be greater than acidity.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.*

*Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.*

**Mining Permit No. 56813006. NPDES No. PA0125466. PBS Coals, Inc.,** 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Stonycreek Township, **Somerset County**. Permit renewal for reclamation only of a bituminous surface mine affecting 285.9 acres. Receiving streams: unnamed tributary to/and Clear Run; unnamed tributary to/and Boone Run, classified for the following use: CWF. Application received: October 18, 2023.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

*Contact: Cassie Stanton, Clerical Assistant 2.*

**Mining Permit No. 17080105. King Coal Sales, Inc.,** P.O. Box 712, Philipsburg, PA 16866, Morris Township, **Clearfield County**. Application for a Change of Post-Mining Land Use from forestland to unmanaged natural habitat on an existing bituminous surface coal mine affecting 104.3 acres. Receiving stream(s): Unnamed Tributaries to Alder Run and Alder Run classified for the following use(s): CWF. Application received: October 16, 2023. Accepted: October 18, 2023.

**Mining Permit No. 17230101. NPDES No. PA0270059. RES Coal LLC,** 51 Airport Road, Clearfield, PA 16830, Chest Township, Ferguson Township, and Jordan Township, **Clearfield County**. Applications for a new bituminous coal surface mine permit and associated NPDES permit affecting 437.8 acres. The surface mining operation proposes to

conduct blasting and auger mining. A variance is included to conduct mining and support activities within 100 feet of public road SR 3003 (Thompsontown Road), beginning approximately 2.1 miles southeast of the intersection of SR 3003 and SR 3016 (La Jose Road), and extending southeast approximately 2,250 feet. A variance is included to conduct mining and support activities within 100 feet of five different unnamed tributaries to Wilson Run. Three tributaries will have activities conducted within 100 feet of the channel, but the channels will not be directly affected. Two tributaries, which were previously impacted by old mining operations that left abandoned features, will be directly affected by the proposed mining that includes reclamation of the abandoned mine features. One tributary will be removed by mining and replaced with its original channel restored after an abandoned pit is backfilled. Another tributary that serves as a conduit for abandoned underground mine drainage will be stabilized. The application also proposes a wetland encroachment. The areal extent of the wetlands proposed to be impacted and replaced is 0.05 acre. Receiving stream(s): Wilson Run and unnamed tributaries to Wilson Run to Chest Creek; and an unnamed tributary to North Witmer Run to Clearfield Creek classified for the following use(s): CWF & WWF. Application received: October 10, 2023. Accepted: October 18, 2023.

**Mining Permit No. GFCC No. 17-23-02. NPDES No. PA0270032. Swisher Contracting, Inc.**, P.O. Box 1223, Clearfield, PA 16830, Lawrence Township, **Clearfield County**. Modification of an NPDES permit for a Government Financed Construction Contract affecting 27.7 acres. The modification is for the addition of coal stockpiling and treatment for runoff from the coal stockpile area. Receiving stream(s): Unnamed tributary to Lick Run; unnamed tributary to Moose Run classified for the following use(s): HQ-CWF, CWF. Application received: October 23, 2023. Accepted: October 23, 2023.

**Mining Permit No. 17090107. NPDES No. PA0257257. RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, Goshen Township, **Clearfield County**. Modification of an NPDES permit for a coal surface mining site affecting 442.1 acres. Modification requests reduction to permit area, total number of ponds, and subchapter F abatement plan. Receiving stream(s): Chubb Run, Surveyor Run, Unnamed Tributaries to the West Branch Susquehanna River classified for the following use(s): CWF. Application received: October 17, 2023. Accepted: October 19, 2023.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Mining Permit No. 54870206. White Pine Coal Co., Inc.**, P.O. Box 59, Ashland, PA 17921, Butler, Barry, Eldred, East Cameron and West Cameron Townships and Gordon Borough, **Schuylkill and Northumberland Counties**. Renewal of an anthracite coal refuse reprocessing operation for reclamation activities only affecting 870.0 acres. Receiving stream: Mahanoy Creek, classified for the following uses: WWF, MF. Application received: October 12, 2023.

**Mining Permit No. 49180201. Susquehanna Coal Company**, P.O. Box 27, Nanticoke, PA 18634, Coal Township, **Northumberland County**. Renewal of an anthracite coal refuse reprocessing operation affecting 45.5 acres. Receiving stream: Coal Run, classified for the following uses: CWF, MF. Application received: October 11, 2023.

#### *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.

<i>Parameter</i>	<i>Table 2</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.*

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Mining Permit No. 64170801. Clifford Grosvenor**, 22429 SR 706, New Milford, PA 18834, Preston Township, **Wayne County**. Stage I & II bond release of a quarry operation affecting 5.0 acres on property owned by Leet Homestead, Inc. Application received: October 10, 2023.

**Mining Permit No. 06070301. NPDES Permit No. PA0224588. Glen-Gery Corp.**, 1166 Spring Street, Wyomissing, PA 19610, Perry Township, **Berks County**. Renew NPDES Permit affecting 184.2 acres. Receiving stream: UNT to Schuylkill River, classified for the following use: WWF. Application received: October 11, 2023.

**Mining Permit No. 06970302. NPDES Permit No. PA0223794. H & K Group, Inc.**, P.O. Box 196, Skippack, PA 19474, Robeson and Union Townships, **Berks County**. Renew NPDES Permit affecting 289.6 acres. Receiving stream: Hay Creek, classified for the following use: EV. Application received: October 16, 2023.

**Mining Permit No. 7973SM3. NPDES Permit No. PA0594369. Naceville Materials Joint Venture**, 350 S. Main Street, Suite 207, Doylestown, PA 18901, Wrightstown Township, **Bucks County**. Renew NPDES Permit affecting 60.0 acres. Receiving stream: Mill Creek, classified for the following use: WWF. Application received: October 12, 2023.

**Mining Permit No. 58030826. Alfred Swanson**, 1247 Stack Road, Thompson, PA 18465, Thompson Township, **Susquehanna County**. Stage I & II bond release of a quarry operation affecting 4.0 acres on property owned by Alfred Swanson. Application received: October 19, 2023.

#### **MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (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 (DEP) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters DEP 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.

*Coal NPDES Draft Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

*Contact: Cassie Stanton, Clerical Assistant 2.*

**NPDES No. PA0243485. Mining Permit No. 17030107. Swisher Contracting, Inc.,** P.O. Box 1223, Clearfield, PA 16830, Lawrence Township, **Clearfield County**. Application received: August 18, 2023.

Renewal of an NPDES permit for discharge of water resulting from post mining treatment of coal mine drainage, affecting 3.5 acres. Receiving stream(s): Unnamed Tributary to Moose Creek, classified for the following use(s): CWF, MF. This receiving stream is included in the Moose Creek TMDL.

The following outfall discharges to Unnamed Tributary to Moose Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
004	Existing	Treatment Pond	Continuous (Average Flow 1.6 gpm)

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

<i>Outfalls: 004 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)		Report	
Manganese (mg/L)		Report	
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)		Report	
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

Treatment is required as an offset for a degraded discharge that occurred on the nearby Kerr # 3 permit (Mining Permit No.17040111). The offset treatment is required in accordance with a Consent Order and Agreement. Offsets are

required for manganese and aluminum. Treatment of water discharging at outfall 004 is required to achieve two times the average pollutional loadings of manganese and aluminum at the discharge being offset. Compliance with the required offset is determined at the end of each year.

**NPDES No. PA0089603. Mining Permit No. 17793123. Strishock, LLC**, P.O. Box 1006, DuBois, PA 15801, Union Township, **Clearfield County**. Application received: August 21, 2023.

Renewal of an NPDES permit for discharge of water resulting from post-mining affecting 14.3 acres. Receiving stream(s): Sugar Camp Run, classified for the following use(s): CWF. This receiving stream is included in the Luthersburg and Laborde Branch TMDL.

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 Sugar Camp Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
003	Existing	Treatment Pond C Post-Mining Discharge	Intermittent (Average Flow = 2.5 gpm)

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

<i>Outfalls: 003 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	2.6	5.2	6.5
Manganese (mg/L)	1.4	2.8	3.5
Aluminum (mg/L)	0.96	1.9	2.4
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.

*Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.*

*Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.*

**NPDES No. PA0263176. Mining Permit No. 28110301. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202, Antrim Township, **Franklin County**. Renewal of NPDES permit affecting 116.0 acres. Receiving stream: unnamed tributaries to East Branch of the Conococheague Creek classified for the following use: WWF. Application received: August 3, 2022.

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

The following stormwater outfalls discharge to unnamed tributaries to Conococheague Creek.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>
7001	Existing	Stormwater Outfall
7002	Existing	Stormwater Outfall
7003	Existing	Stormwater Outfall
7004	Existing	Stormwater Outfall
7005	Existing	Stormwater Outfall
7006	Existing	Stormwater Outfall
7007	Existing	Stormwater Outfall
7008	Existing	Stormwater Outfall

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

The following limits apply to all dry weather discharges from stormwater facilities to Unnamed tributaries to Conococheague Creek.

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U)	6.0	N/A	N/A	9.0
Total Suspended Solids (mg/L)	N/A	35.0	70.0	90.0
Iron, Total		3.0	6.0	7.0
Flow (gpm)			Report	

In response to 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 (S.U)	6.0	N/A	N/A	9.0
Total Suspended Solids (mg/L)	N/A	35.0	70.0	90.0
Iron, Total		3.0	6.0	7.0
Flow (gpm)			Report	

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**NPDES Permit No. PA0594326. Mining Permit No. 39870302. H & K Group, Inc.,** P.O. Box 196, Skippack, PA 19474, South Whitehall Township, **Lehigh County.** Application received: May 3, 2023.

NPDES permit affecting 63.7 acres. Receiving stream: Jordan Creek, classified for the following use: TSF.

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: Jordan Creek

<i>Outfall Number</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge Rate:</i>
001	Existing	Treatment Facility Outfall	0.05 MDG

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

<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

<sup>1</sup>This Parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). 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. Individuals 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 DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

## 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, 570-826-2511.*

*Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.*

**E4502223-009. Darlene Matthews, 37 Hickory Lane, Newtown, PA 18940, Tobyhanna Township, Monroe County.** U.S. Army Corps of Engineers Philadelphia District. Application received: September 1, 2023.

This application is to construct and maintain a 96 sf “T” shaped dock that extends 12 feet from the shoreline into the normal pool of Arrowhead Lake (EV) for the purpose of private recreational lake access. The project is located in Tobyhanna Township, Monroe County, PA. (Thornhurst, PA Quadrangle, Latitude: 41° 9' 22"; Longitude: -75° 33' 39").

**E4502223-008. PA Game Commission, 2001 Elmerston Ave., Harrisburg, PA 17110, Barrett Township, Monroe County.** U.S. Army Corps of Engineers Philadelphia District. Application received: June 23, 2023.

To construct and maintain one 50-foot bridge on State Game Lands Number 211 over Mill Creek (HQ-CWF, MF). The project is located in Barrett Township, Monroe County, PA (Buck Hill Dalls, PA Quadrangle, Latitude: 40° 55' 09" Longitude: -75° 18' 18").

**E4802223-004. Blue Triton Brands, Inc.**, 305 Nestle Way, Breinigsville, PA 18031, Washington Township, **Northampton County**. U.S. Army Corps of Engineers Philadelphia District. Application received: July 24, 2023.

To construct a 226 square foot wetland crossing with 114.5 linear foot stream and assumed floodway crossing of Greenwalk Creek (CWF, MF) for an access driveway, water conveyance pipeline, electrical and communication utilities to the Borehole B-3 at the Greenwaltz Springs facility. To construct a 110.7 linear foot directional bore for a stream crossing UNT Greenwalk Creek (CWF, MF), which will provide connection of water conveyance pipeline, electrical and communication utilities to the existing infrastructure. (Bangor, PA Quadrangle, Latitude: 40° 51' 42"; Longitude: -75° 13' 38").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: 717-705-4802*

**F6703223-001. Dover Township**, 2480 West Canal Road, Dover, PA 17315, Dover Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 2, 2023.

To remove structures from the floodplain that were damaged by flooding at the locations listed. The projects propose to temporarily affect approximately 0.65 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

**E5003223-002. Susquehanna Crossing, MRPI Amity Hall, LLC**, 509 South Exeter Street, Baltimore, MD 21202, Watts Township, **Perry County**. U.S. Army Corps of Engineers Baltimore District. Application received: May 18, 2023.

All proposed work is for the purpose of constructing two warehouse buildings totaling approximately 1,947,088 square feet. The project site is bordered by Amity Road to the north, US-22 and US-322 to the west, and US-11 and US-15 to the south and east, with Taylor Road laterally bisecting the site (Latitude: 40.431505, Longitude: -77.0039) in Watts Township, Perry County. The applicant is proposing to use compensatory mitigation credits that will be purchased from the East Branch Codorus Creek Wetland and Stream Mitigation Bank which is owned by First Pennsylvania Resource (PADEP Permit MB990563-003) to offset the on-site stream loss.

*Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.*

**E2301223-007. PECO Energy Company**, 2301 Market Street, N3-3, Philadelphia, PA 19103, Glenolden Borough, **Delaware County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 15, 2023.

PECO Energy Company is proposing to perform the following water obstruction and encroachment activities associated with the project near 422 West Knowles Avenue listed as follows: Activities associated with installing a retaining wall and fence along the southwest border of the MacDade Substation property along Muckinipattis Creek: 1) To excavate within top of bank of Muckinipattis Creek for installation of retaining wall and fence resulting in 167 linear feet (3,340 sq ft, .08 acre) of permanent watercourse impact. 2) To excavate within top of bank of

Muckinipattis Creek for installation of retaining wall and fence resulting in 113 linear feet (2,260 sq ft, .05 acre) of permanent floodway impact. 3) To excavate within top of bank of Muckinipattis Creek for installation of retaining wall and fence resulting in 349 linear feet (6,980 sq ft, .16 acre) of temporary watercourse impact. 4) To excavate within top of bank of Muckinipattis Creek for installation of retaining wall and fence resulting in 204 linear feet (20,400 sq ft, .47 acre) of temporary floodway impact. This project is located near 422 West Knowles Avenue, Glenolden PA 19036, Glenolden, Delaware County, (USGS PA Lansdowne Quadrangle). Latitude: 39.901465°, Longitude: -75.296910°.

**E2301223-009. City of Philadelphia Aviation Department**, Philadelphia International Airport, International Plaza, Suite 200, Philadelphia, PA 19153, Tinicum Township City of Philadelphia, **Delaware County**. U.S. Army Corps of Engineers Philadelphia District. Application received: October 6, 2023.

To re-construct and maintain the Taxiway S with connectors S-4, S-5, and U along the floodplain of the Delaware River (WWF-MF) associated with the pavement reconstruction/rehabilitation part of the FAA-approved Airport Layout Plan to increase the efficiency of aircraft operations across the airfield. The work will also include the construction and maintenance of the new Taxiways T and P6, full-depth pavement, and electrical work. The site is located at the Philadelphia International Airport at 8000 Essington Avenue (Woodbury, NJ-PA & Bridgeport, NJ-PA-USGS Quadrangle) in Tinicum Township and the City of Philadelphia, Delaware and Philadelphia Counties. Latitude: 39.86806°, Longitude: -75.24444°.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Dana Drake, Program Manager.*

**E0205223-015. Municipality of Monroeville**, 2700 Monroeville Boulevard, Monroeville, PA 15146, Monroeville Borough, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 14, 2023.

The applicant proposes to: Construct and maintain the following within an approximately 1,450 LF reach of Simpson Run (TSF) and two (2) unnamed tributaries (UNT) to Simpson Run: 1. Install twenty-six (26) log vanes; 2. One (1) rock cross vane; 3. One (1) log deflector; 4. One (1) log step structure; 5. Two (2) areas of gravel bar removal; 6. Three (3) areas of toe wood with branch layering; and 7. Sixteen (16) areas of branch layering for the purpose of restoring the stream that is severely eroded. The project will permanently impact 1,450 LF (0.04 acre) of watercourse and 0.16 acre of floodway and will temporarily impact 340 LF (0.02 acre) of watercourse and 1.09 acres of floodway. The project site is located along Holy Cross Drive, between Northwestern Drive and Hillsdale Drive (Pittsburgh West, PA USGS topographic quadrangle; N: 40°, 24', 56"; W: -79°, 44', 55"; Sub-basin 19; USACE Pittsburgh District), in Municipality of Monroeville, Allegheny County.

**E6505222-011. Grand View Senior LP**, 167 South Greengate Road, Greensburg, PA 15601, North Huntingdon and Township, Irwin Borough, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: November 17, 2022.

The applicant proposes to: 1. Construct and maintain fill within wetland 1, which is within the watershed of unnamed tributary (UNT) 37269 to Tinkers Run (TSF).

This activity would permanently impact 1,481 square feet (SF) of wetland 1; 2. Construct and maintain fill within wetland 2, which is also within the watershed of UNT 37269 to Tinkers Run. This activity would permanently impact 1,437 SF of wetland 2; 3. Construct, operate, and maintain two (2) stormwater outfall structures, within UNT 37269 to Tinkers Run. These activities would permanently impact 38 linear feet (LF) of UNT 37269 to Tinkers Run and 832 SF of its floodway; and 4. Construct, operate, and maintain one (1) stormwater outfall structure within UNT-1 (TSF), which is a tributary to UNT 37269 of Tinkers Run. This activity would impact 4 LF of UNT-1 to Tinkers Run and 81 SF of its floodway; For the purpose of constructing phase one of a two phase development project. Phase one consists of a four-story apartment building with 50 senior living units and associated facilities, including a parking lot, paved access road, utilities, site grading, and stormwater facilities. Phase two will occur at a later date and will consist of construction of 12 cottage duplexes along the paved access road. No additional impacts to chapter 105 regulated resources are currently anticipated as part of phase two. A separate chapter 105 permit (GP076500222-002) has already been obtained by the applicant for the culverted crossing associated with the access road constructed as part of phase one. This culverted crossing permanently impacted 50 LF of watercourse and 500 SF of floodway and temporarily impacted 70 LF of watercourse and 700 SF of floodway of a UNT to a UNT of Tinkers Run (TSF). Cumulatively, phase one of this project will permanently impact 2,918 SF (0.07 acre) of palustrine emergent wetlands, 92 LF of watercourses, and 913 SF (0.02 acre) of floodways; as well as temporarily impact 70 LF of watercourse and 700 SF of floodway. To compensate for unavoidable impacts to wetland resources, the applicant is proposing to purchase credits from the Department's In-Lieu Fee Program. The project site is located approximately 1,300' southwest of the intersection of US Route 30 and Caruthers Lane (Irwin, PA USGS topographic quadrangle; N: 40°, 19', 11.7"; W: -79°, 42', 3.0"; Sub-basin 18A; USACE Pittsburgh District), in North Huntingdon Township and Irwin Borough, Westmoreland County.

**E0205221-008. Duquesne Light Company**, 841 New Beaver Avenue, Pittsburgh, PA 15233, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 5, 2023.

The applicant proposes to: 1. Amend Permit No. E0205221-008, which authorized the replacement of 14.5 miles of overhead electrical transmission lines and 100 steel lattice transmission towers, permanently impacting 0.362 acre of wetlands and 0.342 acre of watercourses, including the Ohio River (WWF) and some of its tributaries (WWF), and Chartiers Creek (WWF) and some of its tributaries (WWF), in association with the Brunot Island—Crescent Project. This amendment seeks authorization to maintain fill, caused by a landslide, within 289 linear feet of an unnamed tributary to Montour Run (TSF) and 0.03 acre of adjacent wetland, for the purpose of stabilizing the site and preventing future landslides, at the location listed as follows, of the Petrie Road Pole Replacement project after landslide conditions developed. The project site is located on North Petrie Rd, around 1.4 miles from the intersection with PA-51. Sub-basin 20F Latitude: 40° 29' 34.4472", Longitude: -80° 8' 51.0216".

**E6505223-008. Stanton Farms, LLC**, 174 Tomlinson Drive, Zelienople, PA 16063, South Huntingdon Township, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 9, 2023.

The applicant proposes to: 1. Construct and maintain a culvert consisting of 38 LF of 24-inch diameter smooth lined corrugated plastic pipe to carry watercourse R002, an unnamed tributary (UNT) to Lick Run (WWF), under an access road, permanently impacting 38 LF of watercourse R002; 2. Place and maintain permanent fill within 170 LF of watercourse R002 and 510 SF of its floodway as a result of construction of the commercial building pad; 3. Place and maintain permanent fill within 905 LF of watercourse R003, an unnamed tributary (UNT) to Lick Run (WWF) and 1,358 SF of its floodway as a result of construction of the commercial building pad; 4. Place and maintain permanent fill within 577 LF of watercourse R003A, an unnamed tributary (UNT) to Lick Run (WWF) and 1,154 SF of its floodway as a result of construction of the commercial building pad; 5. Place and maintain permanent fill within 471 LF of watercourse R004, an unnamed tributary (UNT) to Lick Run (WWF) and 707 SF of its floodway as a result of construction of the commercial building pad; For the purpose of constructing a one-million square-foot warehouse, semi-trailer parking, employee parking, driveway, and related infrastructure. Cumulatively, the project would result in permanent impacts to 2,161 LF of watercourses and 3,729 SF (0.09 acre) of floodways. To compensate for unavoidable impacts to aquatic resources, mitigation credits will be purchased from a third-party mitigation bank. The project site is located approximately 3,600 feet east of the intersection of Interstate 70 and State Route 31 (Sub-basin 19D) Latitude: 40° 11' 17.9664", Longitude: -79° 14' 16.9224".

**E3005223-007. Corby & Christy Orndorff**, 1917 Smith Creek Rd, Waynesburg, PA 15370, Franklin Township, **Greene County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 27, 2023.

The applicant proposes to: Construct and maintain a 35' long and 12' wide prefabricated steel bridge with timber decking and concrete abutments across Smith Creek (WWF), which will permanently impact 12 linear feet of Smith Creek. The project will temporarily impact 25 linear feet of Smith Creek. For the purpose of constructing a driveway to a proposed cattle barn and future residence. The project site is located along SR 0018 near the intersection with Portal Road (T-487); Sub-basin 19D. Latitude: 39° 51' 40", Longitude: -80° 11' 59".

#### DAM SAFETY

*Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-783-5784.*

*Contact: Josh Fair, Water Program Specialist, 717-772-5988.*

**D62-039EA. Daniel Wisor, Pennsylvania Fish and Boat Commission**, 595 East Rolling Ridge Drive, Bellefonte, PA 16823, Farmington Township, **Warren County**. Applicant proposes to remove the Brown's Pond Dam to eliminate a threat to public safety and to restore approximately 1,700 feet of stream channel to a free-flowing condition. The project is located across Mud Run (CWF) (Russel, Sugar Grove, PA Quadrangles, Latitude: 41.9579, Longitude: 79.2549. Application received: October 5, 2023.

#### 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 (DEP) 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.

Individuals wishing to comment on the proposed permit are invited to submit a statement to the appropriate DEP 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 DEP 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 DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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**Applications Received Under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402).**

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*Northwest Region: Oil and Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: Kate Hogue, Clerical Supervisor, 814-332-6868.*

ESCGP# 3 **ESG080323004-00**

Applicant Name **Pennenergy Resources LLC**

Contact Person Richard Watson

Address 3000 Westinghouse Drive, Ste. 300

City, State, Zip Cranberry Township, PA 16066-5239

Township(s) North Buffalo Township

County **Armstrong County**

Receiving Stream(s) and Classification(s) UNT to Marrowbone Run (HQ-TSF)

Application received: June 6, 2023

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## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (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 and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a 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 for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.*

*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 for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES\_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.*

*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 for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES\_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES\_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.*

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 Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@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. 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. 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. Individuals 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. 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. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

#### **I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0246603	CAFO Individual NPDES Permit	Issued	Hoffman Chris 4390 Mountain Road McAlisterville, PA 17049-8332	Fayette Township Juniata County	SCRO
PA0266736	CAFO Individual NPDES Permit	Issued	LGH Farms 1461 Numidia Drive Catawissa, PA 17820-8675	Locust Township Columbia County	SCRO
PA630004D	Chapter 102 Individual NPDES Permit	Issued	Peoples Natural Gas Co. LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212-5866	Amwell Township Washington County	SWRO
PAD020018	Chapter 102 Individual NPDES Permit	Issued	Calandra Karl 112 Haverford Road Pittsburgh, PA 15238-1620	Fox Chapel Borough Allegheny County	SWRO
PAD020079	Chapter 102 Individual NPDES Permit	Issued	General Electric Co. 110 West Fayette Suite 300 Syracuse, NY 13202	West Mifflin Borough Allegheny County	SWRO
PAD060074	Chapter 102 Individual NPDES Permit	Issued	Roche Aaron 1748 Central Park Orefield, PA 18069-8907	Longswamp Township Berks County	SCRO
PAD090091	Chapter 102 Individual NPDES Permit	Issued	Powerstroke Palace LLC 1245 Pebble Hill Road Doylestown, PA 18901-3006	Nockamixon Township Bucks County	SERO
PAD110016	Chapter 102 Individual NPDES Permit	Issued	North Allegheny Wind 115 Industrial Drive Cresson, PA 16630-2204	Cresson Township Cambria County	SWRO
PAD130034	Chapter 102 Individual NPDES Permit	Issued	PNK P5 LLC 1944 PA-940 Pocono Pines, PA 18350-7742	Kidder Township Carbon County	NERO

## NOTICES

6911

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD150078	Chapter 102 Individual NPDES Permit	Issued	ESC Chester LLC 55 Country Club Drive Suite 200 Ellicott City, MD 21042	Caln Township Chester County	SERO
PAD150308	Chapter 102 Individual NPDES Permit	Issued	Stoltzfus Enterprises 26 East Main Street Elverson, PA 19520	West Nantmeal Township Chester County	SERO
PAD230024	Chapter 102 Individual NPDES Permit	Issued	Ag-Rw Edgmont Parent LLC 25A Hanover Road Florham Park, NJ 07932-1407	Edgemont Township Delaware County	SERO
PAD230074	Chapter 102 Individual NPDES Permit	Issued	Delaware County Fld & Stream 713 Chester Creek Road Brookhaven, PA 19015-1027	Middletown Township Delaware County	SERO
PAD280017	Chapter 102 Individual NPDES Permit	Issued	Matrix Shippensburg Lots 11 & 12 LLC Forsgate Drive Cn 4000 Cranbury, NJ 08512-3506	Southampton Township Franklin County	SCRO
PAD360107	Chapter 102 Individual NPDES Permit	Issued	Martin Louis L 483 Old Road East Earl, PA 17519-9670	East Earl Township Lancaster County	SCRO
PAD480077	Chapter 102 Individual NPDES Permit	Issued	Municipal Authority Bushkill Holdings LLC 1348 Hamilton Street Allentown, PA 18102-4329	Bushkill Township Northampton County	NERO
PAD630070	Chapter 102 Individual NPDES Permit	Issued	Ai Neyer 11 Stanwix Street Suite 1050 Pittsburgh, PA 15222-1312	Canonsburg Borough Washington County	SWRO
PAD670078	Chapter 102 Individual NPDES Permit	Issued	Rands Group Ltd 210 N 2nd Street Dillsburg, PA 17019-1224	Carroll Township York County	SCRO
PAD670080	Chapter 102 Individual NPDES Permit	Issued	Stoltzfus Ammon 114 Morrison Mill Road Kirkwood, PA 17536-9718	Lower Chanceford Township York County	SCRO
PA0245402	Industrial Stormwater Individual NPDES Permit	Issued	NP Falls Township Industrial LLC 3315 N Oak Trfy Kansas City, MO 64116-2775	Falls Township Bucks County	SERO
3623807	Joint DEP/PFBC Pesticides Permit	Issued	Safe Harbor Water Power Corp 1 Powerhouse Drive Conestoga, PA 17516-9651	East Donegal Township Lancaster County	SCRO
6723802	Joint DEP/PFBC Pesticides Permit	Issued	Safe Harbor Water Power Corp 126 Lamberton Lane Hawley, PA 18428-7606	Lower Windsor Township York County	SCRO
6723804	Joint DEP/PFBC Pesticides Permit	Issued	Safe Harbor Water Power Corp 126 Lamberton Lane Hawley, PA 18428-7606	Lower Windsor Township York County	SCRO
0911402	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Buckingham Township Bucks County P.O. Box 413 Buckingham, PA 18912-0413	Buckingham Township Bucks County	SERO
PA0007498	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Wise Foods Inc. 228 Raseley Street Berwick, PA 18603-4533	Berwick Borough Columbia County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0232815	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Sunbury City Municipal Authority Northumberland County 462 S 4th Street Sunbury, PA 17801-3134	Sunbury City Northumberland County	NCRO
NOEXSE094	No Exposure Certification	Issued	Northam Recovery Services LLC P.O. Box 270 Croydon, PA 19021-0270	Bristol Township Bucks County	SERO
NOEXSE359	No Exposure Certification	Issued	Senneca Holdings 8825 Torresdale Avenue Philadelphia, PA 19136-1542	Philadelphia City Philadelphia County	SERO
NOEXSE361	No Exposure Certification	Issued	SEPTA 1234 Market Street 6th Floor Philadelphia, PA 19107	Middletown Township Delaware County	SERO
PAG030032	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Craft Oil LLC 837 Cherry Street Avoca, PA 18641	Chester Township Delaware County	SERO
PAG030155	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Northtec LLC 411 Sinclair Road Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
PAG030178	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Al's Auto Inc. 4339 Old Lincoln Highway Trevose, PA 19053-8417	Bensalem Township Bucks County	SERO
PAG030262	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hammond Group Inc. 2323 165th Street Hammond, IN 46320-2906	West Pottsgrove Township Montgomery County	SERO
PAG030277	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Neenah Northeast 45 North 4th Street Quakertown, PA 18951	Quakertown Borough Bucks County	SERO
PAG032266	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Old Dominion Freight Lines 500 Old Dominion Way Thomasville, NC 27360-8923	Pittston City Luzerne County	NERO
PAG032305	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Duryea Auto Parts 825 N Main Street Duryea, PA 18642-1241	Duryea Borough Luzerne County	NERO
PAG032316	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Rolling Frito Lay Sales LP 23 Beethoven Street Binghamton, NY 13905-4250	Palmer Township Northampton County	NERO
PAG033503	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sysco Central PA LLC 3905 Corey Road Harrisburg, PA 17109-5930	Susquehanna Township Dauphin County	SCRO
PAG033557	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Wenger Feeds LLC 101 West Harrisburg Avenue P.O. Box 26 Rheems, PA 17570-0026	West Hempfield Township Lancaster County	SCRO
PAG033604	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Champion Home Builders Inc. 10642 Susquehanna Trail Liverpool, PA 17045-8495	Susquehanna Township Juniata County	SCRO

## NOTICES

6913

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033628	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Alpek Polyester USA LLC 4030 Pottsville Pike Reading, PA 19605-1202	Muhlenberg Township Berks County	SCRO
PAG033654	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	South Mountain Creamery LLC 8305 Bolivar Road Middletown, MD 21769-8408	Guilford Township Franklin County	SCRO
PAG033735	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Adusa Distr LLC 4875 N Susquehanna Trail York, PA 17406-8498	Conewago Township York County	SCRO
PAG033883	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	ABF Freight System Inc. P.O. Box 10048 3801 Old Greenwood Road Fort Smith, AR 72917-0048	Middlesex Township Cumberland County	SCRO
PAG034845	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Osman Russell 127 Osman Farm Lane Dornsife, PA 17823-7143	Washington Township Northumberland County	NCRO
PAG034853	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Diamond T Service Inc. 12650 W 64th Avenue Unit 504 Arvada, CO 80004-3893	Lawrence Township Tioga County	NCRO
PAG034881	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	SPM Oil & Gas PC LLC 601 Herbert Drive Fort Worth, TX 76108	Athens Township Bradford County	NCRO
PAG034946	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	High Steel Structures Inc. 1853 William Penn Way Lancaster, PA 17601-6713	Williamsport City Lycoming County	NCRO
PAG034971	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Matts Auto Parts & Sales Inc. 1177 Bloss Mountain Road Liberty, PA 16930-9222	Liberty Township Tioga County	NCRO
PAG034999	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Halliburton Energy Svcs Inc. P.O. Box 60087 Houston, TX 77205-0087	Clinton Township Lycoming County	NCRO
PAG036296	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Heidelberg Materials NE LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Lower Burrell City Westmoreland County	SWRO
PAG036515	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Crouse Hinds Division 2800 N Main Street Washington, PA 15301-6100	Chartiers Township Washington County	SWRO
PAG036528	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Frank Bryan Inc. 100 South 3rd Street Pittsburgh, PA 15219	Pittsburgh City Allegheny County	SWRO
PAG123854	PAG-12 NPDES General Permit for CAFOs	Issued	LHF Enterprises LLC 932 Turner Camp Road Schellsburg, PA 15559-7334	Napier Township Bedford County	SCRO
PAG123854	PAG-12 NPDES General Permit for CAFOs	Issued	LHF Enterprises LLC 932 Turner Camp Road Schellsburg, PA 15559-7334	Napier Township Bedford County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG123854	PAG-12 NPDES General Permit for CAFOs	Issued	LHF Farms LLC 932 Turner Camp Road Schellsburg, PA 15559-7334	Napier Township Bedford County	SCRO
PAG136293	PAG-13 NPDES General Permit for MS4s	Waived	East Rochester Borough Beaver County 760 Spruce Avenue East Rochester, PA 15074	East Rochester Borough Beaver County	SWRO
PA0053716	Single Residence STP Individual NPDES Permit	Issued	Jeffery Allen and Lori Ann Scott 800 North Tower Road Quakertown, PA 18951-3122	West Rockhill Township Bucks County	SERO
PA0058301	Single Residence STP Individual NPDES Permit	Issued	Alexander Wilson and Melissa Greulich 807 Ridge Road Telford, PA 18969-1528	Salford Township Montgomery County	SERO
PA0232319	Single Residence STP Individual NPDES Permit	Issued	Hepler Gail M 128 Mabel Road Ashland, PA 17921-9103	Lock Haven City Clinton County	NCRO
2023404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Koehler James R 17946 State Highway 198 Saegertown, PA 16433-3640	Hayfield Township Crawford County	NWRO
WQG0225301	WQG-02 WQM General Permit	Issued	North East Township Water & Sewer Authority 31 W Main Street North East, PA 16428-1135	North East Borough Erie County	NWRO

## II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<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>
PAC230217 A-1	PAG-02 General Permit	Issued	Gregory Davis 227 Sage Hill Lane West Chester, PA 19382	Radnor Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC460842	PAG-02 General Permit	Denied	Chick-Fil-A 5200 Buffington Boulevard Atlanta, GA 30349	Cheltenham Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC350047	PAG-02 General Permit	Issued	Highland Development, LLC 1815 Copley Place Delray Beach, FL 33445	Scott Township Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Rd. South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@ pa.gov

NOTICES

6915

<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>
PAC090609	PAG-02 General Permit	Issued	Casadonti Builders, LLC 28 Theresa Lane Chalfont, PA 18914-1431	New Britain Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090645	PAG-02 General Permit	Issued	Delaware Valley Residential Care (DVRC) 1035 Virginia Drive Fort Washington, PA 19034-3103	Bensalem Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090626	PAG-02 General Permit	Issued	Air Liquide Electronics U.S., LP 19 Steel Road West Morrisville, PA 19067-3613	Morrisville Borough Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090609	PAG-02 General Permit	Issued	Casadonti Builders, LLC 28 Theresa Lane Chalfont, PA 18914-1431	New Britain Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC040066A-1	PAG-02 General Permit	Issued	Lawnworks, Inc. 1860 PA-68 Rochester, PA 15074	North Sewickley Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701 SWRO
PAC110110	PAG-02 General Permit	Issued	Walters Ave Storage, LLC 2441 Bedford Street Johnstown, PA 15904	Richland Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120 SWRO
PAC630108	PAG-02 General Permit	Issued	Woodside Development Co. 382 West Chestnut Street Suite 102 Washington, PA 15012	Chartiers Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC630303	PAG-02 General Permit	Issued	Pennsylvania American Water Company 300 Galley Road McMurray, PA 15317	City of Washington Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO

<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>
PAC110111	PAG-02 General Permit	Issued	East Hills Enterprises, LLC 154 Patrick Drive Johnstown, PA 15904	Richland Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120 SWRO
PAC650109	PAG-02 General Permit	Issued	R.A. Snoznik Construction Inc. 4455 Old William Penn Highway Murrysville, PA 15668	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650360	PAG-02 General Permit	Issued	Penn Township Sewage Authority 1032 Nike Site Road Irwin, PA 15642	Penn Township Westmoreland County	Westmoreland County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC650372	PAG-02 General Permit	Issued	Roechling Industrial Mt. Pleasant 161 Westec Drive Mt. Pleasant, PA 15666	East Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650160A-1	PAG-02 General Permit	Issued	Dondia, LLC 10481 Farview Drive North Huntingdon, PA 15642	North Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC230265	PAG-02 General Permit	Issued	Shing Pok Cheung 225 Wilmington West Chester Pike Suite 200 Chadds Ford, PA 19317	Bethel Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC310030	PAG-02 General Permit	Issued	Mid-Atlantic Interstate Transmission, LLC 730 South Avenue Youngstown, OH 44502	Morris Township Huntingdon County	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652 814-627-1626
PAC050065	PAG-02 General Permit	Issued	PTV 1335, LLC 400 Penn Center Boulevard Building 4 Suite 1000 Pittsburgh, PA 15235	East Saint Clair Township Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 3 Bedford, PA 15522 814-623-0877
PAC050068	PAG-02 General Permit	Issued	American Structure, LLC 5080 Business 220 Bedford, PA 15522	Bedford Township Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 3 Bedford, PA 15522 814-623-7900



## NOTICES

6917

<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>
PAC360816	PAG-02 General Permit	Issued	Hiltz Holdings, LLC 693 W Market Street Marrieta, PA 17547	East Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360886	PAG-02 General Permit	Issued	Elizabethtown Area School District 600 East High Street Elizabethtown, PA 17022	Elizabethtown Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC670077A-1	PAG-02 General Permit	Issued	Crescent LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Shrewsbury Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670191	PAG-02 General Permit	Issued	Fair Valley Ventures, LLC 330 Dubs Church Road Hanover, PA 17331	York Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670661	PAG-02 General Permit	Issued	Dallastown Area School District 700 New School Lane Dallastown, PA 17313	York Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670643	PAG-02 General Permit	Issued	Witmer Automation 192 Shoe House Lane York, PA 17406	Hellam Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC610027	PAG-02 General Permit	Issued	Pennsylvania Department of Conservation and Natural Resources P.O. Box 8451 Harrisburg, PA 17105	Cornplanter Township Venango County	Venango County Conservation District 4871 US 322 Franklin, PA 16323 814-676-2832
PAC200079A1	PAG-02 General Permit	Issued	Welcome Solar II LLC 1601 Utica Avenue South Suite 1000 Minneapolis, MN 55416	South Shenango Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC200078A1	PAG-02 General Permit	Issued	Welcome Solar III LLC 1601 Utica Avenue South Suite 1000 Minneapolis, MN 55416	West Fallowfield Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269

<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>
PAC200042	PAG-02 General Permit	Issued	Crawford County 903 Diamond Park Meadville, PA 16335	City of Meadville Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC210317	PAG-02 General Permit	Issued	Nestle Purina Petcare Company 6373 Brackbill Boulevard Mechanicsburg, PA 17050	Hampden Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210336	PAG-02 General Permit	Issued	Pritesh Patel 114 Charter Court Trevose, PA 19053	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210332	PAG-02 General Permit	Issued	East Pennsboro Township 98 South Enola Drive Enola, PA 17025	East Pennsboro Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210338	PAG-02 General Permit	Issued	William K Roder Jr 256 Notch Road Duncannon, PA 17020	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210339	PAG-02 General Permit	Issued	Interstate Investors LLC P.O. Box 5 Walnut Bottom, PA 17266	Southampton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210328	PAG-02 General 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 717-240-7812
PAC380209A-1	PAG-02 General Permit	Issued	Northern Lebanon School District 345 School Drive Fredericksburg, PA 17026	Bethel Township and Swatara Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275
PAC010016A-5	PAG-02 General Permit	Issued	Cambrian Hills, LP 160 Ram Drive Hanover, PA 17331	Berwick Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC350146	PAG-02 General Permit	Issued	Olyphant Land Development 1, LLC 7 Oakwood Dr. Scranton, PA 18504	Olyphant Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Rd. South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@ 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. 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Marlin Hartzler 39 Hazel Lane Belleville, PA 17004	Mifflin County	134.82	655.71	Swine/Beef	NA	Approved
Paul Dotterer & Sons, Inc. 410 Kryder Road Mill Hall, PA 17751	Clinton County	2,600.7	3,027.26	Dairy	HQ	Approved
Reid and Diane Hoover— Brook—Corner, LLC 400 Mt. Wilson Road Lebanon, PA 17042	Lebanon County	358.9	864.65	Dairy	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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

**SAFE DRINKING WATER**

**Actions Taken Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

*Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.*

*Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.*

**Construction Permit No. 5923503MA**, Minor Amendment, Public Water Supply.

Applicant	<b>Wellsboro Municipal Authority</b>
Address	14 Crafton Street Wellsboro, PA 16901
Municipality	Charleston Township
County	<b>Tioga County</b>
Consulting Engineer	Shawn Downey 1000 Commerce Park Drive Suite 201 Williamsport, PA 17701
Application Received	July 24, 2023
Permit Issued	October 20, 2023
Description	This permit authorizes construction of Banik Well Transmission Main extension using approximately 5,000-LF of 6-inch HDPE to eliminate the need for Willis Run to convey Banik Well water.

*Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Lorrie Fritz, CA2, 570-830-3048.*

**Operation Permit No. 2520046**, Public Water Supply.

Applicant	<b>Scott Sheldon Milford Water Authority</b>
Address	151 Old Owego Turnpike Milford, PA 18337
Municipality	Milford Borough
County	<b>Pike County</b>
Consulting Engineer	Adam T. Minichelli, P.E. CDM Smith 1500 JFK Blvd. Suite 1208 Philadelphia, PA 19102
Application Received	October 5, 2023
Permit Issued	October 10, 2023
Description	Permit to operate the applicant's new 150,000-gallon finished water storage tank.

*Contact: Lorrie Fritz, CA2, 570-830-3048.*

**Construction Permit No. 5223501**, Public Water Supply.

Applicant	<b>Ernesto Margaro Nesto's General Store</b>
Address	4872 Pine Ridge Drive W. Bushkill, PA 18324
Municipality	Lehman Township
County	<b>Pike County</b>

Consulting Engineer	Sarah Bue-Morris, P.E. Bue-Morris Associates, Inc. 275 S. Sterling Road Newfoundland, PA 18445
Application Received	March 30, 2023
Permit Issued	October 16, 2023
Description	Installation of treatment to attain 4-Log Inactivation of Viruses.

*Contact: Ryan Fox, Env. Engineering Specialist, 570-826-2533.*

**Construction Permit No. 4023508MA**, Minor Amendment, Public Water Supply.

Applicant	<b>Pennsylvania American Water Co.</b>
Address	852 Wesley Dr. Mechanicsburg, PA 17055
Municipality	Laurel Run Borough
County	<b>Luzerne County</b>
Consulting Engineer	Michael Goodwin, P.E. 12 Frear Rd. Tunkhannock, PA 18657
Application Received	July 3, 2023
Permit Issued	October 16, 2023
Description	Addition of 0.2MG water storage tank at Aqua PA—Ceasetown system.

**Construction Permit No. 6623502MA**, Minor Amendment, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b>
Address	762 W. Lancaster Ave. Bryn Mawr, PA 19010
Municipality	Factoryville Borough
County	<b>Wyoming County</b>
Consulting Engineer	Keystone Engineering Group 590 Lancaster Ave. Suite 200 Fraser, PA 19355
Application Received	August 31, 2023
Permit Issued	October 19, 2023
Description	Tank mixer installation in Aqua PA Factoryville 0.2 MG Storage Tank.

**Operation Permit No. 2646542**, Public Water Supply.

Applicant	<b>Worobey Transport, Inc.</b>
Address	539 Shehawken Rd. Preston Park, PA 18455
Municipality	Salem Township
County	<b>Wayne County</b>
Consulting Engineer	Glance Associates, Inc. 3705 Trindle Hill Rd. Camp Hill, PA 17011
Application Received	August 18, 2023
Permit Issued	October 20, 2023

Description Addition of four (4) bulk water hauling tankers and two (2) bulk water hauling sources, PAWC Lake Scranton (PWS ID 2359008) and Aqua PA—Hawley (PWS ID 2640028).

*Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

**NCWSA Operation Permit No. 7360801**, Public Water Supply.

Applicant **Old Barn Creamery**  
 Address 164 Martic Heights Drive  
 Holtwood, PA 17532  
 Municipality Martic Township  
 County **Lancaster County**  
 Application Received October 12, 2023  
 Permit Issued October 18, 2023  
 Description Noncommunity water system approval to operate for Old Barn Creamery.

*Contact: Darin Horst, Environmental Engineer, 717-705-4708.*

**Construction Permit No. 3623531 MA**, Public Water Supply.

Applicant **Masonic Villages of the Grand Lodge of PA**  
 Address 1 Masonic Drive  
 Elizabethtown, PA 17022  
 Municipality West Donegal Township  
 County **Lancaster County**  
 Consulting Engineer Rettew Associates, Inc.  
 5031 Richard Ln, # 111  
 Mechanicsburg, PA 17055  
 Application Received July 18, 2023  
 Permit Issued October 17, 2023  
 Description Modifications to 4-log treatment of viruses for Wells EM-500, EM-600, and EM-700 (Entry Point 101).

**Construction Permit No. 3623516**, Public Water Supply.

Applicant **Solanco School District**  
 Address 121 S. Hess Street  
 Quarryville, PA 17566  
 Municipality Fulton Township  
 County **Lancaster County**  
 Consulting Engineer Steckbeck Engineering & Surveying, Inc.  
 279 North Zinns Mill  
 Suite A  
 Lebanon, PA 17042  
 Application Received May 1, 2023  
 Permit Issued October 12, 2023

Description Replacement of the well pump, chemical feed pumps, installation of contact tanks, finished water storage, and booster pumps.

*Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Renee Diehl, Program Manager, ra-epsdsw@pa.gov.*

**Transfer Permit 5650021-T3**. PWSID No. **5650021**. **Jones Estates Stanton Hills PA LLC**, 2310 S. Miami Blvd, Suite 238, Durham, NC 27703, Hempfield Township, **Westmoreland County**. Application received: January 23, 2023. Permit Issued: August 10, 2023. Transfer of ownership of the Stanton Hills Mobile Home Park's water supply system formerly held by SBK Investments LLC and 2MB Investments LLC.

**Construction Permit 3023504MA**. PWSID No. **5300017**. **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, Rices Landing Borough, **Greene County**. Application received: June 2, 2023. Permit Issued: August 2, 2023. Permit for the installation of a chemical feed system to seasonally feed a liquid algaecide into the raw water intake caisson.

**Transfer Permit 5040028-T1**. PWSID No. **5040028**. **Jones Estates Knobvue PA**, 2310 S. Miami Blvd, Suite 238, Durham, NC 27703, New Sewickley Township, **Beaver County**. Application received: January 23, 2023. Permit Issued: August 10, 2023. Transfer of ownership of the Knobvue Mobile Home Park's water supply system formerly held by D'Atri Inc.

**Transfer Permit 0422521-T1**. PWSID No. **5040026**. **Jones Estates Colonial Glen PA LLC**, 2310 S. Miami Blvd, Suite 238, Durham, NC 27703, New Sewickley Township, **Beaver County**. Application received: January 23, 2023. Permit Issued: August 29, 2023. Transfer of ownership of the Colonial Glen Mobile Home Park's water supply system.

**Transfer Permit 0422522-T1**. PWSID No. **5040056**. **Jones Estates Skyview Terrace PA LLC**, 2310 S. Miami Blvd, Suite 238, Durham, NC 27703, New Sewickley Township, **Beaver County**. Application received: January 23, 2023. Permit Issued: August 29, 2023. Transfer of ownership of the Skyview Terrace Mobile Home Park's water supply system formerly held by Jones Estates PA LLC.

**Transfer Permit 5040048-T1**. PWSID No. **5040048**. **Jones Estates Forest Brook PA LLC**, 2310 S. Miami Blvd, Suite 238, Durham, NC 27703, Hanover Township, **Beaver County**. Application received: January 23, 2023. Permit Issued: August 29, 2023. The transfer of ownership of the Forest Brook Mobile Home Park's water supply system formerly held by David D'Atri.

**Operation Permit 3023504MA**. PWSID No. **5300017**. **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, Rices Landing Borough, **Greene County**. Application received: August 18, 2023. Permit Issued: September 18, 2023. Operation of a chemical feed system to seasonally feed a liquid algaecide into the raw water intake caisson.

**Operation Permit 5623516.** PWSID No. **4560042.** **Municipal Authority of the Borough of Somerset,** 347 West Union Street, P.O. Box 71, Somerset, PA 15501, Somerset Borough and Jefferson Borough, Somerset Township, **Somerset County.** Application received: September 6, 2023. Permit Issued: September 18, 2023. The operation of waterlines along Rosina Avenue, Columbia Avenue, and Sanner Street.

**Operation Permit 5623517.** PWSID No. **4560042.** **Municipal Authority of the Borough of Somerset,** 347 West Union Street, P.O. Box 71, Somerset, PA 15501, Somerset Borough, Jefferson Borough, and Somerset Township, **Somerset County.** Application received: September 6, 2023. Permit Issued: September 18, 2023. Operation of waterlines along Church Street and Kimberly Avenue.

**Construction Permit 0221532MA.** PWSID No. **5020038.** **Pittsburgh Water and Sewer Authority, Penn Liberty Plaza,** 1 1200 Penn Avenue, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County.** Application received: August 11, 2021. Permit Issued: September 20, 2023. Construction permit issued for liquid lime slurry system improvements, removal of abandoned dry lime system, and updates to the Chemical Building process control system at the Aspinwall Water Treatment Plant.

**Operation Permit 5623518.** PWSID No. **4560042.** **Municipal Authority of the Borough of Somerset,** 347 West Union Street, P.O. Box 71, Somerset, PA 15501, Somerset Borough, Jefferson Borough, and Somerset Township, **Somerset County.** Application received: September 15, 2023. Permit Issued: October 10, 2023. Operation of waterlines along Humberson Drive, W. Union Street, Hickory Ave, and Sunset Dr.

**Operation Permit 5623519.** PWSID No. **4560042.** **Municipal Authority of the Borough of Somerset,** 347 West Union Street, P.O. Box 71, Somerset, PA 15501, Somerset Borough, Jefferson Borough, Somerset Township, **Somerset County.** Application received: September 22, 2023. Permit Issued: October 10, 2023. Operation of waterlines along Waterworks Road, Kimberly Avenue (from Sanner St. to Church St.), and Church St. (from Rosina to Edgewood).

**Operation Permit 5623520.** PWSID No. **4560042.** **Municipal Authority of the Borough of Somerset,** 347 West Union Street, P.O. Box 71, Somerset, PA 15501, Somerset Borough, Jefferson Borough, Somerset Township, **Somerset County.** Application received: September 29, 2023. Permit Issued: October 10, 2023. Operation of waterlines along E. Patriot Street, Center Avenue, Sanner Street, and Race Street.

**Designation of Water Quality Performance Requirements Permit 6523515-C1.** PWSID No. **5650036.** **Torrance State Hospital,** 121 Longview Drive, Torrance, PA 15770, Derry Township, **Westmoreland County.** Application received: July 24, 2023. Permit Issued: October 20, 2023. Designation of Water Quality Performance Requirements.

**Construction Permit 0223519MA.** PWSID No. **5020039.** **Pennsylvania American Water Company,** 852 Wesley Drive, Mechanicsburg, PA 17055, Baldwin Borough, **Allegheny County.** Application received: August 23, 2023. Permit Issued: October 20, 2023. Replacement of chemical feed equipment (tanks, pumps, instrumentation, piping, etc.) for ferric chloride, zinc orthophosphate, and sodium permanganate and the addition of a second ferric chloride injection point at the Hays Mine Water Treatment Plant.

**NCWSA Operation Permit 5630431.** PWSID No. **5630431.** **Canonsburg Sportsman's Association, Inc.,** P.O. Box 298, Canonsburg, PA 15317, Chartiers Township, **Washington County.** Application received: October 10, 2023. Permit Issued: October 19, 2023. Operation of new public water supply well and treatment.

**Transfer Permit 1123512-T1.** PWSID No. **4110024.** **Patton Municipal Authority,** 800 Fourth Avenue, Patton, PA 16668, Clearfield Township, **Cambria County.** Application received: August 15, 2023. Permit Issued: October 19, 2023. Transfer of the Elder Township Water Authority water system to Patton Municipal Authority.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.**

*Southcentral Region: Clean Water Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Lindsay Graeff, Sewage Planning Specialist, 717-705-4866.*

#### *Plan Location:*

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Oley Township	P.O. Box 19 Oley, PA 19547	Berks County

#### *Plan Description:*

Savory 2693 West Philadelphia Avenue Property, B3-06948-152-3S. The Department of Environmental Protection (DEP) has reviewed the proposed Official Plan revision for the property located at 2693 West Philadelphia Avenue in Oley Township which proposes the use of a Small Flow Treatment Facility to replace a malfunctioning on-lot sewage disposal system for four apartments and one commercial unit with flows of 2,000 gallons per day. The system will discharge to a dry swale that is tributary to Oysterville Creek (HQ—CWF). This plan revision is approved.

*Contact: Noah D. Niedererr, Sewage Planning Specialist, 717-705-4768.*

#### *Plan Location:*

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Guilford Township	115 Spring Valley Road Chambersburg, PA 17202	Franklin County

#### *Plan Description:*

Town of Marion—Minor Update Revision, A3-28908-591-3m. Approval of a revision to the official plan of Guilford Township, **Franklin County.** The project is known as the Town of Marion Minor Update Revision proposal. The plan provides for extension of a low-pressure sewer system to serve existing residential, commercial, and institutional properties. Total estimated sewage flows are 267,672 gpd and they will be tributary to the Guilford Township collection and conveyance system, Chambersburg Borough conveyance system, and, ultimately, the Chambersburg Borough wastewater treatment plant. The proposed development is located along Route 11 in Guilford Township, Franklin County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-28908-591-3m and the APS ID No. is 1095864. Any permits must be obtained in the name of the Guilford Township Authority.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

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#### The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

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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 of Environmental Protection (DEP) 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, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department has received the following plans and reports.

*Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Slusser Site**, Primary Facility ID # **869414**, 50 Slusser Lane, Sugarloaf, PA 18249, Sugarloaf Township, **Luzerne County**. Pennoni Associates, 1900 Market Street, Philadelphia, PA 19103, on behalf of JVI, LLC, 1265 Miller Road, Wind Gap, PA 18901, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with metals, volatile organic chemicals, and semi-volatile organic chemicals from historic site operations. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: Lee, 814-332-6127.*

**General Electric Company**, Primary Facility ID # **836670**, 2125 East 12th Street, Erie, PA 16635, City of Erie, **Erie County**. Arcadis US Inc., 50 Fountain Plaza, Buffalo, NY 14202, on behalf of General Electric Company, 3726 North Wayne Avenue, Chicago, IL 60613, submitted a Remediation Investigation Report/Final Report concerning remediation of soil and groundwater contaminated with Soil: Aroclor 1254, Aroclor 1260, Acetone, Tetrachloroethene, Trichloroethene, 1,1-Biphenyl, 2-Methylnaphthalene, Acenaphthene, Acenaphthylene, Acetophenone, Anthracene, Benzaldehyde, Benzo(a)-anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Benzo(k)fluoranthene, Carbazole, Chrysene, Dibenzo(a,h)anthracene, Dibenzofuran, Fluoranthene, Fluorene, Indeno(1,2,3-cd)pyrene, Naphthalene, Phenanthrene, Phenol, Pyrene, Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, and Silver Groundwater: 2-Butanone (MEK), Acetone, Bromodichloromethane, Carbon Disulfide, Trichloroethene, 1,1-Biphenyl, 2-Methylnaphthalene, 3-Methylphenol, 4-Methylphenol, 4-Nitrophenol, Acenaphthene, Acenaphthylene, Acetophenone, Anthracene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Benzo(k)fluoranthene, bis(2-Ethylhexyl)phthalate, Butyl benzyl phthalate, Caprolactam, Carbazole, Chrysene, Dibenzo(a,h)anthracene, Dibenzofuran, Diethyl phthalate, Di-n-butyl phthalate, Fluoranthene, Fluorene, Indeno(1,2,3-cd)pyrene, Isophorone, Naphthalene, Phenanthrene, Phenol, Pyrene, Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, and Silver. The Remediation Investigation Report/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.*

**Simms Residence**, Primary Facility ID # **820174**, 535 Barts Church Road, Hanover, PA 17331, Union Township, **Adams County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Mr. Doug Simms, 535 Barts Church Road, Hanover, PA 17331, submitted a Remediation Investigation Report/Final Report concerning remediation of soil and groundwater contaminated with No. 2 Fuel Oil. The Remediation Investigation Report/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

**Kuhn Property**, Primary Facility ID # **850448**, 720-724 North Hanover Street, Carlisle, PA 17013, North Middleton Township, **Cumberland County**. Verdantas LLC, P.O. Box 260, New Brighton, PA 15066, on behalf of REC, LLC, 53 West South Street, Suite 1, Carlisle, PA 17013, submitted a Remediation Investigation Report/Final Report concerning remediation of groundwater contaminated with TCE. The Remediation Investigation Report/Final Report is intended to document remediation of the site to meet the site-specific standards.

**Richard Barley Property—Bedford Family Chiropractors**, Primary Facility ID # **870020**, 153 Lingenfelter Road, Bedford, PA 15522, Bedford Township, **Bedford County**. Mountain Research, LLC, 825 25th Street,

Altoona, PA 16601, on behalf of Mr. Richard Barley, 7 Greenwich Drive, Carlisle, PA 17015, submitted a Final Report concerning remediation of soil contaminated with VOCs. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Charline Bass, Administrative Assistant, 484-250-5787.*

**2911 Edgmont Avenue**, Primary Facility ID # **693866**, 2911 Edgmont Avenue, Parkside, PA 19015, Parkside Borough, **Delaware County**. Bridget Shadler, August Mack Environmental, Inc., 806 Fayette Street, Conshohocken, PA 19428, on behalf of Keith Shooster, Shooster Brothers, 257 North State Road, Springfield, PA 19064, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of groundwater contaminated with BTEX, cumene, naphthalene, MTBE, 1,2,4-TMB, 1,3,5-TMB, 1,2-dichloroethane, 1,2-dibromoethane, and lead. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

**Perry Residence**, Primary Facility ID # **793907**, 11 Caledonia Drive, Warminster, PA 18974, Warminster Township, **Bucks County**. Richard D. Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Erin M. Bydalek, Nationwide Insurance, 355 Maple Avenue, Harleysville, PA 19438, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific 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 of Environmental Protection (DEP) 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 non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. 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 reme-

dial 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 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 plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following plans and reports.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.*

**Former Robesonia Furnace**, Primary Facility ID # **825230**, South Freeman Street, Robesonia, PA 19551, Robesonia Borough, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Borough of Robesonia, 75 South Brooke Street, Robesonia, PA 19551, submitted a Final Report concerning remediation of soil contaminated with Lead. The Final Report demonstrated attainment of the site-specific standards. Approved: October 19, 2023.

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Charline Bass, Administrative Assistant, 484-250-5787.*

**2200 Somerset Street**, Primary Facility ID # **859502**, 2200 Somerset Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Anna Thornton, Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Lawrence McKnight, Somerset Street Station, LLC, 3020 Richmond Street, Philadelphia, PA 19134, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with metals, VOCs, SVOCs and PCBs. The Report did not demonstrate attainment of the site-specific standards. Disapproved: October 11, 2023.

**80 East Oregon Avenue**, Primary Facility ID # **841286**, 80 East Oregon Avenue, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Marc Chartier, PG, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Sukesh Reddy Anam, Anam Properties, LLC, 2500 West Cheltenham Avenue, Philadelphia, PA 19148, submitted a combined Remedial Investigation Report/Cleanup Plan/



Final Report concerning remediation of soil and groundwater contaminated with VOCs, SVOCs and metals. The Final Report demonstrated attainment of the Statewide health and site-specific standards. Approved: October 10, 2023.

**Former Philadelphia Media Network Facility**, Primary Facility ID # **855611**, 800 River Road, Conshohocken, PA 19428, Upper Merion Township, **Montgomery County**. Justin Kowalkoski, PG, Roux Associates, Inc., 402 Heron Drive, Logan Township, NJ 08055, on behalf of Michael Bennett, 800 River Owner LLC, 2 Park Avenue, 14th Floor, New York, NY 10016, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of groundwater contaminated with VOCs and metals. The Report demonstrated attainment of the site-specific standards. Approved: October 6, 2023.

**1608 Walnut Street**, Primary Facility ID # **850610**, 1608 Walnut Street, Philadelphia, PA 19103, City of Philadelphia, **Philadelphia County**. James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Eric Shelmire, 1608 Walnut Street Associates, LP, 1608 Walnut Street, Philadelphia, PA 19103, submitted a Final Report concerning remediation of soil and groundwater contaminated with benzene, naphthalene, fluorene, anthracene, phenanthrene, pyrene, benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(a)pyrene and benzo(g,h,i)perylene. The Final Report demonstrated attainment of the site-specific standards. Approved: October 11, 2023.

**2944 Samuel Drive**, Primary Facility ID # **840740**, 2944 Samuel Drive, Bensalem, PA 19020, Bensalem Township, **Bucks County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Howard Weiss, 2944 Samuel Drive, Inc., 4250 Wissahickon Avenue, Philadelphia, PA 19129, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with PAHs and inorganics. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: October 12, 2023.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Waste Management Program Manager.*

**WMGM044SW003. Michael Brothers Adamsburg, LLC**, P.O. Box 157, Bethel Park, PA 15102, Hempfield Township, **Westmoreland County**. A Determination of Applicability for operation under Municipal Waste General Permit No. WMGM044 for the processing of wood and construction/demolition material for beneficial use as mulch, soil erosion control material, aggregate material in construction, animal bedding, and alternative fuel at the

Michael Brothers Adamsburg Facility was issued by the Southwest Regional Office. This application replaces application No. WMGM043SW007 which was published in the February 20, 2021, *Pennsylvania Bulletin*. Application received: October 4, 2022. Permit issued: October 18, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (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.**

*Northeast Region: Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Roger Bellas, Environmental Program Manager, 570-826-2201.*

**101725. Taylor Recycling Incorporated**, 1000 Union St, Taylor, PA 18517, Taylor Borough, **Lackawanna County**. A major permit modification for a tonnage increase, change in operating hours, an increase in overnight storage volume, and acceptance of additional non-putrescible waste streams at the existing Taylor Transfer Station. Application received: November 8, 2022. Issued: October 18, 2023.

Persons interested in reviewing the permit may contact Roger Bellas, Environmental Program Manager, 570-826-2201, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

#### AIR QUALITY

**Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) 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.**

*Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**AG5-59-00009D: NFG Midstream Covington, LLC**, 6363 Main Street, Williamsville, NY 14221, Delmar Township, **Tioga County**. The Department authorized the change of ownership from NFG Midstream Wellsboro, LLC for the Wellsboro Tract 007 Compressor Station pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5). Application received: October 4, 2023. Authorized: October 23, 2023. Expiration date: December 18, 2027.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Mark Wejkszner, Air Quality Program Manager, 570-826-2528.*

**AG5A-58-00065A: Coterra Energy, Inc.**, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, Lenox Township, **Susquehanna County**. For the construction and operation of one (1) 1,380 BHP Caterpillar G3516B 4SLB natural gas-fired compressor engine controlled by an oxidation catalyst, and six (6) small heaters <5 MMBtu/hr each, pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) located at Austin, E Pad 1. Application received: September 21, 2023. Issued: October 18, 2023.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.*

**GP4-67-03051: Swam Electric Div. B.J. Baldwin Electric, Inc.**, 490 High Street, Hanover, PA 17331, Hanover Borough, **York County**. For an existing burnoff oven, under GP4, at the facility. The general permit authorization was renewed. Application received: September 26, 2023. Issued: October 17, 2023.

**GP1-36-03051A: High Properties Assoc.**, 1853 William Penn Way, Lancaster, PA 17605, East Lampeter Township, **Lancaster County**. For an existing boiler, under GP1, at the industrial property. The subject boiler was formerly covered by a State-Only facility air permit issued to a different owner. Application received: October 10, 2023. Issued: October 23, 2023.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.*

**GP14-04-00746A: Tri-County Crematory, Inc.**, 117 Blackhawk Road, Beaver Falls, PA, 15010, Chippewa Township, **Beaver County**. For use to continue the operation of the crematory services and under a changed name "Tri-County Crematory, Inc.". Application received: June 13, 2023. Authorized: October 18, 2023.

**Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.*

**31-03041A: New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, New Enterprise, PA 16664, Spruce Creek Township, **Huntingdon County**. For the installation of a crushing facility at the Union Furnace Quarry. Application received: August 1, 2023. Issued: October 16, 2023.

*Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.*

**38-03072A: Lebanon County Department of Emergency Services**, 400 South 8th Street, Room 12, Lebanon, PA 17042-6794, North Cornwall Township, **Lebanon**

**County**. For the installation of two engines to provide mission critical electric power to their new facilities at 1805 Cornwall Road in North Cornwall Township. The engines will also participate in PJM's Emergency Load Response Program. The first engine (Source ID 101) is a 1,468 hP natural gas fired Caterpillar G3512 engine equipped with a 1,000 kW generator. The 4-stroke lean-burn non-emergency RICE will be equipped with a carbon monoxide (CO) oxidation catalyst and automatic air to fuel (A/F) ratio controls. The second engine (Source ID 102) is a 1,829 hP diesel fired Caterpillar C32 engine equipped with a 1,250 kW generator. The non-emergency engine is equipped with selective catalytic reduction (SCR) and a CO oxidation catalyst. Application received: May 18, 2023. Issued: October 18, 2023.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: James Beach, New Source Review Chief, 484-250-5920.*

**15-0094D: Metallurgical Products Company**, 810 Lincoln Avenue, West Chester, PA 19381, West Goshen Township, **Chester County**. This action is for the installation of a new ETA Engineering Inc. multi-mode dust collector system, including associated auxiliary equipment and a new in-duct natural gas-fired burner (C06) at the existing copper alloying facility. The new baghouse is intended to replace two (2) existing baghouses (Control Device IDs C01 and C03) permitted under Synthetic Minor Operating Permit (SMOP) No. 15-00094. Application received: July 1, 2023. Issued: October 17, 2023.

**09-0024M: Waste Management—Tullytown Resource and Recovery Facility**, 200 Bordentown Road, Tullytown, PA 19007, Falls Township, **Bucks County**. Plan Approval for the modification of the method of compliance with the short-term (e.g., 'lb/hr') sulfur oxide (SO<sub>x</sub>) limit applicable to Back-up Enclosed Flare 2 (Source ID: C02) at the Tullytown landfill. Application received: April 6, 2023. Issued: October 18, 2023.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.*

**PA-65-01123A: PA Turnpike Commission**, 2200 N Center Avenue, New Stanton, PA 15672, Hempfield Township, **Westmoreland County**. Plan Approval Extension issued to PA Turnpike Commission on October 19, 2023, to allow the shakedown period and startup operations of sources and associated controls which have been constructed at their facility located in Hempfield, Westmoreland County. Application received: October 16, 2023. Issued: October 19, 2023.

**PA-65-00016J: Carpenter Latrobe Specialty Metals**, 2626 Ligonier Street, Latrobe, PA 15650, Latrobe Borough, **Westmoreland County**. Plan Approval Extension issued to Carpenter Latrobe Specialty Metals on October 19, 2023, to allow the shakedown period and startup operations of a Wet Electrostatic Precipitate (ESP) rated at 6,900 SCFM on Source 201, Vacuum Induction Melting (VIM 2) furnace at their facility located in Latrobe Borough, Westmoreland County. Application received: October 3, 2023. Issued: October 19, 2023.

**PA-30-00072J: Consol Pennsylvania Coal Company, LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15317, Richhill Township, **Greene County**. Air Quality plan approval issued to authorize an increase in the annual raw coal throughput limitation from 41,300,000

tons per year to 51,000,000 tons per year at the CONSOL Bailey Coal Preparation Plant (“Bailey”). Bailey is a Title V facility and a major facility for volatile organic compounds (VOCs). Application received: September 8, 2014. Issued: October 23, 2023.

**Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**18-00021D: Avery Dennison Performance Polymers**, 171 Draketown Road, Mill Hall, PA 17751, Mill Hall Borough, **Clinton County**. The Department authorized extension of the temporary operation of the R-900 emulsion reactor at the Mill Hall facility. Application received: September 12, 2023. Extension: October 24, 2023. New expiration date: April 23, 2024.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.*

**67-03150A: Wetzel Funeral Home Inc.**, 549 Carlisle Street, Hanover, PA 17331, Hanover Borough, **York County**. For the incorporation of a crematory, currently operating under general permit GP14-67-03150, into an Operating Permit with the addition of an alternative to the burn cycle interlock requirement at the facility. The plan approval was extended. Application received: October 3, 2023. Issued: October 17, 2023.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: James Beach, New Source Review Chief, 484-250-5920.*

**46-0262F: Penn Color, Inc.**, 2801 Richmond Road, Hatfield, PA 19440-1808, Hatfield Township, **Montgomery County**. This plan approval is for the temporary operation of a new continuous C6 Process Line (Source ID 213) and the installation of a new or refurbished dust collector (C213). The proposed source is associated with Color Concentrate Manufacturing (Source ID 100). The project also includes rerouting of various existing equipment to the proposed dust collector. Application received: October 17, 2023. Issued: October 20, 2023.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.*

**PA-65-00378: Buckeye Terminals, LLC**, 134 BP Tank Lane, Greensburg, PA 15601, Hempfield Township, **Westmoreland County**. Effective October 28, 2023, to extend the period of temporary operation of one aboveground storage tank (Tank 1232—Source ID 109), gasoline or lower vapor pressure product storage, 2.2 MMgal capacity, controlled by internal floating roof (“IFR”) at the Greensburg Terminal. The new expiration date is April 28, 2024. Application received: October 13, 2023. Issued: October 20, 2023.

**Title V Operating Permit(s) Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.*

**23-00041: MIPC LLC/Chelsea Tank Farm**, 920 Cherry Tree Road, Aston, PA 19014, Upper Chichester Township, **Delaware County**. This action is for the renewal of a Title V Operating Permit Renewal for the Chelsea Tank Farm, a pipeline breakout station for refined petroleum products. Application received: October 25, 2022. Issued: October 20, 2023.

**Operating Permit(s) 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.**

*Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Maryjoy Ulatowski, Chief, Source Registration, 215-685-9476.*

**OP22-000026: WuXi AppTec, Inc.**, 4701 League Island Blvd., Philadelphia, PA 19112, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal Natural Minor Operating Permit (NMOP) for the operation of a biopharmaceutical facility. The facility’s air emission sources include three (3) 8.0 million British thermal units per hour (MMBtu/hr) natural gas boilers, two (2) 2715 kilowatt (kW) diesel emergency generators, and one (1) 164 kW diesel fire pump. Application received: June 15, 2022. Issued: October 18, 2023.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.*

**28-03012: Hartman Snack Group, Inc.**, 6647 Molly Pitcher Highway, Chambersburg, PA 17202-7713, Antrim Township, **Franklin County**. For the snack food manufacturing facility. The State-Only Permit was renewed. Application received: April 29, 2023. Issued: October 16, 2023.

*Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.*

**06-03079: DS Smith**, 100 Grace Street, Reading, PA 19611-1977, City of Reading, **Berks County**. For the paperboard manufacturing facility. The State-Only Permit was renewed. Application received: February 23, 2023. Issued: October 18, 2023.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.*

**23-00102: Brandywine Veterinary Hospital**, 1270 Baltimore Pike, Chadds Ford, PA 19317-7303, Chadds Ford Township, **Delaware County**. This action is a renewal of a State Only Natural Minor Operating Permit for a crematory at a veterinary hospital. Application received: March 16, 2023. Issued: October 17, 2023.

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**Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer 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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*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.*

**06-05037: McConway & Torley LLC**, 109 48th Street, Pittsburgh, PA 15201-2755, Kutztown Borough, **Berks County**. For the steel foundry. The State-Only Permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05037H, and to make other minor administrative updates. Application received: August 22, 2023. Issued: October 17, 2023.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief, 412-442-4336.*

**04-00741: ETC Northeast Field Services, LLC**, 6051 Wallace Road Ext., Ste. 300, Wexford, PA 15090, New Sewickley Township, **Beaver County**. On October 16, 2023, the Department of Environmental Protection (DEP) authorized a modification to TVOP-04-00741 to ETC Northeast Field Services, LLC's Pike Compressor Station located in New Sewickley Township, Beaver County to incorporate Reasonably Available Control Technology (RACT III) requirements in accordance with 25 Pa. Code §§ 129.111—129.115. Application received: December 19, 2022. Accepted: December 29, 2022.

**26-00495: Gans Energy, LLC**, 581 Gans Road, Gans, PA 15439, Springhill Township, **Fayette County**. Administrative amendment, issued on October 24, 2023, to incorporate the requirements of plan approval PA-26-00495B into the existing Title V Operating Permit and to update the Responsible Official. Gans Energy, LLC is located in Springhill Township, Fayette County. Application received: June 7, 2023. Accepted: June 21, 2023.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.*

**DEM-04-00033AA: BVPV Styrenics LLC**, 400 Frankfort Road, Monaca, PA 15061-1000, Potter Township, **Beaver County**. This Notice is published per 25 Pa. Code Section 127.449(i), for the following de minimis emission increase at its Beaver Valley Site, located in Potter Township, Beaver County: The project adds a lube oil mixer that is designated as emission process D3 that is equipped with a dust collector (Mikropul Model 55-7MP fabric media unit) rated at 2,691 SCFM. The concentration of particulate in the emitted gas is estimated to be 0.0042 grains/dscf. There are no other changes associated with the project. Styrenics will comply with requirements in RFD-04-00033AA. The gas processing capacity of the dust collector is less than 5,000 SCFM. The concentration of particulate in the emitted gas is less than 0.01

grains/dscf. Emissions are controlled by a fabric filter. Therefore, under item Number 2 of "Section 127.14(a)(8) Exemptions that do not require the submission of an RFD form" in the Department's Plan Approval and Operating Permit Exemption List (275-2101-003/July 1, 2021) on Pages 3 and 4, the construction is exempt from requiring Department authorization. However, the construction and operation of the equipment are subject to certain requirements for this exemption to be effective. The constructed equipment and these requirements will be incorporated into the Title V Operating Permit at a later time. Emission Changes at the Beaver Valley Site since the TVOP was last renewed on April 2, 2020: 1. RFD # 04-00033Y, Processed November 13, 2020—This request for a change of like equipment without a permit action was rejected by the Department, causing no change in facility emissions. 2. RFD # 04-00033AA, Processed October 11, 2023, Current Request for Determination (RFD)—this request for the addition of the equipment previously described was without a permit action was authorized and will cause an annual increase of 0.42 ton of PM<sub>10</sub> emissions from the facility. Since the TVOP was last renewed, annual emissions from the facility have increased by 0.42 ton of PM<sub>10</sub>.

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**ACTIONS ON COAL AND NONCOAL APPLICATIONS**

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**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 National Pollutant Discharge Elimination System (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). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).**

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*Coal Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

*Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.*

**Mining Permit No. 17110107. NPDES No. PA0257699. Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833, Bloom Township, Brady Township, and Penn Township, **Clearfield County**. Renewal of a mining permit and NPDES permit for continued operation and restoration of a bituminous surface coal mine affecting 76.2 acres. Receiving stream(s): Unnamed Tributary to Bell Run classified for the following use(s): CWF. Application received: April 3, 2023. Issued: October 19, 2023.

*Noncoal Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

*Contact: Cassie Stanton, Clerical Assistant.*

**Mining Permit No. 08220302. NPDES No. PA0257451. Marcus Cole Construction, Inc.,** P.O. Box 157, Nichols, NY 13812, Windham Township, **Bradford County**. Issuance of a new large noncoal (industrial minerals) surface mine permit and associated NPDES permit affecting 85.8 acres. This surface mine replaces existing large noncoal (industrial minerals) surface mine Permit No. 08100306. A land use change from forestland, cropland, and pastureland to unmanaged natural habitat is approved with this application. A variance is approved to conduct mining and support activities within 100 feet of an unnamed tributary to Wysox Creek. The stream encroachment consists of the installation of an access road, erosion and sedimentation controls, and scales within the variance area. A variance is approved to conduct mining and support activities within 100 feet of Township Roads T-762 (Merry Go Round Road) and T-877 (Peck Hill Road). Proposed activities within 100 feet of the roads are construction of erosion & sedimentation controls, haul roads, and stockpiling of material. The surface mining operations will conduct blasting. Receiving stream(s): unnamed tributaries to Wysox Creek and Trout Brook classified for the following use(s): CWF, MF. Application received: September 8, 2022. Accepted: September 9, 2022. Issued: October 17, 2023.

**Mining Permit No. 08122505. Charles H. God II,** 46 River Woods Ln, Sugar Run, PA 18846, Pike Township, **Clearfield County**. Renewal of coverage under GP-105 for a bluestone surface mining operation affecting 3.09 acres. Receiving stream(s): Unnamed Tributary to Rockwell Creek classified for the following use(s): WWF. Application received: June 20, 2023. Issued: October 18, 2023.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.**

*Blasting Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Permit No. 15234110. Rock Work, Inc.,** 1257 Dekalb Pike, Blue Bell, PA 19422, East Vincent Township, **Chester County**. Construction blasting for Riverstone Crossing. Application received: October 16, 2023. Permit issued: October 24, 2023. Expiration date: October 31, 2024.

**Permit No. 36234123. J Roy's, Inc.,** P.O. Box 125, Bowmansville, PA 17507, Manheim Township, **Lancaster County**. Construction blasting for Parkside Reserve Lot 131. Application received: October 19, 2023. Permit issued: October 24, 2023. Expiration date: December 31, 2023.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (DEP) 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, DEP 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.

Individuals 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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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

**Action(s) Taken on Application(s) 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, 570-826-2511.*

*Contact: Michele Lauer, Clerical Assistant, 570-830-3077.*

**E4002222-012. Richard Rome,** 969 Lakeside Drive, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain an expansion of an existing pile-supported dock/boathouse within the normal pool elevation of Harveys Lake (HQ—CWF, MF) with work consisting of a 1,489 ft<sup>2</sup> pile-supported boathouse and a 935 ft<sup>2</sup> pile-supported dock. The project is located at 863 Lakeside Drive (SR 415) (Harveys Lake, PA Quadrangle, Latitude: 41°, 22', 32"; Longitude: -76°, 1', 55") in

Harveys Lake Borough, Luzerne County. Application received: September 27, 2022. Issued: October 24, 2023.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: 717-705-4802.*

**E0103223-001. Karl A. Barron**, 340 Brent Road, Fairfield, PA 17320, Liberty Township, **Adams County**. U.S. Army Corps of Engineers Baltimore District.

To install and maintain a 65.0-foot long by 6.58-foot high by 9.75-foot wide metal arch culvert in an unnamed tributary (UNT) to Middle Creek (CWF). The installation of the culvert will account for a total of 65.0-linear feet (upstream to downstream) of permanent impacts to the UNT. The project will take place in Liberty Township, Adams County (Latitude: 39.7720°, Longitude: -77.3526°). There will be no wetland impacts associated with the project. Application received: February 2, 2023. Issued: October 19, 2023.

*Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.*

**E4601223-018. Upper Providence Township**, 1286 Black Rock Road, Phoenixville, PA 19460, Upper Providence Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

Demolition and removal of existing house, accessory structure, foundations, pads, slabs, walkways, driveway, and other site improvements. Backfill of disturbed areas of the property to uniform grade with adjacent undisturbed area(s) with suitable clean fill material and minimum six (6) inches of topsoil. Removal of non-native invasive plants. Preservation of existing native trees and vegetation. Restoration of disturbed areas of the property with lawn ground cover along the floodplain of the Schuylkill River (WWF-MF) associated with the Floodplain Management Site Restoration. The site is located at 946, 954, and 960 Port Providence Road, Phoenixville, PA 19460, (Collegeville PA USGS Quadrangle, Latitude N 40.128033°, Longitude W 75.490273°; Latitude N 40.128012°, Longitude W 75.489833°; Latitude N 40.128038°, Longitude W 75.489598°) in Upper Providence Township, Montgomery County. Latitude: 40.128033°, Longitude: -75.490273°. Application received: March 15, 2023. Permit issued: October 23, 2023.

**E4601223-025. Marlborough Township**, 6040 Upper Ridge Road, Green Lane, PA 18054, Marlborough Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

Marlborough Township is proposing to demolish and remove structures, excavate and remove debris, restore and stabilize a property located at 4677 Geryville Pike with 0.32 acre of disturbance as part of a Chapter 106 Floodplain Restoration. This project is located within the floodway and floodplain of the Unami Creek (USGS PA Perkiomenville Quadrangle—Latitude 40.32865, Longitude 75.45161 W). Application received: August 9, 2023. Permit issued: October 23, 2023.

#### 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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

*Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.*

*Contact: RA-EPEASTERNOGPRG@pa.gov.*

ESCGP # 3 **ESG295919013-01**

Applicant Name **STL Resources LLC**

Contact Person Seth Rodriguez

Address 12300 Perry Highway, Suite 308

City, State, Zip Wexford, PA 15090

Township(s) Gaines Township

County **Tioga County**

Receiving Stream(s) and Classification(s) Lick Run (HQ—CWF)

Secondary: Pine Creek (EV)

Application received: September 6, 2023

Issued: October 17, 2023

*Northwest Region: Oil and Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: Kate Hogue Clerical Supervisor, 814-332-6868.*

ESCGP # 3 **ESG080323005-00**

Applicant Name **Pennenergy Resources LLC**

Contact Person Cody Salmon

Address 3000 Westinghouse Drive, Ste 300

City, State, Zip Cranberry Township, PA 16066-5239

Township(s) North Buffalo Township

County **Armstrong County**

Receiving Stream(s) and Classification(s) Buffalo Creek, Rough Run (HQ—TSF)

Application received: July 24, 2023

Issued: October 20, 2023

*Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: RA-EPSW-OGSUBMISSION@pa.gov.*

ESCGP # 3 **ESG070223008-00**

Applicant Name **Superior Midstream Appalachian LLC—Drape James Well Connect**

Contact Person Aurthur Smith, (724) 338-2524  
 art.smith@superiorpipelin.com  
 Address 0.20 mile west of Buttler Logan Road and  
 Crawford Run Road  
 City, State, Zip Tarentum, PA 15084  
 Township(s) Frazer Township  
 County **Allegheny County**  
 Receiving Stream(s) and Classification(s) 001: Lat  
 40.59769, Long -79.80164, Unnamed Tributary to  
 Crawford Run, Ch 93 Class WWF 002: Lat 40.59572,  
 Long -79.79867, Unnamed Tributary to Crawford Run,  
 Ch 93 Class WWF  
 Application received: August 16, 2023  
 Issued: October 24, 2023

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

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**The Following Plan(s) and Report(s) 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 Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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.*

**Pocono Gas Station**, Storage Tank Facility ID # **45-16990**, 834 Seven Bridge Rd, East Stroudsburg, PA 18301, Smithfield Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of JPSPA Realty, LLC, 561 Independence Road, East Stroudsburg, PA 18301 submitted a Remedial Action Completion Report concerning remediation of soil and

groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide health standards.

**Klein's Auto Service**, Storage Tank Facility ID # **48-29610**, 1169 Main Street, Hellertown, PA 18055, Hellertown Borough, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Kathleen and Robert Klein, 1169 Main Street, Hellertown, PA 18055 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil contaminated with gasoline. The combined plan and report is intended to document the remedial actions for meeting site-specific standards.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Gregory Bowman, Environmental Group Manager, 717-705-4705.*

**Hyndman Borough**, Storage Tank Facility ID # **05-17700**, 123 Maple Street, Hyndman, PA 15545, Hyndman Borough, **Bedford County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Hyndman Borough, 3945 Center Street, Suite 2, Hyndman, PA 15545 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The plan is intended to document the remedial actions for meeting residential site-specific standards.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

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**Action(s) Taken on the Following Plans and Reports 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 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 plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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.*

**Henry's Service Station**, Storage Tank Facility ID # **48-03706**, 4024 Mountainview Drive, Danielsville, PA 18038, Lehigh Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Preston Henry, 4024 Mountainview Drive, Danielsville, PA 18038 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on October 19, 2023.

**Hamm's Orefield Auto Parts**, Storage Tank Facility ID # **39-19927**, 2810 Route 309, Orefield, PA 18069, South Whitehall Township, **Lehigh County**. Keystone Environmental Health & Safety Services, 1111 12th Avenue, Altoona, PA 16601, on behalf of Debbie Long and Shirley Hamm, P.O. Box 39, Orefield, PA 18069 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of the Statewide health standards and was approved by DEP on October 19, 2023.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: Ben, 814-350-5132.*

**Ceriani Transport, Inc.**, Storage Tank Facility ID # **24-29293**, 1274 Toby Road, Brockport, PA 15823, Horton Township, **Elk County**. Gary C. Calvert LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of Ceriani Transport, Inc., 1274 Toby Road, Brockport, PA 15823 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The report non-residential demonstrated attainment of the Statewide health standards and was approved by DEP on October 20, 2023.

*Contact: Jordan, 814-332-6172.*

**Creekside Mushrooms LTD**, Storage Tank Facility ID # **03-07916**, 1 Moonlight Drive, Worthington, PA 16262, West Franklin Township, **Armstrong County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Creekside Mushroom Ltd, 1 Moonlight Drive, Worthington, PA 16262 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded gasoline. The plan residential was acceptable to meet the Statewide health standards and was approved by DEP on October 20, 2023.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Cherie Campbell, Soil Scientist, 717-705-4705.*

**Adams County Auto and Truck Repair**, Storage Tank Facility ID # **01-28005**, 720 West Elm Avenue, Hanover, PA 17331-4703, Conewago Township, **Adams County**. Buchart Horn, Inc., 445 West Philadelphia

Street, York, PA 17401, on behalf of Shipley Energy, 415 Norway Street, York, PA 17403 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The report nonresidential demonstrated attainment of the site-specific standards and was approved by DEP on October 23, 2023.

*Contact: Michael Stefanic, P.G., Project Officer, 717-705-4705.*

**Former Exxon Mobile Tuckerton Terminal 2046**, Storage Tank Facility ID # **06-26276**, 4030 Pottsville Pike, Reading, PA 19605, Muhlenberg Township, **Berks County**. Kleinfelder, 1745 Dorsey Road, Suite J, Hanover, MD 21076, on behalf of ExxonMobil, 1900 East Linden Avenue, Building 28A, Linden, NJ 07036 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Unleaded Gasoline, Diesel Fuel (Fuel Oil No. 2), Heating Oil, and Kerosene Constituents. The report nonresidential demonstrated attainment of the site-specific standards and was approved by DEP on October 23, 2023.

[Pa.B. Doc. No. 23-1517. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Public Comment Meeting on the Interim-Final Environmental Justice Policy and Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen) Methodology Document Public Comment Meeting; Public Comment Period Extension and Additional Public Comment Meetings

This notice contains corrections to the notice of the same title that was published at 53 Pa.B. 6784 (October 28, 2023).

The Office of Environmental Justice's public comment period on the Interim-Final Environmental Justice Policy (015-0501-002) and Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen) Methodology Document (015-0501-003) is being extended to November 30, 2023. In addition to the public comment period extension, the Department of Environmental Protection (Department) will be holding three additional public comment meetings. The meetings will be held as follows:

Thursday, November 16, 2023, 12 p.m to 2 p.m.

Virtual—See [www.dep.pa.gov/EJPolicyRevision](http://www.dep.pa.gov/EJPolicyRevision) for registration information

Tuesday, November 28, 2023, 6 p.m. to 8 p.m.

Howard J. Burnett Center  
Washington & Jefferson College  
292 East Wheeling Street  
Washington, PA 15301

Thursday, November 30, 2023, 6 p.m. to 8 p.m.

La Toxica Event Space  
1447 Lehigh Street  
Allentown, PA 18103

Individuals wishing to reserve time to present testimony at a meeting must contact Jennifer McLuckie at (717) 772-5633 or RA-EPOEJ@pa.gov at least 24 hours in advance of the hearing.



Information on how to access the virtual public comment meeting and additional information on the in-person comment meetings will be available on the Environmental Justice webpage and found through the Public Participation tab on the Department's web site at [www.dep.pa.gov/EJPolicyRevision](http://www.dep.pa.gov/EJPolicyRevision). Prior to each meeting, individuals are encouraged to visit the Environmental Justice webpage for the most current information for accessing each meeting.

Individuals wishing to observe the public comment meetings without providing testimony are also encouraged to access the Environmental Justice webpage and register in advance to ensure there is adequate space for both the virtual and in-person comment meetings. If time allows, attendees who haven't previously registered will be allowed to testify.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact (717) 772-5633 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JESSICA SHIRLEY,  
*Interim Acting Secretary*

[Pa.B. Doc. No. 23-1518. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.3 (relating to definitions):

Hamilton Arms Center  
336 South West End Avenue  
Lancaster, PA 17603  
FAC ID # 080202

Kendal at Longwood  
Box 100  
1109 East Baltimore Pike  
Kennett Square, PA 19348  
FAC ID # 110402

Laurel Ridge Center  
75 Hickle Street  
Uniontown, PA 15401  
FAC ID # 381002

Pottstown Skilled Nursing and Rehabilitation Center  
724 North Charlotte Street  
Pottstown, PA 19464  
FAC ID # 380402

Southmont of Presbyterian Seniorcare  
835 South Main Street  
Washington, PA 15301  
FAC ID # 422902

Waynesburg Health and Rehabilitation Center  
300 Center Avenue  
Waynesburg, PA 15370  
FAC ID # 074602

Westmoreland Manor  
2480 South Grande Boulevard  
Greensburg, PA 15601  
FAC ID # 231002

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-DHPADNCFEXCEPT@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 contact information.

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).

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-1519. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Human Services (Department) implemented a disproportionate share payment system. The Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage as set forth in 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments).

*A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period of July 1, 2022, through June 30, 2023, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2022, to June 30, 2023, disproportionate share payment percentages:

<i>Acute Care General Hospitals</i>	
ALBERT EINSTEIN MEDICAL CENTER	4.92%
AVENUES RECOVERY MEDICAL CENTER AT VALLEY FORGE	5.05%
BARNES-KASSON COUNTY HOSPITAL	1.43%
BRADFORD REGIONAL MEDICAL CENTER	10.00%
CHILDREN'S HOSPITAL OF PHILADELPHIA	7.19%
CROZER-CHESTER MEDICAL CENTER	3.10%
DELAWARE COUNTY MEMORIAL HOSPITAL	2.18%
GEISINGER MEDICAL CENTER	6.84%
KENSINGTON HOSPITAL	14.00%
LEHIGH VALLEY HOSPITAL SCHUYLKILL	6.68%
MERCY FITZGERALD	2.69%
MILLCREEK COMMUNITY HOSPITAL	5.00%
NEMOURS CHILDRENS HOSPITAL	7.64%
PENN HIGHLANDS CONNELLSVILLE	4.56%
PENN HIGHLANDS DUBOIS	9.00%
PENN PRESBYTERIAN MEDICAL CENTER	2.88%
PENNSYLVANIA HOSPITAL	3.66%
ROBERT PACKER HOSPITAL TOWANDA CAMPUS	3.36%
ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	15.00%
TEMPLE UNIVERSITY HOSPITAL	6.66%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	2.60%
TITUSVILLE HOSPITAL	2.84%
TROY COMMUNITY HOSPITAL	3.98%
UNIONTOWN HOSPITAL	1.84%
UNIVERSITY OF PENNSYLVANIA HOSPITAL	3.13%
UNIVERSITY OF PENNSYLVANIA CEDAR CREST	5.19%
UPMC BEDFORD MEMORIAL	2.96%
UPMC CHILDREN'S HOSPITAL OF PITTSBURGH	9.14%
UPMC COLE	1.00%
UPMC LOCK HAVEN HOSPITAL	3.16%
UPMC MAGEE WOMEN'S HOSPITAL	5.55%
UPMC MERCY	1.65%
UPMC PRESBYTERIAN SHADYSIDE	2.48%
UPMC WELLSBORO	8.75%
UPMC WILLIAMSPORT	5.54%
WEST VIRGINIA UNIVERSITY HOSPITAL	5.76%
WPAHS ALLEGHENY GENERAL HOSPITAL	1.37%
WPAHS WESTERN PENNSYLVANIA HOSPITAL	2.44%

<i>Psychiatric Units of Inpatient Hospitals</i>	
ALBERT EINSTEIN MEDICAL CENTER	2.97%
BRADFORD REGIONAL MEDICAL CENTER	2.81%
CROZER-CHESTER MEDICAL CENTER	2.02%

EAGLEVILLE HOSPITAL	1.74%
GEISINGER MEDICAL CENTER	2.06%
LEHIGH VALLEY HOSPITAL SCHUYLKILL	2.03%
MERCY FITZGERALD	1.80%
MILLCREEK COMMUNITY HOSPITAL	3.02%
PENN HIGHLANDS CONNELLSVILLE	2.78%
PENN HIGHLANDS DUBOIS	2.52%
PENN PRESBYTERIAN MEDICAL CENTER	1.90%
PENNSYLVANIA HOSPITAL	2.31%
TEMPLE UNIVERSITY HOSPITAL	3.89%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.75%
UNIVERSITY OF PENNSYLVANIA CEDAR CREST	3.11%
UPMC MERCY	1.26%
UPMC PRESBYTERIAN SHADYSIDE	1.69%
UPMC WILLIAMSPORT	3.30%

<i>Drug and Alcohol Units of Acute Care Hospitals</i>	
AVENUES RECOVERY MEDICAL CENTER AT VALLEY FORGE	3.63%
PENN PRESBYTERIAN MEDICAL CENTER	1.95%

<i>Medical Rehabilitation Units of Acute Care Hospitals</i>	
ALBERT EINSTEIN MEDICAL CENTER	3.53%
CHILDREN'S HOSPITAL OF PHILADELPHIA	5.29%
CROZER-CHESTER MEDICAL CENTER	2.12%
DELAWARE COUNTY MEMORIAL HOSPITAL	1.41%
MERCY FITZGERALD	1.80%
NEMOURS CHILDRENS HOSPITAL	5.65%
PENN HIGHLANDS DUBOIS	2.87%
TEMPLE UNIVERSITY HOSPITAL	4.88%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.73%
UNIVERSITY OF PENNSYLVANIA HOSPITAL	2.14%
UPMC MERCY	1.00%
UPMC PRESBYTERIAN SHADYSIDE	1.64%

<i>Freestanding Rehabilitation Hospitals</i>	
THE CHILDREN'S HOME OF PITTSBURGH	10.00%

<i>Private Psychiatric Hospitals</i>	
BELMONT BEHAVIORAL HOSPITAL	3.97%
BROOKE GLEN BEHAVIORAL HOSPITAL	3.09%
CLARION PSYCHIATRIC CENTER	5.81%
DEVEREUX FOUNDATION DCBHC	10.00%
FAIRMOUNT BEHAVIORAL HEALTH SYSTEM	4.70%
FOUNDATIONS BEHAVIORAL HEALTH	5.27%
FRIENDS BEHAVIORAL HEALTH SYSTEM	4.01%
GIRARD MEDICAL CENTER	2.98%
HORSHAM CLINIC	4.15%

KIDSPEACE HOSPITAL	7.48%
MEADOWS PSYCHIATRIC CENTER	5.95%
MONTGOMERY COUNTY EMERGENCY SERVICES	4.90%
ROXBURY PSYCHIATRIC HOSPITAL	1.00%
SOUTHWOOD PSYCHIATRIC HOSPITAL	9.00%
WELLSPAN PHILHAVEN	4.04%
WILKES BARRE BEHAVIORAL HOSPITAL COMPANY	4.73%

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL	1.72%
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*B. Additional Disproportionate Share Payments*

Additional disproportionate share payments are made to inpatient facilities with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to Title XIX beneficiaries 21 years of age or older but under 65 years of age, who have been determined to be low income by meeting the income and resource standards for the Commonwealth's MA Program. The payment adjustments are paid directly proportional to the payment received for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

<i>Acute Care General Hospitals</i>
ABINGTON MEMORIAL HOSPITAL
AHN WEXFORD HOSPITAL
ALBERT EINSTEIN MEDICAL CENTER
ALLE KISKI MEDICAL CENTER
AMERICAN ONCOLOGIC HOSPITAL
ARIA HEALTH
ARMSTRONG COUNTY MEMORIAL HOSPITAL
AUMC CANONSBURG
AVENUES RECOVERY MEDICAL CENTER AT VALLEY FORGE
BARNES-KASSON COUNTY HOSPITAL
BRADFORD REGIONAL MEDICAL CENTER
BRYN MAWR HOSPITAL
BUCKTAIL MEDICAL CENTER
BUTLER MEMORIAL HOSPITAL
CHESTER COUNTY HOSPITAL
CHESTNUT HILL HOSPITAL
CHILDREN'S HOSPITAL OF PHILADELPHIA
CLARION HOSPITAL
CONEMAUGH MEMORIAL MEDICAL CENTER
CONEMAUGH MEYERSDALE MEDICAL CENTER
CONEMAUGH MINERS MEDICAL CENTER
CONEMAUGH NASON MEDICAL CENTER
CORRY MEMORIAL HOSPITAL
CROZER-CHESTER MEDICAL CENTER
DELAWARE COUNTY MEMORIAL HOSPITAL

DOYLESTOWN HOSPITAL
EINSTEIN MEDICAL CENTER MONTGOMERY
ENDLESS MOUNTAINS HEALTH SYSTEMS
EVANGELICAL COMMUNITY HOSPITAL
FRICK HOSPITAL
FULTON COUNTY MEDICAL CENTER
GEISINGER BLOOMSBURG HOSPITAL
GEISINGER COMMUNITY MEDICAL CENTER
GEISINGER JERSEY SHORE HOSPITAL
GEISINGER LEWISTOWN HOSPITAL
GEISINGER MEDICAL CENTER
GEISINGER ST. LUKE
GEISINGER WYOMING VALLEY MEDICAL CENTER
GIRARD MEDICAL CENTER
GRAND VIEW HOSPITAL
GROVE CITY MEDICAL CENTER
HERITAGE VALLEY BEAVER
HERITAGE VALLEY SEWICKLEY
HOLY REDEEMER HOSPITAL
INDIANA REGIONAL MEDICAL CENTER
JEFFERSON REGIONAL MEDICAL CENTER
KENSINGTON HOSPITAL
LANCASTER GENERAL HOSPITAL
LANSDALE HOSPITAL
LATROBE AREA HOSPITAL
LEHIGH VALLEY HOSPITAL
LEHIGH VALLEY HOSPITAL HAZLETON
LEHIGH VALLEY HOSPITAL POCONO
LEHIGH VALLEY HOSPITAL SCHUYLKILL
MAIN LINE HOSPITAL LANKENAU
MEADVILLE MEDICAL CENTER
MERCY FITZGERALD
MILLCREEK COMMUNITY HOSPITAL
MONONGAHELA VALLEY HOSPITAL
MOUNT NITTANY MEDICAL CENTER
NAZARETH HOSPITAL
NEMOURS CHILDRENS HOSPITAL
PAOLI MEMORIAL HOSPITAL
PENN HIGHLANDS BROOKVILLE
PENN HIGHLANDS CONNELLSVILLE
PENN HIGHLANDS DUBOIS
PENN HIGHLANDS ELK
PENN PRESBYTERIAN MEDICAL CENTER
PENN STATE HEALTH HAMPDEN MEDICAL CENTER
PENN STATE HEALTH HOLY SPIRIT MEDICAL CENTER
PENNSYLVANIA HOSPITAL
PHOENIXVILLE HOSPITAL

POTTSTOWN HOSPITAL
PRIME HEALTHCARE SERVICES LOWER BUCKS
PRIME HEALTHCARE SERVICES ROXBOROUGH
PUNXSUTAWNEY AREA HOSPITAL
READING HOSPITAL
RIDDLE MEMORIAL HOSPITAL
ROBERT PACKER HOSPITAL
SAINT VINCENT HEALTH CENTER
SCRANTON HOSPITAL COMPANY
SHARON REGIONAL MEDICAL CENTER
SHRINERS HOSPITALS FOR CHILDREN
ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN
ST. CLAIR MEMORIAL HOSPITAL
ST. JOSEPH REGIONAL HEALTH NETWORK
ST. LUKE'S HOSPITAL ANDERSON CAMPUS
ST. LUKE'S HOSPITAL BETHLEHEM
ST. LUKE'S HOSPITAL CARBON CAMPUS
ST. LUKE'S HOSPITAL EASTON CAMPUS
ST. LUKE'S HOSPITAL MONROE CAMPUS
ST. LUKE'S HOSPITAL QUAKERTOWN
ST. LUKE'S MINERS CAMPUS
ST. MARY MEDICAL CENTER
SUBURBAN COMMUNITY HOSPITAL
TEMPLE UNIVERSITY HOSPITAL
THE CHAMBERSBURG HOSPITAL
THE GOOD SAMARITAN HOSPITAL
THE MILTON S. HERSHEY MEDICAL CENTER
THOMAS JEFFERSON UNIVERSITY HOSPITAL
TITUSVILLE HOSPITAL
TROY COMMUNITY HOSPITAL
TYRONE HOSPITAL
UNIONTOWN HOSPITAL
UNIVERSITY OF PENNSYLVANIA HOSPITAL
UPMC ALTOONA
UPMC BEDFORD MEMORIAL
UPMC CARLISLE
UPMC CHILDREN'S HOSPITAL OF PITTSBURGH
UPMC COLE
UPMC EAST
UPMC HAMOT
UPMC HANOVER
UPMC HORIZON
UPMC JAMESON
UPMC KANE
UPMC LITITZ
UPMC LOCK HAVEN HOSPITAL
UPMC MAGEE WOMEN'S HOSPITAL
UPMC MCKEESPORT
UPMC MEMORIAL

UPMC MERCY
UPMC MUNCY
UPMC NORTHWEST
UPMC PASSAVANT HOSPITAL
UPMC PINNACALE
UPMC PRESBYTERIAN SHADYSIDE
UPMC SOMERSET
UPMC ST. MARGARET
UPMC WELLSBORO
UPMC WILLIAMSPORT
WARREN GENERAL HOSPITAL
WASHINGTON HEALTH SYSTEM GREENE
WASHINGTON HOSPITAL
WAYNE MEMORIAL HOSPITAL
WAYNESBORO HOSPITAL
WELLSPAN EPHRATA COMMUNITY HOSPITAL
WELLSPAN GETTYSBURG HOSPITAL
WEST VIRGINIA UNIVERSITY HOSPITALS
WESTMORELAND REGIONAL HOSPITAL
WILKES BARRE HOSPITAL COMPANY
WILLS EYE HOSPITAL
WPAHS ALLEGHENY GENERAL HOSPITAL
WPAHS FORBES REGIONAL CAMPUS
WPAHS WESTERN PENNSYLVANIA HOSPITAL
YORK HOSPITAL

<i>Psychiatric Units of Inpatient Hospitals</i>
ABINGTON MEMORIAL HOSPITAL
ALBERT EINSTEIN MEDICAL CENTER
ALLE KISKI MEDICAL CENTER
ARMSTRONG COUNTY MEMORIAL HOSPITAL
BRADFORD REGIONAL MEDICAL CENTER
BRYN MAWR HOSPITAL
BUTLER MEMORIAL HOSPITAL
CONEMAUGH MEMORIAL MEDICAL CENTER
CROZER-CHESTER MEDICAL CENTER
EAGLEVILLE HOSPITAL
GEISINGER BLOOMSBURG HOSPITAL
GEISINGER COMMUNITY MEDICAL CENTER
GEISINGER LEWISTOWN HOSPITAL
GEISINGER MEDICAL CENTER
HERITAGE VALLEY BEAVER
HERITAGE VALLEY SEWICKLEY
INDIANA REGIONAL MEDICAL CENTER
JEFFERSON REGIONAL MEDICAL CENTER
LANCASTER GENERAL HOSPITAL
LATROBE AREA HOSPITAL
LEHIGH VALLEY HOSPITAL
LEHIGH VALLEY HOSPITAL POCONO

LEHIGH VALLEY HOSPITAL SCHUYLKILL
MEADVILLE MEDICAL CENTER
MERCY FITZGERALD
MILLCREEK COMMUNITY HOSPITAL
MONONGAHELA VALLEY HOSPITAL
MOUNT NITTANY MEDICAL CENTER
PENN HIGHLANDS CONNELLSVILLE
PENN HIGHLANDS DUBOIS
PENN HIGHLANDS ELK
PENN PRESBYTERIAN MEDICAL CENTER
PENN STATE HEALTH HOLY SPIRIT MEDICAL CENTER
PENNSYLVANIA HOSPITAL
POTTSTOWN HOSPITAL
PRIME HEALTHCARE SERVICES LOWER BUCKS
READING HOSPITAL
ROBERT PACKER HOSPITAL
SAINT VINCENT HEALTH CENTER
SHARON REGIONAL MEDICAL CENTER
ST. CLAIR MEMORIAL HOSPITAL
ST. LUKE'S HOSPITAL BETHLEHEM
ST. LUKE'S HOSPITAL QUAKERTOWN
TEMPLE UNIVERSITY HOSPITAL
THE CHAMBERSBURG HOSPITAL
THOMAS JEFFERSON UNIVERSITY HOSPITAL
UPMC ALTOONA
UPMC MCKEESPORT
UPMC MERCY
UPMC NORTHWEST
UPMC PRESBYTERIAN SHADYSIDE
UPMC SOMERSET
UPMC WILLIAMSPORT
WARREN GENERAL HOSPITAL
WASHINGTON HEALTH SYSTEM GREENE
WASHINGTON HOSPITAL
WELLSPAN EPHRATA COMMUNITY HOSPITAL
WESTMORELAND REGIONAL HOSPITAL
WPAHS FORBES REGIONAL CAMPUS
YORK HOSPITAL

*Drug and Alcohol Units of Inpatient Hospitals*

AVENUES RECOVERY MEDICAL CENTER AT VALLEY FORGE
BUTLER MEMORIAL HOSPITAL
MEADVILLE MEDICAL CENTER
PENN PRESBYTERIAN MEDICAL CENTER

*Medical Rehabilitation Units of Inpatient Hospitals*

ABINGTON MEMORIAL HOSPITAL
ALBERT EINSTEIN MEDICAL CENTER

AUMC CANONSBURG
CHILDREN'S HOSPITAL OF PHILADELPHIA
CONEMAUGH MEMORIAL MEDICAL CENTER
CROZER-CHESTER MEDICAL CENTER
DELAWARE COUNTY MEMORIAL HOSPITAL
GEISINGER WYOMING VALLEY MEDICAL CENTER
HERITAGE VALLEY BEAVER
HERITAGE VALLEY SEWICKLEY
INDIANA REGIONAL MEDICAL CENTER
JEFFERSON REGIONAL MEDICAL CENTER
LEHIGH VALLEY HOSPITAL HAZLETON
MERCY FITZGERALD
MONONGAHELA VALLEY HOSPITAL
NAZARETH HOSPITAL
NEMOURS CHILDRENS HOSPITAL
PENN HIGHLANDS DUBOIS
PHOENIXVILLE HOSPITAL
READING HOSPITAL
SAINT VINCENT HEALTH CENTER
ST. LUKE'S HOSPITAL EASTON CAMPUS
ST. LUKE'S HOSPITAL BETHLEHEM
TEMPLE UNIVERSITY HOSPITAL
THE CHAMBERSBURG HOSPITAL
THE GOOD SAMARITAN HOSPITAL
THOMAS JEFFERSON UNIVERSITY HOSPITAL
UNIVERSITY OF PENNSYLVANIA HOSPITAL
UPMC CARLISLE
UPMC CHILDREN'S HOSPITAL OF PITTSBURGH
UPMC EAST
UPMC HORIZON
UPMC JAMESON
UPMC MCKEESPORT
UPMC MERCY
UPMC NORTHWEST
UPMC PASSAVANT HOSPITAL
UPMC PRESBYTERIAN SHADYSIDE
UPMC ST. MARGARET
UPMC WILLIAMSPORT
WASHINGTON HOSPITAL
WELLSPAN SURGERY AND REHABILITATION HOSPITAL
WESTMORELAND HOSPITAL
WPAHS FORBES REGIONAL CAMPUS
WPAHS WESTERN PENNSYLVANIA HOSPITAL

*Freestanding Rehabilitation Hospitals*

ALLIED SERVICES INSTITUTE OF REHABILITATION MEDICINE
BRYN MAWR REHABILITATION HOSPITAL

ENCOMPASS HEALTH REHABILITATION HOSPITAL OF ALTOONA
ENCOMPASS HEALTH REHABILITATION HOSPITAL OF ERIE
ENCOMPASS HEALTH REHABILITATION HOSPITAL OF HARMARVILLE
ENCOMPASS HEALTH REHABILITATION HOSPITAL OF MECHANICSBURG
ENCOMPASS HEALTH REHABILITATION HOSPITAL OF NITTANY VALLEY
ENCOMPASS HEALTH REHABILITATION HOSPITAL OF READING
ENCOMPASS HEALTH REHABILITATION HOSPITAL OF YORK
GOOD SHEPHERD REHABILITATION HOSPITAL
JOHN HEINZ INSTITUTE OF REHABILITATION MEDICINE
LANCASTER REHABILITATION FACILITY
MAGEE MEMORIAL HOSPITAL
THE CHILDREN'S HOME OF PITTSBURGH

*Private Psychiatric Hospitals*

BELMONT BEHAVIORAL HOSPITAL
BROOKE GLEN BEHAVIORAL HOSPITAL
CLARION PSYCHIATRIC CENTER
DEVEREUX FOUNDATION DCBHC
FAIRMOUNT BEHAVIORAL HEALTH SYSTEM
FOUNDATIONS BEHAVIORAL HEALTH
FRIENDS BEHAVIORAL HEALTH SYSTEM
GIRARD MEDICAL CENTER
HORSHAM CLINIC
KIDSPEACE HOSPITAL
MEADOWS PSYCHIATRIC CENTER
MONTGOMERY COUNTY EMERGENCY SERVICES
PENNSYLVANIA PSYCHIATRIC INSTITUTE
SOUTHWOOD PSYCHIATRIC HOSPITAL
WELLSPAN PHILHAVEN
WILKES BARRE BEHAVIORAL HOSPITAL COMPANY

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL
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*C. Additional Class of Disproportionate Share Payments*

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA Program revisions under the act of May 16, 1996 (P.L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which

the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

ABINGTON MEMORIAL HOSPITAL
ALBERT EINSTEIN MEDICAL CENTER
ARIA HEALTH
AVENUES RECOVERY MEDICAL CENTER AT VALLEY FORGE
BARNES-KASSON COUNTY HOSPITAL
CHILDREN'S HOSPITAL OF PHILADELPHIA
CLARION HOSPITAL
CROZER-CHESTER MEDICAL CENTER
DOYLESTOWN HOSPITAL
EAGLEVILLE HOSPITAL
EVANGELICAL COMMUNITY HOSPITAL
FULTON COUNTY MEDICAL CENTER
GEISINGER MEDICAL CENTER
INDIANA REGIONAL MEDICAL CENTER
LEHIGH VALLEY HOSPITAL
LEHIGH VALLEY HOSPITAL HAZLETON
MAIN LINE HOSPITAL LANKENAU
MEADVILLE MEDICAL CENTER
MERCY FITZGERALD
NEMOURS CHILDRENS HOSPITAL
PENN HIGHLANDS DUBOIS
PENN PRESBYTERIAN MEDICAL CENTER
PENNSYLVANIA HOSPITAL
PUNXSUTAWNEY AREA HOSPITAL
READING HOSPITAL
ST. LUKE'S HOSPITAL BETHLEHEM
ST. LUKE'S HOSPITAL EASTON CAMPUS
TEMPLE UNIVERSITY HOSPITAL
THE MILTON S. HERSHEY MEDICAL CENTER
THOMAS JEFFERSON UNIVERSITY HOSPITAL
TITUSVILLE HOSPITAL
UNIVERSITY OF PENNSYLVANIA HOSPITAL
UPMC ALTOONA
UPMC BEDFORD MEMORIAL
UPMC COLE
UPMC HAMOT
UPMC JAMESON
UPMC LOCK HAVEN
UPMC MAGEE WOMEN'S HOSPITAL
UPMC MERCY
UPMC PRESBYTERIAN SHADYSIDE
UPMC WELLSBORO
WAYNE MEMORIAL HOSPITAL
WEST VIRGINIA UNIVERSITY HOSPITAL
WPAHS ALLEGHENY GENERAL HOSPITAL

WPAHS WESTERN PENNSYLVANIA HOSPITAL
YORK HOSPITAL

*Public Comment*

Interested persons are invited to submit written comments regarding these payments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120, RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,  
*Secretary*

**Fiscal Note:** 14-NOT-1595. No fiscal impact; recommendation adoption.

[Pa.B. Doc. No. 23-1520. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Statewide Quality Care Assessment Program for Fiscal Years 2023-2024 through 2027-2028

This notice announces the continuation of the Statewide Quality Care Assessment Program (Program) from Fiscal Years (FY) 2023-2024 through FY 2027-2028, as provided for by the act of June 13, 1967 (P.L. 31, No. 21), as amended by Act 15 of 2023 (Act).

*Background*

Article VIII-G of the Human Services Code (code)<sup>1</sup> (62 P.S. §§ 801-G—816-G) authorizes the Department of Human Services (Department) to implement the Program beginning July 1, 2010. Under the code, the Department imposes a monetary assessment on all licensed hospitals in this Commonwealth other than certain exempt hospitals.<sup>2</sup> See 62 P.S. §§ 801-G—816-G.

*Discussion*

The Act amended Article VIII-G of the code. The Act extends the Program through June 30, 2028, and authorizes the Secretary of Human Services (Secretary) to establish a new base year for the calculation of net inpatient and net outpatient revenue amounts for the purposes of calculating the annual assessments owed on or after July 1, 2023, and changes the assessment rate.

The Act set the assessment percentage rate under the Program for FY 2023-2024 as 3.54% of the net inpatient revenue of the covered hospital and 1.78% of the net

outpatient revenue of the covered hospital. The Act further specifies that, for FY 2024-2025—2027-2028, the assessment percentage rate under the Program will be 4.36% of the net inpatient revenue of the covered hospital and 2.20% of the net outpatient revenue of the covered hospital. The Secretary may, however, adjust the assessment percentages for all or part of a fiscal year. See 62 P.S. § 803-G.

The Act provides that for purposes of calculating the amounts owed beginning in FY 2023-2024, the Secretary may require the use of the net inpatient revenue and the net outpatient revenue as identified in the records of a covered hospital for FY 2018-2019. Accordingly, the Department will use the hospitals' net inpatient and net outpatient revenue for State FY 2018-2019 to calculate the amount owed. As specified in the Act, if the Secretary intends to calculate the amounts owed using for the net inpatient and net outpatient revenue amounts as identified in hospitals' records for a year after FY 2018-2019, the Secretary will issue a public notice. Subject to conditions specified in 62 P.S. § 813-G, the Department intends to use the revenue derived from this assessment to make medical assistance payment to hospitals in accordance with 62 P.S. § 805-G.

*Fiscal Impact*

The Department estimates that the FY 2023-2024 aggregate assessment fees for nonexempt hospitals to total \$1,222,578 million. The Department estimates that the annual aggregate assessment fees for the nonexempt hospitals for FY 2024-2025 through FY 2027-2028 to total \$1,506,798 million annually.

*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, P.O. Box 2675, Harrisburg, PA 17120, RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,  
*Secretary*

**Fiscal Note:** 14-NOT-1596. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund;

(7) Medical Assistance (MA)—Fee-for-Service; (2) Implementing Year 2023-24 is -\$136,139,000; (3) 1st Succeeding Year 2024-25 through 4th Succeeding Year 2027-28 is -\$137,330,000; 5th Succeeding Year 2028-29 is \$0; (4) 2022-23 Program—\$589,137,000; 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000;

(7) MA—Community HealthChoices; (2) Implementing Year 2023-24 is -\$62,757,000; (3) 1st Succeeding Year 2024-25 through 4th Succeeding Year 2027-28 are -\$62,774,000; 5th Succeeding Year 2028-29 is \$0; (4) 2022-23 Program—\$4,460,000,000; 2021-22 Program—\$4,252,000,000; 2020-21 Program—\$3,166,000,000;

(7) MA—Capitation; (2) Implementing Year 2023-24 is -\$1,017,000,000; (3) 1st Succeeding Year 2024-25 through 4th Succeeding Year 2027-28 are -\$1,300,000,000; 5th Succeeding Year 2028-29 is \$0; (4) 2022-23 Program—

<sup>1</sup> Article VIII-G was added to the Human Services Code by the act of July 9, 2010 (P.L. 336, No. 49), and amended by the act of July 9, 2013 (P.L. 369, No. 55), the act of December 28, 2015 (P.L. 500, No. 92), the act of June 22, 2018 (P.L. 258, No. 40) and the act of October 23, 2023 (P.L. 65, No. 15).

<sup>2</sup> The following hospitals are exempt from the assessment: (1) Federal veterans' affairs hospitals; (2) hospitals that provide care, including inpatient hospital services, to all patients free of charge; (3) private psychiatric hospitals; (4) State-owned psychiatric hospitals; (5) critical access hospitals; (6) long-term acute care hospitals; and (7) free-standing acute care hospitals organized primarily for the treatment of and research on cancer in which at least 30% of the inpatient admissions had cancer as the principal diagnosis based on Pennsylvania Health Care Cost Containment Council Calendar Year 2014 inpatient discharge data. For the purposes of meeting the definition of (7), only discharges with ICD-9-CM principal diagnoses codes of 140 through 239, V58.0, V58.1, V66.2 or 990 are considered. 62 P.S. § 801-G.

\$3,418,000,000; 2021-22 Program—\$4,557,000,000; 2020-21 Program—\$3,060,000,000;

(7) MA—Critical Access Hospitals; (2) Implementing Year 2023-24 is -\$3,200,000; (3) 1st Succeeding Year 2024-25 through 4th Succeeding Year 2027-28 are -\$3,200,000; 5th Succeeding Year 2028-29 is \$0; (4) 2022-23 Program—\$11,364,000; 2021-22 Program—\$10,927,000; 2020-21 Program—\$9,777,000;

(7) MA—Obstetric and Neonatal Services; (2) Implementing Year 2023-24 is -\$3,000,000; (3) 1st Succeeding Year 2024-25 through 4th Succeeding Year 2027-28 are -\$3,000,000; 5th Succeeding Year 2028-29 is \$0; (4) 2022-23 Program—\$2,986,000; 2021-22 Program—\$2,806,000; 2020-21 Program—\$2,814,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 23-1521. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Notice of Taxable and Exempt Property

The Department of Revenue (Department) is hereby giving notice to the public, in accordance with the provisions of 61 Pa. Code §§ 52.1 and 58.1 (relating to purchases of medicines, medical supplies, medical equipment and prosthetic or therapeutic devices; and publication of list of taxable and exempt tangible personal property), of additions, deletions and revisions to the list of taxable and exempt property under the sales and use tax provisions of the Tax Reform Code of 1971 (72 P.S. §§ 7101—10004), published at 52 Pa.B. 7332 (November 26, 2022). Under 61 Pa. Code §§ 52.1 and 58.1, this list is required to be published by notice at least once every 3 years. In addition, quarterly the Department will publish notice of any additions, deletions or revisions to the list.

Copies of the Retailers' Information Booklet may be obtained by calling the Customer Experience Center (including sales taxability questions): (717) 787-1064 or consulting the Online Customer Service Center at [www.revenue.pa.gov](http://www.revenue.pa.gov).

#### Index to Categories

<i>Title</i>	<i>Category</i>
Books and Stationery	(1)
Business Supplies and Equipment	(2)
CBD and Hemp Products	(3)
Clothing and Accessories	(4)
Computer Hardware, Digital Products and Streaming Services	(5)
Consumer Fireworks Tax A. Aerial Devices, Individual B. Cake and Combination Devices C. Ground Devices, Individual D. Miscellaneous E. Novelties F. Reloadable Kits	(6)
Cosmetics and Toiletries	(7)
Farming Supplies and Equipment	(8)
Flowers, Seeds, Fertilizers, etc.	(9)

<i>Title</i>	<i>Category</i>
Food and Beverages Sold From a Caterer or Establishment Selling Ready-to-Eat Food	(10)
Food and Beverages Sold From a Vending Machine, Delicatessen, Grocery Store, Supermarket, Farmers Market, Bakery, Donut Shop, Pastry Shop, Convenience Store and Other Similar Establishments	(11)
Hair Goods and Notions	(12)
Hobby Supplies, Toys, Games, Radios, etc.	(13)
Home Sewing, Millinery and Craft Supplies	(14)
Household Goods and Supplies A. Soaps and Detergents B. Cleaning and Polishing Preparations C. Paper Goods D. Wrapping Supplies	(15)
Infant Supplies	(16)
Jewelry	(17)
Luggage, Handbags, Carrying Bags, Wallets, etc.	(18)
Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices	(19)
Miscellaneous	(20)
Optical Goods	(21)
Pets	(22)
Religious Articles	(23)
Restaurant Equipment and Supplies	(24)
Shoes and Shoe Accessories	(25)
Sporting Equipment, Clothing, Supplies and Recreational Equipment	(26)
Tobacco Products	(27)
Utilities and Fuel	(28)
Tires, Motor Vehicle Leases and Rental (PTA Tax)	(29)
Vehicle Rental Tax (VRT)	(30)

#### Listing of Taxable and Exempt Property

##### T—TAXABLE

##### NT—NONTAXABLE

\*—INDICATES CHANGE OR CLARIFICATION

\*\*—INDICATES NEW ITEM

(1) *Books and Stationery*

Tax is imposed on books, stationery and stationery supplies, including Bibles and religious publications sold by religious groups. Tax is imposed whether physically, electronically, or digitally delivered, streamed or accessed.

T—Bibles

T—Comic books

T—Crossword, game books

T—Dictionaries

T—E-books

T—Greeting Cards

T—Instruction books for needle-craft, embroidery, knitting, etc.

NT—Mail order catalogues

NT—Newspapers of general circulation qualified to carry a legal advertisement



- T—Periodicals and magazines not purchased by subscription
- NT—Periodicals and magazines purchased by subscription
- T—Photographs
- T—School supplies, except when sold directly to a school district or qualified nonprofit educational institution
- T—Subscription to access e-books
- NT—Textbooks, when sold by a school or an authorized book store
- T—Yearbooks

#### (2) *Business Supplies and Equipment*

Generally, sales of business supplies and equipment used in construction, repair, etc., of real estate are taxable.

- T—Building materials, supplies and equipment used in construction, repair, etc., of real estate, except building machinery and equipment purchased by or for certain exempt entities
- T—Business forms such as invoices, order books, etc.
- T—Cash register receipt paper
- NT—Direct mail advertising materials, including calendars, matchbooks, etc.
- T—Display cases and merchandising equipment
- NT—Dry ice, when sold for internal packaging with the sale of property to others
- T—Fans
- T—Signs, circulars, show cards and posters
- T—Vending machines and equipment
- NT—Wrapping supplies used in connection with the sale of products

#### (3) *CBD and Hemp Products*

Cannabidiol (CBD) and hemp products are considered tangible personal property. These products are taxable unless they fall into a sales tax exemption category. Please note, this list is not a representation as to the legality of the products.

- NT—Clothing and Shoes
- NT—Edible
- NT—Gummies
- NT—Hemp Diapers
- NT—Inhaler
- NT—Nasal Spray
- NT—Oral Drops
- NT—Patch
- NT—Pills
- NT—Seed Milk
- NT—Tinctures
- NT—Superfood Supplement
- NT—Hemp Fuel (may be subject to alternative fuels)
- T—Rope
- T—CBD/Hemp mixed with beer
- T—CBD/Hemp to be vaped (also subject to Other Tobacco Tax)
- T—CBD/Hemp Flower for smoking
- T—Hemp Paper
- T—Hempcrete
- T—Liquid CBD/Hemp premixed with water
- T—Lotions and Creams
- T—Post Recovery Drink
- NT—Protein Powder
- T—Soap
- T—Sunscreen
- T—Supplement (Pets)

#### (4) *Clothing and Accessories*

Generally, clothing is nontaxable except the following:  
 (1) Formal day or evening apparel; (2) Articles made of

real, imitation or synthetic fur, where the fur is more than three times the value of the next most valuable component material; and (3) Sporting goods and clothing normally worn or used when engaged in sports (See Category 26).

- NT—Accessories and ornamental wear
- NT—Aprons
- NT—Belts and suspenders
- T—Biking clothing
- T—Boots and shoes, designed for everyday wear
- T—Bridal apparel and accessories
- NT—Compression clothing
- T—Corsages and boutonnières
- T—Costumes—Halloween, Christmas, etc.
- NT—Dress shields
- NT—Face masks
- T—Formal clothing or clothing designed for formal functions and not normally worn except while attending a formal function, including mother of the bride dresses, flower girl dresses, tuxedos, dinner jackets, and formal ties.
- T—Fur, articles made of fur on hide or pelt, or any material imitative of fur, and articles of which fur, real, imitation or synthetic, is the component material of chief value; and fur trimmed articles, if the value of fur is more than three times the value of the next most valuable component material. Felt, wool or fabric is not taxable unless it resembles fur on the hide.
- NT—Garters and garter belts
- NT—Girdles
- T—Gloves, baseball, golf, racquet, etc.
- NT—Gloves, cloth and leather, for everyday wear
- NT—Gloves, gardening
- T—Gloves, sheepskin, fur, rubber
- T—Graduation caps and gowns
- NT—Gym suits
- T—Handkerchiefs
- NT—Headwear for everyday wear
- T—Helmets
- NT—Hosiery, pantyhose and peds
- NT—Hunting clothing, including camouflage and blaze orange
- NT—Leotards and tights
- NT—Leather wearing apparel
- NT—Lingerie
- NT—Maternity clothing for everyday wear
- NT—Neckwear, ties
- NT—Nightgowns
- T—Prom dresses
- NT—Rainwear
- NT—Receiving blankets
- NT—Repairing of wearing apparel
- T—Safety clothing
- NT—Scarves, for headwear and neckwear
- NT—Scout uniforms and camp clothes
- T—Sheepskin boots
- T—Sheepskin coats
- NT—Stockings, including support-hose
- NT—Suspenders
- T—Swimming suits
- NT—T-shirts, imprinted
- T—Tuxedos
- T—Umbrellas
- NT—Underclothing
- NT—Work clothes, work uniforms
- NT—Yard goods (to make clothing)

(5) *Computer Hardware, Digital Products and Streaming Services*

Generally, tax is imposed upon the sale or use of computer hardware. Canned software is taxable including canned software products and services accessed by end users in Pennsylvania via computer devices, such as smartphones. Canned software is software that is not designed, created and developed for and to the specifications of an original purchaser. Additionally, sales and use tax applies to any transfer of a digital product where the purchaser pays a consideration, unless that transfer is otherwise exempt.

- T—Canned computer software, whether accessed by physical medium such as a CD-ROM or accessed electronically
- T—Cellular telephones, smartphones, and accessories
- T—Computer tablets, e-readers, and accessories
- T—Desktop computer hardware and accessories such as monitors, keyboards, and mice
- T—GPS navigation equipment and services
- T—Laptop computers
- T—Mobile applications (apps); in-app purchases
- T—Non-fungible tokens
- T—Satellite radio equipment, services and subscriptions
- T—Updates and maintenance to support the above items
- T—Video and audio including downloads, subscriptions and streaming services, consoles and equipment
- T—Video games including downloads, subscriptions and streaming services, consoles and equipment

(6) *Consumer Fireworks Tax*

\*In addition to sales tax, the retail sales of consumer fireworks are subject to the 12% consumer fireworks tax. The 12% consumer fireworks tax and the 6% sales tax apply to the purchase price of consumer fireworks, independent of each other. 3 Pa.C.S. § 1112. \*\*Note, the consumer fireworks tax is not imposed on consumer fireworks devices such as ground and hand-held sparkling devices, novelties or toy caps.

A. *Aerial Devices, Individual*

- T—Aerial Spinner
- T—Girandola
- T—Helicopter
- T—Mine and Shell Preloaded
- T—Mine Preloaded
- T—Missile—Fin Stabilized
- T—Missile—Spin Stabilized
- T—Rocket (Bottle)
- T—Roman Candle
- T—Shell Preloaded

B. *Cake and Combination Devices*

- T—Cake 200
- T—Cake 500
- T—Combination 200
- T—Combination 500

C. *Ground Devices, Individual*

- T—Chaser
- T—Crackling Ball
- T—Crackling Strip
- T—Crackling Tube
- T—Flasher/Strobe
- T—Flitter Sparkler
- T—Firecracker
- T—Fountain Cone
- T—Fountain Cylindrical
- T—Fountain Nitrocellulose
- T—Ground Spinner

- T—Illuminating Torch
- T—Smoke
- T—Snake
- T—Specialty Device
- T—Wheel
- T—Wire Sparkler or Dipped Stick

D. *Miscellaneous*

- T—Blank Requirements Table
- T—Fuse

E. *Novelties*

- T—Booby Trap/Pull Apart
- T—Novelty Flitter Sparkler
- T—Novelty Smoke Device
- T—Novelty Snake
- T—Novelty Wire Sparkler or Novelty Dipped Stick
- T—Party Popper
- T—Snapper

F. *Reloadable Kits*

- T—Aerial Shells, Reloadable Kit
- T—Fountains, Reloadable Kit
- T—Mines, Reloadable Kit

(7) *Cosmetics and Toiletries*

- T—After shave creams, lotions, powders
- T—Antiperspirants
- T—Aromatherapy products (candles, oils, washes, etc.)
- T—Atomizers containing perfume and other liquids
- T—Bath milks, oils, powders, salts, tablets, crystals, etc.
- T—Bath and shower gels and body shampoos
- T—Bleach creams and lotions
- T—Blush, rouges
- T—Body lotion and creams
- T—Breath fresheners and breath sprays
- T—Bubble bath preparations
- T—Cocoa butter, if advertised or labeled for cosmetic purposes
- T—Colognes
- T—Compacts containing blush or powder, compact refills
- T—Cosmetics
- T—Creams, cleansing, beauty or cold
- T—Creams, protective (having cosmetic claims or use as skin creams, antiperspirants)
- T—Cuticle softeners and removers
- T—Deodorants (even though having a medicinal or curative value, if advertised or labeled for use as a body deodorant)
- T—Deodorants (for use in closets, bureau drawers, etc., for imparting fragrance to clothing)
- NT—Deodorants, colostomy
- T—Dusting powders
- T—Eye shadows, eyeliner
- T—Eyebrow pencils
- T—Eyelash mascara and eyelash and brow dyes
- T—Face lotions, facial oils, face creams
- T—Face packs
- T—Face powders, in loose or cake and liquid form
- T—Foundation makeup
- T—Freckle removers, vanishing creams
- T—Hair conditioners and rinses
- T—Hair dyes, colorings, tints, rinses and bleaches
- T—Hair gels and mousse
- T—Hair oils
- T—Hair removers
- NT—Hair restorative medications
- T—Hair straighteners
- T—Hair straightening lotions, creams, conditioners and rinses

T—Hairdressings, lotions, tonics and pomades (regardless of whether they are colored or scented)  
 T—Hairsprays  
 T—Hand lotions, creams and sanitizers  
 T—Lip balm and ointments  
 T—Lipsticks, lipstick refills, liquid lip color, lip liner and lip gloss  
 T—Lotions, cleansing and beauty  
 T—Makeup remover  
 T—Manicure preparations and kits  
 T—Mask preparations  
 T—Massage creams  
 T—Mouthwashes  
 T—Nail bleaches  
 T—Nail polish removers  
 T—Nail polishes, nail lacquers, nail enamel  
 T—Perfume novelties, containing perfume  
 T—Perfumes and perfume ingredient kits  
 T—Permanent waving creams, lotions, neutralizer and kits  
 T—Powder bases (liquid, cream and pressed)  
 T—Sachets containing powder or aroma producing materials  
 T—Scalp lotions, which are used or intended for use as a treatment for dry or oily hair  
 T—Shampoos  
 T—Shaving preparations, creams, lotions, powders, including medicated preparations  
 T—Skin balms, bleaches, creams, fresheners, lotions, oils, tonics or whiteners  
 T—Sun allergy cream  
 T—Sunburn preventives—suntan creams, lotions, oils, sunblock, etc.  
 NT—Sunburn treatment, lotions or creams  
 T—Talcum powder  
 NT—Toothbrush, electric  
 NT—Toothbrush, toothpaste, tooth cleaners, dental floss and replacement brushes for electric toothbrush  
 T—Waterpiks and water flossers  
 T—Wave set, paste, powder or lotion  
 T—Wrinkle removing and concealing preparations

#### (8) *Farming Supplies and Equipment*

The tax is not imposed upon the sale of property to a farmer to be used or consumed directly in the business of producing agricultural products. Home gardening is not considered farming. See REV-1729, Tax Information for Farmers, for additional information.

NT—Artificial breeding equipment and supplies  
 NT—Blacksmith/farrier services for commercial racehorses or horses used directly in farming  
 NT—Building supplies and materials used to build and repair a roofed structure or facility, or a portion of the facility, used for occupation by livestock or poultry  
 T—Building supplies and materials used to build and repair a shed or other structure not used for occupation by livestock or poultry  
 NT—Cleaners and disinfectants used in cleaning milking equipment and to sterilize milk cans to prevent spoilage. (Property used for general farm cleaning and maintenance is taxable)  
 NT—Equipment used to extract a product from productive animals or from the soil, such as harvesters, combines, binders, forage blowers, milking equipment, egg collecting equipment, corn shuckers, threshers, manure handling equipment  
 NT—Equipment such as barn shovels, ensilage forks, wheelbarrows and feed carts  
 NT—Feed and feed additives for productive animals

T—Feed for the raising of non-productive animals for hunting or zoos  
 T—Fencing  
 NT—Fertilizer and chemical additives to be added to soil  
 T—Fire prevention and safety equipment  
 NT—Fuel for use in heating poultry brooder and greenhouses  
 NT—Fumigation services upon agricultural commodities or containers used for agricultural commodities  
 T—Greenhouses and mushroom houses (if permanently installed to the real estate)  
 NT—Grooming materials, equipment and supplies when necessary for the health of productive animals  
 NT—Harnesses used to control productive animals on the farm  
 NT—Ice  
 NT—Livestock equipment to dispense chemicals, medicines and feed additives  
 NT—Livestock feeding equipment such as tubs, buckets, cans, etc., feed scoops and portable watering devices  
 T—Maintenance facilities including tools, machinery and equipment to maintain machinery, equipment or building property, such as chain hoists, tire spreaders, drills, sanders, lumber, nails, wrenches, brooms, welding equipment, paint brushes and sprayers  
 NT—Milk strainers and strainer discs and towels (dispensers to store and dispense the discs are taxable)  
 T—Motor vehicles, if required to be licensed by the Pennsylvania Department of Transportation  
 NT—Multipurpose agricultural vehicle (ATV), when used for farming  
 NT—Pest control services for agricultural purposes  
 NT—Property which becomes an ingredient or constituent of a farm product or is consumed by productive animals or plant growth, such as seeds, fertilizer, chemical additives, etc., and property such as seeders, planters, plows, harrows, cultivators, sprayers and similar equipment used to till soil, plant, seed and care for productive plants  
 NT—Property used to handle, store or preserve farm products or productive animals on farm premises such as chemicals, grooming equipment (dehorners, debeakers, hoof trimmers, calf weaners, etc.)  
 T—Property used to transport or convey the farm product after the final farming operation  
 NT—Refrigeration or cooling equipment used to store and preserve farm products  
 NT—Replacement parts such as tires, motors, belts, cutting edges, air filters, gears and similar replacement parts installed on exempt equipment. Motor fuels, lubricants, compressed air, distilled water, abrasives and similar supplies when used in operating exempt machinery are not taxable. Tools and equipment to apply parts and supplies are taxable.  
 NT—Seeds  
 NT—Silos  
 T—Water heater for cleaning dairy equipment and supplies  
 NT—Water pump for farm use  
 NT—Wrapping supplies and containers which are non-returnable to deliver self-produced farm products

#### (9) *Flowers, Seeds, Fertilizers, etc.*

The tax is imposed upon the sale of property which is purchased by persons not engaged in the business of farming.

T—Fertilizer, sprays, insecticides  
 T—Gardening supplies  
 T—Seeds and bulbs

T—Vegetable seeds, vegetable plants, flowers and fruit trees

NT—Vegetable seeds, vegetable plants and fruit trees purchased with food stamps

(10) *Food and Beverage Sold From a Caterer or Establishment Selling Ready-to-Eat Food*

Generally, tax is imposed on food and beverages sold from a caterer or an establishment selling ready-to-eat food and beverages for consumption on or off the premises, on a take-out or to-go basis, or delivered to the purchaser or consumer. An establishment selling ready-to-eat food and beverages is defined by law to include a restaurant, cafe, lunch counter, private or social club, tavern, dining car, hotel, night club, fast food operation, pizzeria, fair, carnival, lunch cart, ice cream stand, snack bar, lunch truck, cafeteria, employee cafeteria, theatre, stadium, arena, amusement park, juice stand, carryout shop, coffee shop, popcorn stand and other establishments, whether mobile or immobile. The law specifically excludes certain businesses from this definition and these establishments are discussed in Section 11.

T—All food and beverages, in any quantity, including both food and beverages prepared on the premises and prepackaged food and beverages, unless specifically exempt

NT—Candy and gum

T—Food supplements and substitutes

NT—Ice

T—Nonalcoholic beverages

NT—Water

T—Wine, sold for consumption off-premises or on a to-go basis

(11) *Food and Beverages Sold From a Vending Machine, Delicatessen, Grocery Store, Supermarket, Farmers Market, Bakery, Donut Shop, Pastry Shop, Convenience Store and Other Similar Establishments*

Generally, tax is not imposed on food and beverages sold from other than a caterer or establishment selling ready-to-eat food and beverages. However, tax is imposed upon selected food and beverage items listed as taxable as follows, when sold from the establishments previously listed.

NT—Beer, six packs (unless sold by a distributor)

NT—Bitters and grenadine

T—Breath mints

T—Brewed coffee

NT—Candy apples

NT—Candy and gum

NT—Caramel corn

NT—Coffee beans, whole or ground

NT—Coffee, cold bottled and flavored

T—Coffee, hot

NT—Deli items such as meats and cheeses, potato salad, macaroni salad, etc.

T—Energy drinks or shots 4 ounces or greater

NT—Energy drinks or shots less than 4 ounces

NT—Food, fruit drinks, soft drinks and sandwiches purchased with food stamps

NT—Food supplements in any form

NT—Fruit drinks, noncarbonated or reconstituted, containing at least 25% natural fruit juice

T—Fruit drinks, noncarbonated or reconstituted, containing less than 25% natural fruit juice

T—Hot beverages

T—Hot food items

T—Hot soup

T—Hot pizza

NT—Ice

T—Ice cream, yogurt and other ice based products when hand dipped or hand served

T—Kool-Aid

T—Meals—not including prepackaged frozen meals or meals requiring additional preparation

NT—Milk

T—Nonalcoholic beverages unless specifically exempt

NT—Party trays, vegetable, cheese, seafood, meat

NT—Power/Energy Bars

NT—Pretzels and chips

NT—Protein Bars

T—Pumpkins—for decoration

NT—Pumpkins—for food

T—Salad bars, self-service

T—Sandwiches

T—Soft drinks, bottled and non-bottled (including soft drink mixes in powder, liquid or tablet form)

NT—Soy milk

T—Sports drinks

T—Sushi

NT—Sweeteners, artificial

NT—Tea, all forms including liquid and powdered tea, except hot tea

NT—Water, including nonflavored mineral water

T—Water, flavored, including vitamin water

(12) *Hair Goods and Notions*

Generally, hair goods are taxable unless the item qualifies as clothing.

T—Blow-dryers

T—Hair goods and notions, such as barrettes, hair pins, hair nets, curlers, clips, hair bow holders, combs, brushes, chignons, bandeaux

T—Irons, curling and flat

T—Shower caps

T—Wigs and toupees (the service of cleaning, styling, etc., also is taxable)

(13) *Hobby Supplies, Toys, Games, Radios, etc.*

T—Amusement rentals

T—Audio players, components and accessories, records, compact discs

T—Baseball, football cards, etc.

T—Bicycles and parts

T—Boats and equipment

T—Bounce house rentals

T—Games

T—Hobby supplies

T—Musical instruments and sheet music

T—Photographic and projection equipment and supplies

T—Photographic services, film developing, printing, processing, mounting, coloring, etc.

T—Playing cards

T—Pocket knives

T—Radios, TV sets, receiving equipment

T—Tape recorders and tapes

T—Toys

T—Video cassettes and discs, recorders, players, components and accessories and cameras

(14) *Home Sewing, Millinery and Craft Supplies*

Clothing is defined as articles designed for everyday wear. Goods and items which are to become a component part of clothing are not taxable. Goods and items which become a component of articles other than clothing, such as formal wear and crafts, are taxable. Equipment and supplies used in sewing are taxable.

T—Artificial flowers

T—Buckles for articles other than clothing

NT—Buckles for clothing  
 T—Buttons for articles other than clothing  
 NT—Buttons for clothing  
 T—Dress forms  
 NT—Dress patterns  
 NT—Dye, clothing fabric  
 T—Elastics for articles other than clothing  
 NT—Elastics for clothing  
 T—Embroidery hoops  
 NT—Embroidery of clothing  
 T—Embroidery of formal wear and other items  
 T—Fabrics for articles other than clothing  
 NT—Fabrics for clothing  
 T—Hooks and eyes for articles other than clothing  
 NT—Hooks and eyes for clothing  
 T—Knitting yarn for articles other than clothing  
 NT—Knitting yarn for clothing  
 T—Laces, ribbons, edgings, trimmings for articles other than clothing  
 NT—Laces, ribbons, edgings, trimmings for clothing  
 T—Needle-craft instruction books  
 T—Needles  
 T—Rug yarns  
 T—Scissors  
 T—Sewing kits  
 NT—Shoulder pads  
 T—Tape measures  
 T—Thimbles  
 T—Thread for articles other than clothing  
 NT—Thread for clothing  
 T—Yarn goods for articles other than clothing  
 NT—Yarn goods for clothing  
 T—Yarn holders  
 T—Zippers for articles other than clothing  
 NT—Zippers for clothing

(15) *Household Goods and Supplies*

T—Air fresheners  
 T—Ant traps  
 T—Basin stoppers  
 T—Batteries  
 T—Bedding  
 T—Books  
 T—Boot caddy  
 T—Brooms  
 T—Buckets  
 T—Candles  
 T—Charcoal  
 T—Cloth laundry bags  
 T—Cloth towels, dish, bath and hand  
 T—Clothesline  
 T—Clothespins  
 T—Coat hangers  
 T—Cookware, pots and pans  
 T—Cutlery  
 T—Decorations, household and yard  
 T—Dinnerware  
 T—Dishpans  
 T—Door mat  
 T—Drinking glasses  
 T—Easter egg color/paint  
 T—Extension cords  
 T—Filters, disposable air  
 T—Fire extinguishers  
 T—Fly swatters  
 T—Fly tapes  
 T—Furnishings, appliances, fittings, ornaments, furniture, equipment and accessories. Furnishings including bedding, rugs, lamps, hardware, electrical goods, mirrors, pillows, scarves for furniture, bookends, clocks,

glassware, crockery, silverware, flatware and other household wares.  
 T—Fuses  
 T—Glue  
 T—Grills, and replacement parts, utensils and scrapers  
 T—Hardware and tools  
 T—Household linens, blankets  
 T—Insecticide sprays  
 T—Ironing board and covers  
 T—Jars for canning and jar lids  
 T—Light bulbs  
 T—Lubricating oils  
 T—Matches  
 T—Metal and plastic cooking utensils and flatware  
 T—Mops  
 T—Moth balls and moth flakes  
 T—Mouse traps  
 T—Needles  
 T—Notebooks  
 T—Oilcloth  
 T—Paints, brushes and painting equipment  
 T—Paint removers  
 T—Plants, vegetable and flower (see Category 8)  
 T—Polishing cloths  
 T—Refrigerator deodorants  
 T—Rubber gloves  
 T—Rug shampoo applicators  
 T—Salt, water softeners  
 T—Sandpaper  
 T—Scrub brushes  
 T—Seeds, vegetable and flower (see Category 8)  
 T—Shoe brushes  
 T—Sponges  
 T—Stationery  
 T—Static control spray, sheets  
 T—Thermometers  
 T—Thermoses  
 T—Thimbles  
 T—Tie racks  
 T—Toothpicks  
 T—Turpentine and paint thinner  
 T—Vacuum cleaners, and disposable bags, parts  
 T—Ventilating fans and equipment  
 T—Water filters, replacement  
 T—Wax applicators  
 T—Wax paraffin

A. *Soaps and Detergents*

T—Bleaches  
 T—Cleaner, septic tank, hand, oven, toilet bowl or tile  
 T—Cleansers  
 T—Detergents  
 T—Drain opener  
 T—Dry cleaning kits  
 T—Pre-soaks  
 T—Rug shampoo  
 T—Soaps, scented and unscented  
 T—Softeners (fabric)  
 T—Spot removers and stain treatments  
 T—Starch  
 T—Whiteners

B. *Cleaning and Polishing Preparations*

T—Car cleaners and waxes  
 T—Glass cleaner  
 T—Polishes, floor, furniture, silver and similar items  
 T—Removers, rust or wax  
 T—Scouring pads  
 T—Steel wool

*C. Paper Goods*

T—Cups, paper, plastic or Styrofoam  
 NT—Disposable diapers and incontinence products  
 T—Drop cloths, paper and plastic  
 T—Facial tissue  
 T—Filters, coffee  
 T—Napkins  
 T—Place mats  
 T—Plates, paper, plastic, or Styrofoam  
 NT—Sanitary napkins, tampons or similar items used for feminine hygiene  
 T—Shelf paper, liners  
 T—Straws for drinking  
 T—Tablecloths  
 T—Toilet seat covers  
 NT—Toilet tissue  
 T—Towels  
 NT—Wet-wipes

*D. Wrapping Supplies*

T—Aluminum foil  
 T—Food bags  
 T—Plastic wraps  
 T—Tape, masking, scotch, plastic, freezer, duct  
 T—Trash bags, paper and plastic  
 T—Twine  
 T—Wax paper  
 T—Wrapping paper, including gift wrapping, ribbons, etc.

*(16) Infant Supplies*

T—Accessories, nursing bottles, nipples, teething beads, teethingers  
 NT—Bibs  
 T—Car seats, infant  
 T—Crib blankets  
 T—Diaper bags  
 NT—Diaper cream  
 NT—Diaper pins  
 NT—Diapers, cloth and disposable  
 NT—Diaper service  
 NT—Formula  
 T—Furniture including cribs, high chairs and booster seats  
 T—Liners, (nursing bottles)  
 T—Monitors  
 NT—Receiving blankets for infants  
 NT—Rubber pants  
 T—Swim diapers  
 NT—Wipes, baby

*(17) Jewelry*

T—Beads—materials used in jewelry-making  
 T—Earring backs  
 T—Jewelry, including those with religious symbols incorporated  
 T—Jewelry, used for body piercing  
 T—Jewelry repair services  
 T—Ornaments and pins for hats and dresses

*(18) Luggage, Handbags, Carrying Bags, Wallets, etc.*

T—Bags, carrying, athletic, book, etc.  
 T—Handbags, pocketbooks and purses  
 T—Knitting bags  
 T—Leather goods, except clothing  
 T—Luggage, briefcases  
 T—Wallets and billfolds

*(19) Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices*

The tax is not imposed on prescription or nonprescription medicines and drugs or medical supplies, crutches

and wheelchairs for the use of people with disabilities, artificial limbs, artificial eyes and artificial hearing devices, when designed to be worn on the person of the purchaser or user, false teeth and materials used by a dentist in dental treatment, eyeglasses, when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser, and artificial braces and supports designed solely for the use of people with disabilities, or any other therapeutic, prosthetic or artificial device designed for the use of a particular individual to correct or alleviate a physical incapacity, including, but not limited to, hospital beds, iron lungs and kidney machines.

T—Acne cleaners and acne pads  
 NT—Acne treatments, lotions, creams  
 T—Adhesive removers  
 NT—Adhesives used for medical treatment  
 T—Air cleaners and electrostatic machines  
 NT—Alcohol, rubbing, swabs and wipes  
 NT—Analgesics  
 NT—Antacids  
 NT—Antiseptics, for external use only  
 NT—Applicators (See “Cotton applicators”)  
 NT—Arch supports  
 NT—Arm slings  
 NT—Artificial eyes  
 NT—Artificial limbs  
 NT—Aspirin  
 T—Autoclave  
 NT—Automobile accessories, when noted by the Department of Transportation upon the motor vehicle operator’s license of the purchaser that such accessories are necessary, and when charges for accessories are stated separately by the vendor on the sales invoice.  
 NT—Automobile wheelchair lifts  
 T—Baby powder  
 NT—Bandages, dressings, gauze and cotton  
 T—Bath tub and bathroom safety devices  
 T—Batteries, unless purchased for use in medical equipment and from a medical supply house  
 NT—Bed boards  
 NT—Bed drain bags  
 NT—Bed pans  
 NT—Bed trapeze bars  
 NT—Benzoin  
 T—Bidet toilet seats  
 T—Blankets  
 T—Blood agar plates  
 NT—Blood glucose monitors used to treat diabetes (therapeutic devices)  
 NT—Blood pack units  
 T—Blood pressure testing apparatus  
 NT—Bone pins  
 NT—Braces and supports worn on the body to correct or alleviate a physical incapacity  
 NT—Braille teaching texts  
 NT—Breast pumps  
 NT—Breathing units, intermittent positive pressure  
 NT—Burn ointment and lotion  
 NT—Calamine lotion  
 NT—Canes  
 NT—Cardiac emergency kit  
 NT—Cardiac pacemakers and electrodes  
 NT—Castor oil  
 NT—Catheters and accessories  
 T—Chemical agents and related supplies for analysis of patients’ specimens  
 NT—Cod liver oil  
 NT—Colostomy appliances  
 NT—Colostomy deodorants

- NT—Commodes, chair bedside  
 NT—Commode seats, elevated for use by incapacitated persons  
 NT—Contact lenses and wetting solutions  
 T—Contact lenses cleaning solutions  
 NT—Corn pads and plasters for the removal of corns  
 NT—Cotton applicators, cotton rolls, cotton balls and cotton swabs  
 NT—Cough and cold items, cough drops, cough syrups  
 NT—Crutches  
 NT—Crutch pads  
 NT—Defibrillators  
 T—Dehumidifiers  
 NT—Dental floss  
 NT—Dental materials which are transferred to the patient, including dentures, fillings, crowns, inlays, bridges and lingual or palatal bars  
 NT—Dental supplies used in dental treatment, including x-ray film, cotton, impression and materials  
 T—Dentist chair  
 NT—Dentist drills, disposable  
 T—Dentist replacement burs, drills, reusable  
 NT—Denture products, including denture cleaners and adhesives  
 T—Deodorants, personal and room  
 T—Diagnostic equipment  
 T—Diagnostic glassware and diagnostic testing materials  
 NT—Dialysis machines  
 NT—Diathermy machines  
 NT—Dietary supplements and substitutes, in any form  
 NT—Diet pills  
 T—Disinfectants  
 NT—Drapes, paper  
 T—Ear plugs  
 T—EKG mounts and EKG paper  
 NT—Elastic bandages and braces  
 T—Electrocardiocorder  
 NT—Emesis basins or pans  
 NT—Epsom salts  
 T—Esophageal dilator  
 T—Eucalyptus oil  
 NT—Examining table paper  
 T—Exercise equipment, including exercise bikes and treadmill exercisers  
 NT—Eye ointment  
 NT—Eye pads  
 NT—Eye washes  
 NT—Eyeglasses, prescription  
 NT—False teeth  
 NT—First aid kits  
 NT—Fluidic breathing assistor  
 NT—Food substitutes  
 NT—Foot pads, insoles, all types  
 NT—Foot products for treatment of infections  
 NT—Gauze  
 NT—Gloves, surgical, disposable  
 NT—Glucose tablets  
 NT—Glycerin  
 NT—Gowns, medical  
 NT—Hearing aids and batteries  
 T—Heaters, portable, room  
 NT—Heating pads  
 NT—Hospital beds, having side rails, electric and non-electric with attachments  
 NT—Hot water bottles  
 T—Humidifiers  
 NT—Hygienic needs, douche powder, vaginal preparations  
 NT—Hydrocortisone cream  
 NT—Hydrogen peroxide  
 NT—Ice bags  
 NT—Ileostomy bags  
 NT—Incontinence products, including incontinence pants  
 NT—Infusion pumps  
 NT—Inhalation therapy equipment and equipment used to provide emergency breathing assistance  
 NT—Insulin  
 NT—Insulin pumps  
 T—Intravenous stand  
 NT—IUD devices  
 T—Laboratory testing and analysis equipment and supplies  
 NT—Lactose intolerance medication  
 NT—Lamps, ultraviolet and infrared  
 NT—Lancets  
 NT—Laxatives and cathartics  
 NT—Lice shampoo  
 NT—Lifters, patient  
 NT—Lubricating jelly  
 NT—Lymphedema pumps  
 T—MRI equipment  
 T—Mattresses, air  
 NT—Mattresses, alternating positive pressure  
 NT—Mattresses and covers for hospital beds  
 T—Medical alert cards  
 T—Medical alert systems  
 NT—Medicated powder  
 NT—Medicine cups, disposable  
 T—Microscopes  
 NT—Milk of magnesia  
 T—Mouthwashes  
 NT—Muscle stimulator, electronic for physical therapy  
 NT—Nasal cannula  
 T—Nasal speculum  
 T—Needle holder  
 NT—Needles and syringes, disposable  
 T—Needles and syringes, reusable  
 NT—Orthodontic brackets  
 T—Orthodontic trays  
 NT—Orthopedic splints  
 T—Overbed tables  
 NT—Oxygen and oxygen equipment, when used for medical treatment  
 NT—Pads, moist heat pad, alternating positive pressure pad, flotation pad, lamb's wool pad  
 NT—Paraffin bath units, standard or portable  
 T—Percussors  
 NT—Pet medicines  
 NT—Petroleum jelly  
 NT—Physical therapy equipment, when designed exclusively for use in correcting or alleviating a physical incapacity  
 T—Plaque remover  
 T—Pore cleaners, medicated, pore strips  
 NT—Postural drainage boards  
 NT—Postural support chairs  
 NT—Prefilled syringes for injection  
 NT—Pre-moistened wipes  
 NT—Prophylactics  
 NT—Prostheses (mammary, malar, chin, urinary, incontinence, etc.)  
 T—Pumice powder  
 NT—Pump, diaphragm, pressure vacuum  
 T—Razor blades, unless disposable and used for medical procedure preparation  
 NT—Rectal preparations  
 T—Safety grab bars  
 NT—Sanitary napkins, tampons and similar items  
 T—Sanitizer, air  
 T—Sauna baths  
 T—Scissors

T—Shaving products  
 T—Sheets, cloth  
 NT—Sheets, disposable  
 NT—Shoe insoles, orthopedically designed  
 NT—Sitz bath  
 NT—Smoking deterrents, gum and patch  
 T—Soaps  
 NT—Specimen containers, disposable  
 T—Sphygmomanometer  
 T—Sphygmostat  
 NT—Stair gliders for persons having a physical disability, installed in the purchaser's home and pursuant to a physician's prescription  
 T—Stethoscope  
 NT—Styptic pencils  
 T—Suction machines and pumps  
 NT—Sunburn treatment lotions or creams  
 T—Sunglasses (unless prescription)  
 T—Suntan lotion, sunblock  
 NT—Suppositories  
 T—Surgical instruments  
 NT—Surgical instruments and supplies, single use disposable  
 NT—Surgical masks, disposable  
 NT—Sutures  
 T—Tables, bedside  
 T—Tables, examining  
 T—Talcum powder  
 T—Teeth whitening strips  
 T—Telecaption equipment  
 NT—Test strips used in treatment of diabetes  
 T—Testing kits, pregnancy, UTI  
 NT—Thermal pads, disposable  
 T—Thermometer, medical  
 NT—Thermometer covers, disposable  
 NT—Tongue depressor, disposable  
 T—Tooth whitening kits  
 NT—Toothache drops  
 NT—Toothbrushes  
 NT—Toothpaste  
 NT—Tourniquets  
 NT—Trachea tubes  
 NT—Traction units, including bed stand, anklet, extension, pelvic or cervical units, head holder, fracture unit with trapeze bar set, weights, weight bags, pelvic lacing belt, and over door traction equipment  
 NT—Tubing, intravenous  
 NT—Urine drain bag  
 T—Vacutainers  
 NT—Vaginal diaphragms  
 T—Vapona strips  
 T—Vaporizers  
 NT—Vitamins  
 NT—Walking bars and walkers  
 NT—Wheelchairs, manual and motorized, scooters and batteries  
 T—Whirlpool baths and whirlpool pumps  
 T—Wigs  
 T—X-ray equipment and machines  
 T—X-ray film and chemicals not used by dentists

(20) *Miscellaneous*

NT—Acupuncture and massage services  
 T—Antiques  
 NT—Body tattooing and piercing services  
 NT—Bullion, investment metal  
 T—Car wash, automated or self-serve  
 NT—Caskets, burial vaults, markers, interred cremation urns and tombstones for human graves, including foundations

T—Christmas trees  
 T—Coin banks and coin holders  
 NT—Coins, investment (numismatic coins and legal tender)  
 T—Compressed air, dispensed  
 T—Corkage fee  
 NT—Coupon books sold to individual consumers  
 T—Cremation urns, not interred  
 T—Dry ice, except when sold as an internal packaging material to retailer, manufacturer or processor  
 NT—Safety equipment and devices designed and worn by production personnel employed in manufacturing, processing, mining, public utility, farming and dairying. Examples: asbestos suits, gloves, aprons, boots, masks, helmets, goggles and similar items  
 T—Equipment and devices worn by nonproduction personnel  
 T—Fencing materials  
 NT—Flags of the United States and Commonwealth. Bunting and other flags are taxable.  
 T—Flag kits, that include poles or brackets  
 T—Fuel for motor vehicles, except when subject to Liquid Fuel or Fuel Use Tax  
 NT—Gift cards  
 NT—Golf green fees  
 NT—Health club membership fees  
 T—Hot tubs and spas, regardless of physician recommendation  
 T—Lunch kits, thermoses and replacement parts  
 T—Motor vehicle repair services (including labor), accessories, parts, supplies, lubricants, equipment, vehicle and emission inspection  
 T—Paper money, which is not legal tender in the United States, is taxable on full purchase price  
 T—Paper money, which is legal tender in the United States, is taxable on amount in excess of face value  
 NT—Parking fees (may be subject to Hotel Occupancy Tax)  
 T—Party favors  
 NT—Pony rides and trail rides  
 T—Prepaid telephone cards  
 NT—Retail club memberships  
 T—Scout supplies and training manuals, except when sold to a scout troop  
 T—Sheds, unless purchaser has a building permit  
 T—Souvenirs  
 T—Stamps, cancelled United States stamps and all foreign stamps are taxable on the full purchase price  
 T—Stamps, uncanceled United States stamps are taxable on amount in excess of face value  
 NT—Tanning booth fees  
 NT—Tickets for admission to the theater, concerts, sporting events, amusement parks, and amusement or activity complexes  
 T—Trading stamp redemption for taxable property

(21) *Optical Goods*

NT—Contact lenses, prescription, and wetting solutions  
 T—Contact lenses cleaning solutions  
 NT—Eyeglasses, prescription  
 T—Magnifying glasses  
 T—Opera glasses and field glasses  
 T—Sunglasses (prescription sunglasses are exempt)

(22) *Pets*

NT—Boarding, sitting or walking  
 T—Clippers and clipper lubricants  
 T—Clothing  
 T—Equipment (collars, leashes, etc.)  
 T—Farrier services for pet horses



NT—Flea collars, flea powder, flea and tick soap and tick sprays for use on pets  
 T—Food, including food supplements and prescription food  
 T—Grooming, unless performed by a veterinarian for the purpose of or incidental to medical treatment  
 NT—Medicines and medical supplies  
 T—Pet caskets and urns  
 NT—Pet cremation and burial services  
 T—Sale or rental of pets, or adoption from shelters, which includes fees for shots and spaying or neutering  
 T—Shampoo  
 T—Veterinarian equipment  
 NT—Veterinarian services  
 T—Vitamins

(23) *Religious Articles*

Bibles, religious publications and religious articles are subject to tax unless purchased by organizations qualifying as institutions of purely public charities which hold an exemption number prefixed by the number 75, and government entities.

T—Bibles  
 T—Candles used in religious worship  
 T—Clergy vestments and choir and altar server clothing  
 T—Holy water bottles  
 T—Nativity scenes  
 T—Religious publications sold by religious groups  
 T—Religious statues, medals and symbols used in religious worship  
 T—Rosaries  
 T—Wines used in religious services

(24) *Restaurant Equipment and Supplies*

Equipment, implements and similar property for use in the preparation and service of food is taxable.

NT—Carbon dioxide for soda fountain  
 T—Carbonator for soda fountain operation  
 NT—Chef hats  
 T—Disposable trays  
 T—Equipment used to prepare and serve food and beverages  
 T—Ice making equipment  
 T—Latex gloves  
 T—Napkins, wooden or plastic spoons, forks, straws and similar articles for use in restaurants, vending machines and other eating places  
 T—Placemats  
 T—Toothpicks  
 T—Vending machines and equipment  
 NT—Work uniforms  
 NT—Wrapping supplies, paper or plastic plates, cups and similar articles for the delivery of food, used by restaurants or in vending machines

(25) *Shoes and Shoe Accessories*

Generally, shoes designed for everyday wear are exempt. However, shoes designed for formal wear or sporting activities are taxable.

T—Bathing (swimming) shoes  
 NT—Overshoes  
 NT—Safety shoes  
 T—Shoe brushes, applicators, and shoe trees  
 T—Shoe clips  
 NT—Shoe dye  
 NT—Shoe laces  
 NT—Shoe polish  
 NT—Shoe repairs  
 NT—Shoe soles and heels for shoe repair

T—Shoes for baseball, bowling, football, golf, soccer, hockey, dance, etc.  
 T—Shoes for formal wear, such as metallic cloth, brocade, satin or silver leather, primarily for formal wear  
 NT—Shower clogs  
 NT—Slippers  
 NT—Sneakers, jogging, tennis and aerobic shoes  
 NT—Toe sneakers

(26) *Sporting Equipment, Clothing, Supplies and Recreational Equipment*

Tax is imposed on sporting and recreational equipment, clothing and supplies which are designed to be worn and are normally worn only when engaged in sports.

T—Accessories such as ammunition belts, hip waders and fly vests  
 T—Ballet shoes  
 NT—Baseball caps and tee shirts  
 T—Bathing caps  
 T—Bathing suits  
 T—Beach coats  
 T—Bicycles, parts, accessories and supplies  
 T—Boats, pleasure boats and equipment and parts  
 NT—Bowling shirts  
 T—Bowling shoes, purchase and rental  
 T—Equipment and supplies for baseball, football, hockey, basketball and other sports  
 T—Exercise equipment  
 T—Guns and ammunition  
 NT—Gym suits, outfits  
 T—Helmets  
 T—Hunting accessories  
 NT—Hunting clothing, including camouflage and blaze orange  
 NT—Jogging outfits, running shoes  
 T—Mats, floor  
 T—Protective equipment, knee pads, elbow pads, forearm pads, etc.  
 T—Sleeping bags  
 NT—Sneakers, jogging, tennis and aerobic shoes, etc.  
 NT—Snowmobile suits  
 T—Uniforms, baseball, football, soccer, basketball, hockey, etc.  
 NT—Warm-up suits, cloth sweat suits  
 T—Weights  
 T—Skates, ice, roller, in-line and sharpening and rental

(27) *Tobacco Products*

T—Chewing tobacco, all types  
 T—Cigarettes, little cigars  
 T—Cigars, all types  
 T—Electronic cigarettes and vaporizers, and accessories  
 T—Smoking accessories, including lighters  
 T—Tobacco, all types

(28) *Utilities and Fuel*

T—Cellphone services  
 NT—Coal  
 NT—Coin-operated telephone charges  
 T—Corn and corn pellets  
 T—Fire logs, processed  
 NT—Firewood, kindling and wood pellets or bricks made from pure sawdust for residential use  
 T—Fuel oil, gas, steam or electricity purchased for commercial use  
 NT—Fuel oil, gas, steam or electricity purchased for residential use  
 T—Interstate and intrastate telephone services for residential or commercial use

T—Basic telephone service and subscriber line charges for commercial use  
 NT—Basic telephone service and subscriber line charges for residential use  
 T—Utilities for office or business within home  
 (29) *Tires and Motor Vehicle Leases and Rentals Subject to Public Transportation Assistance Fund*

*Taxes and Fees (PTA) (61 Pa. Code § 47.19)*

The following items are subject to a Public Transportation Assistance Fund Taxes or Fees as indicated. The tax or fee is in addition to any Sales or Use Tax which may be due. However, the Sales, Use, PTA Taxes or PTA Fees shall not be included within the tax base when imposing such taxes or fees.

<i>Item</i>	<i>PTA Tax/Fee</i>	<i>Exemption</i>
Tires, new tires for highway use (used tires and tires for off highway use are not subject to the fee)	\$1 fee upon the sale of each new tire	Exempt only if purchased by a government entity
Rentals of Motor Vehicles (the term rental shall mean the transfer of the possession of a motor vehicle for a period of less than 30 days)	\$2 fee upon each rental day or part thereof	Exempt, if lessee qualifies for sales tax Exemption
Leases of Motor Vehicles (the term lease shall mean the transfer of possession of a motor vehicle for a period of 30 or more days)	3% tax upon the total lease payment including down payment and accelerated lease payments	Exempt, if lessee qualifies for sales tax Exemption

(30) *Vehicle Rental Tax (VRT) (61 Pa. Code § 47.20)*

Rental companies that have available for rental, 5 or more motor vehicles designed to carry 15 or less passengers, or a truck, trailer or semi-trailer used in the transportation of property, other than commercial freight that is rented without a driver, are responsible for collecting an additional 2% tax. This tax is imposed on the purchase price, as calculated for Sales Tax purposes, of each rental contract for a period of 29 consecutive days or less. The VRT is separate from, and in addition to, any applicable state or local Sales Tax or the \$2 daily PTA fee.

Effective October 30, 2017, a prorated partial day fee for carsharing services was provided as a clarification to the current vehicle rental fee.

The fee schedule is as follows:

<i>Rental Interval</i>	<i>Fee</i>
Less than 2 hours	25¢
2 to 3 hours	50¢
More than 3 hours	\$1.25
4 or more hours	\$2

Rental companies may claim a refund up to the amount of tax remitted for licensing and titling fees paid to the Commonwealth during a previous calendar year.

PATRICK BROWNE,  
*Secretary*

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**DEPARTMENT OF REVENUE**

**Pennsylvania Candy Cane Lane Fast Play Game 5216**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Candy Cane Lane (“Candy Cane Lane”). The game number is PA-5216.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *LANE:* A specific, pre-defined portion of the play area, which contains three “YOUR NUMBERS” play symbols and a Prize symbol in a vertical line. Each “LANE” is played separately.

(e) *YOUR NUMBERS:* The numbers symbols found in each “LANE” in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize. The “YOUR NUMBERS” also includes a Candy Cane (CNDYCNE)

symbol that, when appearing in any winning "LANE," awards the player all four prizes shown in the "YOUR NUMBERS" area.

(f) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(g) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket, which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WINNING NUMBERS*: The numbers symbols found in the play area that, when matched against the "YOUR NUMBERS" play symbols in each "LANE," determine whether a player wins the prize for that "LANE."

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

3. *Price*: The price of a Candy Cane Lane ticket is \$1.

4. *Description of the Candy Cane Lane Fast Play lottery game*:

(a) The Candy Cane Lane lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Candy Cane Lane tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Candy Cane Lane is played by matching any of the "YOUR NUMBERS" number symbols located in the four "LANE" areas to any of the number symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown in the Prize area for that "LANE." When a Candy Cane (CNDYCNE) symbol appears in a winning "LANE," win all four prizes shown. A bet slip is not used to play this game.

(c) A Candy Cane Lane game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(d) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Candy Cane Lane game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(e) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Candy Cane Lane game ticket and select the Candy Cane Lane option on the Lottery

self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Candy Cane Lane ticket characteristics*:

(a) A Candy Cane Lane ticket shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Each Candy Cane Lane ticket play area will contain a "WINNING NUMBERS" area and a "YOUR NUMBERS" area further consisting of four "LANES," designated as "LANE 1," "LANE 2," "LANE 3" and "LANE 4." Each "LANE" is played separately. The number 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) and 20 (TWENT). The play symbols and their captions located in each of the four "LANE" areas 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) and a Candy Cane (CNDYCNE) symbol.

(c) *Prize Symbols*: The prize symbols and their captions located below each "LANE" are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$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) and \$2,500 (TWYFIVHUN).

(d) *Prizes*: The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100 and \$2,500. 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 chances of winning). A player can win up to four times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 1,200,000 tickets will be available for sale for the Candy Cane Lane lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct an Ugly Sweater Second-Chance Drawing for which non-winning Candy Cane Lane lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All Candy Cane Lane prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" number symbols in a "LANE" match any of the "WINNING NUMBERS" number symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears in the Prize area for that "LANE," on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" number symbols in a "LANE" match any of the "WINNING NUMBERS" number symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area for that "LANE," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any of the "WINNING NUMBERS" number symbols match any of the "YOUR NUMBERS" number symbols in any "LANE," and upon which a Candy Cane (CNDYCNE) symbol appears in that "LANE," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the Prize areas, a prize symbol of \$50<sup>00</sup>



the “WINNING NUMBERS” number symbols and a prize symbol of FREE (TICKET) appears in the Prize area for that “LANE,” on a single ticket, shall be entitled to a prize of one Candy Cane Lane Fast Play Game Ticket.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” In A “LANE” Match Any “WINNING NUMBER,” Win Prize Shown For That “LANE.” Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
FREE	FREE \$1 TICKET	10	120,000
\$1	\$1	30.3	39,600
\$1 × 2	\$2	52.63	22,800
\$2	\$2	50	24,000
CANDY CANE w/ (\$1 × 4)	\$4	37.74	31,800
\$2 × 2	\$4	200	6,000
\$4	\$4	200	6,000
CANDY CANE w/ ((\$1 × 3) + \$2)	\$5	200	6,000
(\$2 × 2) + \$1	\$5	500	2,400
\$4 + \$1	\$5	500	2,400
\$5	\$5	500	2,400
CANDY CANE w/ ((\$2 × 2) + \$5 + \$1)	\$10	333.33	3,600
CANDY CANE w/ ((\$2 × 3) + \$4)	\$10	333.33	3,600
CANDY CANE w/ ((\$4 × 2) + (\$1 × 2))	\$10	250	4,800
\$5 × 2	\$10	1,000	1,200
\$10	\$10	1,000	1,200
CANDY CANE w/ (\$5 × 4)	\$20	1,200	1,000
CANDY CANE w/ ((\$4 × 2) + \$10 + \$2)	\$20	1,200	1,000
CANDY CANE w/ (\$10 + \$5 + \$4 + \$1)	\$20	1,200	1,000
\$10 × 2	\$20	6,000	200
(\$5 × 2) + \$10	\$20	6,000	200
\$20	\$20	6,000	200
CANDY CANE w/ ((\$10 × 3) + \$20)	\$50	4,000	300
CANDY CANE w/ ((\$20 × 2) + (\$5 × 2))	\$50	4,000	300
(\$20 × 2) + \$10	\$50	24,000	50
\$50	\$50	24,000	50
CANDY CANE w/ ((\$20 × 2) + \$50 + \$10)	\$100	24,000	50
\$50 × 2	\$100	60,000	20
\$100	\$100	60,000	20
\$2,500	\$2,500	240,000	5

When a “CANDY CANE” (CNDYCNE) symbol appears in a winning “LANE,” win all 4 prizes shown! Each “LANE” is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery’s Ugly Sweater Second-Chance Drawing for qualifying Fast Play lottery game tickets (“Drawing”).

(a) *Qualifying Tickets:* Non-winning PA-5213 Naughty or Nice (\$10), PA-5214 Let it Snow (\$5), PA-5215 Gnome for the Holidays (\$2) and PA-5216 Candy Cane Lane (\$1) Fast Play lottery game tickets (“Qualifying Tickets”) are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.PAiLottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.PAiLottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(7) Only one claimant per entry allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Ugly Sweater Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 4:59:59 a.m. November 7, 2023, through 11:59:59 p.m. January 4, 2024, will be entered into the Drawing tentatively scheduled to be held between January 5, 2024 and January 22, 2024.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5213 Naughty or Nice (\$10) = ten entries, PA-5214 Let it Snow (\$5) = five entries, PA-5215 Gnome for the Holidays (\$2) = two entries and PA-5216 Candy Cane Lane (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$150,000, less required income tax withholding.

(ii) The second through the fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$25,000, less required income tax withholding.

(iii) The sixth through the tenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000, less required income tax withholding.

(iv) The eleventh through the sixtieth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure. Entries not received for any other reason will not be considered entries.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL,

Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

#### 10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

#### 11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

#### 12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Candy Cane Lane lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Candy Cane Lane lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not

exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *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 Candy Cane Lane or through normal communications methods.

21. *Applicability:* This notice applies only to the Candy Cane Lane lottery game announced in this notice.

PATRICK BROWNE,  
Secretary

[Pa.B. Doc. No. 23-1523. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Gnome for the Holidays Fast Play Game 5215

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Gnome for the Holidays (“Gnome for the Holidays”). The game number is PA-5215.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(f) *POM POM PLU\$:* The area at the top of a Gnome for the Holidays lottery game ticket containing either a



play symbol or a prize amount that increases the total prize won by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area by any prize amount that appears in the "POM POM PLU\$" area. "POM POM PLU\$" prizes cannot be won alone.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(l) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Gnome for the Holidays ticket is \$2.

4. *Description of the Gnome for the Holidays Fast Play lottery game*:

(a) The Gnome for the Holidays lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Gnome for the Holidays tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be reprinted by the retailer.

(b) Gnome for the Holidays is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. When a Gnome Home (GNMHH) symbol appears in the "YOUR NUMBERS" area, the player wins the prize shown under that Gnome Home (GNMHH) symbol automatically. Whenever a player wins a prize in the "YOUR NUMBERS" area and a prize amount appears in the "POM POM PLU\$" area, the player adds the amount shown to the total won in the "YOUR NUMBERS" area and wins that amount. A bet slip is not used to play this game.

(c) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) Gnome for the Holidays tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and

verbally request a Gnome for the Holidays ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Gnome for the Holidays ticket and select the Gnome for the Holidays option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Gnome for the Holidays ticket characteristics*:

(a) Gnome for the Holidays tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Gnome for the Holidays tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "POM POM PLU\$" 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) 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 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV) and a Gnome Home (GNMHH) symbol. The play symbols and prize amounts, and their captions, located in the "POM POM PLU\$" area are: Gnome (NOWIN) symbol, Hat (NOWIN) symbol, Present (NOWIN) symbol, Holly (NOWIN) symbol, Candy Cane (NOWIN) symbol, Poinsettia (NOWIN) symbol, Snowman (NOWIN) symbol, \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$25.<sup>00</sup> (TWY FIV), \$50.<sup>00</sup> (FIFTY) and \$100 (ONE HUN).

(c) *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), \$25.<sup>00</sup> (TWY FIV), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN) and \$10,000 (TEN THO).

(d) *Prizes*: The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$25, \$50, \$100, \$200, \$500 and \$10,000. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate chances of winning). A player can win up to nine times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 720,000 tickets will be available for sale for the Gnome for the Holidays lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct an Ugly Sweater Second-Chance Drawing for which non-winning Gnome for the Holidays lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All Gnome for the Holidays prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING

NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(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 \$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.

(d) Holders of tickets upon which a Gnome Home (GNMHM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the Prize area under that Gnome Home symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any two of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in both of the Prize areas under the matching “YOUR NUMBERS” play symbols, and upon which a prize amount of \$100 (ONE HUN) appears in the “POM POM PLU\$” area, on a single ticket, shall be entitled to a prize of \$500.

(f) 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.

(g) Holders of tickets upon which a Gnome Home (GNMHM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the Prize area under that Gnome Home symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which a Gnome Home (GNMHM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the Prize area under that Gnome Home (GNMHM) symbol, and upon which a prize amount of \$100 (ONE HUN) appears in the “POM POM PLU\$” area, on a single ticket, shall be entitled to a prize of \$200.

(i) 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, and upon which a prize amount of \$100 (ONE HUN) appears in the “POM POM PLU\$” area, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which all eight 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 two of the Prize areas, a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the Prize areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the Prize areas under the matching “YOUR NUMBERS” play symbols, and upon which a prize amount of \$10<sup>00</sup> (TEN DOL) appears in the “POM POM PLU\$” area, 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 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.

(l) Holders of tickets upon which a Gnome Home (GNMHM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the Prize area under that Gnome Home (GNMHM) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which a Gnome Home (GNMHM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the Prize area under that Gnome Home (GNMHM) symbol, and upon which a prize amount of \$50<sup>00</sup> (FIFTY) appears in the “POM POM PLU\$” area, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols 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, and upon which a prize amount of \$50<sup>00</sup> (FIFTY) appears in the “POM POM PLU\$” area, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which all eight 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 three of the Prize areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the Prize areas and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in one of the Prize areas under the matching “YOUR NUMBERS” play symbols, and upon which a prize amount of \$25<sup>00</sup> (TWY FIV) appears in the “POM POM PLU\$” area, on a single ticket, shall be entitled to a prize of \$100.

(p) 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.

(q) Holders of tickets upon which a Gnome Home (GNMHM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the Prize area under that Gnome Home (GNMHM) symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which a Gnome Home (GNMHM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the Prize area under that Gnome Home (GNMHM) symbol, and upon which a prize amount of \$25<sup>00</sup> (TWY FIV) appears in the “POM POM PLU\$” area, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which a Gnome Home (GNMHM) 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 Gnome Home (GNMHM) symbol, and upon which any six 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 two of the Prize areas, a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the Prize areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in one of the Prize areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in one of the Prize areas under the matching “YOUR NUMBERS” play symbols, and upon which a prize amount of \$10<sup>00</sup> (TEN DOL) appears in the “POM POM PLU\$” area, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which a Gnome Home (GNMHH) 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 Gnome Home (GNMHH) symbol, and upon which any seven 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 two of the Prize areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in three of the Prize areas and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the Prize areas under the matching "YOUR NUMBERS" play symbols, and upon which a prize amount of \$2<sup>00</sup> (TWO DOL) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$50.

(u) 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 \$25<sup>00</sup> (TWY FIV) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a prize amount of \$25<sup>00</sup> (TWY FIV) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which all eight 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 two of the Prize areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the Prize areas and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the Prize areas under the matching "YOUR NUMBERS" play symbols, and upon which a prize amount of \$2<sup>00</sup> (TWO DOL) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$50.

(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 \$25<sup>00</sup> (TWY FIV) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(x) Holders of tickets upon which a Gnome Home (GNMHH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the Prize area under that Gnome Home (GNMHH) symbol, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets upon which a Gnome Home (GNMHH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the Prize area under that Gnome Home (GNMHH) symbol, and upon which any five 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 two of the Prize areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in three of the Prize areas under the matching "YOUR NUMBERS" play symbols, and upon which a prize amount of \$5<sup>00</sup> (FIV DOL) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets upon which a Gnome Home (GNMHH) 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 Gnome Home (GNMHH) symbol, and upon which any three of the "YOUR NUMBERS" play symbols match any of the "WINNING NUM-

BERS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the Prize areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in one of the Prize areas under the matching "YOUR NUMBERS" play symbols, and upon which a prize amount of \$10<sup>00</sup> (TEN DOL) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$25.

(aa) 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.

(bb) Holders of tickets upon which a Gnome Home (GNMHH) 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 Gnome Home (GNMHH) symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which a Gnome Home (GNMHH) 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 Gnome Home (GNMHH) symbol, and upon which a prize amount of \$5<sup>00</sup> (FIV DOL) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which a Gnome Home (GNMHH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the Prize area under that Gnome Home (GNMHH) symbol and upon which any of the "YOUR NUMBERS" play symbols match any 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, and upon which a prize amount of \$4<sup>00</sup> (FOR DOL) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$10.

(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 \$5<sup>00</sup> (FIV DOL) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a prize amount of \$5<sup>00</sup> (FIV DOL) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$10.

(ff) 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.

(gg) Holders of tickets upon which a Gnome Home (GNMHH) 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 Gnome Home (GNMHH) symbol, on a single ticket, shall be entitled to a prize of \$5.

(hh) 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 \$4<sup>00</sup> (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.

(ii) Holders of tickets upon which a Gnome Home (GNMHH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in

the Prize area under that Gnome Home (GNMHH) symbol, on a single ticket, shall be entitled to a prize of \$4.

(jj) Holders of tickets upon which a Gnome Home (GNMHH) 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 Gnome Home (GNMHH) symbol, and upon which a prize amount of \$2<sup>00</sup> (TWO DOL) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$4.

(kk) 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 \$2<sup>00</sup> (TWO DOL) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a prize amount of \$2<sup>00</sup> (TWO DOL) appears in the "POM POM PLU\$" area, on a single ticket, shall be entitled to a prize of \$4.

(ll) 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 \$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.

(mm) Holders of tickets upon which a Gnome Home (GNMHH) 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 Gnome Home (GNMHH) symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"POM POM PLU\$":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
\$2 w/ GNOME HOME		\$2	17.54	41,040
\$2		\$2	18.18	39,600
\$2 × 2		\$4	90.91	7,920
\$2	\$2	\$4	90.91	7,920
\$2 w/ GNOME HOME	\$2	\$4	83.33	8,640
(\$2 w/ GNOME HOME) + \$2		\$4	83.33	8,640
\$4 w/ GNOME HOME		\$4	83.33	8,640
\$4		\$4	90.91	7,920
\$5 w/ GNOME HOME		\$5	76.92	9,360
\$5		\$5	83.33	8,640
\$5 × 2		\$10	333.33	2,160
\$5	\$5	\$10	333.33	2,160
(\$4 w/ GNOME HOME) + \$2	\$4	\$10	166.67	4,320
\$5 w/ GNOME HOME	\$5	\$10	200	3,600
(\$5 w/ GNOME HOME) + \$5		\$10	200	3,600
\$10 w/ GNOME HOME		\$10	333.33	2,160
\$10		\$10	333.33	2,160
(\$10 × 2) + \$5		\$25	3,333	216
(\$2 w/ GNOME HOME) + (\$4 × 2) + \$5	\$10	\$25	3,333	216
(\$4 w/ GNOME HOME) + (\$5 × 2) + (\$2 × 3)	\$5	\$25	3,333	216
(\$5 w/ GNOME HOME) + (\$10 × 2)		\$25	3,333	216
(\$10 w/ GNOME HOME) + (\$5 × 3)		\$25	3,333	216
\$25 w/ GNOME HOME		\$25	3,333	216
\$25		\$25	2,500	288
\$25 × 2		\$50	12,000	60
(\$10 × 2) + (\$5 × 4) + (\$4 × 2)	\$2	\$50	6,000	120
\$25	\$25	\$50	6,000	120
(\$5 w/ GNOME HOME) + (\$10 × 2) + (\$5 × 3) + (\$4 × 2)	\$2	\$50	6,000	120

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"POM POM PLU\$":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
(\$10 w/ GNOME HOME) + (\$5 × 2) + (\$4 × 2) + \$10 + \$2	\$10	\$50	3,750	192
\$25 w/ GNOME HOME	\$25	\$50	3,750	192
(\$25 w/ GNOME HOME) + \$25		\$50	3,750	192
\$50 w/ GNOME HOME		\$50	4,000	180
\$50		\$50	12,000	60
\$50 × 2		\$100	12,000	60
(\$10 × 3) + (\$5 × 4) + \$25	\$25	\$100	12,000	60
\$50	\$50	\$100	6,000	120
\$50 w/ GNOME HOME	\$50	\$100	6,000	120
(\$50 w/ GNOME HOME) + \$50		\$100	6,000	120
\$100 w/ GNOME HOME		\$100	6,000	120
\$100		\$100	12,000	60
\$100 × 2		\$200	24,000	30
(\$50 × 2) + (\$25 × 2) + (\$10 × 4)	\$10	\$200	12,000	60
\$100	\$100	\$200	12,000	60
\$100 w/ GNOME HOME	\$100	\$200	12,000	60
(\$100 w/ GNOME HOME) + \$100		\$200	24,000	30
\$200 w/ GNOME HOME		\$200	24,000	30
\$200		\$200	24,000	30
\$200 × 2	\$100	\$500	144,000	5
(\$100 × 4) + (\$25 × 4)		\$500	144,000	5
\$500 w/ GNOME HOME		\$500	144,000	5
\$500		\$500	144,000	5
\$10,000		\$10,000	144,000	5

When there is a winning match in the YOUR NUMBERS area below AND a prize amount appears in the POM POM PLU\$ area above, add the prize shown to the TOTAL WON and win that amount! POM POM PLU\$ cannot be won alone. NO PLACE LIKE GNOME: When a "GNOME HOME" (GNMHM) symbol appears in the YOUR NUMBERS area, win prize shown under that symbol automatically!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's Ugly Sweater Second-Chance Drawing for qualifying Fast Play lottery game tickets ("Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5213 Naughty or Nice (\$10), PA-5214 Let it Snow (\$5), PA-5215 Gnome for the Holidays (\$2) and PA-5216 Candy Cane Lane (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.PAiLottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.PAiLottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for

iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(7) Only one claimant per entry allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Ugly Sweater Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 4:59:59 a.m. November 7, 2023, through 11:59:59 p.m. January 4, 2024, will be entered into the Drawing tentatively scheduled to be held between January 5, 2024 and January 22, 2024.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5213 Naughty or Nice (\$10) = ten entries, PA-5214 Let it Snow (\$5) = five entries, PA-5215 Gnome for the Holidays (\$2) = two entries and PA-5216 Candy Cane Lane (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$150,000, less required income tax withholding.

(ii) The second through the fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$25,000, less required income tax withholding.

(iii) The sixth through the tenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000, less required income tax withholding.

(iv) The eleventh through the sixtieth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure. Entries not received for any other reason will not be considered entries.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the

operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

#### 10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

#### 11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

#### 12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Gnome for the Holidays lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Gnome for the Holidays lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *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 Gnome for the Holidays or through normal communications methods.

21. *Applicability:* This notice applies only to the Gnome for the Holidays lottery game announced in this notice.

PATRICK BROWNE,  
Secretary

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## DEPARTMENT OF REVENUE

### Pennsylvania Let it Snow Fast Play Game 5214

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Let it Snow ("Let it Snow"). The game number is PA-5214.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(f) *Play:* A chance to participate in a particular Fast Play lottery game.

(g) *Play Area:* The area on a ticket which contains one or more play symbols.

(h) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(i) *Prize:* A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *SNOW:* A feature of the Let it Snow game, in which when the four letter symbols in the "YOUR NUMBERS" area correctly spell the word "SNOW," the player adds \$10 to any prize won by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area.

(k) *SNOW ME THE MONEY:* A feature of the Let it Snow game, in which the player wins a prize of \$20 when



five “Snowflake” symbols appear in the “YOUR NUMBERS” area. SNOW ME THE MONEY is played separately.

(k) *WINNING NUMBERS*: The numbers symbols found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(l) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The number symbols found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Let it Snow ticket is \$5.

4. *Description of the Let it Snow Fast Play lottery game*:

(a) The Let it Snow lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Let it Snow tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Let it Snow is played by matching any of the number symbols located in the “YOUR NUMBERS” area to any of the number symbols located in the “WINNING NUMBERS” area. A player matching symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” number symbol. Whenever the four letter symbols in the “YOUR NUMBERS” area correctly spell the word “SNOW”, the player increases any prize won by matching any of the number symbols located in the “YOUR NUMBERS” area to any of the number symbols located in the “WINNING NUMBERS” area by \$10. A bet slip is not used to play this game.

(c) Let it Snow tickets contain a “SNOW ME THE MONEY” area. Whenever five Snowflake symbols appear in the “YOUR NUMBERS” area, the player wins a prize of \$20. “SNOW ME THE MONEY” is played separately.

(d) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(e) Let it Snow tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Let it Snow ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Let it Snow ticket and select the Let it Snow option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Let it Snow ticket characteristics*:

(a) Let it Snow tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Let it Snow tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area

and a “SNOW ME THE MONEY” 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 (TWNIN) and 30 (THIRT). The “YOUR NUMBERS” number symbols and their captions, the “SNOW” letter symbols, and the “SNOW ME THE MONEY” play symbols 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 (TWNIN), 30 (THIRT), S symbol, N symbol, O symbol, W symbol and a Snowflake symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$75,000 (SVYFIVTHO).

(d) *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$20, \$30, \$50, \$100, \$500, \$1,000 and \$75,000. The prize that can be won in the “SNOW ME THE MONEY” area is \$20. Let it Snow also contains a feature that can increase the prize won. 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 chances of winning). A player can win up to 14 times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 600,000 tickets will be available for sale for the Let it Snow lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct an Ugly Sweater Second-Chance Drawing for which non-winning Let it Snow lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All Let it Snow prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$75,000 (SVYFIVTHO) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$75,000.

(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, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols 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, and upon which “SNOW” is correctly spelled in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$510.

(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 \$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 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, and upon which “SNOW” is correctly spelled in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$110.

(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 \$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.

(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 \$50<sup>00</sup> (FIFTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which SNOW appears in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$60.

(i) 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.

(j) 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, and upon which “SNOW” is correctly spelled in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$40.

(k) 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.

(l) 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, and upon which “SNOW” is correctly spelled in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$30.

(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 \$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.

(n) 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, and upon which “SNOW” is correctly spelled in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which five “Snowflake” symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$20.

(p) 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, and upon which “SNOW” is correctly spelled in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$15.

(q) 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.

(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 \$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.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“SNOW ME THE MONEY”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$5		\$5	9.52	63,000
\$5 × 2		\$10	28.57	21,000
\$10		\$10	28.57	21,000
\$5 × 4		\$20	200	3,000
\$10 × 2		\$20	125	4,800
(\$5 × 2) + \$10		\$20	125	4,800
	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$20	100	6,000

## NOTICES

6967

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"SNOW ME THE MONEY":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
SNOW w/ \$10		\$20	82.64	7,260
\$20		\$20	200	3,000
\$10 × 3		\$30	1,000	600
(\$5 × 2) + \$20		\$30	500	1,200
\$5 × 2	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$30	1,000	600
\$10	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$30	909.09	660
SNOW w/ (\$5 × 2)		\$30	1,000	600
SNOW w/ \$20		\$30	1,000	600
\$30		\$30	1,000	600
(\$10 × 3) + \$20		\$50	2,000	300
(\$20 × 2) + \$10		\$50	1,000	600
\$30 + \$20		\$50	2,000	300
(\$5 × 4) + \$10	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$50	2,000	300
\$20 + \$10	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$50	2,000	300
\$30	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$50	1,000	600
SNOW w/ (\$5 × 2)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$50	666.67	900
SNOW w/ ((\$5 × 2) + \$10)		\$50	666.67	900
SNOW w/ (\$20 + \$10)		\$50	1,000	600
\$50		\$50	2,000	300
\$20 × 5		\$100	24,000	25
\$50 × 2		\$100	24,000	25
(\$20 × 3) + (\$10 × 3) + (\$5 × 2)		\$100	24,000	25
(\$30 × 2) + (\$20 × 2)		\$100	24,000	25
(\$5 × 4) + \$30 + \$20 + \$10	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$100	8,000	75
(\$10 × 4) + (\$5 × 4) + \$20	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$100	7,059	85
(\$20 × 3) + (\$10 × 2)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$100	6,000	100
(\$30 × 2) + (\$5 × 4)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$100	6,000	100
\$50 + \$30	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$100	6,000	100

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"SNOW ME THE MONEY":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
SNOW w/ (\$10 × 4)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$100	4,800	125
SNOW w/ ((\$20 × 2) + \$10)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$100	4,800	125
SNOW w/ ((\$30 × 2) + \$10)		\$100	4,800	125
SNOW w/ (\$50 + \$30)		\$100	6,000	100
\$100		\$100	60,000	10
\$100 × 5		\$500	60,000	10
(\$100 × 3) + (\$50 × 2) + (\$20 × 5)		\$500	60,000	10
(\$100 × 4) + (\$20 × 2) + (\$10 × 2) + (\$5 × 2) + \$30		\$500	60,000	10
(\$50 × 6) + (\$30 × 6)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$500	60,000	10
(\$100 × 2) + (\$50 × 4) + (\$20 × 2) + (\$10 × 4)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$500	60,000	10
(\$100 × 4) + (\$20 × 4)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$500	60,000	10
SNOW w/ ((\$100 × 2) + (\$20 × 6) + (\$10 × 4))	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$500	40,000	15
SNOW w/ ((\$100 × 3) + (\$50 × 2) + \$20)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$500	40,000	15
SNOW w/ ((\$100 × 4) + (\$10 × 3))		\$500	40,000	15
\$500		\$500	120,000	5
\$500 × 2		\$1,000	120,000	5
SNOW w/ ((\$50 × 5) + (\$30 × 3) + \$500 + \$20 + \$10)	\$20 w/ 5 SNOWFLAKE SYMBOLS	\$1,000	120,000	5
SNOW w/ ((\$100 × 6) + (\$50 × 5) + \$30)		\$1,000	120,000	5
\$1,000		\$1,000	120,000	5
\$75,000		\$75,000	200,000	3

When "SNOW" appears in the YOUR NUMBERS area below, add \$10 to any prize won!

SNOW ME THE MONEY: When five "SNOWFLAKE" symbols appear in the YOUR NUMBERS area above, win \$20 instantly! SNOW ME THE MONEY is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's Ugly Sweater Second-Chance Drawing for qualifying Fast Play lottery game tickets ("Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5213 Naughty or Nice (\$10), PA-5214 Let it Snow (\$5), PA-5215 Gnome for the Holidays (\$2) and PA-5216 Candy Cane Lane (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.PAiLottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.PAiLottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(7) Only one claimant per entry allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Ugly Sweater Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 4:59:59 a.m. November 7, 2023, through 11:59:59 p.m. January 4, 2024, will be entered into the Drawing tentatively scheduled to be held between January 5, 2024 and January 22, 2024.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5213 Naughty or Nice (\$10) = ten entries, PA-5214 Let it Snow (\$5) = five entries, PA-5215 Gnome for the Holidays (\$2) = two entries and PA-5216 Candy Cane Lane (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$150,000, less required income tax withholding.

(ii) The second through the fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$25,000, less required income tax withholding.

(iii) The sixth through the tenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000, less required income tax withholding.

(iv) The eleventh through the sixtieth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure. Entries not received for any other reason will not be considered entries.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL,

Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

#### 10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

#### 11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

#### 12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Let it Snow lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Let it Snow lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not

exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *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 Let it Snow or through normal communications methods.

21. *Applicability:* This notice applies only to the Let it Snow lottery game announced in this notice.

PATRICK BROWNE,  
Secretary

[Pa.B. Doc. No. 23-1525. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Millionaire Raffle XXXIII Raffle Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle lottery game is Pennsylvania Millionaire Raffle XXXIII.

2. *Price:* The price of one Pennsylvania Millionaire Raffle XXXIII lottery game ticket is \$20.

3. *Ticket sales and drawing date:* Pennsylvania Millionaire Raffle XXXIII lottery game ticket sales will commence on or after November 7, 2023 and will continue until all 500,000 tickets have been sold, or 8:00 p.m. on January 6, 2024, whichever occurs earlier.

4. *Ticket characteristics:* Each Pennsylvania Millionaire Raffle XXXIII lottery game ticket will contain one unique computer-generated eight-digit number between 00000001 and 00500000, the drawing date, amount bet, and validation data.

5. *Prizes:* The prizes that can be won in this raffle lottery game are \$100, \$1,000, \$100,000 and \$1,000,000.

6. *Maximum number of tickets printed and sold for the game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XXXIII lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Weekly Drawings:*

(a) *Conduct of the Weekly Drawings:* The Lottery will conduct eight Weekly Drawings, each of which will award two prizes of \$50,000, for a total of 16 prizes.

(1) Each ticket purchased during the entry period for each Weekly Drawing will be automatically entered into that week's Weekly Drawing, as described in section 7(b) (relating to Weekly Drawing entry periods), as well as the Millionaire Raffle Drawing on January 6, 2024, as described in section 8 (relating to conduct of Millionaire Raffle Drawing).

(2) A computer-generated randomizer will be used to conduct each Weekly Drawing. Two unique eight-digit numbers will be drawn from the range of numbers representing the chances sold during each Weekly Drawing entry period. Each of the two unique eight-digit numbers drawn will be a winning number.

(3) The winning ticket numbers for each Weekly Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(b) *Weekly Drawing entry periods:*

(1) All tickets sold between November 7, 2023, at 4:59:59 a.m. and November 13, 2023 at 11:59:59 p.m. will be entered into Weekly Drawing 1, held between November 14, 2023 and November 20, 2023, with winners announced by November 20, 2023.

(2) All tickets sold between November 14, 2023 at 12:00:00 a.m. and November 20, 2023 at 11:59:59 p.m. will be entered into Weekly Drawing 2, held between November 21, 2023 and November 28, 2023, with winners announced by November 28, 2023.

(3) All tickets sold between November 21, 2023 at 12:00:00 a.m. and November 27, 2023 at 11:59:59 p.m. will be entered into Weekly Drawing 3, held between November 28, 2023 and December 4, 2023, with winners announced by December 4, 2023.

(4) All tickets sold between November 28, 2023 at 12:00:00 a.m. and December 4, 2023 at 11:59:59 p.m. will be entered into Weekly Drawing 4, held between December 5, 2023 and December 11, 2023, with winners announced by December 11, 2023.

(5) All tickets sold between December 5, 2023 at 12:00:00 a.m. and December 11, 2023 at 11:59:59 p.m. will be entered into Weekly Drawing 5, held between December 12, 2023 and December 18, 2023, with winners announced by December 18, 2023.

(6) All tickets sold between December 12, 2023 at 12:00:00 a.m. and December 18, 2023 at 11:59:59 p.m. will be entered into Weekly Drawing 6, held between December 19, 2023 and December 26, 2023, with winners announced by December 26, 2023.

(7) All tickets sold between December 19, 2023 at 12:00:00 a.m. and December 25, 2023 at 11:59:59 p.m. will be entered into Weekly Drawing 7, held between December 26, 2023 and January 2, 2024, with winners announced by January 2, 2024.

(8) All tickets sold between December 26, 2023 at 12:00:00 a.m. and January 1, 2024 at 11:59:59 p.m. will be entered into Weekly Drawing 8, held between January 2, 2024 and January 6, 2024, with winners announced by January 6, 2024.

(9) All tickets sold after January 1, 2024 at 11:59:59 p.m. will only be eligible for the Millionaire Raffle drawing.

(c) *Determination of Weekly Drawing prize winners:*

(1) The first and second unique eight-digit numbers drawn from among the tickets automatically entered into each of the Weekly Drawings will be winning numbers

and the holders of the tickets that match either of those winning numbers shall be entitled to a prize of \$50,000.

(2) The tickets bearing the winning numbers from each Weekly Drawing shall be ineligible to win a prize in any subsequent Weekly Drawing, but shall be entered into the Millionaire Raffle Drawing, as described in section 8 (relating to conduct of Millionaire Raffle Drawing) and shall be eligible to win a prize described in section 9 (relating to determination of Millionaire Raffle Drawing prize winners).

(d) *Conduct of Weekly Drawings in the event that all tickets are sold:*

(1) If all lottery raffle game tickets are sold during any of the Weekly Drawing entry periods described in section 7(b) (relating to Weekly Drawing entry periods), the Lottery will conduct the Weekly Drawing for that entry period from among all tickets sold during that entry period. For all subsequent Weekly Drawings, all non-winning tickets from the prior Weekly Drawing(s) will be eligible to be entered into any remaining Weekly Drawings, subject to section 7(d)(2).

(2) A winning ticket selected in any Weekly Drawing conducted under subsection 7(d) (relating to conduct of Weekly Drawings in the event that all tickets are sold) will be ineligible to win in any subsequent Weekly Drawings conducted under this subsection.

(e) The odds of an entry being selected in each Weekly Drawing depends upon the number of tickets sold during the entry period for each Weekly Drawing.

(f) The entry periods for the Weekly Drawings will be posted to the Pennsylvania Lottery's publicly accessible web site.

8. *Conduct of Millionaire Raffle Drawing:* The results of the Pennsylvania Millionaire Raffle XXXIII lottery game will be posted to the Lottery's publicly accessible web site on January 6, 2024, after 10:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers. A player may only win one time on each ticket or chance for the Millionaire Raffle Drawing.

9. *Determination of Millionaire Raffle Drawing prize winners:*

(a) Holders of tickets upon which the unique eight-digit number exactly matches one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number exactly matches one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number exactly matches one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.



(d) Holders of tickets upon which the unique eight-digit number exactly matches one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

<i>Ticket Matching Exactly the Unique Eight-digit Number Drawn:</i>	<i>Win Prize Of:</i>	<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners:</i>
First-Prize-Tier	\$1,000,000	125,000	4
Second-Prize-Tier	\$100,000	125,000	4
Third-Prize-Tier	\$1,000	5,000	100
Fourth-Prize-Tier	\$100	84.86	5,892

The odds of winning are based on selling all 500,000 tickets. If all 500,000 tickets are not sold, the odds of winning will depend on the total number of tickets sold. All Pennsylvania Millionaire Raffle XXXIII lottery game prize payments, including first-prize-tier prizes, will be made as one-time, lump-sum cash payments. All required income tax withholding will be automatically deducted from the lump-sum cash payment for all first-prize-tier and second-prize-tier prizes.

11. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XXXIII lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote the Pennsylvania Millionaire Raffle XXXIII lottery game or through normal communications methods.

12. *Retailer Bonus:* The Lottery in its sole discretion may offer a retailer bonus in connection with the sale of Pennsylvania Millionaire Raffle XXXIII 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. A Lottery retailer is entitled only to the largest bonus for which they qualify for on a winning ticket. A bonus will be initiated for payment after the winning ticket is claimed and validated or approximately 30 days after the date of the drawing in which the winning ticket was entered, provided that Lottery security can and has verified the sales transaction as valid. A bonus will not be awarded to a Lottery retailer that sells a Pennsylvania Lottery Millionaire Raffle XXXIII ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize in that second-chance drawing or promotion.

13. *Promotional Drawings:* The Pennsylvania Lottery may conduct promotional drawings associated with the Pennsylvania Millionaire Raffle XXXIII lottery game. If the Lottery does conduct such a promotional drawing, Pennsylvania Millionaire Raffle XXXIII lottery game tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Pennsylvania Millionaire

10. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XXXIII lottery game prizes and determination of winners are as follows:

Raffle XXXIII drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible web site. A copy of the same will also be kept on file with the Lottery and will be available upon request.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XXXIII lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

15. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XXXIII lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Pennsylvania Millionaire Raffle XXXIII lottery game. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Raffle XXXIII lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

16. *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.

PATRICK BROWNE,  
*Secretary*

[Pa.B. Doc. No. 23-1526. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Naughty or Nice Fast Play Game 5213

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Naughty or Nice ("Naughty or Nice"). The game number is PA-5213.

## 2. Definitions:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *HO HO HUNDRED*: The area at the bottom of a Naughty or Nice Fast Play lottery game ticket containing one play symbol that, when a Cookie and Milk (Win100) symbol appears, automatically awards the player a prize of \$100. "HO HO HUNDRED" is played separately.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *NAUGHTY OR NICE*: A feature of the Naughty or Nice Fast Play lottery game ticket, in which the player wins the prize shown in the "NAUGHTY LIST" or the "NICE LIST" when three Coal symbols or three Present symbols, respectively, appear in the "YOUR NUMBERS" area.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WINNING NUMBERS*: The numbers symbols found in the play area that, when matched against the number symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The numbers symbols found in the play area that, when matched against the number symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Naughty or Nice ticket is \$10.

4. *Description of the Naughty or Nice Fast Play lottery game*:

(a) The Naughty or Nice lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Naughty or Nice tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an autho-

rized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Naughty or Nice is played by matching any of the number symbols located in the "YOUR NUMBERS" area to any of the number symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" number symbol. A bet slip is not used to play this game.

(c) Naughty or Nice tickets contain a "NAUGHTY OR NICE" area. Whenever three Present symbols appear in the "YOUR NUMBERS" area, the player wins the prize shown in the "NICE LIST" area. Whenever three Coal symbols appear in the "YOUR NUMBERS" area, the player wins the prize shown in the "NAUGHTY LIST" area. "NAUGHTY OR NICE" is played separately.

(d) Naughty or Nice tickets also contain a "HO HO HUNDRED" area. Whenever a Cookie and Milk (WIN100) symbol appears in the "HO HO HUNDRED" area, the player wins a prize of \$100. "HO HO HUNDRED" is played separately.

(e) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(f) Naughty or Nice tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(g) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Naughty or Nice ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(h) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Naughty or Nice ticket and select the Naughty or Nice option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

## 5. Naughty or Nice ticket characteristics:

(a) Naughty or Nice tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Naughty or Nice tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, a "NAUGHTY OR NICE" area featuring a "NAUGHTY LIST" area and a "NICE LIST" area, and a "HO HO HUNDRED" area. "NAUGHTY OR NICE" is played separately. "HO HO HUNDRED" is played separately. The number symbols and their captions located in the "WINNING NUMBERS" area and the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The "NAUGHTY OR NICE" play symbols, located in the "YOUR NUMBERS" area, are: Coal symbol and a Present symbol. The play symbols and their captions, located in the "HO HO HUNDRED" area, are: Reindeer (NOWIN) symbol, Santa Hat (NOWIN) symbol, Stocking (NOWIN) symbol, Tree (NOWIN) symbol and a Cookie and Milk (WIN100) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$150,000 (ONEFTYTHO). The prize symbols and their captions, located in the “NAUGHTY LIST” area and the “NICE LIST” area, are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

(d) *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$50, \$100, \$500, \$1,000, \$5,000 and \$150,000. The prizes that can be won in the “NAUGHTY OR NICE” area, are: \$10, \$15, \$20, \$30, \$50, \$100, \$500 and \$1,000. The prize that can be won in the “HO HO HUNDRED” area is \$100. A player can win up to 17 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 600,000 tickets will be available for sale for the Naughty or Nice lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct an Ugly Sweater Second-Chance Drawing for which non-winning Naughty or Nice lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All Naughty or Nice prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$150,000 (ONEFTYTHO) appears in the Prize area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$150,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$5,000 (FIV THO) appears in the Prize area under the matching “YOUR NUMBERS” number 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” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$1,000 (ONE THO) appears in the Prize area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which three Coal symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “NAUGHTY LIST” area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which three Present symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “NICE LIST” area, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$500 (FIV HUN) appears in the Prize area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which three Coal symbols appear in the “YOUR NUMBERS” area and a prize

symbol of \$500 (FIV HUN) appears in the “NAUGHTY LIST” area, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which three Present symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “NICE LIST” area, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which a Cookie and Milk (WIN100) symbol appears in the “HO HO HUNDRED” area, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which three Coal symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “NAUGHTY LIST” area, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which three Present symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “NICE LIST” area, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the Prize area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which three Coal symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “NAUGHTY LIST” area, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which three Present symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “NICE LIST” area, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the Prize area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$30.

(r) Holders of tickets upon which three Coal symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “NAUGHTY LIST” area, on a single ticket, shall be entitled to a prize of \$30.

(s) Holders of tickets upon which three Present symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “NICE LIST” area, on a single ticket, shall be entitled to a prize of \$30.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the Prize area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which three Coal symbols appear in the "YOUR NUMBERS" area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "NAUGHTY LIST" area, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which three Present symbols appear in the "YOUR NUMBERS" area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "NICE LIST" area, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any of the "YOUR NUMBERS" number symbols match any of the "WINNING NUMBERS" number symbols and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the Prize area under the matching "YOUR NUMBERS" number symbol, on a single ticket, shall be entitled to a prize of \$15.

(x) Holders of tickets upon which three Coal symbols appear in the "YOUR NUMBERS" area and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "NAUGHTY LIST" area, on a single ticket, shall be entitled to a prize of \$15.

(y) Holders of tickets upon which three Present symbols appear in the "YOUR NUMBERS" area and a prize

symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "NICE LIST" area, on a single ticket, shall be entitled to a prize of \$15.

(z) Holders of tickets upon which any of the "YOUR NUMBERS" number symbols match any of the "WINNING NUMBERS" number symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the Prize area under the matching "YOUR NUMBERS" number symbol, on a single ticket, shall be entitled to a prize of \$10.

(aa) Holders of tickets upon which three Coal symbols appear in the "YOUR NUMBERS" area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "NAUGHTY LIST" area, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets upon which three Present symbols appear in the "YOUR NUMBERS" area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "NICE LIST" area, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"HO HO HUNDRED":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$10 w/ 3—PRESENT SYMBOLS		\$10	20	30,000
\$10 w/ 3—COAL SYMBOLS		\$10	20	30,000
\$10		\$10	100	6,000
\$15 w/ 3—PRESENT SYMBOLS		\$15	50	12,000
\$15 w/ 3—COAL SYMBOLS		\$15	50	12,000
\$15		\$15	100	6,000
\$10 × 2		\$20	200	3,000
(\$10 w/ 3—PRESENT SYMBOLS) + \$10		\$20	50	12,000
(\$10 w/ 3—COAL SYMBOLS) + \$10		\$20	50	12,000
\$20 w/ 3—PRESENT SYMBOLS		\$20	66.67	9,000
\$20 w/ 3—COAL SYMBOLS		\$20	66.67	9,000
\$20		\$20	200	3,000
\$10 × 3		\$30	1,000	600
\$15 × 2		\$30	1,000	600
\$20 + \$10		\$30	1,000	600
(\$20 w/ 3—PRESENT SYMBOLS) + \$10		\$30	200	3,000
(\$20 w/ 3—COAL SYMBOLS) + \$10		\$30	200	3,000
\$30 w/ 3—PRESENT SYMBOLS		\$30	200	3,000
\$30 w/ 3—COAL SYMBOLS		\$30	200	3,000
\$30		\$30	1,000	600
\$10 × 5		\$50	1,000	600
(\$15 × 2) + (\$10 × 2)		\$50	1,000	600
(\$20 × 2) + \$10		\$50	1,000	600
(\$15 w/ 3—PRESENT SYMBOLS) + \$20 + \$15		\$50	500	1,200

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"HO HO HUNDRED":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
(\$15 w/ 3—COAL SYMBOLS) + (\$10 × 2) + \$15		\$50	500	1,200
(\$30 w/ 3—PRESENT SYMBOLS) + (\$10 × 2)		\$50	500	1,200
(\$30 w/ 3—COAL SYMBOLS) + (\$10 × 2)		\$50	500	1,200
\$50 w/ 3—PRESENT SYMBOLS		\$50	500	1,200
\$50 w/ 3—COAL SYMBOLS		\$50	500	1,200
\$50		\$50	1,000	600
\$20 × 5		\$100	1,846	325
\$50 × 2		\$100	2,400	250
(\$20 × 2) + (\$15 × 2) + (\$10 × 3)		\$100	2,400	250
(\$10 w/ 3—PRESENT SYMBOLS) + (\$20 × 2) + (\$10 × 5)		\$100	2,400	250
(\$10 w/ 3—COAL SYMBOLS) + (\$15 × 2) + (\$10 × 4) + \$20		\$100	2,400	250
(\$50 w/ 3—PRESENT SYMBOLS) + (\$10 × 5)		\$100	2,400	250
(\$50 w/ 3—COAL SYMBOLS) + (\$20 × 2) + \$10		\$100	2,400	250
\$100 w/ 3—PRESENT SYMBOLS		\$100	2,400	250
\$100 w/ 3—COAL SYMBOLS		\$100	2,400	250
	\$100 w/ COOKIE AND MILK	\$100	1,200	500
\$100		\$100	2,667	225
\$100 × 5		\$500	12,000	50
(\$50 × 5) + (\$30 × 5) + (\$20 × 5)		\$500	12,000	50
(\$50 × 6) + (\$20 × 5)	\$100 w/ COOKIE AND MILK	\$500	8,000	75
(\$100 × 2) + (\$50 × 2) + (\$15 × 4) + (\$10 × 4)	\$100 w/ COOKIE AND MILK	\$500	8,000	75
(\$100 w/ 3—PRESENT SYMBOLS) + (\$50 × 2) + (\$30 × 3) + (\$20 × 5) + \$10	\$100 w/ COOKIE AND MILK	\$500	8,000	75
(\$100 w/ 3—COAL SYMBOLS) + (\$100 × 2) + (\$30 × 2) + (\$20 × 2)	\$100 w/ COOKIE AND MILK	\$500	8,000	75
(\$100 w/ 3—PRESENT SYMBOLS) + (\$50 × 3) + (\$30 × 5)	\$100 w/ COOKIE AND MILK	\$500	8,000	75
(\$100 w/ 3—COAL SYMBOLS) + (\$50 × 6)	\$100 w/ COOKIE AND MILK	\$500	8,000	75
\$500 w/ 3—PRESENT SYMBOLS		\$500	12,000	50
\$500 w/ 3—COAL SYMBOLS		\$500	12,000	50
\$500		\$500	24,000	25
\$500 × 2		\$1,000	30,000	20
(\$100 × 3) + (\$50 × 4) + \$500		\$1,000	30,000	20
(\$100 w/ 3—PRESENT SYMBOLS) + (\$100 × 5) + (\$50 × 4) + (\$20 × 5)	\$100 w/ COOKIE AND MILK	\$1,000	24,000	25
(\$100 w/ 3—COAL SYMBOLS) + (\$20 × 5) + (\$10 × 5) + \$500 + \$100 + \$50	\$100 w/ COOKIE AND MILK	\$1,000	24,000	25

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"HO HO HUNDRED":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
(\$500 w/ 3—PRESENT SYMBOLS) + (\$100 × 2) + (\$50 × 4)	\$100 w/ COOKIE AND MILK	\$1,000	24,000	25
(\$500 w/ 3—COAL SYMBOLS) + (\$100 × 2) + (\$20 × 5) + (\$15 × 4) + (\$10 × 4)	\$100 w/ COOKIE AND MILK	\$1,000	24,000	25
\$1,000 w/ 3—PRESENT SYMBOLS		\$1,000	30,000	20
\$1,000 w/ 3—COAL SYMBOLS		\$1,000	120,000	5
\$1,000		\$1,000	120,000	5
\$1,000 × 5		\$5,000	120,000	5
(\$1,000 w/ 3—PRESENT SYMBOLS) + (\$1,000 × 2) + (\$500 × 3) + (\$100 × 4)	\$100 w/ COOKIE AND MILK	\$5,000	120,000	5
(\$1,000 w/ 3—COAL SYMBOLS) + (\$500 × 5) + (\$100 × 4) + \$1,000	\$100 w/ COOKIE AND MILK	\$5,000	120,000	5
\$5,000		\$5,000	120,000	5
\$150,000		\$150,000	200,000	3

When 3 "COAL" symbols appear below, win the NAUGHTY LIST prize shown.

When 3 "PRESENT" symbols appear below, win the NICE LIST prize shown.

HO HO HUNDRED: When a "COOKIE AND MILK" (WIN100) symbol appears, win \$100 instantly! HO HO HUNDRED is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's Ugly Sweater Second-Chance Drawing for qualifying Fast Play lottery game tickets ("Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5213 Naughty or Nice (\$10), PA-5214 Let it Snow (\$5), PA-5215 Gnome for the Holidays (\$2) and PA-5216 Candy Cane Lane (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.PAiLottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.PAiLottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(7) Only one claimant per entry allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Ugly Sweater Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 4:59:59 a.m. November 7, 2023, through 11:59:59 p.m. January 4, 2024, will be entered into the Drawing tentatively scheduled to be held between January 5, 2024 and January 22, 2024.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5213 Naughty or Nice (\$10) = ten entries, PA-5214 Let it Snow (\$5) = five entries, PA-5215 Gnome for the Holidays (\$2) = two entries and PA-5216 Candy Cane Lane (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$150,000, less required income tax withholding.

(ii) The second through the fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$25,000, less required income tax withholding.

(iii) The sixth through the tenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000, less required income tax withholding.

(iv) The eleventh through the sixtieth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure. Entries not received for any other reason will not be considered entries.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will

be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent



residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Naughty or Nice lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Naughty or Nice lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *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 Naughty or Nice or through normal communications methods.

21. *Applicability:* This notice applies only to the Naughty or Nice lottery game announced in this notice.

PATRICK BROWNE,  
*Secretary*

[Pa.B. Doc. No. 23-1527. Filed for public inspection November 3, 2023, 9:00 a.m.]

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## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department:

State Route 3011 Sec 270 Keyser Avenue (formerly LR35013), Parcel Nos. 16—18, Property Identification Nos. 13407010002—13407010005, City of Scranton, Lackawanna County. Parcels are being sold as an assemblage. This parcel contains 22,242.21 square feet or 0.51 acre of unimproved land situated on Keyser Avenue. The property will be sold in as is condition. The estimated fair market value of the parcel is \$56,000. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Ralph Del Rosso, Right-of-Way Administrator, Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-1528. Filed for public inspection November 3, 2023, 9:00 a.m.]

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### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

State Route 3016-009, Parcel 64, Geistown Borough, Cambria County. This parcel contains approximately 0.434 acre of improved land. The improvements are a former ice cream parlor and a parking lot. The property will be sold in as is condition. The estimated fair market value of the parcel is \$95,000. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice in the *Pennsylvania Bulletin* to Vince Greenland, PE, Acting District Executive, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

Questions regarding this application or the proposed use may be directed to Robert Lynn, Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648, (814) 317-1674, ROLYNN@pa.gov.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-1529. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Green Light—Go: Pennsylvania's Municipal Signal Partnership Program; Invitation to Submit Applications

Under 74 Pa.C.S. Chapter 92 (relating to traffic signals) and 75 Pa.C.S. § 9511(e.1) (relating to allocation of proceeds), the Department of Transportation (Department) established the Green Light—Go: Pennsylvania's Municipal Partnership Program, also known as the Green Light—Go Program. The Green Light—Go Program is a competitive application and reimbursement grant program whereby municipalities and metropolitan or rural planning organizations can request financial assistance to replace, synchronize, time, operate and maintain traffic signals. A 20% match from grantees is required under 75 Pa.C.S. § 9511(e.1)(4).

During Fiscal Year 2023-2024, it is anticipated approximately \$40 million will be available to municipalities and metropolitan or rural planning organizations for upgrading traffic signals to light-emitting diode technology and intelligent transportation applications, such as autonomous and connected vehicle-related technology, performing regional operations such as retiming, developing special event plans, monitoring traffic signals and for maintaining and operating traffic signals.

Additional information on eligible Green Light—Go Program projects and the program guidelines can be found on the Department's Traffic Signal web site at <http://www.dot.state.pa.us/signals> including a link to the online electronic application. Supporting documents may be attached to the online application. Only the application and supporting documents attached to the online application will be considered. Paper copies are not required.

The Department invites municipalities and metropolitan or rural planning organizations to submit electronic Green Light-Go Program applications between February 1, 2024, and February 29, 2024. Prior to application

submission, applicants must complete and submit a Pre-Application Project Scoping Form to the Bureau of Operations in accordance with the Green Light—Go Program guidelines. Pre-Application Project scoping forms will be accepted until December 15, 2023. In addition to the electronic application, applicants must update information in the Department's Traffic Signal Asset Management System as indicated in the Green Light—Go Program guidelines posted on the Department's Traffic Signal web site.

If municipalities or metropolitan or rural planning organizations are awarded funding, all grant agreements and requests for reimbursement will be processed through the Commonwealth's Electronic Single Application for Assistance system.

Questions should be directed to Michael Centi, Senior Traffic Control Specialist, Bureau of Maintenance and Operations, Department of Transportation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 787-5313, GLG@pa.gov.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-1530. Filed for public inspection November 3, 2023, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Inspection Advisory Board Meeting

The Inspection Advisory Board (Board) will meet on Wednesday, November 8, 2023. The meeting will begin at 11 a.m. at the Riverfront Office Center, Transportation University, Room 409, 1101 South Front Street, Harrisburg, PA. Chairperson Stephen J. Madrak will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to inspection regulations must contact Tim Langletz at (717) 787-2895 by 12 p.m. on Monday, November 6, 2023. These concerns will be discussed during "Items from the Floor" on the agenda. The agenda will be posted a minimum of 24 hours prior to the start of the meeting at [www.dmv.pa.gov](http://www.dmv.pa.gov) in the Inspection Information page under the Vehicles Services tab.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Tim Langletz at (717) 787-2895 prior to the meeting so that disability needs may be accommodated.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-1531. Filed for public inspection November 3, 2023, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Applications

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined, consistent with 58 Pa. Code § 71.7(e)(5), to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments may also be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

The following applications to stock triploid grass carp in waters having a surface area of greater than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Rocco Ali Apollo Spring Church Sportsman's Club	Apollo Spring Church Sportsman's Club Lake 40° 36' 7" -79° 28' 18"	Kiskiminetas Township Armstrong County	17 acre lake that drains to unnamed tributary (UNT) to Roaring Run to Roaring Run to Kiskiminetas River to Allegheny River	Naiads ( <i>Najas spp.</i> ) and Elodea ( <i>Elodea spp.</i> )
Steven Yarmosh	Penn Vista Lake 41° 15' 48" -75° 16' 44"	Greene Township Pike County	10.7 acre lake that drains to UNT to Mozette Creek to Wallenpaupack Creek to Delaware River	Common Elodea ( <i>Elodea canadensis</i> ) and Coontail ( <i>Ceratophyllum demersum</i> )

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 23-1532. Filed for public inspection November 3, 2023, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
63-08	State Ethics Commission Technical Revisions for Statutory Consistency, Clarity and Modernization	10/18/23	12/07/23

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 23-1533. Filed for public inspection November 3, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Autism Spectrum Disorders Coverage and Parity; Notice 2023-16

This notice is issued to advise all entities who provide health insurance and are subject to section 635.2 of The Insurance Company Law of 1921 (added by section 2 of Act 62 of 2008) (Act 62) (40 P.S. § 764h) of their obligations under Commonwealth law in the provision of health insurance policy coverage for autism benefits. Section 635.2 of The Insurance Company Law of 1921 requires coverage of the diagnostic assessment and treatment of autism spectrum disorders by certain group insurance policies or contracts. The Insurance Department (Department) has monitored the provision of autism services, including whether they have been covered as a mental health condition subject to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Eq-

uity Act of 2008 (MHPAEA) (42 U.S.C. § 300gg-26), adopted into State law by the act of March 22, 2010 (Pub.L. 147, No. 14) (Act 14) (40 P.S. §§ 908-11—908-16), which amended The Insurance Company Law of 1921 to add Article VI-B.

The Department is of the view that treating autism as a mental health condition is consistent with the Diagnostic and Statistical Manual of Mental Disorders (DSM) in effect at the time of enactment of Act 62, MHPAEA and Act 14, as well as “generally recognized independent standards of current medical practice,” including both the current edition of the DSM and the current edition of the International Classification of Diseases, as specified in the Federal mental health parity regulatory definition of “mental health benefits,” 45 CFR 146.136(a) (relating to parity in mental health and substance use disorder benefits). See also Requirements Related to the Mental Health Parity and Addiction Equity Act, 88 FR 51552 (August 3, 2023) (to be codified at, inter alia, 45 CFR

Parts 146 and 147 (relating to requirements for the group health insurance market; and health insurance reform requirements for the group and individual health insurance markets)). The DSM is the authoritative source under the Commonwealth's autism law in section 635.2(f)(3) of The Insurance Company Law of 1921.

Most of the major health insurers offering comprehensive health insurance in this Commonwealth already treat autism as a mental health condition, subject to parity requirements. The Department expects that any insurer not currently doing so will be able to promptly adjust its health insurance policy form language and claims handling processes to provide consumers in this Commonwealth with autism with the protections afforded by the mental health parity provisions. The Department anticipates that by no later than January 1, 2024, all insurers offering health insurance policies that include coverage for autism services will handle claims for those services in a manner that complies with MHPAEA.

Questions regarding this notice may be directed to the Bureau of Life, Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, ra-rateform@pa.gov.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-1534. Filed for public inspection November 3, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The proceedings will be governed in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held virtually by means of Zoom. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for December 1, 2023, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 29, 2023.

The video hearing will be held on December 13, 2023, at 10 a.m. The parties and their representatives and witnesses shall join the Zoom hearing through the link supplied in the invitation. The Administrative Hearings Office may be contacted at (717) 783-2126 or ra-hearings@pa.gov.

Appeal of Trina Fletcher; Liberty Mutual Personal Insurance Company; File No. 23-115-285041; Doc. No. P23-09-001.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner)

will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-1535. Filed for public inspection November 3, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Generation Supplier License Cancellation of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held  
October 19, 2023

*Commissioners Present:* Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Electric Generation Supplier License Cancellation of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language;*  
M-2023-3037455

#### Tentative Order

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal

proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of October 10, 2023, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

*Supplier Table—List of Electric Generation Suppliers*

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2016-2577373	BLUE SKY POWER, LLC	10/1/2023	Yes
A-2018-3000917	GLOBAL ENERGY, LLC	9/27/2023	Yes
A-2015-2470044	LOWER WATT, LLC	9/22/2023	Yes
A-2022-3037347	OPTIMUM ENERGY GROUP, LLC	10/6/2023	Yes

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2023-3037455 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at [http://www.puc.pa.gov/filing\\_resources.aspx](http://www.puc.pa.gov/filing_resources.aspx). Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov) rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: October 19, 2023

ORDER ENTERED: October 19, 2023

[Pa.B. Doc. No. 23-1536. Filed for public inspection November 3, 2023, 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 November 20, 2023. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by November 20, 2023. 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 listed docket number as follows 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-2023-3043495. Elite Rides Limo Service, LLC, t/a Elite Rides** (561 Quail Ridge Lane, Stroudsburg, Monroe County, PA 18360) to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties in Carbon, Lehigh, Monroe and Northampton, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2023-3043587. Angela's County Taxi, LLC** (777 Corporation Street, P.O. Box 471, Beaver Falls, Beaver County, PA 15009-1063) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Warren, Washington and Westmoreland, to points in Pennsylvania, and return. *Attorney:* William H. Stewart, III, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2023-3043591. Call-A-Car, Inc.** (1163 Miller Road, Lake Ariel, Wayne County, PA 18436) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Carbon, Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming, to points in Pennsylvania, and return.

**A-2023-3043597. Lavaughn L. Shaffer and Shirley J. Shaffer** (344 Shaffer Road, Mount Pleasant Mills, Snyder County, PA 17853) to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Snyder County, to points in Pennsylvania, and return.

**A-2023-3043630. Alfa Motors, LLC, t/a Alfa Limo** (108 Spring Flower Court, Huntingdon Valley, Montgomery County, PA 19006) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks, Chester, Delaware, Lehigh and Montgomery, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David Temple, Esquire, 111 Buck Road, Building 500, Suite 1, Huntingdon Valley, PA 19006.

**A-2023-3043739. Adam's PA Transportation, LLC** (101 West Broad Street, Suite 504, Hazleton, Luzerne County, PA 18201) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Adams, Butler, Erie, Greene, Huntingdon and Lycoming, and the City and County of Philadelphia, to points in Pennsylvania, and return.

### Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

**A-2023-3043432. Movers—R—Us, LLC** (45 East City Avenue, Suite # 318, Bala Cynwyd, Montgomery County, PA 19004) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-1537. Filed for public inspection November 3, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Water Service

**A-2023-3043438. Pennsylvania-American Water Company.** In the matter of the application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish and supply water service to the public in an additional portion of Robinson and Smith Townships, Washington County, Old Steubenville Pike and Campbell Road.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 20, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

*Applicant:* Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055

*Through and By Counsel for:* Elizabeth Rose Triscari, Esquire, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-1538. Filed for public inspection November 3, 2023, 9:00 a.m.]

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## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with

52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than November 20, 2023. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Peter Carnival at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-23-10-03. NFGS Taxi, LLC** (26 Springton Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 12301 Church Street, Philadelphia, PA 19124.

RICH LAZER,  
*Executive Director*

[Pa.B. Doc. No. 23-1539. Filed for public inspection November 3, 2023, 9:00 a.m.]

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