

PENNSYLVANIA BULLETIN

Volume 53
Saturday, December 2, 2023 • Harrisburg, PA
Number 48
Pages 7347—7558

See Part II page 7485
for the Rules and Regulations
and the Proposed Rulemakings

Part I

Agencies in this issue

The Courts
Department of Agriculture
Department of Banking and Securities
Department of Education
Department of Environmental Protection
Department of Human Services
Department of Revenue
Department of Transportation
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
Public School Employees' Retirement Board
State Athletic Commission
State Board of Education
State Board of Podiatry
State Conservation Commission
Turnpike Commission
Detailed list of contents appears inside.



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

No. 589, December 2023

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE/NEW SUBSCRIPTION

If information on mailing label is incorrect, please email changes to info@pbulletin.com or mail to:

FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name on mailing label)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

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

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198

Copyright © 2023 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 West Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT	
Notice of suspension	7372
JUDICIAL SYSTEM GENERAL PROVISIONS	
Judicial salaries	7359
Proposed amendments to the Pennsylvania Rules of Disciplinary Enforcement relating to conservators for interests of clients	7356
LOCAL COURT RULES	
Berks County	
Amendments to local rules; court of common pleas; No. 23-303	7360
Carbon County	
Amendment of local rule of criminal procedure CARB.R.Crim.P. 106 continuances in summary and court cases (forms); No. CP-13-AD-0000014- 2023	7362
Centre County	
Local rule 1915.4-3 custody conciliation conference; No. 2023-CM-30	7365
Franklin and Fulton Counties	
Adoption of 39th Jud.Dis. Rules Jud.Adm. 4001, 4007 and 4009 and rescission of other rules; administrative order re: AD 114-2023	7367
Luzerne County	
Request to increase fees of that section of the division of judicial services and records, formerly referred to as the office of the clerk of courts; No. 1165 MD 23	7369
Request to increase fees of that section of the division of judicial services and records, formerly referred to as the office of the prothonotary; No. 2023-11567	7370

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF AGRICULTURE	
Notices	
Temporary order designating dangerous transmis- sible diseases	7373
DEPARTMENT OF BANKING AND SECURITIES	
Notices	
Actions on applications	7375
DEPARTMENT OF EDUCATION	
Rules and Regulations	
Charter school and cyber charter school services and programs for children with disabilities; intel- lectual disability terminology update (Part II)	7487
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Notices	
Applications, actions and special notices	7376

DEPARTMENT OF HUMAN SERVICES

Proposed Rulemaking	
Covered outpatient drugs (Part II)	7544
Notices	
Proposed Federal section 1115 demonstration for Medicaid coverage of health-related social needs and continuous eligibility for young children	7448

DEPARTMENT OF REVENUE

Notices	
Pennsylvania A Latte Money fast play game 5221... ..	7449
Pennsylvania A-MAZE-ing Eight fast play game 5220	7453
Pennsylvania Break the Bank fast play game 5219 ..	7459
Pennsylvania Diamonds and Gold fast play game 5217	7464
Pennsylvania Fistful of \$500 fast play game 5218... ..	7470

DEPARTMENT OF TRANSPORTATION

Notices	
State Transportation Advisory Committee meeting ..	7475

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices	
Actions taken by the Commission	7475
Notice of comments issued	7476

INSURANCE DEPARTMENT

Notices	
Coal Mine Compensation Rating Bureau; Workers' Compensation loss cost filing	7476
Review of matters regarding Highmark, Inc., Highmark Health and Allegheny Health Network in connection with the Insurance Department's approving determination and order issued on April 29, 2013 (order No. ID-RC-13-06); notice 2023-17	7476

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Rulemaking	
Initiative to review and revise the Existing Low- Income Usage Reduction Program (LIURP) regu- lations at 52 Pa. Code §§ 58.1—58.18 (Part II) ...	7506

Notices	
Service of notice of motor carrier applications	7477
Service of notice of motor carrier formal complaints ..	7478
Transmission lines; telephonic prehearing confer- ence	7479

PHILADELPHIA PARKING AUTHORITY

Notices	
Service of notice of motor carrier applications in the City of Philadelphia	7479

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Notices	
Hearing scheduled	7480

Available Online at <http://www.pacodeandbulletin.gov>

STATE ATHLETIC COMMISSION

Notices

Public meetings for 2024 7480

STATE BOARD OF EDUCATION

Rules and Regulations

Special education services and programs; intellectual disability terminology update (Part II) 7485

STATE BOARD OF PODIATRY

Proposed Rulemaking

Child abuse reporting requirements (Part II) 7497

STATE CONSERVATION COMMISSION

Notices

Action on odor management plans for concentrated animal operations and concentrated animal feeding operations and volunteers complying with the Commonwealth's Facility Odor Management Program..... 7480

TURNPIKE COMMISSION

Rules and Regulations

Traffic regulations (Part II)..... 7489

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

Subscription Information: (717) 766-0211
General Information and Finding Aids: (717) 783-1530

Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish information except as provided by 1 Pa. Code § 3.44:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the [Legislative Reference] Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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, 7179
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)

Adopted Rules

14	7485
711	7487

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
250	6998
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

7354

25	2963
42	5769, 6837

Proposed Rules

5	4420
21	5776
23	2306
29	7497
45	2316, 2830

Statements of Policy

21	1806
23	6711

52 Pa. Code (Public Utilities)

Proposed Rules

58	7506
62	6860

Statements of Policy

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

55 Pa. Code (Human Services)

Adopted Rules

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

Proposed Rules

15	2169
1101	7544
1121	7544
1141	7544
1142	7544
1144	7544

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, 7022
137	1938
139	1681, 1690
141	1692, 6869, 6870
143	1940, 5001
147	1695

67 Pa. Code (Transportation)

Adopted Rules

601	7489
-----------	------

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

1	7124
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, 7129
33	1394
81	2162, 4385
83	4385, 4405
93	6997
209	2693
211	7359
213	2035, 2702
303	5361, 5708
303a	5361, 5708, 7120, 7285
307	5470
307a	5470
311	5475

Proposed Rules

81	5275
83	7356
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

1	7132
3	2940
5	2940
9	2940, 7132
11	5877, 6696
13	5877
15	5877, 7137
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. I 7138
 Art. II 1051

Proposed Rules

Art. VI 4964

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

100 7143
 200 322, 5105, 5108, 7143
 1000 7143
 1500 5108
 1600 7143
 1915 824
 1920 1161
 2200 7143
 Part II 1052, 3305, 7151, 7156

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, 7160
 3 3403
 4 3403
 5 5885
 6 7160
 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, 7165
 4 5887
 11 1055, 1791, 7165
 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, 7170
 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, 7175, 7176, 7178, 7287, 7360, 7362, 7365, 7367, 7369, 7370

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Conservators for Interests of Clients

Notice of Proposed Rulemaking

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (the "Board") is considering recommending to the Supreme Court of Pennsylvania amendments to Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") 321 through 329.

EXPLANATORY REPORT

When an attorney has been temporarily suspended, abandons his or her practice, disappears, dies, or becomes disabled or incapacitated and there is no other partner or responsible successor to the attorney's law practice, a conservator is appointed by the court to protect the interests of clients. The conservator is often a member of the Pennsylvania bar, but may be the Office of Disciplinary Counsel when no member of the bar can be found to act as conservator. The process and procedure from the appointment of the conservator to discharge of the conservatorship are set forth in Pa.R.D.E. 321 through 329.

The Board proposes amending the conservatorship rules. The principal substantive change is to Pa.R.D.E. 322(d) governing prohibitions on a conservator's representation of the clients of an absent attorney. Current Rule 322(d)(2)(i) prohibits a conservator and by extension his or her partners and associates, from representing the absent attorney's clients on any matter identified during the conservatorship. Current Rule 322(d)(2)(ii) prohibits representation on any other matter for three years after the conservatorship's termination. The Board's concern lies with subparagraph (ii), in that the broad prohibition on the conservator representing a client identified during the conservatorship in any other unrelated matter for three years after the conclusion of the conservatorship may deter lawyers from serving as conservators. This deterrent may be particularly acute for attorneys practicing in less-populated areas, where the lawyer's inability to serve a portion of the population for three years following the conclusion of a conservatorship may well have adverse economic ramifications on that lawyer's practice.

Pennsylvania has a large population of lawyers who practice as sole practitioners and based on statistics gathered by the Board through its work handling conservatorships, the need for conservators is growing. The Board's review of other jurisdictions' conservatorship rules revealed that only Arizona has a similarly broad prohibition to Rule 322(d)(2)(ii). See A.R.S. Sup.Ct.Rules, Rule 67(f)(2)(B). While the prohibition on the conserva-

tor's representation of clients in matters growing out of the conservatorship is necessary for the protection of the absent attorney's clients, we find no public policy reason to support the additional three-year prohibition on representation in wholly unrelated matters post-conservatorship. The Board proposes that the rule be amended to eliminate that provision in an effort to encourage members of the bar to serve as conservators, rather than rely on Office of Disciplinary Counsel to fulfill that function.

Other proposed changes of note are as follows:

Rule 321(b) governing service of the application for appointment of a conservator is amended to provide that in the case of a deceased attorney where no personal representative has been appointed, service is permitted upon a spouse or adult relative by blood of the deceased.

Rule 321(c) governing hearings on the application for appointment of a conservator is amended to provide that a hearing is not necessary if the absent attorney or other interested person concurs with the appointment of the conservator or the averments in the application support the grant of the application without a hearing.

Rule 322(c)(2) governing notice to clients is amended to provide that at a minimum, the required notice by publication to clients of the appointment of a conservator and related information must appear on one day in each of a newspaper of general circulation and the legal journal in the county in which the absent attorney maintained a principal office.

Rule 322(c)(3) governing return and destruction of files is amended to require that a conservator maintain an electronic record of the receipts executed by clients or substitute counsel upon return of the files, and eliminates the requirement that the conservator deliver such receipts to the appointing court at the time of filing for discharge of the conservatorship.

Rule 325 governing duration of a conservatorship is amended to change the current appointment duration from six months to nine months, and to allow the appointing court the power to grant one or more extensions, each extension not to exceed six months.

Rule 327 governing liability of a conservator is amended to clarify that a conservator appointed under the Enforcement Rules is immune from civil suit brought by or on behalf of the absent attorney.

Lastly, the Board's proposal adds sub-headings to paragraphs for clarity.

Interested persons are invited to submit written comments, suggestions or objections by mail, email or facsimile to the Executive Office, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, facsimile number (717-231-3381), email address Dboard.comments@pacourts.us on or before January 2, 2024.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter C. DISABILITY AND RELATED MATTERS

CONSERVATORS FOR INTERESTS OF CLIENTS

(Editor's Note: Rule 321 as printed in 204 Pa. Code reads "Official Note" rather than "Note.")

Rule 321. Appointment of conservator to protect interests of clients of absent attorney.

(a) **Application.** Upon application of Disciplinary Counsel or any other interested person with the written concurrence of Disciplinary Counsel, the president judge of a court of common pleas shall have the power to appoint one or more eligible persons to act as conservators of the affairs of an attorney or formerly admitted attorney if:

(1) the attorney maintains or has maintained an office for the practice of law within the judicial district; and

(2) any of the following applies:

(i) the attorney is made the subject of an order under Enforcement Rule 208(f) (relating to emergency interim suspension orders and related matters); or

(ii) the president judge of the court of common pleas pursuant to Enforcement Rule 217(g) (relating to formerly admitted attorneys) by order directs Disciplinary Counsel to file an application under this rule; or

(iii) the attorney abandons his or her practice, disappears, dies or is transferred to inactive status because of incapacity or disability; and

(3) no partner or other responsible successor to the practice of the attorney is known to exist.

(b) **Service.** A copy of the application for appointment of a conservator under this rule shall be personally served upon the absent attorney or the personal representative or guardian of the estate of a deceased or incompetent absent attorney. **If the absent attorney died and no personal representative has been appointed, service upon a spouse or, if a spouse cannot be served, an adult relative by blood of the deceased, shall suffice.** If personal service cannot be obtained, then a copy of the application shall be served in the manner prescribed by Enforcement Rule 212 (relating to substituted service).

(c) **Hearing.** The president judge of the court of common pleas shall conduct a hearing on the application **unless the absent attorney or other interested person identified in subdivision (b) concurs with the appointment of a conservator or the averments support the grant of the application without a hearing. Any hearing shall be conducted no later than seven days after the filing of the application.** At the hearing the applicant shall have both the burden of production and the burden of persuading the court by the preponderance of the credible evidence that grounds exist for appointment of a conservator.

(d) **Order.** Within three days after the conclusion of the hearing on the application **or the filing of the applica-**

tion where no hearing is held, the president judge shall enter an order either granting or denying the application. **[The order shall contain findings of fact and a statement of the grounds upon which the order is based.]** If no appearance has been entered on behalf of the absent attorney, a copy of the order shall be served upon the absent attorney in the manner prescribed by [S] subdivision (b) of this rule.

(e) **Qualifications of conservator.** The conservator or conservators shall be appointed by the president judge, from among members of the bar of this Commonwealth, subject to the following:

(1) non-disciplinary counsel conservators:

(i) shall not represent any party who is adverse to any known client of the absent attorney; and

(ii) shall have no adverse interest or **adverse** relationship with the absent attorney or his or her estate.

Note: Nothing in the Rules of Professional Conduct relating to conflict of interest, confidentiality, or any other provision, shall prevent the Office of Disciplinary Counsel from serving as conservator, and from subsequently pursuing an investigation, and disciplinary prosecution of the absent attorney, based upon information gathered during the course of Disciplinary Counsel's service as conservator.

(f) **Statutes of limitations and appellate deadlines.** The filing by Disciplinary Counsel or any other interested person of an application for the appointment of a conservator under these rules shall be deemed for the purposes of any statute of limitations or limitation on time for appeal as the filing in the court of common pleas or other proper court or magisterial district court of this Commonwealth on behalf of every client of the absent attorney of a complaint or other proper process commencing any action, proceeding, appeal or other matter arguably suggested by any information appearing in the files of the absent attorney if:

(1) the application for appointment of a conservator is granted, and

(2) substitute counsel actually files an appropriate document in a court or magisterial district court within 30 days after executing a receipt for the file relating to the matter.

Note: Under 42 Pa.C.S. § 5503(b) (relating to implementing court rules) the Supreme Court may define by rule the document which when filed constitutes the commencement of a matter for purposes of Chapter 55 of the Judicial Code (relating to limitation of time). Thus the application by Disciplinary Counsel under this rule is an omnibus pleading which stays the running of all statutes of limitations and appeal times pending a 30-day review of the files of the absent attorney.

(g) **Automatic stay.** The filing by Disciplinary Counsel or any other interested person of an application for the appointment of a conservator under these rules shall operate as an automatic stay of all pending legal or administrative proceedings in this Commonwealth where the absent attorney is counsel of record until the earliest of such time as:

(1) the application for appointment of a conservator is denied;

(2) the conservator is discharged;

(3) the court, tribunal, magisterial district court or other government unit in which a matter is pending orders that the stay be lifted; or

(4) 30 days after the court, tribunal, magisterial district court or other government unit in which a matter is pending is notified that substitute counsel has been retained.

(h) As used in this rule, the term "government unit" has the meaning set forth in 42 Pa.C.S. § 102 (relating to definitions).

Note: Under 42 Pa.C.S. § 5503(b) (relating to implementing court rules) the Supreme Court may define by rule the document which when filed constitutes the commencement of a matter for purposes of Chapter 55 of the Judicial Code (relating to limitation of time). Thus the application by Disciplinary Counsel under this rule is an omnibus pleading which stays the running of all statutes of limitations and appeal times pending a 30-day review of the files of the absent attorney.

Rule 322. Duties of Conservator.

(a) **Possession of files; Warrants.** The conservator shall take immediate possession of all files of the absent attorney. If such possession cannot be obtained peaceably, the conservator shall apply to the appointing court for issuance of a warrant authorizing seizure of the files. Probable cause for issuance of such a warrant shall be an affidavit executed by the conservator reciting the existence of the conservatorship and the fact that the persons in control of the premises where the files are or may be located will not consent to a search for them or their removal or other facts showing that the files cannot be obtained without the use of the process of the court.

(b) **Inventories.** The conservator shall make a written inventory of all files taken into his or her possession.

(c)(1) **Identification of clients.** The conservator shall make a reasonable effort to identify all clients of the absent attorney whose files were opened within five (5) years of the appointment of the conservator, regardless of whether the case is active or not, and a reasonable effort to identify all clients whose cases are active, regardless of the age of the file. The conservator shall send all such clients, and former clients, written notice of the appointment of a conservator, the grounds which required such appointment, and the possible need of the clients to obtain substitute counsel. All such notices shall include the name, address and telephone number of any lawyer referral service or similar agency available to assist in the location of substitute counsel. The conservator shall, if necessary, send a second written notice to all clients of the absent attorney whose files appear to be active.

(2) **Notice to clients.** All clients whose files are identified by the conservator as both inactive and older than five (5) years shall be given notice by publication of the appointment of a conservator, the grounds which required such appointment, and the possible need of the clients to obtain substitute counsel. All such notices shall include the name, address and telephone number of any lawyer referral service or similar agency available to assist in the location of substitute counsel. The specific method of publication shall be approved by the appointing court, as to both the method, and duration, of publication, **although at minimum a notice shall appear on one day in each of a newspaper of general circulation and the legal journal in the county in which the absent attorney maintained a principal office.** The conservator shall deliver proofs of publication to the appointing court at the time of filing the application for discharge.

(3) **Return and destruction of files.** A file may be returned to a client upon the execution of a written

receipt, or released to substitute counsel upon the request of the client and execution of a written receipt by such counsel. The conservator shall **[deliver all such receipts to the appointing court at the time of filing the application for discharge] maintain an electronic record of all receipts.** On approval by the appointing court of the application for discharge, all files remaining in the possession of the conservator shall be destroyed by the conservator in a secure manner which protects the confidentiality of the files.

(d) **Representation prohibited during conservatorship.** **Until the conservatorship is terminated, [N]** neither the conservator nor any partner, associate or other lawyer practicing in association with the conservator shall **represent any of the absent attorney's clients[:**

(1) **Make any recommendation of counsel to any client identified as a result of the conservatorship in connection with any matter identified during the conservatorship.**

(2) **Represent such a client]** in connection with[:

(i)] any matter identified during the conservatorship[;], [or

(ii) **any other matter during or for a period of three years after the conclusion of the conservatorship.]**

(e) **Reports.** The conservator shall file a written report with the appointing court and the Board no later than 30 days after the date of appointment covering the matters specified in [S] subdivisions (a) through (c) of this rule. If those duties have not been accomplished, then the conservator shall state what progress has been made in that regard. Thereafter, the conservator shall file a similar written report every 60 days until discharge.

(f) **Notification of estate about costs.** In the case of a deceased attorney, the conservator shall notify the executor of the estate of the Disciplinary Board's need to be reimbursed by the estate for the costs and expenses incurred in accordance with Rule 328(b) (relating to compensation and expenses of conservator).

Rule 324. Bank and Other Accounts.

(a) **Notice of appointment and service of order.** A conservator shall notify all banks and financial institutions in which the absent attorney maintained either professional or trustee accounts of the appointment of a conservator under these rules. Service on a bank or financial institution of a certified copy of the order of appointment of the conservator shall operate as a modification of any agreement or deposit among such bank or financial institution, the absent attorney and any other party to the account so as to make the conservator a necessary signatory on any professional or trustee account maintained by the absent attorney with such bank or financial institution. The appointing court on application may by order direct that the conservator shall be sole signatory on any such account to the extent necessary for the purposes of these rules and may direct the disposition and distribution of client and other funds.

(b) **Prompt distribution of funds.** The conservator shall cause all funds of clients in the custody of the absent attorney to be returned to the clients as soon as possible, allowing for deduction of expenses or other proper charges owed by the clients to the absent attorney.

(c) **Retention of CPA.** The conservator may engage the services of a certified public accountant when considered necessary to assist in the bookkeeping and auditing of the financial accounts and records of the absent attorney.

(1) If the state of the financial accounts and records of the absent attorney, or other relevant circumstances, render a determination as to ownership of purported client funds unreasonable and impractical, the conservator shall petition the appointing court for permission to pay all funds held by the absent attorney in any trust, escrow, or IOLTA account, to the Pennsylvania Lawyers Fund [**F**] for Client Security. Any petition filed under this subsection shall be served by publication, the specific method and duration of which shall be approved by the appointing court.

(d) **Distribution of remaining funds.** Whenever it appears that sufficient funds are in the possession of the conservatorship to permit the return of all client funds in the custody of the absent attorney, and otherwise to complete the conservatorship and pay its expenses authorized under Enforcement Rule 328 (relating to compensation and expenses of conservator), the conservator shall permit the absent attorney or his or her estate to take full possession of any remaining funds.

Rule 325. Duration of Conservatorship.

Appointment of a conservator pursuant to these rules shall be for a period of no longer than [**six**] **nine** months. The appointing court shall have the power, upon application of the conservator and for good cause, [**to extend the appointment for an additional three months**] **to grant one or more extensions of the appointment, each extension not to exceed six months.** Any order granting [**such**] an extension shall include findings of fact in support of the extension. [**No additional extensions shall be granted absent a showing of extraordinary circumstances.**]

Rule 327. Liability of Conservator.

A conservator appointed under these rules shall:

(1) Not be regarded as having an attorney-client relationship with clients of the absent attorney, except that the conservator shall be bound by the obligation of confidentiality imposed by the Rules of Professional Conduct with respect to information acquired as conservator.

(2) Have no liability to the clients of the absent attorney except for injury to such clients caused by intentional, wilful, or grossly negligent breach of duties as a conservator.

(3) Be immune [**to separate**] **from civil** suit brought by or on behalf of the absent attorney. Any objections by or on behalf of the absent attorney or any other person to the conduct of the conservator shall be raised in the appointing court during the pendency of the conservatorship.

Rule 328. Compensation and Expenses of Conservator.

(a) **Compensation.** A conservator not associated with the Office of Disciplinary Counsel shall be compensated at an hourly rate identical to that received by court-appointed counsel at the non-court appearance rate in the judicial district where the conservator was appointed. When the conservator believes that extraordinary circumstances justify an enhanced hourly rate, the conservator may apply to the Board Chair for enhanced compensation. Such an application shall be granted only in those

situations in which extraordinary circumstances are shown to justify enhanced compensation.

(b) **Expenses.** The necessary expenses (including, but not limited to, the fees and expenses of certified public accountant engaged pursuant to Enforcement Rule 324(c)) and any compensation of a conservator or any attendant staff shall, if possible, be paid by the absent attorney or his or her estate. Any expenses and any compensation of the conservator that are not reimbursed to the Board shall be paid as a cost of disciplinary administration and enforcement. Payment of any costs incurred by the Board pursuant to this rule that have not been reimbursed to the Board may be made a condition of reinstatement of a formerly admitted attorney or may be ordered in a disciplinary proceeding brought against the absent attorney.

[Pa.B. Doc. No. 23-1645. Filed for public inspection December 1, 2023, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 211]

Judicial Salaries

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX AND JUDICIAL SALARIES

§ 211.1a. Consumer Price Index—judicial salaries.

The Court Administrator of Pennsylvania reports that the percentage change in the Philadelphia-Wilmington-Atlantic City, PA-DE-NJ-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the 12-month period ending October 2023, was 3.5 percent (3.5%). (See U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, Tuesday, November 14, 2023.)

§ 211.2. Judicial salaries effective January 1, 2024.

The annual judicial salaries for calendar year beginning January 1, 2024 will be adjusted by a cost-of-living factor.

(a) *Supreme Court.*

(1) The annual salary of a justice of the Supreme Court shall be \$253,361.

(2) The annual salary of the Chief Justice of the Supreme Court shall be \$260,734.

(b) *Superior Court.*

(1) The annual salary of a judge of the Superior Court shall be \$239,059.

(2) The annual salary of the President Judge of the Superior Court shall be \$246,428.

(c) *Commonwealth Court.*

(1) The annual salary of a judge of the Commonwealth Court shall be \$239,059.

(2) The annual salary of the President Judge of the Commonwealth Court shall be \$246,428.

(d) *Courts of common pleas.*

(1) The annual salary of a judge of the court of common pleas shall be \$219,933.

(2) The annual salaries of the president judges of the courts of common pleas shall be in accordance with the following schedule:

(i) Allegheny County, \$223,618.

(ii) Philadelphia County, \$224,356.

(iii) Judicial districts having six or more judges, \$221,850.

(iv) Judicial districts having five or fewer judges, \$220,892.

(v) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with six or more judges, \$221,850.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with five or fewer judges, \$220,892.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with six or more judges, \$221,850.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with five or fewer judges, \$220,892.

(e) *Philadelphia Municipal Court.*

(1) The annual salary of a judge of the Philadelphia Municipal Court shall be \$214,844.

(2) The annual salary of the President Judge of the Philadelphia Municipal Court shall be \$218,163.

(g) *Magisterial district judge.* The annual salary of a magisterial district judge shall be \$109,973.

(h) *Senior judges.* The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$683 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 23-1646. Filed for public inspection December 1, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BERKS COUNTY

Amendments to Local Rules; Court of Common Pleas; No. 23-303

Order

And Now, this 9th day of November, 2023, it is hereby Ordered that amendments to Berks County Orphans' Court Local Rules 1.9C, 2.7A, 7.5A, and 14.8B and rescission of Berks County Orphans' Court Local Rule

2.12 shall become effective on thirty (30) days after publication in the *Pennsylvania Bulletin*.

The District Court Administrator is *Ordered and Directed* to:

1. Submit one (1) copy of this Order, including the amended rule, to the appropriate Rules Committee of the Supreme Court of Pennsylvania for review.

2. Distribute two (2) copies of this Order, including the amended rule, and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) copy of this Order, including the amended rules, with the Administrative Office of Pennsylvania Courts contemporaneously with publishing the local rules in the *Pennsylvania Bulletin*.

4. Compile the local rules within the complete set of local rules available on the Berks County Court website no later than 30 days following publication in the *Pennsylvania Bulletin*.

5. Distribute one (1) copy of this Order, including the amended rule to the Berks County Prothonotary's Office so they can keep them continuously available for public inspection and copying.

M. THERESA JOHNSON,
President Judge

Rule 1.9C. Depository of the Court.

(a) All moneys and securities which shall be paid or delivered into court, shall, upon the receipt thereof by the Clerk, be immediately deposited by [**him**] **the Clerk** with the depository of the court, to the credit of the court in the particular estate or proceeding to which the same may belong; and said depository shall keep a separate account of each of said payments and deliveries, designating the same by the name of the particular estate or proceeding.

(b) No money shall be paid out of court by [**said**] depository, or securities delivered except on the checks or orders of the Clerk, countersigned by the Administrative Judge of this Division, **or the President Judge**, and accompanied by a certificate, endorsed on said checks, or orders, under the hand of the Clerk and the seal of the court, that the money was ordered to be paid or the securities delivered.

Rule 2.7A. Objections to Accounts or Petitions for Adjudication/Statements of Proposed Distribution—Order.

(a) Objections to accounts may be made at any time prior to the close of business on the first Tuesday of each month (or the first Monday of each month should the first Tuesday [**of each month**] be a holiday) to the Court by the Clerk by filing such objections in writing in the Clerk of the Orphans' Court Division.

(b) Objections **that are to be made:** (1) to an account not filed for submission to the Court **for audit but filed by order of the Court;** [**of**] **or** (2) an account filed without a Petition for Adjudication/Statement of Proposed Distribution shall be filed within twenty (20) days from service of a copy of the account filed with the Clerk.

(c) A proposed order for the scheduling of a reply date and a status conference or hearing date shall be attached to all objections to accounts or Petitions for Adjudication/Statements of Proposed Distribution. The proposed order shall be in the following form:

(CAPTION)

ORDER

AND NOW, (month) _____, 20 __, upon consideration of the foregoing objections filed in the above-captioned matter, it is hereby ORDERED that:

- (1) Accountant shall file a Response to the Objections within ____ days of this Order; and
- (2) A status conference shall be held on _____, 20 __ at __ a.m./p.m. in the chambers of the undersigned.

OR

(3) A hearing is to occur on the _____ day of _____, 2018 at ____ o' clock __.M. in a courtroom to be assigned in **the** Berks County Courthouse/Services Center located at [**6th and**] **633** Court [**Streets**] **Street**, Reading, Pennsylvania **19601**.

Counsel are directed to meet **prior to the hearing** to reduce fact questions and legal issues to a minimum; and, further shall be authorized to settle at [**said**] **the** meeting and/[**later**]**or** conference/hearing.

BY THE COURT:

, J.

Rule 2.12. Rescinded.

Rule 7.5A. Motions Practice.

Unless another procedure is prescribed by a specific rule **or a specific case management order entered by the court in a particular case**, a proposed order granting the relief requested and a rule to show cause why the requested relief should not be granted shall be attached to all motions. Upon consideration of the motion, the court may grant relief immediately or issue a rule to show cause. The rule to show cause shall be in substantially the following form:

(CAPTION)

RULE TO SHOW CAUSE

AND NOW, _____, _____, upon consideration of the foregoing motion, it is ordered that:

- (1) a Rule is issued upon the respondent to show cause why the movant is not entitled to the relief requested;
- (2) the respondent shall file an answer to the motion within ____ days of this date;
- () (3) the movant shall file a brief in support of the motion within ____ days after service of the answer;
- () (4) the respondent shall file a brief in opposition to the motion within ____ days after service of the movant's brief;
- () (5) an evidentiary hearing on disputed issues of material fact shall be held on _____ at ____ a.m./p.m. before the undersigned Judge in the Berks County Courthouse/Services Center.
- () (6) oral argument shall be held on _____ at ____ a.m./p.m. in the courtroom of the Berks County Courthouse/Services Center assigned to the undersigned.

BY THE COURT:

, J.

Distribution: Clerk of the Orphans' Court (1); movant or counsel (1); respondent(s) by name (1 each) or counsel

Rule 14.8B. Guardian Acknowledgment.

Promptly upon appointment, a court-appointed guardian shall initial, sign and file a Guardian Acknowledgment of Duties and Liabilities form, as follows:

IN RE: _____ : IN THE COURT OF COMMON PLEAS
 _____ : OF BERKS COUNTY, PENNSYLVANIA
 _____ : ORPHANS' COURT DIVISION
 _____ an incapacitated person : NO. _____

GUARDIAN ACKNOWLEDGMENT OF DUTIES AND LIABILITIES

I, the undersigned court-appointed guardian, acknowledge that as guardian I have broad, but not unlimited powers, duties, and liabilities as set forth generally in 20 Pa.C.S.A. § 5501 et seq. and more specifically acknowledge my duties and liabilities under 20 Pa.C.S.A. § 5521 and as follows:

As Guardian of the Person, I shall:

- Assert the rights and best interests of my ward. _____

- Respect to the greatest possible extent my ward's expressed wishes and preferences. _____
- Where appropriate, develop a plan of supportive services to meet my ward's needs. _____
- Encourage my ward to participate in all decisions which affect my ward, to act on his or her own behalf whenever he or she is able to do so, and to develop or regain, to the maximum extent possible, capacity to manage his or her personal affairs. _____

As Guardian of the Estate, I shall:

- Take possession of, maintain, and administer each asset of my ward, and make all reasonable expenditures and efforts to preserve the estate. _____
- Within **three months**, file an inventory of my ward's real and personal property and a statement of any property that I expect to acquire thereafter. **(Electronically through the Guardianship Tracking System, or in paper form through the Register of Wills office, along with the appropriate filing fee.)** _____

In **addition** to the above duties, as **Guardian (either of the person or the estate), I shall:**

- Exercise my powers for the benefit of my ward. _____
- Keep the ward's assets separate from my assets. _____
- Exercise reasonable caution and prudence. _____
- Keep a full and accurate record of all actions, receipts, and disbursements on behalf of the ward. _____
- File an **annual report** electronically through the Guardianship Tracking System or, on forms available in the Register of Wills/Clerk of the Orphans' Court office attesting to the information required by 20 Pa.C.S.A. § 5521(c). **(Filing fee will be charged for paper filings.)** I shall file a final report within 60 days of my ward's death or adjudication of capacity. _____
- **I have been made aware of the Guardianship Tracking System (GTS).** _____

As **Guardian of the person and/or the estate**, I understand and acknowledge that any breach of my duty to my ward, such as but not limited to asset misappropriation, may result in civil and even criminal liability. _____

Date: _____

Guardian's Signature: _____

Phone Number: _____

Email address: _____

Unified Judicial System of Pennsylvania Web Portal—<https://ujportal.pacourts.us>

[Pa.B. Doc. No. 23-1647. Filed for public inspection December 1, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rule of Criminal Procedure CARB.R.Crim.P. 106 Continuances in Summary and Court Cases (Forms); No. CP-13-AD- 0000014-2023

Administrative Order No. 11-2023

And Now, this 17th day of November, 2023, in order to ensure that all necessary information to rule on a Motion for Continuance of a criminal matter is provided, it is hereby

Ordered and Decreed, that Carbon County Court of Common Pleas Local Rule of Criminal Procedure CARB.R.Crim.P. 106 governing criminal Continuances in Summary and Court Cases is *Amended*¹ as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. A copy of the Continuance form and Rule 600 Waiver are as follows for easy reference.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following with the Administrative Order and Rule:

1. E-mail one (1) copy with the Administrative Office of Pennsylvania Courts to adminrules@pacourts.us.

2. Mail one (1) copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* to PA Code and Bulletin, Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg, PA 17120 and e-mail one (1) copy in Microsoft Word format to bulletin@palrb.us.

3. Publish this local rule on the www.carboncourts.com website within 30 days after the publication in the *Pennsylvania Bulletin*.

4. File one (1) copy in the Carbon County Clerk of Court's Office.

5. E-mail one (1) copy for publication in the *Carbon County Law Journal*.

6. Forward one (1) copy to the Carbon County Law Library.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 106. Continuances in Summary and Court Cases.

(a) All Motions for Continuance shall be filed at least two (2) working days before the scheduled event. Motions

¹ This Administrative Order replaces Administrative Order #9-2015.

shall be filed pursuant to Pa.R.Crim.P. 575 or can be filed by utilizing the attached form titled Motion for Continuance—Criminal. All continuances must indicate the case number, defendant’s name, type of event being continued, date of the event being continued and number of previous continuances. A Rule 600 speedy trial waiver must be attached if the defendant consents to this motion for continuance. The moving party shall secure the signature or indicate the position of the opposing party.

(b) When a Motion for Continuance is requested because of counsel’s attachment in another Court, a copy of the attachment shall accompany the Motion for Continuance. If the reason for filing a continuance is that the defendant is ill, receiving medical treatment or in rehabilitation, the attorney/pro se party must provide documentation from the treating physician or other qualified person documenting the defendant’s illness or treatment, and, in the case of defendant’s rehabilitation, a written statement from the facility at which the defendant is receiving treatment, confirming admission and continued care at such facility.

(c) When a defendant has two or more cases scheduled for the same date and time, only one continuance motion/form listing all the case numbers is required to be filed. When a continuance is requested for events scheduled for different dates or at different times, a separate continuance motion/form must be filed for each event.

(d) Upon filing the motion/form in the Clerk of Courts Office, concurrent service of the Motion/Form for Continuance shall be pursuant to Pa.R.Crim.P. 576.

(e) Any motion filed that is not in compliance with this rule shall be entertained only if the opportunity to timely file it did not exist previously, the defendant was not aware of the grounds for the motion, or the interests of justice so require.

Failure of any motion/form for continuance to comply with this rule shall be grounds for denying the requested continuance.

Rule 600. Speedy Trial Waiver.

Initial the applicable answers:

1. Do you understand that Rule 600 of the Pennsylvania Rules of Criminal Procedure (Rule 600) requires that your trial begin no later than 180 and/or 365 days from the date on which the criminal complaint charging you with this/these offense(s) was filed with the Magisterial District Judge?

Yes _____ No _____

2. Do you understand that, with certain exceptions set forth later in this form, if your trial does not begin within the mandatory 180 and/or 365 days period, you may petition the Court to dismiss the charge(s) against you with prejudice and obtain a Court Order ending this prosecution against you for all time?

Yes _____ No _____

3. Do you understand that any periods of time at any stage of these proceedings in which you or your lawyer were unavailable, and the periods of any continuances in excess of 30 days requested by you or your lawyer at any stage of these proceedings are not counted as part of the time for beginning your trial—that these time periods are excluded from the calculation of the 180 and/or 365 days?

Yes _____ No _____

4. Do you understand that Rule 600 allows the Commonwealth of Pennsylvania at any time prior to the expiration of the period for commencement of trial to apply for and receive an extension of the period when, despite due diligence by the Commonwealth, your trial cannot begin within the 180 and/or 365 days or any previously extended time period?

Yes _____ No _____

5. Do you understand that by (requesting) (agreeing to) (not opposing)

this continuance you are giving up any right which you might otherwise have under Rule 600 to obtain a dismissal of the charges(s) against you for failure to comply with that Rule; that you will not be able to complain that you were denied a speedy trial because of the time consumed by this continuance; and that your trial will be considered timely even if the 180 and/or 365 days or any extension thereof would otherwise have run out before the end of the last day of the next trial session, so long as your trial begins either on or before the expiration of the actual or extended date set by Rule 600, whichever date is latest?

Yes _____ No _____

6. _____ I have reviewed this “Waiver”, the Continuance Form and my Rights to a Speedy Trial with my attorney.

_____ I do not have an attorney and I do not wish to consult with one concerning this “Waiver”, the Continuance Form or my Rights to a Speedy Trial.

Signature of Defendant Date

I hereby certify that I have reviewed this Waiver, the Continuance Form and the Defendant’s Rights to a Speedy Trial with the Defendant prior to our signing these forms. If I have executed the above on my client’s behalf, my client has authorized me to do so.

Signature of Defendant’s Attorney Date

CARBON COUNTY COURTS

MOTION FOR CONTINUANCE—CRIMINAL

I. Motion is hereby made to continue the (circle one): Trial Hearing JSC Argument Pre-Trial Conference ARD Plea Sentencing in the following case:

COMMONWEALTH OF PENNSYLVANIA

NO. _____

VS

DATE SCHEDULED _____ TIME: _____
NO. OF PREVIOUS CONTINUANCES:

by Commonwealth _____ by Defendant _____

Any Outstanding Bench Warrants (circle) Y N

II. The Motion is made for the following reasons (include reason for late filing—less than 2 full working days before scheduled event, if applicable*):

- ____ Vacation _____ Illness of Atty. _____ Negotiating Settlement*
____ Expert Unavailable _____ Record Incomplete* _____ Illness of Party/Material Witness*
____ Late Sub of Atty. _____ Conflict—Atty. _____ Party/Material Witness Unavailable*
____ Atty. Unavailable* _____ Other _____

*Please Explain: _____
(Attach copy of order of attachment elsewhere, if applicable; Attach documentation required by Carb.R.Crim.P. 106(b)).

III. Certificate of Service:

I certify that as the moving party, I am serving a copy of this continuance this ____ day of _____, 20__ to the following:

____ District Attorney Office via _____ Defense Counsel via _____
Carbon County Courthouse _____
Jim Thorpe, PA 18229 _____
____ Court Administration via _____
Carbon County Courthouse
Jim Thorpe, PA 18229

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Name (PRINTED) of Moving Counsel/Pro se Party

Signature of Moving Counsel/Pro se Party Date Representing

IV. Defendant _____ consents _____ does not consent to the continuance request. If consented to, attached hereto and made a part hereof is a duly executed waiver of defendant's right to a speedy trial under Pa.R.Crim.P. No. 600.

V. Motion is not opposed ____ ; opposed ____ for the following reason: _____

Name (PRINTED) of Other Counsel/Pro se Party

Signature of Other Counsel/Pro se Party Date Representing

[Pa.B. Doc. No. 23-1648. Filed for public inspection December 1, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CENTRE COUNTY

Local Rule 1915.4-3 Custody Conciliation Conference; No. 2023-CM-30

Order

And Now this 16th day of November 2023 it is hereby Ordered that, effective January 2, 2024, a Centre County Local Rule is hereby established to implement Local Rule 1915.4-3 regarding Custody Conciliation Conferences.

Pursuant to Pennsylvania Rules of Judicial Administration 103(d) and after review and subsequent approval from the Supreme Court Rules Committee,

The Centre County District Court Administrator is Directed as follows:

(1) File one (1) copy of the Administrative Order with the Administrative Office of Pennsylvania Courts.

(2) File one (1) copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One (1) copy shall be sent to the Centre County Law Library and the editor of the *Centre County Legal Journal*.

(4) Publish a copy of the Administrative Order on the website of Centre County.

(5) Thereafter, compile the Administrative Order within the complete set of local rules no later than thirty (30) days following the publication in the *Pennsylvania Bulletin*.

It is further Ordered that a copy shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Centre County.

By the Court

JONATHAN D. GRINE,
President Judge

Local Rule 1915.4-3. Custody Conciliation Conference.

A. Upon commencement of an action for any form of legal or physical custody, or an action seeking to initiate or reinstate any proceeding to modify, terminate or otherwise affect contact between children and parties, a custody conciliation conference shall be scheduled. A conciliator shall preside at the conciliation conference.

B. The conciliator shall make every effort to conduct the custody conciliation conference within forty-five (45) days after the commencement of the action. All parties and their attorneys shall attend the custody conciliation conference. Unless ordered by the Court for good cause shown, children should not be brought to the custody conciliation conference and shall not be heard on the issues of custody by the conciliator.

C. The conciliator shall review the court file before the custody conciliation conference to ensure that all pleadings and documents have been properly filed by all parties, including a verification regarding any criminal record or abuse history. If a party has not filed the verification, then the conciliator shall have that party complete the verification before commencing the custody conciliation conference, and the conciliator shall ensure that the verification is filed of record after the conference.

D. The conciliator shall have the ability to request that any party submit to a urine drug analysis at the custody conciliation conference, which shall be performed with

that party's consent. If a party requests that another party submit to a drug analysis, the drug analysis shall be performed at the discretion of the conciliator and with the consent of that party.

E. To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties or their attorneys at the conference shall not be admissible as evidence at a later custody proceeding. The conciliator shall not be a witness in any custody proceedings.

F. At the custody conciliation conference, the parties, counsel, and the conciliator shall make a good-faith effort to resolve the issues and reach a partial or full agreement regarding the issues. The conciliator shall conduct the conference as an informational and conciliatory proceeding rather than a confrontational or adversarial proceeding. All parties and counsel must participate in the conference in a cooperative manner and shall adhere to the directives of the conciliator. The conciliator shall attempt to mediate the differences between the parties and encourage an amicable resolution of those differences. The conciliator shall attempt to negotiate an agreement between the parties.

G. If the parties reach an agreement resolving all the issues raised, the conciliator shall forward an agreed upon Order and Parenting Plan to the Court for approval. The Court may enter the agreed upon Order and Parenting Plan as a final order without hearing the parties.

H. If the parties do not reach a final agreement resolving all issues raised but have reached a temporary custody agreement and do not want to proceed to a custody trial, by mutual consent of the parties, they may request the conciliator forward an agreed upon interim Order and Parenting Plan to the Court for review and entry. The case shall then be listed for subsequent custody conciliation conference at a date to be agreed upon by the parties and the conciliator. Any subsequent custody conciliation conference shall be listed as a status conference. Any agreed upon status conferences by the parties as they work towards a final resolution of the custody action shall toll timelines set forth in Pa.R.C.P. 1915.4.

I. If the parties do not reach an agreement resolving all issues raised, the conciliator shall file a written report with the Court that recites the following:

(1) the parties and attorneys that attended the custody conciliation conference;

(2) the results of the custody conciliation conference;

(3) a recommended interim custody order as to legal and physical custody matters which will govern, pending further proceedings with the Court;

(4) an initial determination, subject to ultimate approval by the Court, as to the use of psychological evaluations, home study evaluations, drug and alcohol evaluations and/or treatments, co-parenting counseling, reunification counseling, the appointment of a guardian ad litem, and/or the appointment of counsel for the child(ren);

(5) any recommendations regarding the need for an expedited hearing in emergency and relocation cases;

(6) whether a party should not be compelled to attend a mediation orientation session because a party, or a child of a party, is or has been the subject of domestic violence

or child abuse allegedly perpetrated by an opposing party at any time within the preceding twenty-four (24) months; and

(7) a recommendation that the case be scheduled for a pre-trial conference and the estimated number of trial days needed.

Local Rule 1915.4-3.1. Approval of Interim Custody Orders; Exceptions and Reconsideration of Interim Custody Orders.

A. The recommended interim custody order of the conciliator prepared in accordance with Rule 1915.4-3(I)(3) shall be submitted to the court for approval, signature, and entry of record.

B. No exceptions may be filed to an interim custody order. Any matter not stipulated to at the custody conciliation conference may be reviewed at the pre-trial conference or resolved at the custody trial.

C. Should a significant change in circumstances arise after entry of an interim custody order and before the pre-trial conference necessitating a modification of the interim custody order, which modification cannot be amicably agreed upon pending the pre-trial conference, either party may file a motion for reconsideration of the interim order, setting forth all pertinent facts in support thereof and verified by the filing party. The Court Administrator shall refer such motion to the conciliator. Based on the allegations of the motion, the conciliator may take any one or more of the following actions deemed appropriate under the circumstances: (1) recommend an order by the Court summarily denying the motion; (2) hold a telephone or other conference with both parties; (3) after providing the opposing party an opportunity to respond, recommend a modified interim custody order to the Court; or (4) direct that the matter be resolved at the pre-trial conference.

Local Rule 1915.4-3.2. Failure to Appear for Custody Conciliation Conference.

A. A custody conciliation conference may not be cancelled without the written consent of the parties or leave of court.

B. If none of the parties appear for a scheduled custody conciliation conference, the conciliator may:

- (1) reschedule the custody conciliation conference; or
- (2) prepare and send a proposed Order to the assigned judge indicating that the custody conciliation conference is cancelled and that the pleading is dismissed without prejudice.

C. If any one party fails to appear for a scheduled custody conciliation conference and all parties have been served, the conciliator may:

- (1) hold the custody conciliation conference;
 - (2) reschedule the custody conciliation conference;
 - (3) make an immediate referral for pre-trial conference;
- or

(4) prepare and send a proposed Order to the assigned judge indicating that the pleading is dismissed without prejudice.

D. If any one party fails to appear for a scheduled custody conciliation conference and the complaint or petition has not been served on all parties, the custody conciliation conference shall be rescheduled.

Local Rule 1915.4-4.1. Settlement.

A custody case will be removed from the custody conciliation conference, pre-trial schedule and/or the custody trial list only upon written agreement of the parties or Court order.

Local Rule 1915.4-4.2. Case Management and Custody Trial.

A. If the parties do not reach an agreement resolving all issues raised at the custody conciliation conference, the assigned Judge shall issue a Custody Scheduling Order listing the matter for a pre-trial conference and custody trial.

B. At the time set for the pre-trial conference, both parties shall submit documents and information required by the Court's Custody Scheduling Order. Both parties and their respective counsel shall appear before the Court for presentation of the issues and discussion of possible settlement and disposition of any matters referred to the Court.

Local Rule 1915.11-3. Appointment of a Guardian Ad Litem; Physical and Mental Examination of Persons; Psychological Examinations and Home Studies.

A. Upon agreement of the parties at the custody conciliation conference, the conciliator may include in the recommended interim custody order that the Court appoint a guardian ad litem or counsel for the child(ren) and/or a directive that the parties obtain physical evaluations, psychological evaluations, custody evaluations, home study evaluations, drug and alcohol evaluations and/or treatments, co-parenting counseling or reunification counseling prior to the date of the pre-trial conference or trial and may recommend a date by which the parties must make the initial arrangements.

B. Any request by the parties for evaluations made after the initial conference and not made at the pre-trial conference or entered by stipulation must be made by Petition for Special Relief alleging specific facts and reasons for the request.

C. The cost of the guardian ad litem shall be apportioned to the parties as directed by the Court or agreed upon by the parties.

D. Unless otherwise directed by the Court or agreed upon by the parties, the expense of any evaluation shall be borne initially by the party requesting the evaluation and shall be paid in accordance with Pa.R.C.P. 1915.8. A final allocation of the expense may be made by the Court upon entry of an order or decision rendered on any issues raised in the proceeding.

E. Any evaluation filed with the Court shall be filed as a confidential document under the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

Local Rule 1915.13-1. Petition for Special Relief.

A. Where a party believes there is an immediate clear and present danger to the child(ren), that party may file a petition for special relief. The petition for special relief must be presented as a separate document headed "Petition for Special Relief." The petition shall conform to the requirements of Pa.R.C.P. 1915.15, as may be applicable, and must allege facts which clearly specify the clear and present danger to the welfare of the child(ren).

B. Upon filing and presentation of the petition for special relief to the court for consideration of the allegations, the court shall either:

(1)(a) direct that an initial custody conciliation conference be scheduled before the conciliator; or

(b) if it is ascertained that an initial custody conciliation conference has already been held and an interim order already issued, then:

(i) direct that the conciliator considers the petition for special relief as a reconsideration request under Rule 1915.4-3.1; or

(ii) direct that the issues raised be disposed of at the pre-trial conference or trial;

(2) grant emergency relief and schedule an initial conference or hearing to occur within ten days; or

(3) schedule a conference or hearing before the Court.

C. If a conference or hearing before the Court is scheduled, the party seeking special relief and the respondent(s) must appear before the Court at the time scheduled for the hearing to present testimony. The Court shall determine if probable cause exists to believe there is an immediate clear and present danger to the welfare of the child(ren) involved.

D. As immediately as possible and in any event prior to the conference or hearing before the Court, the petition for special relief and any temporary emergency order shall be served on the opposing party by the petitioning party in the same manner as original process. In addition to service on the opposing party, the petitioner shall make reasonable efforts to provide a copy of the documents to any attorney whom the petitioning party reasonably believes may represent the interests of the other party.

Local Rule 1940.3. Order for Orientation Session and Mediation.

A. If the parties are unable to reach an agreement at the custody conciliation conference, the parties may be ordered by the Court to attend a custody mediation orientation session. Custody mediation shall occur in accordance with Pa.R.C.P. 1940.1 et seq. The mediation may address any issues agreed to by the parties unless limited by court order.

B. Should the parties consent to mediation and successfully reach an agreement, the mediator shall prepare a Memorandum of Understanding. The Memorandum of Understanding shall be forwarded to the Court. The Court may enter the agreed upon Memorandum of Understanding as a final order without hearing the parties. If the Court is satisfied that all pending issues are resolved in the Memorandum of Understanding, the Court shall cancel the pre-trial conference and custody trial based upon the parties' resolution. If it appears that there are remaining issues, the Court may schedule a conference, or refer the case back to the conciliator for further conference.

C. Should parties fail to consent to mediation, or should the parties engage in mediation but fail to reach an agreement, the mediator shall notify the Court.

D. No party shall be compelled to participate in a custody mediation orientation session in cases where any party, or a child of any party, is or has been the subject of domestic violence or child abuse allegedly perpetrated by an opposing party at any time within the preceding twenty-four (24) months.

[Pa.B. Doc. No. 23-1649. Filed for public inspection December 1, 2023, 9:00 a.m.]

Title 25—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Adoption of 39th Jud.Dis. Rules Jud.Adm. 4001, 4007 and 4009 and Rescission of Other Rules; Administrative Order re: AD 114-2023

Order

And Now, this 20th day of November, 2023, pursuant to Pennsylvania Rule of Judicial Administration 103(c), the 39th Judicial District hereby adopts 39th Jud.Dis. Rules Jud.Adm. 4001, 4007 and 4009, effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*. Additionally, the Court rescinds the following local rules within the 39th Judicial District:

39-4002
39-4007
39-4008
39-5000.1
39-5000.14
39-5000.15
39-5000.16
39-5000.17
39-5000.18
39-5000.5
39-5000.6
39-507

Accordingly, Mr. Mark Singer, District Court Administrator for the 39th Judicial District, is ordered and directed to do the following:

1. Email one (1) copy of this Order and the following rules to the Administrative Office of Pennsylvania Courts (AOPC) at adminrules@pacourts.us.

2. Mail one (1) paper copy of this Order and the following rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* to the following address: Pa. Code and Bulletin, Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg PA 17120.

3. Email one (1) copy of this Order and the following rules in Microsoft Word format only to the Legislative Bureau at bulletin@palrb.us for publication in *The Pennsylvania Bulletin*.

4. File one (1) copy of this Order and the following rules with both the Clerk of Courts and Prothonotary in Franklin County and Fulton County, and mail one (1) copy to the Franklin County Law Library for public inspection and copying.

5. Publish a copy of this Order and the following rules on the Franklin County Court website and the Fulton County Court website.

6. Incorporate and publish the following rules into the 39th Judicial District's set of local rules on the Franklin County Court website and the Fulton County website not later than Monday, January 1, 2024.

By the Court

SHAWN D. MEYERS,
President Judge

39th Jud.Dis.R.Jud.Adm. 4001. Scope of Rules and Policy.

These Local Rules of Judicial Administration governing court reporting and transcripts shall be read and construed with the Pennsylvania Rules of Judicial Administration 4001—4016, pertaining to the same subject matter.

39th Jud.Dis.R.Jud.Adm. 4007. Requests for Transcripts.

(a) All requests for transcripts shall be set forth on a standardized Request for Transcript form provided by the Court Administrator of Pennsylvania. The Request for Transcript form can be downloaded from the Franklin County website at www.franklincountypa.gov or the Fulton County website at www.co.fulton.pa.us or a copy can be obtained at the district court administrator's office.

(b) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the district court administrator. The requesting party shall also serve copies of their request to:

- (1) the presiding judge,
- (2) the court reporter or courtroom technician assigned to the proceeding, and
- (3) opposing counsel, but if not represented, the opposing party.

(c) Non-ordinary transcripts in the form of expedited, daily, and/or same day transcripts are generally not available. If a party wishes to request a non-ordinary transcript, the party shall file a motion with the appropriate records filing office and serve a copy of the motion upon the presiding judge and the district court administrator at least 10 days prior to the proceeding or a scheduled pre-trial/scheduling conference, whichever occurs first. The time limit for filing may be waived by the presiding judge. The presiding judge shall rule upon the motion, in the absence of the presiding judge, the President Judge shall rule upon the motion.

(d) When a party requests a transcript,

(1) the party ordering the transcript shall make a non-refundable, partial payment of 90% of the estimated total cost of the transcript. The payment deposit shall be paid by cash, money order, certified check, or law firm check made payable to Franklin County, and shall be delivered to the district court administrator.

(2) Upon receipt of the 90% deposit, the court reporter(s) or courtroom technician assigned to the proceeding shall be directed by the district court administrator to prepare the transcript.

(3) The court reporter or courtroom technician shall notify the ordering party and the district court administrator upon completion of the transcript and shall indicate the balance due.

(4) Final payment shall be paid by cash, money order, certified check, or law firm check made payable to Franklin County, and shall be delivered to the district court administrator. Upon payment of any balance owed, the court reporter(s) or courtroom technician shall deliver the original transcript to the appropriate records filing office and copies to the parties.

39th Jud.Dis.R.Jud.Adm. 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(a) *Costs*

(1) The costs payable by a requesting party, other than the parties referenced in subdivision (a)(3), for an original transcript in electronic format shall not exceed:

- (i) for a transcript for which an accelerated delivery is not requested, \$2.50 per page,
- (ii) for an expedited transcript, \$3.50 per page,

(iii) for a daily transcript, \$4.50 per page, and

(iv) for same day delivery, \$6.50 per page.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) plus a surcharge of \$0.25 per page.

(3) The Commonwealth or a subdivision thereof shall include Franklin and Fulton Counties, the district attorneys for Franklin and Fulton Counties, the public defenders for Franklin and Fulton Counties, and conflict counsel or court appointed criminal counsel who are paid by Franklin and Fulton Counties. The costs payable by a requesting party under this paragraph for an original transcript in electronic format shall not exceed:

(i) \$1.00 per page.

(ii) Where a party under this paragraph requests an expedited transcript, daily transcript, or same day delivery, such a request shall be approved by the President Judge, and the fee per page shall not exceed \$2.50.

(4) *Court Orders and Court requests for transcripts.* There shall be no fee paid for transcribing or preparing dictated court orders, or transcripts requested solely by the Court.

Comment: The first requestor of a transcript is obligated to pay for the original transcript, which is filed with the court, plus the copy rate of the records filing office if the requestor desires a personal copy (subject to any cost sharing with additional parties). Many attorneys/parties prefer to read paper transcripts, including condensed transcripts, and these rules do not inhibit the practice. However, when a condensed paper transcript is ordered by a party, the surcharge of \$0.25 per page in Pa.R.J.A. 4008(A)(2) shall refer to \$0.25 per sheet of paper, regardless of the number of pages of transcript on the sheet. However, the parties shall pay the per page copy rate as established by the applicable records filing office. There is no entitlement to expedited, daily, or same day delivery of transcripts. Those services are only available where provided by the judicial district and when the court reporter or courtroom technician has that capability.

(b) *Economic hardship, fee waiver.* A party requesting a fee waiver for the costs of transcripts shall follow the guidelines and utilize the procedure set forth in Pa.R.J.A. 4008(B).

(c) *Assignment and allocation of transcript costs.* Allocation of costs for transcripts shall be in accordance with Pa.R.J.A. 4008(C).

Comment: It is the intent of this provision that all parties who receive a transcript should share equitably in the costs. If two parties receive the transcript, they would each pay their share of the cost of the original transcript that is filed with the court, with each party paying for their copy. In cases where a party qualifies for a free or reduced price transcript, any other party paying full price pays only their proportionate share of the full price, with the judicial district absorbing the cost of the free or reduced price transcript. In the event parties cannot informally agree to equitably share in the costs of the preparation of a transcript and copies, the court shall determine the equitable share of costs each party shall pay.

(d) *Copies of transcript.*

(1) A party requesting a copy of any transcript previously ordered, transcribed and filed of record shall file a request with the applicable records filing office. The copy

fees shall be paid to the applicable records filing office. Costs for a copy shall not exceed:

- (i) \$0.75 per page bound, paper format, and,
- (ii) \$0.50 per page electronic copy.

(2) Although not generally available, if a request for a copy of an expedited transcript is made which copy cannot be provided by the applicable records filing office, the costs for preparation by a court reporter or courtroom technician with the approval of the presiding judge shall not exceed:

- (i) \$1.00 per page bound, paper format, and,
- (ii) \$0.75 per page electronic copy.

(3) Although not generally available, if a request for a copy of a daily transcript is made which copy cannot be provided by the applicable records filing office, the costs for preparation by a court reporter or courtroom technician with the approval of the presiding judge shall not exceed:

- (i) \$1.25 per page bound, paper format, and,
- (ii) \$1.00 per page electronic copy.

(4) Although not generally available, if a request for a copy of a same day transcript is made which copy cannot be provided by the applicable records filing office, the costs for preparation by a court reporter or courtroom technician with the approval of the presiding judge shall not exceed:

- (i) \$1.50 per page bound, paper format, and,
- (ii) \$1.25 per page electronic copy.

(5) All copy fees imposed under subdivisions (d)(2)–(4) shall be paid to the District Court Administrator or their designee.

Comment: With respect to a non-party (i.e., general public) request for a copy of a transcript, Pa.R.J.A. 4007(D)(4) anticipates that the records filing offices of the judicial district are the proper custodians of court case records and transcripts. Pa.R.J.A. 4008(D)(1) provides that the cost charged to the public for a transcript copy that has been filed of record shall not exceed \$0.75 per page, regardless of the form or location in which the transcript is filed or stored. The copy rates in Pa.R.J.A. 4008(D)(2), (3), and (4) reflect the additional work necessary to deliver a transcript on an expedited schedule, but once the original transcript is filed with the appropriate records filing office, the copy rate in (D)(1) is to apply.

(e) *Additional Costs.*

(1) No transcript or related costs may be charged to the parties or the public other than those listed in subdivisions (a), (c) and (d).

(2) Pursuant to Pa.R.J.A. 4008(E), the presiding judge may impose a reasonable surcharge in cases such as mass

tort, medical malpractice or other unusually complex litigation, where there is a need for a court reporter or courtroom technician to significantly expand his/her dictionary.

(3) To the extent it is available, a reasonable fee may be charged for a secure electronic feed which instantaneously delivers the translated notes from the court reporter or courtroom technician to a laptop, tablet, phone, or other portable electronic device via cable, wifi, router, or Bluetooth to parties, the media, or other interested individuals. There shall be no fee charged to the Court for such a connection.

(4) All fees imposed under subdivisions (e)(2)-(3) shall be paid to the District Court Administrator or their designee.

[Pa.B. Doc. No. 23-1650. Filed for public inspection December 1, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Request to Increase Fees of that Section of the Division of Judicial Services and Records, Formerly Referred to as the Office of the Clerk of Courts; No. 1165 MD 23

Order

And Now, this 9th day of November, 2023, upon consideration of the within Petition, and pursuant to 42 P.a.C.S.A § 1725.4, which authorizes the Clerk of Courts to increase fees consistent with the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three-year period preceding the last increase, the Court takes judicial notice that the proposed increase in fees is within the allowed percentage increase (4.9% max).

It is hereby Ordered and Decreed that the Court approves the increases in the fee schedule for that section of the Division of Judicial Services and Records, formerly referred to as the Office of the Clerk of Courts, effective January 1, 2024, as per the Clerk of Court Fee Schedule following hereto and marked as Exhibit “A”. The Director of Judicial Services and Records of Luzerne County is hereby directed to file this Order and this Order shall be published on the Luzerne County website and in the *Luzerne County Legal Register* and *Pennsylvania Bulletin*.

By the Court

MICHAEL T. VOUGH,
President Judge

Luzerne County—Clerk of Courts Fees

EFFECTIVE January 1, 2024

Appeal Processing for Clerk of Courts (\$62.75 + \$5.00 automation fee)	\$67.75
Appeal Processing for Superior Court	\$90.25
Superior Court Raised Fee as of 11-1-17 (Per AOPC)	
Appointment to Fill Vacancy of Office	\$18.50
ARD Dismissal Rule 319 (\$19.00 + \$5.00 automation fee)	\$24.00
Bail Bondsmen renewal	\$10.75

Certifications	\$9.00
Civil Judgment Satisfaction (\$19.00 + \$5.00 automation fee)	\$24.00
Constable Deputy and Constable Bonds	\$18.50
Copies	¢0.50
Detective License Applications (Incorporated)	\$453.50
Detective License Applications (Individual)	\$340.75
Expungements Rule 320 (\$19.00 + \$5.00 automation fee)	\$24.00
Expungement Fee Under Pa.C.S. Section 1725.7 (Act 5)	\$132.00
Filing Petition & Order (\$19.00 + \$5.00 automation fee)	\$24.00
Filing of Orders/Motions (2nd Filing)	\$9.00
Filings of Resolutions/Ordinances	\$19.00
Filing of Tax Collector’s Bonds	\$12.25
Limited Access (\$19.00 + \$5.00 automation fee).....	\$24.00
Liquor License Appeals	\$25.00
Microfilm Copies	\$1.50
Motion and Order (All Nolle Prose)	\$24.50
Poundage on Bail.....	3% on the first thousand, 1% on the balance.....
Processing all Misc. or Felony Cases During or After Trial	\$155.25
Processing all Misc. of Felony Cases During or Before Trial	\$87.00
Record Checks (Per Individual)	\$18.50
Short Certificate	\$8.50
Subpoenas	\$3.50
Summary Appeal (\$50.25 + \$5.00 automation fee)	\$55.25
Writ of Habeas Corpus Petitions (\$62.50 + \$5.00 automation fee)	\$67.50
<i>Case Assessments: (Applied by Probation)</i>	
Administrative Fee on MD Numbers (\$42.75 + \$5.00 automation fee)	\$47.75
Clerk of Courts Filing Fee (\$128.00 + \$5.00 automation fee)	\$133.00
Luzerne County cost each additional count	\$27.75

[Pa.B. Doc. No. 23-1651. Filed for public inspection December 1, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Request to Increase Fees of that Section of the Division of Judicial Services and Records, Formerly Referred to as the Office of the Prothonotary; No. 2023-11567

Order

And Now, this 9th day of November, 2023, upon consideration of the within Petition, and pursuant to 42 P.S. § 21071.1, which authorizes the Prothonotary to increase fees consistent with the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three-year period preceding the last increase,

the Court takes judicial notice that the proposed increase in fees of 4% or less is within the stated percentage increase.

It is hereby Ordered and Decreed that the Court approves the increases in the fee schedule for that section of the Division of Judicial Services and Records, formerly referred to as the Office of the Prothonotary, effective January 1, 2024, as per the Prothonotary Fee Schedule following hereto and marked as Exhibit “A”. The Director of Judicial Services and Records of Luzerne County is hereby directed to file this Order and this Order shall be published on the Luzerne County website and in the *Luzerne County Legal Register* and *Pennsylvania Bulletin*.

By the Court

MICHAEL T. VOUGH,
President Judge

PROTHONOTARY’S FEE BILL

LUZERNE COUNTY

Pursuant to ACT 98-164 of January 21, 1999, the following fees are fixed by the Prothonotary and effective:

EFFECTIVE: January 1, 2024

APPEALS: From the Court of Common Pleas to any Appellate Court \$71.00

THE COURTS

7371

Plus Appellate Court Fee (separate check)	\$90.25
ARBITRATIONS: Where arbitration proceedings are processed by the Prothonotary's Office (\$50,000.00 Limit)	\$64.00
APPEAL OF ARBITRATOR'S DECISION	\$473.50
ASSIGNMENTS	\$12.50
AUDITOR'S REPORT: (School, etc.)	\$69.00
BUILDING AGREEMENTS: Stipulations	\$32.00
Waivers	\$32.00
CERTIFICATIONS:	
Certifying copy of any paper—First Page	\$9.00
Additional pages	\$4.75
Certification of Notary Public, Justice of Peace, Motor Vehicle or similar paper	\$6.75
CERTIFICATION OF TRIAL READINESS	\$11.50
COMMENCEMENT OF ACTIONS (by Summons, Petition or Complaint):	
Civil Actions, Declaration of Taking, Equity, Lis Pendens, Name Change, Mortgage Foreclosure, Quiet Title, Minors Compromise Settlement, Petition to Open/Strike Judgment, Suspension of Motor Vehicle, Tax Assessment Appeal, Transfers from Other Jurisdictions, Notice of Appeal from Magistrate, Appeal from Zoning Hearing Board, Miscellaneous	\$178.50
Statement of Objection: (Magistrate)	\$69.50
PFA	\$141.50
PFA State surcharge	\$100.00
COPIES: (Made by customer)	¢0.50
COPIES: (Made by employees)	\$2.25
DECLARATORY JUDGMENT	\$192.00
DECREES: (Entry of any decree which is final)	\$14.50
DISCONTINUANCE: (On any case filed before January 3, 2005)	\$12.50
DIVORCE ACTION: (basic no-fault)	\$190.00
(Add \$45.50 for each count after the first)	
DIVORCE COUNTER CLAIM: (Additional Count)	\$45.50
DIVORCE: (Additional Count of Custody)	\$47.00
Special Note:	
\$9.50 is to be collected on all custody case filings. The fee is the result of Act 119 of 1996 (commonly referred to as the Jen and Dave fee). The purpose of the fee is to fund a new automated system to make criminal charge information available to parties involved in custody cases.	
CUSTODY ACTION	\$189.00
EXECUTIONS: Money Judgment, Mortgage Foreclosure & Municipal	\$36.25
Possession, Writ of	\$36.25
Attachment	\$36.25
Seizure, Writ of	\$36.25
Judgment (Out of County Execution)	\$17.25
EXEMPLIFICATION OF RECORDS	\$24.50
FAX: Long Distance	(per page) \$3.00
Local	(per page) \$3.00
FINANCIAL STATEMENT	\$29.50
JUDGMENTS: Complaint in Confession of Judgment	\$150.00
New Filing: Entry of any Judgment or Decree, which is final whether by Agreement, Demurrer, Non Pros, or Preliminary Objection or Motion on Verdict of Award, by Court Order, Finding Opinion, Default, Etc.	\$23.25
Notes (DSB)	\$41.00
Transfer of Judgment from other Counties	\$41.00
Transcripts J.P. or Magistrates	\$33.00

LIENS:

Municipal	\$40.50
Mechanics	\$40.50
Federal	\$40.50
Flood Protection Authority Lien	\$41.00
Commonwealth	\$41.00

MASTERS FEE:

Moving Party	\$400.00
Responding Party	\$400.00

NOTARY PUBLIC: Registration of Signature of Notary Public \$5.00

NOTICE TO RETAKE MAIDEN NAME \$11.50

NOTICE TO RESUME PRIOR SURNAME \$22.75

POUNDAGE: For handling of money put into Court:

For each dollar of the first \$1,000.00 ¢0.45

For each additional dollar over \$1,000.00 ¢0.15

PRAECIPE TO DISSOLVE ATTACHMENT \$13.50

PRAECIPE FOR LIS PENDENS: (Subsequent filing) \$28.50

PRAECIPE TO REISSUE WRIT OR REINSTATE COMPLAINT \$6.75

PRAECIPE TO TRANSMIT RECORD \$49.25

RECORDING: Filing any paper, account of document required by law
to be recorded, not otherwise provided for or included herein \$12.50

REVIVALS: Reviving the lien of any Judgment by Amicable Proceedings \$23.25

Reviving the lien of any Judgment by Adverse Proceedings \$36.25

RELEASE OF JUDGMENT \$8.25

RETURN CHECK CHARGE \$35.00

SUBPOENA (under seal) Each \$5.75

SATISFACTION:

On any case filed before January 3, 2005 \$12.50

Commonwealth Satisfaction on any case filed before January 3, 2005 \$12.50

Federal Lien Release \$12.50

Clerk of Courts Satisfaction \$41.00

SEARCH: Five Years \$28.50

Each Additional Year \$5.75

Naturalization Search (Per Person) \$28.50

WRIT OF CERTIORARI \$140.75

[Pa.B. Doc. No. 23-1652. Filed for public inspection December 1, 2023, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated November 13, 2023, Kenneth L. Blackwell (# 62830), whose registered address is in Capitol Heights, MD, is suspended from the practice of law in this Commonwealth for a period of 6 months, with all but 60 days stayed in

favor of 3 years of probation, with conditions, effective December 13, 2023. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 23-1653. Filed for public inspection December 1, 2023, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) issues this temporary order designating Chronic Wasting Disease (CWD), Viral Hemorrhagic Septicemia (VHS), the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1), *Brucella canis*, Tilapia lake virus (TiLV), *Streptococcus equi ssp. zooepidemicus* (*S. zooepidemicus*) in swine, Rabbit Hemorrhagic Disease (RHD) and *Leishmaniasis* as “dangerous transmissible diseases.” These designations are made under the authority of the Domestic Animal Law (3 Pa.C.S. §§ 2301–2389).

This temporary order is the successor to a previous temporary order which was published in the December 17, 2022, *Pennsylvania Bulletin*, 52 Pa.B. 7714 (December 17, 2022). This temporary order hereby rescinds and replaces the December 17, 2022, temporary order.

Under the Domestic Animal Law at 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. The Domestic Animal Law, at 3 Pa.C.S. § 2321(a) (relating to dangerous transmissible diseases), establishes a statutory list of dangerous transmissible diseases. Under the Domestic Animal Law, 3 Pa.C.S. § 2321(d) (relating to designation of additional dangerous transmissible diseases through temporary order), the Department has authority to declare a disease that has not been specifically identified in the statute as a “dangerous transmissible disease” to be a dangerous transmissible disease through issuance of a temporary order making that designation. Under the authority of the Domestic Animal Law, at 3 Pa.C.S. § 2321(d), the Department hereby issues this temporary order establishing the following diseases as “Dangerous Transmissible Diseases.”

1. *Chronic Wasting Disease (CWD)*

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSE). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or “mad cow” disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a “prion.” There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

CWD has been identified in both captive and wild deer in this Commonwealth. The designation of CWD as a “dangerous transmissible disease” allowed the Department to facilitate the development and oversight of a surveillance program and quarantine orders that allow for detection, tracing and containment of the CWD outbreak and allows the Department to react and take action necessary to carry out its statutory duty under the Domestic Animal Law.

2. *Viral Hemorrhagic Septicemia (VHS)*

VHS virus is a serious pathogen of fresh and saltwater fish that is causing a disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of infected fish. Once a fish is infected with VHS, there is no known cure. Not all infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

3. *Neurologic Form of Equine Herpes Virus (EHV-1)*

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geographic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheobronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild in coordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

4. *Canine Brucellosis (Brucella canis)*

Canine brucellosis is an infectious disease of dogs caused by the *Brucella canis* (*B. canis*) bacteria. *B. canis* infection in breeding dogs is an important cause of reproductive failure, particularly in kennels. *B. canis* infection can result in abortions, stillbirths, epididymitis, orchitis and sperm abnormalities in breeding dogs. Infected dogs may also develop other conditions such as ocular disease and discospondylitis.

Transmission of *B. canis* occurs through exposure to secretions during estrus or mating or by contact with infected tissues during birth or following abortion. In addition, infected dogs may spread the bacteria in blood, milk, urine, saliva, nasal and ocular secretions and feces. Puppies can become infected in utero, during birth, through nursing and by contact with contaminated surfaces. The bacteria can also be transmitted by fomites.

B. canis is considered to be a zoonotic organism, although its importance as a cause of human illness is still unknown. People in very close contact with infected dogs are thought to be more at risk of infection, including those who work in a breeding kennel, and veterinarians. Laboratory personnel handling the organism are also considered to have a higher risk of infection. The symptoms of this disease in humans are nonspecific and cases may not be reported. The 2012 National Association of State Public Health Veterinarians (NASPHV) document “Public Health Implications of *B. canis* Infections in Humans” reports that there are documented cases of infection with *B. canis* leading to serious health problem. Those with compromised immune systems may be at higher risk of serious illness. Treatment with antibiotics may be effective.

Although infection in dogs can be treated with antibiotics, *B. canis* can persist in an animal even after treatment. Prevention is key, and all dogs entering a breeding kennel or used for breeding should first be test-negative or come from a brucella-negative source. Ongoing and regular testing is recommended, even in closed breeding facilities, and this is an essential component of recognition and prevention. Proper biosecurity and sanitation of breeding facilities is also recommended to prevent disease transmission. Infected puppies or dogs should not be purchased or adopted.

5. *Tilapia lake virus (TiLV)*

TiLV is a serious viral pathogen of farmed and wild Tilapia which has caused large losses in farmed fish in other countries. This orthomyxo-like virus was detected in an aquaculture facility within the United States and spread to other fish farms before it was eradicated from the country. The entry of the virus was traced to the importation of infected fry (juvenile fish) from an endemic region.

Lesions associated with TiLV infection include discoloration, renal congestion, encephalitis, ocular degeneration and abdominal swelling. Mortality can range from 10 to 90%. Morbidity and mortality generally become apparent in farmed fish within 1 month of movement from the hatchery to grow-out cages—thus, the disease is commonly known as “tilapia one-month mortality syndrome.”

6. *Streptococcus equi* subspecies *zooepidemicus* (*S. zooepidemicus*) in swine

Streptococcus equi ssp. *zooepidemicus* (*S. zooepidemicus*) is an opportunistic bacteria that has historically caused major economic losses in the swine industry in China. In November, 2019, the United States Department of Agriculture issued an Emerging Risk Notice for *S. zooepidemicus* after the pathogen was identified in a cull sow slaughter plant in Tennessee. Although *S. zooepidemicus* is most commonly known as the cause of severe respiratory or uterine infections in horses, it is able to infect many other species, including swine, cattle, rabbits, pigs, dogs, cats and humans. In animals, symptoms can include fever, inflammation of lymph nodes, sepsis, mastitis and bronchopneumonia.

To protect the swine industry in Pennsylvania, and human health, potential infections in swine should be investigated to determine how widespread this organism is in swine and to assist producers in reducing the risk of infection and spread of disease.

7. *Rabbit Hemorrhagic Disease (RHD)*

Rabbit Hemorrhagic Disease (RHD) is a fatal disease in rabbits and is considered a foreign animal disease in the United States. RHD is caused by a calicivirus and there are several strains which cause disease. Rabbit Hemorrhagic Disease Virus Serotype 2 (RHDV-2) has been detected in North America in recent years. RHDV-2 is highly contagious and affects both domestic and wild rabbits, including hares, jackrabbits and cottontails.

The virus causing RHD can be transmitted by direct contact with infected rabbits or indirectly through carcasses, food, water, and any contaminated materials and it is very resistant to extreme temperatures. Infection may result in a peracute febrile disease which causes hepatic necrosis, enteritis, and lymphoid necrosis, followed by massive coagulopathy and hemorrhages in multiple organs. Rabbits often show few clinical signs and die within six to 24 hours after the onset of fever and may have blood visible around the nose from the internal hemorrhaging. Morbidity rate is often 100%, and the mortality rate is often 60%–90%.

RHD has not been shown to affect people or other mammals.

8. *Leishmaniasis*

Leishmaniasis is a zoonotic disease caused by infection with *Leishmania* parasites, affecting humans, dogs and other mammals.

Leishmaniasis is most commonly reported in tropical and subtropical regions, including Asia, the Middle East, Africa, southern Europe, South and Central America and southern Mexico. The disease has also been identified in foxhound populations in the United States and Canada and sporadic cases in other dogs have been reported in the United States.

Infection with *Leishmania* parasites can result in disease ranging from mild cutaneous lesions, a mucocutaneous form, or severe and often fatal visceral leishmaniasis in which internal organs such as the bone marrow, spleen and liver may be affected. Approximately one million human cases, most with the cutaneous presentation, are reported worldwide annually. The visceral form of leishmaniasis is most often caused by the *Leishmania infantum* parasite in the Americas. The parasite is spread by infected female phlebotomine sandflies which feed on blood. The existence of competent insect vectors for *Leishmania* parasites in the United States has been documented and changing environmental factors may expand the geographic range of vectors in North America. Disease in humans caused by *Leishmania infantum* is reportedly a serious public health problem in those areas where canine leishmaniasis is endemic, and dogs have been implicated as a reservoir of infection, transmitting the parasite to insect vectors when the insects take a blood meal. The importation of infected dogs to an area with competent vectors could lead to the spread of the parasite in animal and human populations.

Treatment may not clear the parasite, and recrudescence may occur. There is no vaccine available to prevent leishmaniasis in humans or other mammals.

Order

The Department hereby designates CWD, VHS, EHV-1, *Brucella canis*, Tilapia lake virus, *Streptococcus equi* ssp. *zooepidemicus* (*S. zooepidemicus*) in swine, Rabbit Hemorrhagic Disease (RHD), and *Leishmaniasis* as “dangerous

transmissible diseases” under the Domestic Animal Law at 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making such a designation.

This order shall take effect as of January 1, 2024 and upon publication in the *Pennsylvania Bulletin* and shall remain in effect until no later than January 1, 2025. The Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2025, (2) allow this temporary order to expire on January 1, 2025, (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Alex Hamberg, VMD, PhD, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

RUSSELL REDDING,
Secretary

[Pa.B. Doc. No. 23-1654. Filed for public inspection December 1, 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 November 21, 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-bnbnksbmssnspt@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

No activity.

CREDIT UNIONS

No activity.

OTHER APPLICATION ACTIVITY

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
11-15-2023	Pitcairn Trust Company Jenkintown Montgomery County Application for approval to convert from a Stock Corporation to a Limited Liability Company.	Approved

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
11-11-2023	CCFNB Bancorp, Inc. Bloomsburg Columbia County Application for approval to acquire 100% of Muncy Bank Financial, Inc., Muncy, PA, and thereby indirectly acquire 100% of The Muncy Bank and Trust Company, Muncy, PA. Subsequent to the acquisition, the surviving institution, CCFNB Bancorp, Inc., changed its name to Muncy Columbia Financial Corporation.	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
11-11-2023	First Columbia Bank & Trust Co. Bloomsburg Columbia County Merger of The Muncy Bank and Trust Company, Muncy, PA, with and into First Columbia Bank & Trust Co., Bloomsburg, PA. Subsequent to the merger, the surviving institution, First Columbia Bank & Trust Co., changed its name to Journey Bank. Branch offices of The Muncy Bank and Trust Company will become branch offices of First Columbia Bank & Trust Co. including the former main office of The Muncy Bank and Trust Company located at: <div style="text-align: right;">2 North Main Street Muncy Lycoming County</div>	Effective

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
11-16-2023	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	5414 Route 25 Suite 101 Lykens Dauphin County	Accepted

CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,
Secretary

[Pa.B. Doc. No. 23-1655. Filed for public inspection December 1, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS****THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT****APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT**

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received

<i>Section</i>	<i>Category</i>
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.

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. 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.

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: 570-826-5472. 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 & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0923827	Joint DEP/PFBC Pesticides Permit	New	Witt Marsha P.O. Box 68 Bedminster, PA 18910-0068	Bedminster Township Bucks County	SERO
0923828	Joint DEP/PFBC Pesticides Permit	New	Wrightstown Township Bucks County 2203 Second Street Pike Wrightstown, PA 18940	Wrightstown Township Bucks County	SERO
15138107	Joint DEP/PFBC Pesticides Permit	Renewal	Hearne Hardwoods 200 Whiteside Drive Oxford, PA 19363-1237	Atglen Borough Chester County	SERO
1513827	Joint DEP/PFBC Pesticides Permit	Renewal	Bernie Schaffer 136 Grubb Road Malvern, PA 19355-3504	Willistown Township Chester County	SERO
1523834	Joint DEP/PFBC Pesticides Permit	New	Kennett Square Golf & CC 100 E Locust Lane Kennett Square, PA 19348-1718	East Marlborough Township Chester County	SERO
2313811	Joint DEP/PFBC Pesticides Permit	Renewal	Brick House Farms HOA 427 Exton Cmns Exton, PA 19341-2451	Edgmtown Township Delaware County	SERO
2317801	Joint DEP/PFBC Pesticides Permit	Amendment	Spring Haven Club 600 S Providence Road Wallingford, PA 19086-6605	Nether Providence Township Delaware County	SERO
1407408	Land Application and Reuse of Sewage Individual WQM Permit	Amendment	PA State University 104A Water Reclamation Fac Admin Bldg University Park, PA 16802	State College Borough Centre County	NCRO
NOEXNE055	No Exposure Certification	New	Nike USA Inc. 3633 Commerce Center Boulevard Bethlehem, PA 18015-9501	Bethlehem City Northampton County	NERO
NOEXNE057	No Exposure Certification	New	Pretium Pkg 512 Forest Road Humboldt Industrial Park Hazleton, PA 18202	Hazle Township Luzerne County	NERO
NOEXNW018	No Exposure Certification	Renewal	Barnes Group Inc. d/b/a Assoc Spring 226 S Center Street Corry, PA 16407-1935	Corry City Erie County	NWRO
NOEXSC220	No Exposure Certification	Renewal	US Postal Service 1425 Crooked Hill Road Harrisburg, PA 17106-3300	Susquehanna Township Dauphin County	SCRO
NOEXSC409	No Exposure Certification	New	Sealed Air Corp US 260 N Blettner Avenue Hanover, PA 17331-4501	Conewago Township Adams County	SCRO
NOEXSW123	No Exposure Certification	Renewal	RR Donnelley 218 N Braddock Avenue Pittsburgh, PA 15208-2511	Pittsburgh City Allegheny County	SWRO

NOTICES

7379

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033884	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Simsmetal East LLC 300 South Steel Road Morrisville, PA 19067	Windsor Township York County	SCRO
PAG033913	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Simsmetal East LLC 1 Linden Avenue Jersey City, NJ 07305	Lower Windsor Township York County	SCRO
PAG036137	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	The Recycling Center Inc. 5020 Thoms Run Road Oakdale, PA 15071-1702	Collier Township Allegheny County	SWRO
PAG038322	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lignetics of New England Inc. 1055 Matthews Run Road Youngsville, PA 16371-3127	Brokenstraw Township Warren County	NWRO
PAG049600	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Andrea & Nathaniel Holland 15303 Ridge Road Meadville, PA 16335-7835	Hayfield Township Crawford County	NWRO
PAG056271	PAG-05 NPDES General Permit for Groundwater Cleanup	Renewal	Catanese Bros 6400 Brooktree Court Suite 250 Wexford, PA 15090-9271	West Deer Township Allegheny County	SWRO
PAG123658	PAG-12 NPDES General Permit for CAFOs	Renewal	Bange Harley 15629 Trough Creek Valley Pike Huntingdon, PA 16652-3785	Union Township Huntingdon County	SCRO
PAG123666	PAG-12 NPDES General Permit for CAFOs	Renewal	Brubaker Nicholas 2871 N Colebrook Road Manheim, PA 17545	Rapho Township Lancaster County	SCRO
PAG123689	PAG-12 NPDES General Permit for CAFOs	Renewal	Brubaker Robert L Jr 2871 N Colebrook Road Manheim, PA 17545-8309	Rapho Township Lancaster County	SCRO
PAG123766	PAG-12 NPDES General Permit for CAFOs	Renewal	Scattered Acres Inc. 1750 Van Reed Road Sinking Spring, PA 19608-8801	West Cocalico Township Lancaster County	SCRO
PAG123780	PAG-12 NPDES General Permit for CAFOs	Renewal	Brubaker Robert L Jr 2871 N Colebrook Road Manheim, PA 17545-8309	Mount Joy Township Lancaster County	SCRO
PAG123857	PAG-12 NPDES General Permit for CAFOs	Renewal	Cornelius John 19062 Trough Creek Valley Pike Mapleton Depot, PA 17052-9635	Cass Township Huntingdon County	SCRO
PAG123866	PAG-12 NPDES General Permit for CAFOs	Renewal	Warner Aaron J 18826 New Fording Road Broad Top, PA 16621-8308	Todd Township Huntingdon County	SCRO
PAG123882	PAG-12 NPDES General Permit for CAFOs	Renewal	Rohrer Dairy Farm LLC 124 Charlestown Road Washington Boro, PA 17582-9669	Manor Township Lancaster County	SCRO
PAG124870	PAG-12 NPDES General Permit for CAFOs	Renewal	Rushtown Poultry LLC 90 Court Street Bethel, PA 19507	Rush Township Northumberland County	SCRO
0498401	Pump Stations Individual WQM Permit	Amendment	Big Beaver Borough Beaver County 114 Forest Drive Darlington, PA 16115-3206	Big Beaver Borough Beaver County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6597409	Pump Stations Individual WQM Permit	Amendment	Allegheny Township Municipal Authority Armstrong County 136 Community Bldg Road Leechburg, PA 15656-8208	Allegheny Township Westmoreland County	SWRO
0290405	Sewer Extensions Individual WQM Permit	Amendment	Fox Chapel Borough Allegheny County 401 Fox Chapel Road Pittsburgh, PA 15238-2225	Fox Chapel Borough Allegheny County	SWRO
0423403	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Seivers Jeffrey D 246 Blackwoods Road Freedom, PA 15042-9645	New Sewickley Township Beaver County	SWRO
1023418	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Bruno Amy 522 Branchton Road Slippery Rock, PA 16057-3214	Slippery Rock Township Butler County	NWRO
2523430	Single Residence Sewage Treatment Plant Individual WQM Permit	New	David & Jocelyn Steves 16075 Spirit Hill Road Corry, PA 16407-7137	Wayne Township Erie County	NWRO
2523431	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Keller Gerald 8519 Lexington Road Girard, PA 16417-9120	Girard Township Erie County	NWRO
PA0087033	Small Flow Treatment Facility Individual NPDES Permit	Transfer	Stoltzfus Jonathan L & Elizabeth Ruth 6350 McClays Mill Road Newburg, PA 17240	Lurgan Township Franklin County	SCRO
2895405	Small Flow Treatment Facility Individual WQM Permit	Transfer	Stoltzfus Jonathan L & Elizabeth Ruth 6350 McClays Mill Road Newburg, PA 17240	Lurgan Township Franklin County	SCRO
WQG018768	WQG-01 WQM General Permit	Transfer	Andrea & Nathaniel Holland 15303 Ridge Road Meadville, PA 16335-7835	Hayfield Township Crawford County	NWRO
WQG02150621	WQG-02 WQM General Permit	Amendment	Chester County School Authority 455 Boot Road Downingtown, PA 19335-3043	Penn Township Chester County	SERO
WQG02152301	WQG-02 WQM General Permit	New	Chester County School Authority 455 Boot Road Downingtown, PA 19335-3043	Penn Township Chester County	SERO
WQG02402302	WQG-02 WQM General Permit	New	Can Do Inc. One South Church Street 200 Renaissance Center Hazleton, PA 18201	Hazle Township Luzerne County	NERO
WQG02402303	WQG-02 WQM General Permit	New	McCarthy Lambert Kathleen 340 Kidder Street Wilkes-Barre, PA 18702	Jackson Township Luzerne County	NERO

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.

Northwest Regional Office

PA0028274, Sewage, SIC Code 4952, **New Wilmington Borough**, 134 High Street, New Wilmington, PA 16142-1104. Facility Name: New Wilmington Borough STP. This existing facility is located in New Wilmington Borough, **Lawrence County**.

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

The receiving stream, the Little Neshannock Creek (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.78 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	Daily Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	162.0	260.0	Daily Min XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	195.0	292.0	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 XXX	Report Daily Max XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	Report Daily Max 10.5	XXX	21
Ultraviolet light intensity (µw/cm ²)	XXX	XXX	XXX	Report Daily Max 10.5	XXX	7
Ammonia-Nitrogen	68.3	XXX	XXX	3.5	XXX	XXX
Nov 1 - Apr 30	22.7	XXX	XXX	Report Daily Max XXX	XXX	XXX
May 1 - Oct 31	XXX	Report Daily Max XXX	XXX	Report Daily Max XXX	XXX	XXX
Total Nitrogen	XXX	Report Daily Max XXX	XXX	Report Daily Max XXX	XXX	XXX
Total Phosphorus	XXX	Report Daily Max XXX	XXX	Report Daily Max XXX	XXX	XXX
Zinc, Total	XXX	Report Daily Max XXX	XXX	Report Daily Max 0.023	XXX	XXX
Copper, Total	0.155	XXX	XXX	0.023	XXX	0.047

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

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0034061, Sewage, SIC Code 7033, **Vacationland Properties Owner LLC**, 760 Osterman Drive, Bozeman, MT 59715-7948. Facility Name: Goddard Park Vacationland Campground. This existing facility is located at 867 Georgetown Road, Sandy Lake, PA 16145-2525 located in Deer Creek Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary to Schofield Run (WWF), is located in State Water Plan watershed 16-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.5	XXX	1.6

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Geo Mean				15.9	XXX	31.8
Ammonia-Nitrogen	XXX	XXX	XXX			
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	5.3	XXX	10.6
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report Quarterly XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0091201, Sewage, SIC Code 8011, **Indiana Medical Condominium Association**, 1177 S 6th Street, Indiana, PA 15701-3759. Facility Name: Indiana Medical Condominiums. This existing facility is located in White Township, **Indiana County**.

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

The receiving stream(s), Unnamed Tributary to Two Lick Creek (CWF), is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0036 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Geo Mean				13.5	XXX	27.0
Ammonia-Nitrogen	XXX	XXX	XXX			
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	4.5	XXX	9.0

The proposed effluent limits for Outfall 001 are based on a design flow of .00126 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0238791, Sewage, SIC Code 4952, 8811, **Rae Kent Gardner**, 4926 Follett Run Road, Warren, PA 16365-8559. Facility Name: Rae Kent Gardner SRSTP. This existing facility is located in Conewango Township, **Warren County**.

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

The receiving stream(s), Morse Run (HQ-CWF), is located in State Water Plan watershed 16-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

- Monthly monitoring for Total Residual Chlorine (TRC).

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0263460, Sewage, SIC Code 4952, **Joseph Landis**, 414 Freeport Street, Saxonburg, PA 16056-9416. Facility Name: Joseph Landis SRSTP. This existing facility is located in Clinton Township, Butler 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 Sarver Run (HQ-TSF), is located in State Water Plan watershed 18-F and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0295434, Sewage, SIC Code 8800, **Thomas Marx**, 129 Dutch Road, Harmony, PA 16037-9215. Facility Name: Thomas Marx SRSTP. This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage.

The receiving stream(s), Unnamed Tributary of Doe Run (WWF), is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0006 MGD.—Limits.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Southcentral Regional Office

PA0027197, Sewage, SIC Code 4952, **Capital Region Water**, 212 Locust Street, Suite 500, Harrisburg, PA 17101-1510. Facility Name: Harrisburg Advanced Wastewater Treatment Facility. This existing facility is located in Harrisburg City, **Dauphin 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), Susquehanna River (WWF, MF) is located in State Water Plan watershed 7-C and is classified for Warm Water Fishes, Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 37.7 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	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 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	7,860	12,577	XXX	25.0	40.0	50
Total Suspended Solids	9,433	14,149	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean		
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	629	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

NOTICES

7385

The proposed effluent limits for Outfall 001 are based on a design flow of 37.7 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.05	XXX	0.16
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	7,860	12,577	XXX	25.0	40.0	50
Total Suspended Solids	9,433	14,149	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Total Phosphorus	629	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					

The proposed effluent limits for Outfall 001 are based on a design flow of 37.7 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Effluent Net						
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Effluent Net						

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs)	XXX	688,575	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Effluent Net						
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Ammonia-Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	91,810	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Effluent Net						
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				

*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

This draft permit contains special conditions for Combined Sewer Overflow (CSO) outfalls in Part C.

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

The EPA Waiver is not in effect.

Southcentral Regional Office

PA0087041, Sewage, SIC Code 7033, **Sun Communities, Inc.**, 27777 Franklin Road, Southfield, MI 48034. Facility Name: Lake In Wood RV Resort. This existing facility is located in Brecknock Township, **Lancaster County**.

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

The receiving stream, Unnamed Tributary of Black Creek (HQ-WWF), is located in State Water Plan watershed 7-J and is classified for High Quality Waters—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 .015 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .015 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.32	XXX	1.07
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	4.5	XXX	9.0
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

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.

Southcentral Regional Office

PA0261939, Sewage, SIC Code 6514, **Amy Gerlach**, 790 Oliver Street, Newport, PA 17074-8901. Facility Name: Gerlach Res. This existing facility is located in Oliver Township, **Perry 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 Juniata River (CWF, MF), is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

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
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0266698, Sewage, SIC Code 8811, **Danciu Ina**, 3501 New Holland Road, Mohnton, PA 19540-8638. Facility Name: Danciu Residence. This existing facility is located in Cumru Township, **Berks 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), Angelica Creek (CWF, MF), is located in State Water Plan watershed 3-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 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
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

- Submittal of Annual Maintenance Reports

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

PA0266345, Industrial, SIC Code 2015, **Keystone Protein Company**, 154 W Main Street, Fredericksburg, PA 17026-9510. Facility Name: Keystone Protein Fredericksburg. This existing facility is located in Bethel Township, **Lebanon 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), Unnamed tributary to Elizabeth Run (WWF, MF), Elizabeth Run (WWF, MF) and Little Swatara Creek (WWF, MF), is located in State Water Plan watershed 7-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 3 MGD/1.05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	Report	Report	XXX	10.0	20.0	25
Total Suspended Solids	Report	Report	XXX	20.0	40.0	50
Oil and Grease	Report	Report	XXX	8.0	14.0	16

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	400	400	XXX
Nov 1 - Apr 30				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	200	400	XXX
				Geo Mean		
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	103.0	147.0	XXX
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	Report	XXX	4.0	8.0	10
Nov 1 - Apr 30						
May 1 - Oct 31	26	53	XXX	3.0	6.0	7.5
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Nitrate-Nitrite as N (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	18	35	XXX	2.0	4.0	5
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

The proposed effluent limits for Stormwater Outfalls 002, 003, 007 and 008 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD ₅	XXX	XXX	XXX	XXX	Report	XXX
COD	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 Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs)	XXX	19,786	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Ammonia-Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	380.5	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Chesapeake Bay Nutrient Requirements
- Approval Contingencies
- Chlorine Minimization and Limitation Requirement
- Collected Screenings, Slurries, Sludges, and other Solids Management
- Conditions to Implement Best Management Practices

- Chemical Additives Conditions
- Stormwater Requirements

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

The EPA Waiver is not in effect.

Southcentral Regional Office

PA0259969, Concentrated Animal Feeding Operation (CAFO), **Jonas Sensenig (Silver Crest Acres)**, 1147 Silver Spring Road, Holtwood, PA 17532-9741.

Jonas Sensenig has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Silver Crest Acres, located in Drumore Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to Fishing Creek (HQ-CWF, MF) in Watershed 7-K, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 432.28 animal equivalent units (AEUs) consisting of 3,200 swine wean to finish, 6 beef cow, 6 beef calf, 1 beef bull, and 10 meat goat doe. Liquid swine manure is stored in a concrete underbarn manure storage. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Southeast Regional Office

PA0026247, Sewage, SIC Code 4952, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915-9766. Facility Name: Hatfield Township STP. This existing facility is located in Hatfield Township, **Montgomery County**.

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

The receiving stream, West Branch Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F 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 6.98 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 6.98 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Dissolved Oxygen	XXX	XXX	6.0 Inst Min XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Nov 1 - Apr 30	1,073	1,609	XXX	18	27 Wkly Avg	36
May 1 - Oct 31	536	804	XXX	9.1	14 Wkly Avg	18
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,746	2,620	XXX	30	45 Wkly Avg	60
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	58,213	XXX	XXX	1,000	XXX	1,500
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000*
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N Nov 1 - Jun 30	Report	XXX	XXX	Report	XXX	XXX
Jul 1 - Oct 31	483	XXX	XXX	8.2	XXX	16.4
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	322	XXX	XXX	5.5	XXX	11
May 1 - Oct 31	107	XXX	XXX	1.8	XXX	3.6
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus Nov 1 - Mar 31	58	XXX	XXX	1.0	XXX	2
Apr 1 - Oct 31	43	XXX	XXX	0.74	XXX	1.48
Antimony, Total	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	Report	Report	XXX	Report	Report	XXX
Cyanide, Free	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Selenium, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO ₃)	XXX	XXX	XXX	Report	XXX	XXX

*Shall not exceed in more than 10% of samples.

The proposed effluent limits for Outfall 002 are based on an average stormwater flow—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 003 are based on an average stormwater flow—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 004 are based on an average stormwater flow—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Chlorine Optimization
- E. Small Stream Discharge
- F. Operator Notification
- G. Fecal Coliform Reporting
- H. Pretreatment Program Implementation
- I. Solids Management
- J. Site-Specific Criteria Study
- K. WET Condition
- L. Stormwater Outfalls Requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

Southeast Regional Office

PA0013463, Industrial, SIC Code 3312, **US Steel Corporation**, 400 Middle Drive, Fairless Hills, PA 19030. Facility Name: US Steel Fairless Hills Facility. This existing facility is located in Falls Township, **Bucks 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), Delaware River (WWF, MF) is located in State Water Plan watershed 2-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 MP 102 are based on a design flow of 3.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	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
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall MP 102 are based on a design flow of 3.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30

The proposed effluent limits for Outfall MP 102 are based on a design flow of 3.2 MGD.—Limits.

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

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

- Chemical Additives Requirement
- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- BMPs for Stormwater Discharges
- Stormwater Monitoring Requirements
- PPC Plan
- Cooling Water Intake Structure Requirements
- Thermal Impact of discharge upon Zone 2 of Delaware River

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

Southeast Regional Office

PA0245020, Storm Water, SIC Code 2834, 2836, **Janssen Biotech Inc.**, 200 Great Valley Parkway, Malvern, PA 19355-1307. Facility Name: Janssen Biotech Inc. This existing facility is located in East Whiteland Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Valley Creek (EV, MF) and Valley Creek (EV, MF), is located in State Water Plan watershed 3-F and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

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

<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>	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total 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
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

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

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

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

The proposed effluent limits for Outfall 009 are based on a design flow of 0 MGD.—Limits.

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

The proposed effluent limits for Outfall 011 are based on a design flow of 0 MGD.—Limits.

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

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

The proposed effluent limits for Outfall 013 are based on a design flow of 0 MGD.—Limits.

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

The proposed effluent limits for Outfall 015 are based on a design flow of 0 MGD.—Limits.

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

The proposed effluent limits for Outfall 017 are based on a design flow of 0 MGD.—Limits.

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

The proposed effluent limits for Outfall 018 are based on a design flow of 0 MGD.—Limits.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 019 are based on a design flow of 0 MGD.—Limits.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Southwest Regional Office

PA0285200, Sewage, SIC Code, **Pittsburgh Oratory**, 4450 Bayard Street, Pittsburgh, PA 15213-1506. Facility Name: Pittsburgh Oratory Properties SFTF. This proposed facility is located in Ligonier Township, **Westmoreland County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SFTF sewage.

The receiving stream(s), Unnamed Tributary to Mills Run (CWF), is located in State Water Plan watershed 18-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 .002 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0028126, Industrial, SIC Code 4941, **PA American Water Co.**, 380 Becks Run Road, Pittsburgh, PA 15201. Facility Name: PA American Water—Hays Mine Station. This existing facility is located in Pittsburgh City, **Allegheny County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 12.168 MGD.—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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.011	0.026	XXX

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	10.4	16.2	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Zinc, Total (ug/L)	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.

Southwest Regional Office

PA0285081, Storm Water, SIC Code 5171, **E J Bognar Inc.**, 528 Elmwood Boulevard, New Galilee, PA 16141. Facility Name: New Galilee Plant. This proposed facility is located in Big Beaver Borough, **Beaver County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated industrial stormwater.

The receiving stream(s), Jordan Run (HQ-CWF), Clarks Run (HQ-CWF), is located in State Water Plan watershed 20-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	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 002 are based on a design flow of 0.0 MGD.—Limits.

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

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.

Regional Permit Coordination Office

Applicant: **MRPI Amity Hall LLC**

Applicant Address: 509 South Exeter Street, Suite 216, Baltimore, MD 21202

Application Number: **PAD500022**

Application Type: New

Municipality/County: Watts Township, **Perry County**

Project Site Name: Susquehanna Crossings

Total Earth Disturbance Area (acres): 193.99 acres

Surface Waters Receiving Stormwater Discharges: Juniata River (WWF, MF) and Susquehanna River (WWF, 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: MRPI Amity Hall LLC is proposing to construct two industrial warehouse/distribution facilities totaling approximately 1.95 million square feet. Construction will also include a private access road, internal roadways, passenger car and trailer parking, wastewater treatment plans, stormwater management facilities, and a well pump house to support the development.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-772-5987.

Northeast Regional Office

Applicant: **PD Silk Mill, LP**

Applicant Address: 91 Larry Holmes Drive, Suite 200, Easton, PA 18042-7745

Application Number: **PAD480202**

Application Type: New

Municipality/County: City of Bethlehem, **Northampton County**

Project Site Name: Silk Mill Apartments

Total Earth Disturbance Area (acres): 3.96 acres

Surface Waters Receiving Stormwater Discharges: Monocacy 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 construction of a 5-story/90-unit apartment building, parking areas, curbing, lighting, landscaping and associated stormwater management BMPs.

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: **GM 001 LLC, c/o Mariano DiFiore**

Applicant Address: 1047 Cetronia Road, Unit 1, Breinigsville, PA 18031

Application Number: **PAD390274**

Application Type: New

Municipality/County: Lower Macungie Township, **Lehigh County**

Project Site Name: Spring Creek Estates 2022

Total Earth Disturbance Area (acres): 3.82 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: Construction of four (4) four-unit residential attached single-family dwellings (Townhouses) with associated parking 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.

Northeast Regional Office

Applicant: **Lehigh County Authority, c/o Amy Kunkel**

Applicant Address: 1053 Spruce Road, P.O. Box 3348, Allentown, PA 18106-0348

Application Number: **PAD390277**

Application Type: New

Municipality/County: Upper Macungie Township, **Lehigh County**

Project Site Name: Upper Western Lehigh Pump Station and Force Main Improvements Project

Total Earth Disturbance Area (acres): 7.47 acres

Surface Waters Receiving Stormwater Discharges: UNT to Little Lehigh Creek (HQ-CWF, MF), Little Lehigh Creek (HQ-CWF, MF) and Other Wetlands (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 sanitary sewer pump station at 7686 Industrial Boulevard (southeast of SR 0100 and Industrial Boulevard) and the installation of approximately 7,300 linear feet of 18" sanitary sewer force main from the proposed station to an existing manhole near Lenape Trail within Grange Park.

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: **JJLH Associates, LTD**

Applicant Address: 4437 Street Road, Trevoise, PA 19053

Application Number: **PAD480020 A-1**

Application Type: Major Amendment

Municipality/County: Lower Nazareth Township, **Northampton County**

Project Site Name: Faulkner Subaru Dealership

Total Earth Disturbance Area (acres): 10.54 acres

Surface Waters Receiving Stormwater Discharges: UNT to Bushkill 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 construction of a commercial car dealership

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: **Newman Paper Company**

Applicant Address: 6101 Tacony Street, Philadelphia, PA 19135

Application Number: **PAD510236**

Application Type: New

Municipality/County: City of Philadelphia, **Philadelphia County**

Project Site Name: Newman Paper Company

Total Earth Disturbance Area (acres): 3.89 acres

Surface Waters Receiving Stormwater Discharges: Delaware River (WWF, 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: Installation of 3 subsurface basins and associated pipes and structures to treat and control the release of stormwater runoff. Basin 3 will be able to pump water into the paper recycling plant when necessary for capture and reuse of a portion of the stormwater runoff.

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: **JVI, LLC**

Applicant Address: 1265 Miller Road, Wind Gap, PA 18091

Application Number: **PAD540033**

Application Type: New

Municipality/County: Rush Township, **Schuylkill County**

Project Site Name: 92 Progressive Avenue Storage Expansion

Total Earth Disturbance Area (acres): 11.37 acres

Surface Waters Receiving Stormwater Discharges: UNT to Nesquehoning 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 expansion of an existing building, additional paved storage area, and associated stormwater facilities at 92 Progressive Ave.

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: **Woodloch Pines, Inc.**

Applicant Address: 731 Welcome Lake Road, Hawley, PA 18428

Application Number: **PAD520050**

Application Type: New

Municipality/County: Lackawaxen Township, **Pike County**

Project Site Name: Fern Glen Major Subdivision

Total Earth Disturbance Area (acres): 10.53 acres

Surface Waters Receiving Stormwater Discharges: Teedyuskung Creek, High Quality—Cold Water Fish, Migratory Fish (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 Applicant proposes the construction of 9 single family homes with on-lot septic and wells.

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: **One More Mountain Holdings, LLC**

Applicant Address: 4511 Falmer Drive, Bethlehem, PA 18020

Application Number: **PAD400074**

Application Type: New

Municipality/County: Wright Township, **Luzerne County**

Project Site Name: The Grove at Mountain Top

Total Earth Disturbance Area (acres): 21.06 acres

Surface Waters Receiving Stormwater Discharges: 1. Mud Pond Run (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: A multi-family residential development of 248 units and an office/clubhouse. The development will access State Route 309 and N. Sunset Drive. Public water and sewer will service the development. Private improvements will consist of 11 multi-family buildings, parking lots, and two (2) entrance drives adjoining SR 309.

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: **Township of Tobyhanna**

Applicant Address: 105 Government Center Way, Pocono Pines, PA 18350

Application Number: **PAD450133 A-2**

Application Type: Major Amendment

Municipality/County: Tobyhanna Township, **Monroe County**

Project Site Name: I-380 SB Ramp Relocation

Total Earth Disturbance Area (acres): 12.69 acres

Surface Waters Receiving Stormwater Discharges: EV Wetlands to Upper Tunkhannock Creek (EV/HQ-CWF, MF), Swiftwater Creek (EV)

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: Major Amendment for realignment of I-380 Southbound Exit Ramp to align with Long Pond Road and widening, reconstruction of Route 940.

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: **Almono, LP**

Applicant Address: 225 Fifth Avenue, Pittsburgh, PA 15213

Application Number: **PAD020005A-2**

Application Type: Major Amendment

Municipality/County: City of Pittsburgh, **Allegheny County**.

Project Site Name: Hazelwood Green Development—Lot 18

Total Earth Disturbance Area (acres): 5.29 acres

Surface Waters Receiving Stormwater Discharges: Monongahela 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: Development of Lot # 18 for the University of Pittsburgh Gene and Cell Therapy Building.

Special Conditions: 1. If any of the required Solid Waste Management Act procedures require modifications or delays in the implementation of the Erosion and Sedimentation Control Plan (ESC Plan), the authorized County Conservation District should be contacted immediately. 2. This permit is not to be considered an approval of the structural or geotechnical analysis/design, the construction specifications, or the construction means and methods utilized during construction. 3. If the BMPs do not control volume of stormwater as designed or if excessive erosion or other indications of inadequate stormwater controls are observed, a permit amendment request shall be submitted to the Department for approval of modifications to stormwater controls to meet the stormwater requirements and the approved modifications shall be implemented. 4. An infiltration design rate of 1.0 inch per hour was utilized for PCSM BMP SSCG-BC-4 within this approval. Provide to the Department (Waterways & Wetlands Section), post construction infiltration testing (minimum of two tests) to confirm adequate infiltration rates are occurring within the PCSM BMP. 5. An evaluation of the potential post construction stormwater impacts was provided based on the site configurations expected at the time of the design. Should conditions or the design change or be modified thereby increasing potential for runoff (i.e. from additional impervious surfaces) a reevaluation must be conducted by the permittee(s). Any increase in stormwater rate or volume must be managed by site BMPs and the Department must be notified of the change. A permit amendment may be required. 6. Any work which is not shown on the application site plans is not authorized by this permit. An amendment to the permit must be submitted by the permittee(s) and approved by the Department before any future work different from the submitted application information begins on the site. 7. PCSM BMPs should be implemented as detailed in the approved PCSM plan. Any changes or modifications to the PCSM plan, the introduction of alternate post-construction stormwater BMPs or the elimination of any approved post construction stormwater BMPs, must be approved by the DEP prior to any application of these changes on the permitted site. 8. Earth disturbance activities shall be conducted in accordance with the approved Soil Management Plan. 9. Coordination with Pennsylvania Historical and Museum Commission (PHMC) for archaeological clearance shall take place prior to any earth disturbance proposed below the soil cap implemented under the Department's Act 2 Program. The Department shall be notified of all coordination with PHMC. 10. Prior to the beginning of work, all public water supplies or other water-related activities located downstream that may be affected by turbidity increases or other water quality changes caused by said work shall be sufficiently notified in advance to allow for preparation of any water quality changes. These include, at a minimum, PA-American Water Co—Pittsburgh (Ron Bargiel) 412-884-5112.

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

Southcentral Regional Office

Applicant: **KV Land, LLC**

Applicant Address: 50 South Wisner Street, P.O. Box 180, Frederick, PA 21705

Application Number: **PAD670091**

Application Type: New

Municipality/County: Shrewsbury Township and Springfield Township, **York County**

Project Site Name: Theatre Road Property

Total Earth Disturbance Area (acres): 8.00 acres

Surface Waters Receiving Stormwater Discharges: Seaks Run (HQ-CWF) and Seaks Run (HQ-CWF) via 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: Manufacturing facility with associated parking area

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: **Alan L. Meyers & Mrs. Kendra S. Meyers**

Applicant Address: 148 Meyers Road, Greencastle, PA 17225

Application Number: **PAD280021**

Application Type: New

Municipality/County: Antrim Township, **Franklin County**

Project Site Name: Red Oak Estates, Lots 9-28 and 63-79

Total Earth Disturbance Area (acres): 21.5 acres

Surface Waters Receiving Stormwater Discharges: UNT to Muddy Run (HQ-CWF) and UNT to Muddy Run (HQ-CWF)

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 37 single family homes with supporting utilities, road network, and associated PCSM BMPs.

Special Conditions: Riparian Buffer Establishment

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

Southcentral Regional Office

Applicant: **Springwood LLC**

Applicant Address: 221 Granite Run Drive, Lancaster, PA 17601

Application Number: **PAD670037**

Application Type: Major Amendment

Municipality/County: York Township, **York County**

Project Site Name: Bridgewater Major Amendment & Renewal

Total Earth Disturbance Area (acres): 161.28 acres

Surface Waters Receiving Stormwater Discharges: two (2) UNTs to Mill Creek (CWF, MF), three (3) open-water ponds, and sixteen (16) 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: 135-unit single family condominium development 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.

Southcentral Regional Office

Applicant: **Sunnyburn Produce Auction, LLC**

Applicant Address: 101 Atkins Road, Airville, PA 17302

Application Number: **PAD670095**

Application Type: New

Municipality/County: Lower Chanceford Township, **York County**

Project Site Name: Sunnyburn Produce Auction Expansion

Total Earth Disturbance Area (acres): 2.01 acres

Surface Waters Receiving Stormwater Discharges: Orson Run (HQ-CWF)

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: Commercial produce auction facility with associated parking area

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: **Bethlehem Township Municipal Authority**

Applicant Address: 3535 Orth Street, Bethlehem, PA 18020

Application Number: **PAD480200**

Application Type: New

Municipality/County: City of Bethlehem, Bethlehem Township, **Northampton County**

Project Site Name: BTMA Easton Avenue Phase I Flood Mitigation

Total Earth Disturbance Area (acres): 10.28 acres

Surface Waters Receiving Stormwater Discharges: UNT to Nancy 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: Bethlehem Township Municipal Authority will be retrofitting four (4) dry detention basins to extended detention basins for MS4 compliance and flood mitigation along East Blvd and Santee Rd.

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.

Southcentral Regional Office

Applicant: **Township of Spring**

Applicant Address: 2850 Windmill Road, Sinking Spring, PA 19610

Application Number: **PAD060081A-1**

Application Type: Major Amendment

Municipality/County: Wyomissing Borough, **Berks County**

Project Site Name: Wyomissing Interceptor Upgrade Project

Total Earth Disturbance Area (acres): 5.87 acres

Surface Waters Receiving Stormwater Discharges: Wyomissing Creek (HQ-CWF)

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: Upgrade of approximately 5,790 feet of existing 18" interceptor line with 30" diameter gravity sewers and associated manholes. The major amendment is to increase the LOD to 5.87 acres from the previously approved 4.63 acres due to landowner approvals.

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: **Joel Raber**

Applicant Address: P.O. Box 110, Hopeland, PA 17533

Application Number: **PAD380030**

Application Type: New

Municipality/County: Heidelberg Township, **Lebanon County**

Project Site Name: Family Treasures Wholesale

Total Earth Disturbance Area (acres): 6.10 acres

Surface Waters Receiving Stormwater Discharges: UNT to Hammer 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: Proposed to remove an existing dwelling and construct a building for Family Treasures Wholesale.

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: **Red Hubs RE, LLC**

Applicant Address: 1 Commercial Drive, Area E, Florida, NY 10921.

Application Number: **PAD440025**

Application Type: New

Municipality/County: Granville Township, **Mifflin County**

Project Site Name: Wendy's Restaurant

Total Earth Disturbance Area (acres): 1.97 acres

Surface Waters Receiving Stormwater Discharges: UNT to Juniata River (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: Redeveloping site into a Wendy's restaurant with associated PCSM BMPs, including roadway work

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

Southeast Regional Office

Applicant: **PBF Logistics Products Terminal, LLC**

Applicant Address: 1 Sylvan Way, Second Floor, Parsippany, NJ 07054

Application Number: **PAD510235**

Application Type: New

Municipality/County: City of Philadelphia, **Philadelphia County**

Project Site Name: PBF Butane Blending Facility

Total Earth Disturbance Area (acres): 3.31 acres

Surface Waters Receiving Stormwater Discharges: Schuylkill River (WWF, 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 an asphalt roadway through the facility as well as a butane blending tank and berm modification.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 484-250-5910.

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 copy-

ing 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. 1423511, Construction, Public Water Supply.

Applicant	Penns Cave Inc.
Address	222 Penns Cave Road Centre Hall, PA 16828
Municipality	Centre Hall Borough
County	Centre County
Responsible Official	Russell Schleiden 222 Penns Cave Road Centre Hall, PA 16828
Consulting Engineer	David M Cunningham 420 Allegheny Street Hollidaysburg, PA 16648
Application Received	November 17, 2023
Description	Making changes to the distribution system in order to eliminate water outages.

Northwest Region: Safe Drinking Water Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David J. Sterrett, P.E., Environmental Engineer, 814-332-6846.

Application No. WA32-1006, Emergency Interconnection Designation, Public Water Supply.

Applicant	Indiana County Municipal Services Authority
Address	602 Kolter Drive Indiana, PA 15701
Municipality	Buffington Township
County	Indiana County
Responsible Official	Martin Maschak 602 Kolter Drive Indiana, PA 15701
Consulting Engineer	Gibson Thomas Engineering Company 1004 Ligonier Street P.O. Box 853 Latrobe, PA 15650
Application Received	November 14, 2023

Description

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, WA32-1006, Water Allocations. Indiana County Municipal Services Authority, 602 Kolter Drive, Indiana, PA 15701, Buffington Township, Indiana County. Emergency Interconnection between Indiana County Municipal Services Authority—Heilwood Pine Township Water System and Highridge Water Authority, requesting 288,000 gallons per day (Peak Day) at the Highridge to Strongstown Interconnection along Camerons Road.

Application No. 3223506, Emergency, Public Water Supply.

Applicant	Indiana County Municipal Services Authority
Address	602 Kolter Drive Indiana, PA 15701
Municipality	Green Township
County	Indiana County
Responsible Official	Marty Maschak 602 Kolter Drive Indiana, PA 15701
Consulting Engineer	Gibson Thomas Engineering Company 1004 Ligonier Street P.O. Box 853 Latrobe, PA 15650
Application Received	November 16, 2023
Description	Emergency Interconnection of Heilwood Pine Township Water System with Cherrytree Water System

Application No. 3223506, Emergency, Public Water Supply.

Applicant	Indiana County Municipal Services Authority
Address	602 Kolter Drive Indiana, PA 15701
Municipality	Buffington Township
County	Indiana County
Responsible Official	Marty Maschak 602 Kolter Drive Indiana, PA 15701
Consulting Engineer	Gibson Thomas Engineering Company 1004 Ligonier Street P.O. Box 853 Latrobe, PA 15650
Application Received	November 16, 2023
Description	Emergency Interconnection of Heilwood Pine Township Water System with Highridge Water Authority Water System.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Darin Horst, Environmental Engineer, 717-705-4708.

Application No. 2823512, Construction, Public Water Supply.

Applicant **Arturo's Pizza II & Mexican Grill**
 Address 10503 South Mountain Road
 Fayetteville, PA 17222
 Municipality Quincy Township
 County **Franklin County**
 Responsible Official Arturo Fuentes
 10503 South Mountain Road
 Fayetteville, PA 17222
 Consulting Engineer Dennis E. Black
 Engineering, Inc.
 2400 Philadelphia Avenue
 Chambersburg, PA 17201
 Application Received September 15, 2023
 Description Construction of a new well and treatment.

Application No. 2823513, Construction, Public Water Supply.

Applicant **Antrim Township Municipal Authority**
 Address 10655 Antrim Church Road
 P.O. Box 130
 Greencastle, PA 17225
 Municipality Antrim Township
 County **Franklin County**
 Responsible Official Roger Nowell
 10655 Antrim Church Road
 P.O. Box 130
 Greencastle, PA 17225
 Consulting Engineer Glace Associates, Inc.
 3705 Trindle Road
 Camp Hill, PA 17011
 Application Received November 9, 2023
 Description Construction of Well No. 3 with disinfection and a finished water storage tank.

Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Kimberleigh Rivers, Clerical Assistant 2, 484-250-5887.

Application No. 4623520, Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Address 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010-3402
 Municipality Upper Providence Township
 County **Montgomery County**
 Responsible Official Michael Fili
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010-3402

Consulting Engineer Mott McDonald
 111 Wood Avenue
 Iselin, PA 08830-4112

Application Received November 15, 2023
 Description Addition of an anion exchange with prefiltration system at the Perkiomen Woods Well Station for the removal of PFAS.

Application No. 0923516, Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Address 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010-3402
 Municipality Chalfant Borough
 County **Bucks County**
 Responsible Official Michael Fili
 762 W. Lancaster Avenue
 Iselin, NJ 19010-3402
 Consulting Engineer Mott McDonald
 111 Wood Avenue
 South Iselin, PA 08830-4112
 Application Received September 25, 2023
 Description Addition of a GAC Filter System and replacing the existing 36" chlorine contact pipe with a new 60" contact pipe.

Application No. 1523522, Construction, Public Water Supply.

Applicant **New Bolton Center**
 Address 358 W. Street Road
 Kennett Square, PA 19348
 Municipality East Marlborough Township
 County **Chester County**
 Responsible Official Jeffrey DeRusso
 382 W. Street Road
 Kennett Square, PA 19348
 Consulting Engineer Remington & Vernick Engineers
 600 W. Hamilton Street
 Suite 320
 Allentown, PA 18101
 Application Received October 25, 2023
 Description Change of water source from onsite wells to CWA supply.

Application No. 0923515, Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Address 762 W. Lancaster, Inc.
 Bryn Mawr, PA 19010-3402
 Municipality Bristol Township
 County **Bucks County**
 Responsible Official Eric J. Damon
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010-3402
 Consulting Engineer Mot McDonald
 111 Wood Avenue
 Iselin, NJ 08830-4112
 Application Received September 25, 2023

Description	The Project involves the addition of an AIX resin filter system at the Edgely Water Treatment Plant for the removal of PFAS.
Application No. 0923519 , Construction, Public Water Supply.	
Applicant	Peddlers Village Partnership
Address	P.O. Box 218 Lahaska, PA 18931
Municipality	Buckingham Township
County	Bucks County
Responsible Official	Kevin Hamilton P.O. Box 218 Lahaska, PA 18931
Consulting Engineer	Gilmore & Associates, Inc. 65 East Butler Avenue New Britain, PA 18901-5106
Application Received	October 13, 2023
Description	Construction permit for a major modification to the Peddlers Village Partnership Water Supply Well and Treatment Plant.

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.

Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Kimberleigh C. Rivers, Clerical Assistant 2, 484-250-887.

WA-15-1005A, Water Allocations. **Oxford Borough**, 1 Octoraro Alley, OxFord, PA 19363-0380, Oxford Borough, **Chester County**. Water allocation request for the existing Chester Water Authority interconnection. Application received: October 18, 2023.

WA-15-1005A, Water Allocations. **Oxford Borough**, 1 Octoraro Alley, OxFord, PA 19363-0380, Oxford Borough, **Chester County**. Water allocation request for the existing Chester Water Authority interconnection. Application received: November 17, 2023.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302–305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending

to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals not participating in the remediation.

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

For further information concerning 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 Notice(s) of Intent to Remediate.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Chris, 724-598-2206.

Butler Township Proposed Athletic Area, Primary Facility ID # **870729**, 151-163 Hollywood Drive, Butler, PA 16001, City of Butler and Butler Township, **Butler County**. Civil & Environmental Consultants Inc., 700 Cherrington Parkway, Moon Township, PA 15108 on behalf of Butler Township, 290 South Duffy Road, Butler, PA 16001, submitted a Notice of Intent to Remediate. The Subject Property is identified by three Butler County tax parcel IDs, all owned by Butler Township and totaling approximately 18 acres: 563-30-2, (13.893 acres), 563-30-2G (0.658 acre), and 052-37-4 (3.481 acres). The site is a portion of former industrial property known as Pullman (also known as Trinity Industries) that obtained environmental liability relief in 2009 via the Pennsylvania Act 2 program as PF 6655588 with two environmental covenants that restrict the property to nonresidential use and prohibit the use of groundwater. Historical use of the Trinity site had resulted in metals impacts to soil in three

large distinct areas and PCB impacts to soil to two small distinct areas. Localized impacts by volatile organic compounds (VOCs) was limited to the southeast edge of the property, an area that is a separate in-progress Act 2 site (PF 625215) known as the Paint Waste Disposal Area (also known as the LNAPL Area). For much of the Trinity site, metals-impacted soil and PCB-impacted soil was excavated and disposed offsite and the areas backfilled with clean fill after confirmation sampling confirmed attainment of the nonresidential Statewide Health Standards (SHS). Additional clean fill was placed across the site. The exception to this remedial action was an approximately 8-acre portion of the east end of the Trinity site designated as the CDC Parcel at which metals-impacted soil was allowed to remain in place and was capped with soil. The CDC parcel was subsequently subdivided, with approximately 4-acres now included in Butler County Parcel 563-30-2. The two environmental covenants for the Trinity Site distinguish the area that attained the SHS from the CDC parcel, which attained the Site-Specific Standard (SSS) with additional Activity and Use Limitations that include requiring maintenance of the engineering controls, prohibiting excavation unless necessary for improvements, requiring appropriate measures for worker safety and soil handling if disturbance is conducted, and prohibiting structures for human occupancy within 100 feet of the LNAPL Area. The intended future use of the site is for athletic fields and a walking trail. Butler Township acknowledges that under Act 2 this use is considered residential. The Notice of Intent to Remediate was published in *Butler Eagle* on November 10, 2023. Application received: November 15, 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.

Rotelle Complex, Primary Facility ID # **869939**, 1300 Schwab Road, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. David Schantz, Sr., Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West Chester, PA 19382 on behalf of Wayne Rotelle, Estate of Alfred Rotelle, 2375 Schukraft Road, Quakertown, PA 18951, submitted a Notice of Intent to Remediate. PCE, TCE and PFAS have been detected in groundwater. The proposed future use of the property is nonresidential. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Times Herald* on September 27, 2023. Application received: September 27, 2023.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received 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.

Northwest Region: Waste Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848.

WMGM015NW001. Dirt Works Organics LLC, 4735 Shannon Road, Erie, PA 16510, Harborcreek Township, **Erie County**. The applicant is applying for Determination of Applicability under Municipal Waste General Permit WMGM015. This General Permit covers the processing and beneficial use of wood and timber waste and the leaf and yard waste as mulch and compost. Application received: November 16, 2023.

Questions concerning the application should be directed to Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

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

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Mark J Wejkszner, Air Quality Program Manager.

13-00001D: BEFESA Zinc US Inc., 900 Delaware Ave, Palmerton, PA 18071-2008, Palmerton Borough, **Carbon County**. Application received: June 27, 2023.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a plan approval to BEFESA Zinc US Inc. (900 Delaware Avenue, Palmerton, PA 18071-2008) to incorporate conditions from their Consent Decree into the facilities Title V Operating Permit 13-00001 at the facility located in Palmerton Borough, Carbon County. The facility currently has a Title V Operating Permit No. 13-00001. Plan approval 13-00001D will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval 13-00001D is to incorporate conditions set forth in the Consent Decree into the facilities Title V Operating Permit No. 13-00001. BEFESA Zinc US Inc. is a major facility and is subject to Title V permitting. The plan approval will include all appropriate monitoring, recordkeeping, and reporting requirements designed to keep the equipment operating within all applicable air quality requirements. Further details on the conditions and the reasons for their inclusion are available upon request.

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

Any person(s) wishing to provide DEP with additional information they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The submittal of written comment must contain the name, address and

telephone number of the commentator, identification of the proposed Permit No. 13-00001D 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 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 Mark Wejkszner P.E., Northeast Region Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915, or 570-826-2511.

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-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

06-05069, East Penn Manufacturing Company, Inc., P.O. Box 147, Deka Road, Lyon Station, PA 19536, Richmond Township, **Berks County**. Application received: December 21, 2022.

Approval of a Reasonably Available Control Technology (RACT) 3 plan for the East Penn Manufacturing Company, Inc., as a significant modification to its applicable Title V operating permit.

In accordance with 25 Pa. Code §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO_x and VOCs for the 2015 ozone NAAQS), the Pennsylvania Department of Environmental Protection (Department, DEP) has made a preliminary determination to approve a RACT 3 case-by-case plan for the East Penn Manufacturing Company, Inc. The RACT 3 plan approval, if approved by the Department, will be issued as a significant modification to the facility's Title V operating permit (06-05069).

In addition to the RACT 3 case-by-case approval, the Title V permit modification will also include the following changes that are not part of the RACT 3 approval:

- addition of emission caps and associated recordkeeping for several sources
- subdivision or addition of several sources
- addition/updates from MACT ZZZZ and NSPS JJJJ regulations and 25 Pa. Code § 129.61
- addition of RACT 3 presumptive requirements, and supersedure of certain RACT 2 requirements by RACT 3
- removal of Source 726 from MACT MMMM affected sources
- administrative updates to addresses

The RACT 3 case-by-case plan approval incorporates provisions and requirements for the control of emissions of nitrogen oxides (NO_x) 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 case-by-case plan approval requirements for this facility that are proposed to be submitted to the EPA as a revision to the Commonwealth's SIP:

RACT III Case-by-Case Requirements

I. Source 213 (Miscellaneous Chemicals)

(a) The permittee shall minimize the VOC emissions from the miscellaneous solvent usage in the following manner:

(1) All solvents shall be stored and transported in closed containers or pipes.

(2) All rags containing solvent shall be placed into closed storage containers for storage.

(3) All rags containing solvent shall be placed into sealed containers and disposed of.

(4) Spills of materials containing VOC shall be minimized and shall be cleaned up immediately with cleaning cloths or alternative approved methods that will minimize the evaporation of VOC into the atmosphere.

(5) Minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent, and all spent solvent is captured in closed containers.

(6) Where possible, use products subject to 25 Pa. Code 130—Standards for Products

(b) The permittee shall record the quantity and identity of all VOC-containing materials used in Source 213 on the various sources on a monthly basis. These records shall be maintained and shall be made part of the permittee's annual "AIMS" report to the Department. The records shall be compiled into a monthly and 12-month rolling total format.

(c) Manufacturer supplied VOC data sheets for all coatings and cleaning agents applied within the most recent five (5) years shall be maintained at the facility and be made available to the Department at any time upon request.

II. Source 605 (Battery Finishing) and 719 (Ind Batt Finishing for A-3 (4 Lines))

(a) The permittee shall minimize the VOC emissions from the battery finishing operations through the use of good management procedures and standard operating procedures including the following:

(1) Employee training detailing practices to control cleaning solution usage to minimize emissions.

(2) Controlled distribution of VOC containing cleaning solutions.

(3) Periodic evaluation of alternative cleaning solutions (i.e. low-VOC or non-VOC materials).

(4) Good housekeeping procedures for the storage, use, and disposal of cleaning solutions.

(5) Periodic inspection of cleaning solution usage practices and procedures.

(6) Keeping cleaning solution containers closed when not in use.

(7) Monitoring, recordkeeping, and reporting of cleaning solution VOC content and usage.

(b) The permittee shall record the quantity and identity of all VOC-containing battery finishing materials used at the facility on a monthly basis. These records shall be maintained and shall be made part of the permittee's annual "AIMS" report to the Department. The records shall be compiled into a monthly and 12-month rolling total format.

(c) Manufacturer supplied VOC data sheets for all coatings and cleaning agents applied within the most recent five (5) years shall be maintained at the facility and be made available to the Department at any time upon request.

Upon approval of the case-by-case RACT 3 requirements as a SIP revision, the case-by-case RACT 2 conditions in Group SG10C shall be superseded by the case-by-case RACT 3 requirements. The RACT 3 conditions are the same as the RACT 2 requirements.

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 Hanlon, Environmental Engineering Manager, Air Quality Program, at 909 Elmerton Avenue, Harrisburg, PA 17110, or at thanlon@pa.gov on or before the closing date of this 30-day public comment period. The 30-day public comment period closes on January 1, 2024.

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 plan approval.

Public hearing. A public hearing will be held on January 16, 2024, at 10:00 a.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed RACT 3 plan approval action and the proposed SIP revision. To register to speak at the hearing, please contact Thomas Hanlon at 717.705.4862. 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 Hanlon at 909 Elmerton Avenue, Harrisburg, PA 17110, or at thanlon@pa.gov.

All pertinent documents are available electronically for public review and copies can be requested by contacting Thomas Hanlon at 717.705.4862 or at thanlon@pa.gov.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Thomas Hanlon at 717.705.4862 or make accommodations through the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD).

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.

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.

60-00017, New Enterprise Stone & Lime Co., 3912 Brumbaugh Road, New Enterprise, PA 16664, Buffalo Township, **Union County.** Application received: January 9, 2023. The Department intends to issue a renewal State Only (Synthetic Minor) Operating Permit for the Lewisburg Quarry facility. The facility's main sources include a 2.80 million Btu per hour No. 2 fuel oil-fired heater; a stone crushing and screening operation consisting of the numerous interconnected crushers, screeners, feeders and conveyors; a 500-ton per hour natural gas/No. 2 fuel oil/reprocessed oil-fired counter flow drum mix asphalt concrete plant; and one (1) each of the following tanks: 20,000 gallons aboveground recycled/reprocessed oil tank, 10,000 gallons aboveground virgin No. 2 fuel oil tank, 10,000 gallons aboveground virgin No. 2 fuel oil tank, 10,000 gallons aboveground on-road diesel fuel tank, 500 gallons No. 2 fuel oil storage tank, 1,000 gallons used oil storage tank and a 1,000 gallons asphalt calibration tank. The facility has potential to emit 48.50 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 34.27 tpy of nitrogen oxides, 79.94 tpy of carbon monoxide, 29.79 tpy of volatile organic compounds, 5.06 tpy of hazardous air pollutants and 1.36 tpy of sulfur oxides. The potential emissions for all criteria pollutants remained same at the facility. The stone crushing and screening operation is subject to Subpart OOO of the Federal Standards of Performance for Nonmetallic Mineral Processing Plants, 40 CFR 60.670—60.676. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for Hot Mix Asphalt Facilities, 40 CFR 60.90—60.93. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

14-00021, Heidelberg Materials NE, LLC, 7660 Imperial Way, Allentown, PA 18195, Marion Township, **Centre County.** Application received: August 11, 2023. To

issue a renewal State Only (Synthetic Minor) Operating Permit for the Curtin Gap Crushing Plant 139. The facility's sources include a limestone crushing plant consisting of multiple crushers, conveyors and screens, one cold cleaning degreaser, several portable diesel generator engines, 0.5 mile of onsite unpaved haul roads. The facility has potential emissions of 3.79 TPY of CO; 16.28 TPY of NO_x; 1.04 TPY of SO_x; 14.20 TPY of PM/PM₁₀; 3.99 TPY of VOCs; 1.64 TPY of combined hazardous air pollutants; 1,339 TPY GHGs. Ten pieces of the limestone processing equipment at this plant are subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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.

28-03041, Spectrum Industrial Coatings, Inc., 9226 Mt. Brook Road, St. Thomas, PA 17252-9778, Saint Thomas Township, **Franklin County.** Application received: September 8, 2023. For the operation of a metal parts surface coating facility. The facility's 2022 actual emissions, as reported in AIMS, are the following: VOC—13.69 tpy and HAPs—0.29 tpy. The facility will comply with synthetic minor emission limits to remain permitted under a State-Only Operating Permit. 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 § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings.

67-03091, AMZ Manufacturing Corporation, 2206 Pennsylvania Ave., York, PA 17404, City of York, **York County.** Application received: December 23, 2022. For the operation of an electroplating facility. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated at 5.72 tpy NO_x, 4.80 tpy CO, 3.02 tpy VOC, and less than 1 tpy of PM, SO₂ and 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.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

36-05090, The Hershey Company, Y&S Candies, 400 Running Pump Road, Lancaster, PA 17603, East Hempfield Township, **Lancaster County.** Application received: November 23, 2022. To issue a State-Only Operating Permit for the operation of their candy manu-

facturing facility. Actual emissions from the facility in 2022 were estimated at 10.95 tons of CO, 13.04 tons NO_x, 29.7 tons PM₁₀, 0.08 ton SO_x, 20.06 tons VOC, and less than 0.01 ton of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial—Commercial-Institutional Steam Generating Units and 40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19001, 484-250-5900.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

46-00236, Highway Materials Inc/Perkiomenville, 1128 Crusher Rd, Perkiomenville, PA 18074, Marlborough Township, **Montgomery County**. Application received: September 13, 2022. This action is for the renewal of the Synthetic Minor Permit which combines the Highway Materials Inc. Perkiomenville Batch Asphalt Plant Permit No. 46-00236 and the Highway Materials Inc. Perkiomenville Quarry Permit No. 46-00108. There are no new sources. Sources of emission at the facility are: portable crushers, diesel fuel engines, a batch asphalt plant, crushers, screens, and conveyors. The facility takes an emission restriction of 5.3 tons/year of VOC, 24.9 tons/year of NO_x, 38.89 tons/year of PM, 15.32 tons/year of PM₁₀, 6.43 tons/year of PM_{2.5}, 57.5 tons/year of SO_x, and 99.9 tons/year of CO. The facility is an area source of VOC, NO_x, PM, SO_x, and CO emissions. Actual emissions over the last five years averaged 0.49 ton/year of VOC, 1.52 tons/year of NO_x, 1.58 tons/year of PM, 0.26 ton/year of SO_x, and 23.78 tons/year of CO. The facility is subject to 40 CFR Part 60 Subpart I, 40 CFR Part 60 Subpart OOO, and regulations under the Pennsylvania Air Pollution Control Act. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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.

65-00880, Washington Penn Plastics Co., P.O. Box 4543, Route 136, Eighty-Four, PA 15666, South Strabane Township, **Westmoreland County**. Application received: April 20, 2023. Washington Penn Plastics Co./Performance Production Division (P.O. Box 4543, Route 136, Eighty-Four, PA 15330) for the manufacturing of pelletized thermoplastics in South Strabane Township, Washington County. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the previously mentioned facility. The subject facility consists of four extrusion twin screw lines, three blenders, 2 storage silos for raw and finished material, an emergency generator rated 158 bhp, a cooling tower and a

parts washer. There are several dust collectors to control particulate emissions. The facility-wide estimated potential emissions are: 0.28 tpy NO_x, 0.36 tpy CO, 0.002 tpy SO_x, 0.07 tpy VOC, and 15.43 tpy PM₁₀. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121–145, and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (04-00880) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at: <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly. All comments must be received prior to the close of business 30 days after the date of this publication.

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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David Balog, New Source Review Section Chief, 814-332-6328.

24-00083BB, Mersen USA St Marys, 215 Stackpole St, Saint Marys, PA 15857-1401, City of Saint Marys, **Elk County**. Application received: November 15, 2022. The Department is providing notice that they intend to issue a Plan Approval for the installation of a crusher and a dust collector to replace the current intermittent crusher with a baghouse as well as a new air classifier mill with a dust collector. The facility currently operates under Title V permit 24-00083 as a graphite manufacturer. The project only involves emissions of particulate matter (PM). The facility is not major for PM (PM₁₀) and the facility is not located in a nonattainment area for PM. The plan approval includes BAT for the sources being baghouse control with emission limits that will be demonstrated by pressure drop gauges, proper operation of the sources and control devices, and preventative maintenance inspections. Additional recordkeeping, work practices, and recordkeeping requirements are included to ensure compliance with the Clean Air Act and the Air Pollution Control Act. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, an initial operating

permit amendment application addressing the inclusion of the plan approval may be submitted for the facility per 25 Pa. Code Chapter 127.

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.			

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

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 24743008. Fairview Coal Company, P.O. Box 207, Ridgway, PA 15853, Fox Township, **Elk County**. Renewal if an existing bituminous surface mine for reclamation only. Application received: November 15, 2023.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, Clerical Assistant 3.

Mining Permit No. 26030102. PA0250457. AEC Services Company, LLC, 1730 Walton Road, Suite 204, Blue Bell, PA 19422, Dunbar Township, **Fayette County**. Renewal application for continued mining of an existing bituminous surface mine, affecting 75.5 acres. Receiving streams: unnamed tributaries to Dunbar Creek and Gist Run classified for the following use: TSF. Application received: November 13, 2023.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54830102. Joe Kuperavage Coal Co., 325 Wilson Avenue, Port Carbon, PA 17965, Blythe Township, **Schuylkill County**. Renewal and correction of an existing anthracite surface mine operation to reduce the permitted acres from 263.0 acres to 113.6 acres. Receiving stream: Silver Creek, classified for the following uses: CWF, MF. Application received: November 9, 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.

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity must always exceed acidity.			
pH must always be greater than 6.0; less than 9.0.			

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

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 10180801. NPDES No. PA0280585. SMX Resources, LLC, 102 Dogwood Court, Butler, PA 16001, Clay Township, **Butler County**. Renewal of an NPDES permit. Application received: November 9, 2023.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 52072801. Schmalzle Construction Co., Inc., 114 Melissa Lane, Hawley, PA 18428, Blooming Grove Township, **Pike County**. Stage I & II bond release of a quarry operation affecting 5.0 acres on property owned by JRL Family, LLC. Application received: November 1, 2023.

Mining Permit No. 64042802. Pykus Sand & Gravel, Inc., 1880 Great Bend Turnpike, Honesdale, PA 18431, Scott Township, **Wayne County**. Stage I & II bond release of a quarry operation affecting 5.0 acres on property owned by Island Land Co., Inc. Application received: October 25, 2023.

Mining Permit No. 58060847. Buck Ridge Stone, Inc., P.O. Box 114, Montrose, PA 18801, Thompson Township, **Susquehanna County**. Stage I & II bond release of a quarry operation affecting 5.0 acres on property owned by CMA Land Co. Application received: October 26, 2023.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 58102801. 4D's Ventures, Inc., 7295 Kingsley Road, Kingsley, PA 18826, Great Bend Township, **Susquehanna County**. Stage I & II bond release of a quarry operation affecting 5.0 acres on property owned by Gary Sienko. Application received: October 26, 2023.

Mining Permit No. 52070801. David G. Smith, 138 Seneca Drive, Milford, PA 18337, Blooming Grove Township, **Pike County**. Stage I & II bond release of a quarry operation affecting 5.0 acres on property owned by David G. Smith. Application received: November 6, 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:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
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

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant 3.

NPDES No. PA0213535. Mining Permit No. 30841316. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township, **Greene County**. Application received: January 6, 2023. Accepted: February 23, 2023.

A revision to the permit and related NPDES permit to add outfall 037 at sediment pond emergency spillway, affecting 1,898.81 surface acres and 43,046.44 underground acres. Receiving stream(s): Claylick Run (40703), classified for the following use: HQ-WWF. Monongahela River Watershed TMDL.

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

The proposed effluent limits for Outfall 037 discharging to Claylick Run are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)	-	-	-	Report
Iron (mg/l)	-	0.454	0.908	1.135
Manganese (mg/l)	-	0.055	0.11	0.137
Aluminum (mg/l)	-	0.24	0.48	0.60
Suspended Solids (mg/l)	-	35	70	90
pH (s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃ (mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃ (mg/l)	-	-	-	Report
Alkalinity, Net (mg/l)	0.0	-	-	-
Total Dissolved Solids (mg/l)	-	237	474	593
Sulfate (mg/l)	-	26.11	52.22	65.27

The EPA Waiver is not in effect.

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. PA0279889. Mining Permit No. 32230101. Simkol Corporation, 550 Beagle Road, Rockwood, PA 15557, Young Township, **Indiana County**. New NPDES permit in Young Township, Indiana County, affecting 17.8 acres related to a coal mining activity permit. Receiving stream: unnamed tributary to Blacklegs Creek and Nesbit Run, classified for the following use: CWF. The receiving streams are included in the Kiski-Conemaugh TMDL. Application received: August 25, 2023.

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

The following outfalls discharge to unnamed tributary to Blacklegs Creek and Nesbit Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	New	Stormwater	Precipitation Induced
002	New	Stormwater	Precipitation Induced
003	New	Treatment Facility	Precipitation Induced

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	1.5	3.0	3.7

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Manganese (mg/L)	XXX	1.0	2.0	2.5
Total Aluminum (mg/L)	XXX	0.75	0.75	0.75
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

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)).

Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: RA-EPREGIONALPERMIT@pa.gov.

EA3683223-003. Sadsbury Township, 7182 White Oak Road, Christiana, PA 17509, Sadsbury Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: September 27, 2023.

To construct and maintain a stream restoration project in a 238-foot reach of a UNT to Williams Run (TSF, MF) for the purpose of improving channel stability, reducing sediment load, and establishing a floodplain. Work will include the regrading of the stream banks and floodplain bench, installation of rock underlayment at culvert outfall, and the instream installation of log sills for grade control. Additionally, a livestock crossing will be installed to protect the streambed and banks from erosion caused by livestock. The project is located approximately 0.6 mile south of Gap, east of Newport Pike along an unnamed tributary to Williams Run (Gap, PA Quadrangle) in Sadsbury Township, Lancaster County. Latitude: 39.977300°, Longitude: -76.012030°.

E6783223-009. PA York Nash Springs, LLC, 1454 Baltimore Street, Suite A, Hanover, PA 17331-9816, York Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 27, 2023.

To construct and maintain the following water obstructions and encroachments within tributaries to Mill Creek (CWF, MF) as part of a mixed use commercial and residential development:

1. Stabilization and realignment of a Mill Creek tributary that receives runoff flow from an I-83 drainage channel.
2. Construction of a road crossing of a Mill Creek tributary, consisting of a 48-inch reinforced concrete pipe to serve as the primary development access point.
3. Installation of a utility crossing under a Mill Creek tributary and floodway to provide water service to the western portion of the development.
4. Relocation of an existing sanitary interceptor and installation of a sanitary sewer service line under a Mill Creek tributary and floodway.
5. Replacement of an undersized existing crossing and construction of a road crossing of a Mill Creek tributary, consisting of an open bottom 53.81 ft x 11 ft arch span crossing with a rip-rap lined bottom to serve as a secondary access point.
6. Replacement of an undersized existing crossing and construction of a road crossing of a Mill Creek tributary, consisting of an open bottom 53.92 ft x 12.5 ft arch span crossing with a rip-rap lined bottom to serve as part of the secondary access point.
7. Relocation of an existing sewer interceptor and installation of a sanitary sewer service line under a Mill Creek tributary and floodway.
8. Replacement of an existing undersized crossing and construction of a road crossing of a Mill Creek tributary,

consisting of an open bottom 53.92 ft x 13.0 ft arch span crossing with a rip-rap lined bottom as part of the secondary access point.

9. Construction of a road crossing of a Mill Creek tributary, consisting of an open bottom 53.84 ft x 18 ft arch span crossing with a rip-rap lined bottom as part of the secondary access point.

10. Construction of stream/floodplain restoration of three tributaries to Mill Creek, impacting approximately 1.04 acres of stream channel, 2.32 acres of floodway and 1.76 acres of wetlands.

Approximately 7.33 acres of wetlands will be created or enhanced by the project. The floodplain restoration will be used as post-construction stormwater management. The project is located along Springwood Road (SR 2002) York, PA Quadrangle, Latitude: 39° 56' 14"; Longitude: -76° 40' 49" in York Township, York County.

Northcentral Region: Waterways & Wetlands Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Pete Geanacopoulos, Project Manager, 570-327-3701.

E5904223-007. Tioga County Commissioners, 118 Main Street, Wellsboro, PA 16901, Wellsboro Borough, **Tioga County**. U.S. Army Corps of Engineers Baltimore District. Application received: November 3, 2023.

The project will entail the placement of the historic Howellville Road Pony Truss Bridge over Charleston Creek and the construction of the associated trail sections to provide bicycle/pedestrian access from Charleston Street to the Marsh Creek Greenway. Latitude: 41° 45' 6", Longitude: -77° 17' 41".

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.

E3902223-003. East Valley Land, LLC, 4511 Falmer Drive, Bethlehem, PA 18020-9796, Upper Saucon Township, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 28, 2023.

To permanently impact 0.36 acre of PEM wetlands for construction of a mixed-use development and associated infrastructure and stormwater management facilities. The project also includes the construction of 0.36 acre of wetland mitigation on-site to compensate for proposed impacts. The project is located along East Valley Road and Preston Lane, immediately adjacent to SR 0309 in Upper Saucon Township, Lehigh County. (Allentown East, PA Quadrangle, Latitude: 40.537399, Longitude: -75.406791).

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

E0603223-021. PA Senior Living Development Partners, LLC, 31 Ocean Reef, Suite C101-165, Key Largo, FL 33037, Colebrookdale Township, **Berks County**. U.S. Army Corps of Engineers Baltimore District. Application received: November 17, 2023.

To:

1) Install, construct, and maintain two 24-foot wide, 7-foot high, six-inch depressed, pre-cast, conspan culverts and a concrete retaining wall, resulting in 60 linear feet of permanent impact to an Unnamed Tributary (UNT) to Swamp Creek (TSF, MF), 30 linear feet of temporary impact to a UNT to Swamp Creek (TSF, MF), 0.03 acre of permanent impact to an emergent wetland, and 0.02 acre of temporary impact to an emergent wetland;

2) Install and maintain a 4-inch electric utility conduit resulting in 3 linear feet of permanent impact to a UNT to Swamp Creek (TSF, MF) and 0.001 acre of permanent impact to an emergent wetland;

3) Install and maintain an 8-inch water main utility line resulting in 3 linear feet of permanent impact to a UNT to Swamp Creek (TSF, MF) and 0.001 acre permanent impact to an emergent wetland;

4) Install and maintain an 8-inch sanitary sewer main utility line resulting in 3 linear feet of permanent impact to a UNT to Swamp Creek (TSF, MF) and 0.001 acre of permanent impact to an emergent wetland;

5) Install and maintain a 32-foot long, 24-inch wide, HDPE culvert with a headwall and end wall and associated grading, resulting in 42 linear feet of permanent impact to a UNT to Swamp Creek (TSF, MF), 24 linear feet of temporary impact to a UNT to Swamp Creek (TSF, MF), 0.01 acre of permanent impact to an emergent wetland, and 0.02 acre of temporary impact to an emergent wetland;

6) Place and maintain fill in the floodway of a UNT to Swamp Creek resulting in 0.02 acre of permanent floodway impact, all for the purpose of providing access for the construction of a 125-unit personal care facility, 39 townhomes, a main access drive, an emergency access drive, 29 townhomes with driveways, associated parking lots, stormwater management facilities, and utility connections.

The project is located at 1320 Montgomery Avenue in Bechtelsville, Berks County (Latitude: 40.345773, Longitude: -75.622451). Permanent wetland loss is less than 0.05 acre and replacement is not required.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

E4601223-031. Cheltenham Township, 8230 Old York Road, Elkins Park, PA 19027, Cheltenham Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 3, 2023.

To construct and maintain the following listed water obstruction and encroachment activities associated with the removal of approximately 4,222 SF/0.9 acre/140 linear feet of vegetative gravel bar and to stabilize approximately 49 linear feet of the streambank of Tookany Creek (WWF, MF) as a part of the Gimble Field Improvement Project. The site is located near the intersection of Cedar and Harrison Roads (Frankford, PA USGS map) in Cheltenham Township, Montgomery County. Latitude: 40.067914°, Longitude: -75.120695°.

E5101223-003. Philadelphia Water Department, 1101 Market Street, Philadelphia, PA 19107, City of Phil-

Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 1, 2023.

To restore, stabilize, and maintain approximately 1,230-linear feet of UNT to Schuylkill River (WWF-MF) and construct and maintain an encasement around an existing waterline associated with the PWD infrastructure. The project will also include to repair four existing outfall structures, erosion-prone bends in the stream, boulder cascades, rock riffle structures, boulder toe revetments, vegetated riprap, soil choked riprap, an engineered riffle through the existing stone masonry arch bridge, and a cross rock vane at the lower limit of the project, etc. The site is located around the Neill Drive Pumping Station (Germantown, PA USGS Quadrangles) in the City of Philadelphia, Philadelphia County. Latitude: 40.006440°, Longitude: -75.205654°.

Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: RA-EPSW-OGSUBMISSION@pa.gov, 412-442-4281.

E6307223-009. CNX Midstream Operating Company, LLC, 1000 Horizon Vue Drive, Canonsburg, PA 15317, Morris Township, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: November 6, 2023. Latitude: 40.008420°, Longitude: -80.314344°.

Sub-Basin 19B (Tenmile Creek), Quad Name: Prosperity.

The project proposes to expose approximately 2,930 L.F. of existing Morris to Nineveh Jumper Pipeline, consisting of two (2) 10-inch steel gas pipelines and one (1) 12-inch HDPE fresh/produced water line, in preparation for longwall mining activities under these pipelines. Pipeline exposure is anticipated to last approximately one (1) year and will result in temporary impacts to two (2) Palustrine Emergent (PEM) wetlands and one (1) intermittent stream (Lick Run, a Trout Stocked Fishery) and associated 50-foot assumed floodway. Proposed project impacts include excavation of the existing pipelines, installation of monitoring equipment, stockpiling of soils, installation of temporary flume pipes and riprap aprons, installation of timber mat bridges over streams and wetlands for equipment crossing, and site restoration post-construction.

<i>Resource Name</i>	<i>Aquatic Resource Type</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Latitude / Longitude</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Area Temp. (LF)</i>	<i>Impact Area Temp. (Ac)</i>	<i>Impact Area Perm. (Ac)</i>
FLACT—1 Stream 1 (Lick Run)	Intermittent	Excavation/ Floodway Activity	TSF	40.008435 -80.314360	11,000	-	110	0.25	-
CULV—1 Stream 1 (Lick Run)	Intermittent	Flume Pipe	TSF	40.008435 -80.314360	200	-	50	0.005	-
Crossing 1A— Stream 1 (Lick Run)	Intermittent	Timber Bridge	TSF	40.00846 -80.31439	48	-	12	0.001	-
Crossing 1B— Stream 1 (Lick Run)	Intermittent	Timber Bridge	TSF	40.00834 -80.31425	48	-	12	0.001	-
Crossing 1A— floodway	Intermittent	Timber Bridge & Equipment Crossing	TSF	40.00846 -80.31439	768	-	64	0.02	-
Crossing 1B— floodway	Intermittent	Timber Bridge & Equipment Crossing	TSF	40.00834 -80.31425	840	-	70	0.02	-
TMPWI—1 Wetland A	PEM	Excavation	-	40.008643 -80.314177	9,010	-	170	0.21	-
TMPWI—2 Wetland D	PEM	Excavation	-	40.009323 -80.313572	990	-	55	0.02	-
Crossing 2A— Wetland A	PEM	Timber Mat	-	40.00861 -80.31428	648	-	54	0.01	-
Crossing 2B— Wetland A	PEM	Timber Mat	-	40.00848 -80.31413	960	-	80	0.02	-
Crossing 3— Wetland D	PEM	Timber Mat	-	40.00934 -80.31365	264	-	22	0.01	-
Totals	-	-			24,776 SF	-	699 LF	0.57 Ac	-

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.

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, Dept of*

Envtl. 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 & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD160003	Chapter 102 Individual NPDES Permit	Issued	Bridging Pennsylvania Development I LLC 2550 Oakland Avenue Indiana, PA 15701-3388	Beaver Township Clarion County	NWRO
PAD210077	Chapter 102 Individual NPDES Permit	Issued	Neal Louise P.O. Box 247 Mt Holly Springs, PA 17065	Dickinson Township Cumberland County	SCRO
PAD250020	Chapter 102 Individual NPDES Permit	Issued	Oberlander Michael 1698 Sedgwick Road Waterford, PA 16441-3846	Waterford Borough Erie County	NWRO
PAD360110	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 1639 Church Road Allentown, PA 18104-9342	East Donegal Township Lancaster County	SCRO
PAD390099	Chapter 102 Individual NPDES Permit	Issued	Devonshire Properties LLC 1348 Hamilton Street Allentown, PA 18102-4329	South Whitehall Township Lehigh County	NERO
PAD390282	Chapter 102 Individual NPDES Permit	Issued	City Center Investment Corp 600 W Hamilton Street Suite 700 Allentown, PA 18101	Allentown City Lehigh County	NERO
PAD400019	Chapter 102 Individual NPDES Permit	Issued	Presidential Land Holdings LLC Heslop Road Mountain Top, PA 18707	Rice Township Luzerne County	NERO
PAD670079	Chapter 102 Individual NPDES Permit	Issued	Lobar Assoc Inc. 4 Barlo Circle Dillsburg, PA 17019-1621	Carroll Township York County	SCRO
PAD670088	Chapter 102 Individual NPDES Permit	Issued	Beiler Stephen K 822 Hilldale Road Holtwood, PA 17532-9500	Chanceford Township York County	SCRO
PAS803504	Industrial Stormwater Individual NPDES Permit	Issued	Tforce Freight Inc. 1000 Semmes Avenue Richmond, VA 23224-2246	Hampden Township Cumberland County	SCRO
15138107	Joint DEP/PFBC Pesticides Permit	Issued	Hearne Hardwoods 200 Whiteside Drive Oxford, PA 19363-1237	Atglen Borough Chester County	SERO
2113814	Joint DEP/PFBC Pesticides Permit	Issued	Falcone Suki 1 Grey Goose Circle Carlisle, PA 17015-8544	Middlesex Township Cumberland County	SCRO
2313811	Joint DEP/PFBC Pesticides Permit	Issued	Brick House Farms HOA 427 Exton Cmns Exton, PA 19341-2451	Edgmont Township Delaware County	SERO
3123802	Joint DEP/PFBC Pesticides Permit	Issued	Wyles Michelle 2728 Wyles Lane James Creek, PA 16657-8631	Lincoln Township Huntingdon County	SCRO
4613887	Joint DEP/PFBC Pesticides Permit	Issued	The Reserve at Gwynedd HOA 347 Primrose Drive Upper Gwynedd, PA 19446-5692	Upper Gwynedd Township Montgomery County	SERO
1407408	Land Application and Reuse of Sewage Individual WQM Permit	Issued	PA State University 104A Water Reclamation Fac Admin Bldg University Park, PA 16802	State College Borough Centre County	NCRO

NOTICES

7421

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0025569	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Slippery Rock Municipal Authority P.O. Box 157 Slippery Rock, PA 16057-0157	Slippery Rock Borough Butler County	NWRO
PA0026531	Major Sewage Facility >= 5 MGD Individual NPDES Permit	Issued	Downingtown Area Region Authority 6 W Lancaster Avenue Downingtown, PA 19335-2825	East Caln Township Chester County	SERO
PA0026816	Major Sewage Facility >= 5 MGD Individual NPDES Permit	Issued	East Norriton Plymouth Whitpain Joint Sewer Authority 200 Ross Street Plymouth Meeting, PA 19462-2740	Plymouth Township Montgomery County	SERO
PA0005045	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Seneca Generation LLC 500 Powerhouse Drive Warren, PA 16365-5501	Mead Township Warren County	NWRO
PA0032301	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	M & B Environmental Inc. 744 Harleysville Pike Harleysville, PA 19438-2804	Concord Township Delaware County	SERO
PA0035289	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Jones Estates Glen Lake PA LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-4900	Pine Township Mercer County	NWRO
PA0042927	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Owen J Roberts School District 901 Ridge Road Pottstown, PA 19465	South Coventry Township Chester County	SERO
PA0101320	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Freedom First Rentals LLC P.O. Box 5205 Conneaut Lake, PA 16316-5205	Oil Creek Township Crawford County	NWRO
PA0101664	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Fred C Berlin LLC 6101 Park Road Berwick, PA 18603-5713	Cranberry Township Venango County	NWRO
PA0228966	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Lake Bonin 1703 Bonin Road Rome, PA 18837-7728	Orwell Township Bradford County	NCRO
PA0090182	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Concordia Lutheran Health & Human Care 134 Marwood Road Cabot, PA 16023-2206	Jefferson Township Butler County	NWRO
PA0091189	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Slippery Rock Campground Association 1150 W Park Road Slippery Rock, PA 16057-4118	Worth Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0103292	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Hamilton Township McKean County P.O. Box 23 Ludlow, PA 16333	Hamilton Township McKean County	NWRO
PA0115363	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Buffalo Township Municipal Sewer Authority 2188 Johnson Mill Road Lewisburg, PA 17837-7704	Buffalo Township Union County	NCRO
PA0263893	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Hawthorn Redbank Redbank Municipal Authority P.O. Box 241 Hawthorn, PA 16230-0241	Redbank Township Clarion County	NWRO
0221205	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Harwick Oper Co. LLC 12601 Plantside Drive Louisville, KY 40299-6386	Springdale Borough Allegheny County	SWRO
2071401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Freedom First Rentals LLC P.O. Box 5205 Conneaut Lake, PA 16316-5205	Oil Creek Township Crawford County	NWRO
4371415	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Vacationland Properties Owner LLC 760 Osterman Drive Suite 201 Unit 2 Bozeman, MT 59715-7948	Deer Creek Township Mercer County	NWRO
4398409	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Jones Estates Glen Lake PA LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-4900	Pine Township Mercer County	NWRO
5288408	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	PA American Water Co. 171 W Johnson Highway Norristown, PA 19401-3030	Lehman Township Pike County	NERO
6172412	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Fred C Berlin LLC 6101 Park Road Berwick, PA 18603-5713	Cranberry Township Venango County	NWRO
NNOEXSC31	No Exposure Certification	Issued	Newark Paperbd Products 2510 N George Street York, PA 17406-3110	Manchester Township York County	SCRO
NOEXNW223	No Exposure Certification	Issued	Airborn Inc. 2700 Mechanic Street Lake City, PA 16423-2023	Lake City Borough Erie County	NWRO
NOEXNW234	No Exposure Certification	Issued	Barnes Group Inc. d/b/a Assoc Spring 226 S Center Street Corry, PA 16407-1935	Corry City Erie County	NWRO
NOEXSC199	No Exposure Certification	Issued	Dairy Farmers of American 1405 N 98th Street Kansas City, KS 66111-1865	Muhlenberg Township Berks County	SCRO

NOTICES

7423

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXSC220	No Exposure Certification	Issued	US Postal Service 1425 Crooked Hill Road Harrisburg, PA 17106-3300	Susquehanna Township Dauphin County	SCRO
NOEXSC406	No Exposure Certification	Issued	AHF LLC d/b/a AHF Products 1067 Dillerville Road Lancaster, PA 17603-2613	Lancaster City Lancaster County	SCRO
NOEXSC409	No Exposure Certification	Issued	Sealed Air Corp US 260 N Blettner Avenue Hanover, PA 17331-4501	Conewago Township Adams County	SCRO
NOEXSE215	No Exposure Certification	Issued	North Penn Polishing & Plating Inc. 40 W Park Avenue Sellersville, PA 18960-2540	Sellersville Borough Bucks County	SERO
NOEXSW022	No Exposure Certification	Issued	Philips Respironics 174 Tech Center Drive Mount Pleasant, PA 15666-1076	Mount Pleasant Township Westmoreland County	SWRO
PAG030023	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Walter R Earle Morrisville LLC P.O. Box 728 Farmingdale, NJ 07727-0728	Falls Township Bucks County	SERO
PAG030103	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Oldcastle Infrastructure 1900 Pennsylvania Avenue Croydon, PA 19021-6800	Bristol Township Bucks County	SERO
PAG030109	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	HP Hood LLC 6 Kimball Lane Lynnfield, MA 01940-2682	Philadelphia City Philadelphia County	SERO
PAG030125	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Fizzano Bros Concrete Products 1776 Chester Pike Crum Lynne, PA 19022-1223	Ridley Township Delaware County	SERO
PAG030129	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	611 Metals Recycling LLC 6776 Easton Road Pipersville, PA 18947-9749	Bedminster Township Bucks County	SERO
PAG030241	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Airgas USA LLC P.O. Box 185 Thorndale, PA 19372-0185	South Coatesville Borough Chester County	SERO
PAG033618	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lancaster Direct LLC P.O. Box 429 Manheim, PA 17545-0429	Penn Township Lancaster County	SCRO
PAG033655	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Oldcastle BldgEnvelope Inc. 1551 Mount Rose Avenue York, PA 17403-2909	Spring Garden Township York County	SCRO
PAG033671	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Culpeper of Leola LLC 33 Glenola Drive Leola, PA 17540-1902	Upper Leacock Township Lancaster County	SCRO
PAG033715	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Waste Management Disposal Service of PA Inc. 123 E High Street Palmyra, PA 17078-1318	Palmyra Borough Lebanon County	SCRO

NOTICES

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033731	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Waste Management of PA 4300 Industrial Park Road Camp Hill, PA 17011-5717	Hampden Township Cumberland County	SCRO
PAG033813	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Defiance Metal Products of PA Inc. 550 Sunnyside Road Suite 101 Bedford, PA 15522-8666	Bedford Township Bedford County	SCRO
PAG033842	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Helicopter Applicators Inc. 1670 York Road Gettysburg, PA 17325-8201	Straban Township Adams County	SCRO
PAG033845	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sealed Air Corp US 450 Riverfront Drive Reading, PA 19602-2600	Reading City Berks County	SCRO
PAG033861	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Omnimax International LLC 450 Richardson Drive Lancaster, PA 17603-4036	East Hempfield Township Lancaster County	SCRO
PAG033887	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Stella Jones Corp P.O. Box 251 McAlisterville, PA 17049-0251	Fayette Township Juniata County	SCRO
PAG033968	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Kennametal Inc. 442 Chalybeate Road Bedford, PA 15522-8637	Bedford Township Bedford County	SCRO
PAG034865	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Midland Asphalt Materials Inc. 88 Barrett Road Woodland, PA 16881-9364	Hemlock Township Columbia County	NCRO
PAG034954	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Centre Concrete Co. 629 E Rolling Ridge Drive Bellefonte, PA 16823-8135	Fairfield Township Lycoming County	NCRO
PAG034961	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sunoco Midstream LLC 8111 Westchester Drive Suite 600 Dallas, TX 75225-6140	Armstrong Township Lycoming County	NCRO
PAG035025	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Norfolk Southern Railway Co. 650 W Peachtree Street NW Box 13 Atlanta, GA 30308-1925	Northumberland Borough Northumberland County	NCRO
PAG036223	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Environmental Energy Solutions LLC 1380 Route 286 Highway E Indiana, PA 15701-1461	Franklin Township Greene County	SWRO
PAG038439	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Vogel Disposal Service Inc. P.O. Box 1080 Mars, PA 16046-1080	Adams Township Butler County	NWRO
PAG038567	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Schake Ind Inc. 3467 Route 257 Seneca, PA 16346-0564	Cranberry Township Venango County	NWRO
PAG045088	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Albertson Ned 38 Dahl Road Bloomsburg, PA 17815-9768	Hemlock Township Columbia County	NCRO

NOTICES

7425

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG056213	PAG-05 NPDES General Permit for Groundwater Cleanup	Issued	Collier Keith B 5610 William Flynn Highway Gibsonia, PA 15044-9516	Richland Township Allegheny County	SWRO
PAG134821	PAG-13 NPDES General Permit for MS4s	Waived	Montour Township Columbia County 195 Rupert Drive Bloomsburg, PA 17815-9627	Montour Township Columbia County	NCRO
PAG134822	PAG-13 NPDES General Permit for MS4s	Waived	Main Township Columbia County 345 Church Road Bloomsburg, PA 17815-6800	Main Township Columbia County	NCRO
PA0270776	Pesticides Individual NPDES Permit	Issued	PA DCNR Bureau of Forestry P.O. Box 8552 Harrisburg, PA 17105-8552	Statewide	BCW
1900401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Albertson Ned 38 Dahl Road Bloomsburg, PA 17815-9768	Hemlock Township Columbia County	NCRO
PA0052787	Small Flow Treatment Facility Individual NPDES Permit	Issued	Flatland Church 180 West Thatcher Road Quakertown, PA 18951	Richland Township Bucks County	SERO
PA0244384	Small Flow Treatment Facility Individual NPDES Permit	Issued	Huntzinger Stephanie 3947 Geryville Pike Pennsburg, PA 18073-2618	Marlborough Township Montgomery County	SERO
WQG02152301	WQG-02 WQM General Permit	Issued	Chester County School Authority 455 Boot Road Downingtown, PA 19335-3043	Penn Township Chester County	SERO

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 & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC400268 A-1	PAG-02 General Permit	Issued	JVI, LLC Jim Vozar 1265 Miller Road Wind Gap, PA 18091	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov
PAC370076	PAG-02 General Permit	Issued	Mohawk Area School District 385 Mohawk School Road New Castle, PA 16102	North Beaver Township Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC360833	PAG-02 General Permit	Issued	Emerald Power Solutions 474 North Shirk Road New Holland, PA 17557	Earl Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360764	PAG-02 General Permit	Issued	HHF Real Estate Development, LLC 616 Paxton Place Suite 100 Lititz, PA 17543	Manor Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360746	PAG-02 General Permit	Issued	Stone Mill Partners, LLC P.O. Box 291 Lititz, PA 17543	Manor Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360873	PAG-02 General Permit	Issued	Thomas Waltz 1563 Creek Drive Millersville, PA 17551	Millersville Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC010045A-2	PAG-02 General Permit	Issued	Littlestown Area School District 162 Newark Street Littlestown, PA 17340	Littlestown Borough Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC440029	PAG-02 General Permit	Issued	Granville Township 100 Helen Street Lewistown, PA 17044	Granville Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009 717-248-4695
PAC280332	PAG-02 General Permit	Issued	David Detweiler 5543 Orrstown Road Orrstown, PA 17244	Letterkenny Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC480034 A-1	PAG-02 General Permit	Issued	St. Luke's University Health Network 1872 Riverside Circle Easton, PA 18045	Bethlehem Township Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov
PAC280333	PAG-02 General Permit	Issued	Superior Contract, LLC 393 Bedington Boulevard Chambersburg, PA 17201	Chambersburg Borough Franklin County	Franklin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009 717-248-4695
PAC280313	PAG-02 General Permit	Issued	United States Cold Storage, LLC Ferry Terminal Building 2 Aquarium Drive Suite 400 Camden, NJ 08103	Antrim Township Franklin County	Franklin County Conservation District 20 Windmill Hill Suite 4 Chambersburg, PA 17201 717-264-5499
PAC280335	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	Quincy Township Franklin County	Franklin County Conservation District 20 Windmill Hill Suite 4 Chambersburg, PA 17201 717-264-5499

NOTICES

7427

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280329	PAG-02 General Permit	Issued	Matrix Shippensburg 1, LP Forsgate Drive CN4000 Cranbury, NJ 08512	Southampton Township Franklin County	Franklin County Conservation District 20 Windmill Hill Suite 4 Chambersburg, PA 17201 717-264-5499
PAC280331	PAG-02 General Permit	Issued	Eric Campbell 17411 Long Lane Amberson, PA 17210	Fannett Township Franklin County	Franklin County Conservation District 20 Windmill Hill Suite 4 Chambersburg, PA 17201 717-264-5499
PAC280277	PAG-02 General Permit	Issued	RBS Real Estate, LLC 940 Hollywell Avenue Chambersburg, PA 1721	Chambersburg Borough Franklin County	Franklin County Conservation District 20 Windmill Hill Suite 4 Chambersburg, PA 17201 717-264-5499
PAC280341	PAG-02 General Permit	Issued	Jared Stouffer 1697 Opportunity Avenue Chambersburg, PA 17214	Hamilton Township Franklin County	Franklin County Conservation District 20 Windmill Hill Suite 4 Chambersburg, PA 17201 717-264-5499
PAC010251	PAG-02 General Permit	Issued	Legacy Eale View LLC 10810 N. Tatum Boulevard Ste 102-301 Phoenix, AZ 85028	Berwick Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC360875	PAG-02 General Permit	Issued	Thomas Ponessa 160 Valley Road Lancaster, PA 17601	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360888	PAG-02 General Permit	Issued	Walnut Hollow Poultry, LLC 240 Indian Run Road Millersville, PA 17551	Manor Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360894	PAG-02 General Permit	Issued	Christopher D. Sinz 970 Disston View Drive Lititz, PA 17543	Warwick Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360890	PAG-02 General Permit	Issued	Clayton Andrews 502 Penn Grant Road Lancaster, PA 17602	West Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PA21005C	PAG-02 General Permit	Issued	PPL Electric Utilities Corporation 827 Hausman Road GENN 4 Allentown, PA 18104	Carlisle Borough Middlesex Township North Middleton Township South Middleton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC620010	PAG-02 General Permit	Issued	North Warren Municipal Authority 44 Hospital Drive Warren, PA 16365	Conewango Township Warren County	Warren County Conservation District 4000 Conewango Ave Warren, PA 16365 814-726-1441

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>
Howard Reyburn Swine Operation 1021 Limestone Road Oxford, PA 19363	Chester County	160	716.05	Swine	NA	Approved
Glenville Farms, LLC 2100 Glenville Road Cochranville, PA 19330	Chester County	344.2	2,972.5	Dairy	NA	Approved
Laverne Rohrer 118 Bentz Mill Rd East Berlin, PA 17316	York County	44	377.52	Turkeys Dairy Calves	NA	Approved
Pigeon Hill Farms, LLC 9078 Orchard Road Spring Grove, PA 17362	York County	37.5	396.98	Pullets & Finishing Steers	NA	Approved
Trout Brothers LLC 632 Trout Farm Lane Blain, PA 17006	Perry County	679	1,954.41	Dairy	HQ	Approved
M&E Farm 710 Pfoutz Valley Road Millerstown, PA 17062	Perry County	6.2	822.74	Swine	NA	Approved

<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>
Hickory Lane Farm 455 Hickory Lane Farm Lane Blain, PA 17006	Perry County	420.9	1,773.65	Swine	HQ	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. 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).

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Lorrie Fritz, Clerical Assistant 2, 570-830-3048.

Construction Permit No. 1323501MA, Minor Amendment, Public Water Supply.

Applicant	Borough of Jim Thorpe
Address	421 North Street Jim Thorpe, PA 18229
Municipality	Jim Thorpe Borough

County	Carbon County
Consulting Engineer	Mr. Matthew L. Boggs, P.E. Entech Engineering 201 Penn Street P.O. Box 32 Reading, PA 19603
Application Received	July 19, 2023
Permit Issued	November 13, 2023
Description	Application proposed a SCADA system upgrade project to be located at the Jim Thorpe Borough WTP.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Darin Horst, Environmental Engineer, 717-705-4708.

Construction Permit No. 3623536 MA, Minor Amendment, Public Water Supply.

Applicant	Tom Knight’s Properties, LLC
Address	P.O. Box 274 Port Deposit, MD 21904
Municipality	Fulton Township
County	Lancaster County
Consulting Engineer	James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401
Application Received	August 25, 2023
Permit Issued	November 14, 2023
Description	Addition of a flow switch for control of the caustic soda feed pump.

Contact: Joseph Mattucci, Program Manager, 717-705-4931.

Transfer Permit No. 7361068, Public Water Supply.

Applicant	Bethesda Christian Fellowship
Address	598 Stevens Road Ephrata, PA 17522
Municipality	Ephrata Township
County	Lancaster County
Consulting Engineer	Josiah Harthcock 637 E Orange Street Lancaster, PA 17602
Application Received	August 22, 2023
Permit Issued	November 14, 2023

Description This comprehensive operation permit is for the transfer of ownership of Ephrata Mennonite School (PWSID 7361068) to Bethesda Christian Fellowship.

Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Kimberleigh Rivers Clerical Assistant 2 484-250-5887.

Water Allocation Permit No. WA-15-1006A, Major Amendment, Public Water Supply.

Applicant **University of Pennsylvania (New Bolton)**
 Address 382 West Street Road
 Kennett Square, PA 19348
 Municipality East Marlborough Township
 County **Chester County**
 Consulting Engineer Remington & Vernick Engineers
 1010 Stony Hill Road
 Suite 175
 Yardley, PA 19067
 Application Received October 25, 2023
 Permit Issued November 16, 2023
 Description The University of Pennsylvania need to have a peak day flow of 300,000 gpd.

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.

Operation Permit 4923503. PWSID No. **4490344**. **Splash Magic RV Resort LLC**, 5 Legacy Drive, Goldendale, WA 98620, Point Township, **Northumberland County**. Application received: November 9, 2023. Permit Issued: November 15, 2023. Permit No. 4923503 is for operation. This permit grants permission to operate Well Nos. 1, 2, and 4 and related treatment facilities at Splash Magic RV Resort.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

Operation Permit 3623528 MA. PWSID No. **7360081**. **Moyer Ziegler Partnership**, 820 E Lincoln Ave, Myerstown, PA 17067, West Cocalico Township, **Lancaster County**. Application received: October 27, 2023. Permit Issued: November 14, 2023. This action authorizes operation of three new pressure tanks at Homeroom Commons Apartments.

Construction Permit 2123508. PWSID No. **7210316**. **Victor Serradella**, 5 W. Main St, Plainfield, PA 17081, West Pennsboro Township, **Cumberland County**. Application received: July 26, 2023. Permit Issued: November 14, 2023. This action authorizes the construction of a cation exchange system for water softening and an anion exchange system for nitrate removal at Graziella's Pizza and Subs.

Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.

Operation Permit 2223506 MA. PWSID No. **7220044**. **Susquehanna Area Regional Airport Authority/Harrisburg International Airport**, One Terminal Drive, Suite 300, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**. Application received: October 17, 2023. Permit Issued: November 14, 2023. Operation permit for a brine tank replacement.

Operation Permit 6721515 MA. PWSID No. **7670100**. **The York Water Company**, 130 East Market Street, York, PA 17401, York Township, **York County**. Application received: October 30, 2023. Permit Issued: November 14, 2023. Operation of the Spry Tank after repainting and installation of submersible mixer.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: RA-EPSWSDW@pa.gov.

Operation Permit 2623509MA. PWSID No. **5260027**. **Albert Gallatin Municipal Authority**, P.O. Box 305, Point Marion, PA 15474-0305, Springhill Township, **Fayette County**. Application received: June 21, 2023. Permit Issued: November 15, 2023. Issuance of Operation Permit 2623509MA for the Combined Filter Effluent Turbidimeter and filter-to-waste procedures at the Albert Gallatin Municipal Authority Water Treatment Plant.

Operation Permit 0223529. PWSID No. **5020011**. **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Coraopolis, PA 15108, Moon Township, **Allegheny County**. Application received: November 1, 2023. Permit Issued: November 14, 2023. Issuance of Operation Permit 0223529 for the installation and use of a chlorine analyzer downstream of the plant ultraviolet disinfection system, for the purposes of monitoring the Fern Hollow Water Treatment Plant Entry Point chlorine residual.

Contact: Renee Diehl, Program Manager, ra-epswwd@pa.gov.

Construction Permit 5623515. PWSID No. **4560382**. **Roxcoal, Inc.**, 1576 Stoystown Road, Friedens, PA 15541, Stonycreek Township, **Somerset County**. Application received: August 22, 2023. Permit Issued: November 7, 2023. Modifications to the Horning Water Treatment Plant (addition of filtration, softening, and sodium hypochlorite disinfection).

NCWSA Operation Permit 5040409. PWSID No. **5040409**. **Valley Christian Fellowship**, 398 Route 68, Rochester, PA 15074, Daugherty Township, **Beaver County**. Application received: November 8, 2023. Permit Issued: November 14, 2023. Operation of the Valley Christian Fellowship noncommunity public water system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department 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.

Schlier's Garage, Primary Facility ID # **868310**, Intersection of SR 940 and Powerhouse Road, White Haven, PA 18661, White Haven Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Jim Schlier, 2030 El Dorado Parkway, Cape Coral, FL 33914, submitted a Final Report concerning remediation of soil contaminated with petroleum. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

J. Reilly Pad 1, Primary Facility ID # **862758**, 427 Ponski Road, South Gibson, PA 18842, Gibson Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated with production fluid (brine). The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Lee, 814-332-6127.

Green Shingle Svc & Rest Fmr, Primary Facility ID # **835158**, 6468 Sterrettania Road, Fairview, PA 16415, McKean Borough, **Erie County**. Environmental Geo-Services, 40 Callahan Road, Greenville, PA 16125, on behalf of Old PIDI, Inc., c/o Caesars Entertainment, 100 West Liberty Street, Reno, NV 89501, submitted a Final Report concerning remediation of soil and groundwater contaminated with Soil: Benzene, Toluene, Ethylbenzene,

Xylenes, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Cumene, MTBE, & Naphthalene. Groundwater: Benzene, Toluene, Ethylbenzene, Xylenes, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Cumene, MTBE, & Naphthalene. The Final Report is intended to document remediation of the site to meet the 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.

Standard Steel North Yard, Primary Facility ID # **869882**, Edwardtown Road, Burnham, PA 17009, Burnham Borough, **Mifflin County**. LaBella Associates, P.C., 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of SEDA-COG Joint Rail Authority, 201 Furnace Road, Lewisburg, PA 17837, submitted a Baseline Workplan concerning remediation of soil contaminated with VOCs. The Baseline Workplan is intended to document remediation of the site to meet the special industrial area provision of Act 2.

Standard Steel North Yard, Primary Facility ID # **869882**, Edwardtown Road, Burnham, PA 17009, Burnham Borough, **Mifflin County**. LaBella Associates, P.C., 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Joe Krentzman & Son, Inc., 3175 Back Maitland Road, Lewistown, PA 17044, submitted a Baseline Workplan concerning remediation of soil contaminated with VOCs. The Baseline Workplan is intended to document remediation of the site to meet the special industrial area provision of Act 2.

Harley Davidson/Former York Naval Ordnance Plant, Primary Facility ID # **623248**, 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County**. Groundwater Sciences Corporation, 2550 Interstate Drive, Suite 303, Harrisburg, PA 17110, on behalf of Harley-Davidson Motor Co., Inc., 1425 Eden Road, York, PA 17402, submitted a Final Report concerning remediation of soil and groundwater contaminated with VOCs. The Final Report is intended to document remediation of the site to meet the site-specific standards.

R.H. Sheppard—Philadelphia Street, Primary Facility ID # **852634**, 101 Philadelphia Street, Hanover, PA 17331, Hanover Borough, **York County**. Arcadis U.S., Inc., 10 Friends Lane, Suite 100, Newtown, PA 18940, on behalf of R.H. Sheppard, 101 Philadelphia Street, Hanover, PA 17331, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with VOCs, SVOCs & Inorganics. The Remedial Investigation Report is intended to document remediation of the site to meet the site-specific standards.

R.H. Sheppard—Pine Street, Primary Facility ID # **860533**, 400 Pine Street, Hanover, PA 17331, Hanover Borough, **York County**. Arcadis U.S., Inc., 10 Friends Lane, Suite 100, Newtown, PA 18940, on behalf of R.H. Sheppard, 101 Philadelphia Street, Hanover, PA 17331, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with VOCs, SVOCs and Inorganics. The Remedial Investigation Report is intended to document remediation of the site to meet the site-specific standards.

Former Elizabethtown Borough Maintenance Garage, Primary Facility ID # **870494**, 101 East Plum Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Elizabethtown Borough, 600 South Hanover Street, Eliza-

bethtown, PA 17022, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. 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.

6800 Essington Avenue, Primary Facility ID # **853185**, 6800 Essington Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Julie Baniewicz, Apex Companies, LLC, 100 Arrandale Boulevard, Suite 203, Exton, PA 19153, on behalf of Liam Sullivan, 6800 Essington Partners, LLC, 414 South 16th Street, Suite 100, Philadelphia, PA 19146, submitted a Cleanup Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, methylene chloride, MTBE, 1,2,4-TMB, tetrachloroethene, benzo(a)pyrene, arsenic, lead, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, and benzo(a)pyrene. The Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

Holiday Cleaners, Primary Facility ID # **865992**, 6515 Ridge Avenue, Philadelphia, PA 19128, City of Philadelphia, **Philadelphia County**. Jeffrey A. Smith, PG, Langan Engineering and Environmental Services, 1818 Market Street, Suite 3300, Philadelphia, PA 19103, on behalf of Shane McNeela, 6515 CC, LLC, P.O. Box 430, Bryn Mawr, PA 19010, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with VOCs and PCE. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Greylock Stelco Well Pad, Primary Facility ID # **841678**, 199 Ice Box Road, Jefferson, PA 15344, Jefferson Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Greylock Production, LLC, 500 Corporate Landing, Charleston, WV 25311, submitted a Final Report concerning remediation of soil and groundwater contaminated with aluminum, barium, boron, chloride, iron, lithium, manganese, selenium, strontium, vanadium, and zinc for soil; aluminum, barium, boron, chloride, lithium, selenium, strontium, vanadium, and zinc for groundwater. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

Diversified Keystone # 12 Well Pad, Primary Facility ID # **870256**, 1150 Keystone State Park, Derry, PA 15627, Derry Township, **Westmoreland County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Diversified Production, LLC, 125 Industry Road, # 201, Waynesburg, PA 15370, submitted a Final Report concerning remediation of soil contaminated with benzene, sec-butylbenzene, tert-butylbenzene, cyclohexane, ethylbenzene, isopropyl benzene (cumene), naphthalene, toluene, trimethylbenzene 1,2,4-, Trimethylbenzene, 1,3,5-, xylenes, acenaphthene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(g,h,i)perylene, biphenyl, chrysene, fluoranthene, fluorene,

indeno(1,2,3-cd)pyrene, 2-methylnaphthalene, phenanthrene, and pyrene. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

108 43rd Street, Primary Facility ID # **863424**, 4107 Willow Street and 108 43rd Street, Pittsburgh, PA 15201, City of Pittsburgh, **Allegheny County**. Langan Engineering & Environmental Services, Inc., 2400 Ansys Drive, Suite 403, Canonsburg, PA 15317, on behalf of Willow Street Land, LLC, 800 Westchester Avenue, Suite N-349, Rye Brook, NY 10573, submitted a Baseline Environmental Report concerning remediation of groundwater contaminated with tetrachloroethene (PCE), tetrachloroethene (TCE), arsenic, iron, manganese, vinyl chloride, and aluminum. The Baseline Environmental Report is intended to document remediation of the site to meet the special industrial area provision of act 2.

Diversified Kochas # 1 Well Pad, Primary Facility ID # **870609**, 798 Latrobe Crabtree Road, Latrobe, PA 15650, Unity Township, **Westmoreland County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Diversified Production, LLC, 125 Industry Road, # 201, Waynesburg, PA 15370, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, zinc, and chloride. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

CHS Warehouse Property, Primary Facility ID # **806697**, 320 Main Street, Johnstown, PA 15901, City of Johnstown, **Cambria County**. Groundwater Sciences Corporation, 2550 Interstate Drive, Suite 303, Harrisburg, PA 17110, on behalf of 1889-CHS Foundation, Inc., 4 Valley Pike, Johnstown, PA 15905, submitted a Remediation Investigation Report/Final Report concerning remediation of soil and groundwater contaminated with benzene toluene, ethylbenzene, total xylenes, cumene/naphthalene, methyl tert butyl ether, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,2-dichloroethane, 1,2-dibromoethane, and lead. The Remediation Investigation Report/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 remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The 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.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Schlier's Garage, Primary Facility ID # **868310**, Intersection of SR 940 and Powerhouse Road, White Haven, PA 18661, White Haven Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Jim Schlier, 2030 El Dorado Parkway, Cape Coral, PA 33914, submitted a Final Report concerning remediation of soil contaminated with petroleum. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 15, 2023.

Cargill Meat Solutions, Primary Facility ID # **869499**, 65 Green Mountain Road, Hazleton, PA 18202, East Union Township, **Schuylkill County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Fegley Oil Company, Inc., 551 West Penn Pike, Tamaqua, PA 18252, submitted a Final Report concerning remediation of soil contaminated with off-road diesel fuel. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 16, 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.

139 Buckwalter Road, Primary Facility ID # **839710**, 139 Buckwalter Road, Phoenixville, PA 19460, Charlestown Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg,

PA 18073, on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 7, 2023.

Former SPC Corporation Facility, Primary Facility ID # **830724**, 2600 Penrose Avenue, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Madalyn Kulas, The Vertex Companies, LLC, 3322 Route 22 West, Suite 907, Branchburg, NJ 08876, on behalf of Michael Cooley, Provo Penrose LLC, Two Villanova Center, 795 Lancaster Avenue, Villanova, PA 19085, submitted a Cleanup Plan concerning remediation of soil and groundwater contaminated with VOCs, SVOCs. The Report demonstrated attainment of the site-specific standards. Approved: November 6, 2023.

3060 South 61st Street, Primary Facility ID # **708486**, 3060 South 61st Street, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Justin Kowalkoski, PG, Roux Associates, Inc., 402 Heron Drive, Logan Township, NJ 08085, on behalf of Michael Bennett, 3060 South 61st Owner, LLC, 2 Park Avenue, 14th Floor, New York, NY 10016, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with SVOCs, metals and PFAS. The Report demonstrated attainment of the site-specific standards. Approved: November 1, 2023.

Laurel Pipe Line Company, LP, Primary Facility ID # **824851**, 3398 Garnet Mine Road/3221 Foulk Road, Boothwyn, PA 19060, Bethel Township, **Delaware County**. Paul Miller, Environmental Alliance, Inc., 5341 Limestone Road, Wilmington, DE 19808, on behalf of Jeff Brudereck, Laurel Pipe Line Company, LP, Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031, submitted a Final Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: November 3, 2023.

Holland Village, Primary Facility ID # **841598**, 280 Middle Holland Road, Holland, PA 18966, Northampton Township, **Bucks County**. I. Scott Renneisen, Terraphase Engineering, Inc., 1100 East Hector Street, Suite 400, Conshohocken, PA 19428, on behalf of David Baker, Diakon Lutheran Social Ministries, 960 Century Drive, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: November 3, 2023.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Pudgie Wudgie Site, Primary Facility ID # **844924**, 2200 Hulton Road, Verona, PA 15147, Plum Borough, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668, on behalf of Fownes Foundation, 535 Smithfield Street, Suite 800, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil and groundwater contaminated with 1,2,4-trimethylbenzene, toluene, ethylbenzene, benzene, and arsenic for soil; 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, and methyl tert-butyl

ether for groundwater. The Final Report demonstrated attainment of the site-specific standards. Approved: October 31, 2023.

GE Power & Water, Primary Facility ID # **772272**, 4930 Buttermilk Hollow Road, West Mifflin, PA 15122, West Mifflin Borough, **Allegheny County**. Arcadis U.S., Inc., 19 West College Avenue, Suite 250, Yardley, PA 19067, on behalf of General Electric Co, 4930 Buttermilk Hollow Road, West Mifflin, PA 15122, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with PCBs, 1,1-DCE, 1,2,4-TCB, 1,4-DCB, benzene, cis-1,2-DCE, ethylbenzene, methylene chloride, PCE, toluene, TCE, hexachlorobenzene, arsenic and manganese for soil; PCBs, benzene, PCE, TCE, and VC, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, bis(2-ethylhexyl)phthalate, chrysene, arsenic, lead, manganese, and vanadium for groundwater. The Report demonstrated attainment of the Statewide health and site-specific standards. Approved: November 7, 2023.

Colonial Manor Road, Primary Facility ID # **804708**, 381 Colonial Manor Road, Irwin, PA 15642, North Huntingdon Township, **Westmoreland County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of Colonial Manor Road LLC, 381 Colonial Manor Road, Irwin, PA 15642, submitted a Final Report concerning remediation of soil contaminated with tetrachloroethene and trichloroethene. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: November 8, 2023.

Metalworking Machinery, Primary Facility ID # **625126**, 1 Wheeling Pitt Drive, Allenport, PA 15412, Allenport Borough, **Washington County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Mon River Industrial Group, LLC, P.O. Box 249, Allenport, PA 15412, submitted a Final Report concerning remediation of soil and groundwater contaminated with 1,1,1-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, 2-butanone, 4-methyl-2-pentanone, acetone, benzene, carbon disulfide, chloromethane, ethylbenzene, isopropylbenzene, tetrachloroethene, trichloroethene, 1-methylnaphthalene, 2-methylnaphthalene, acenaphthene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, fluoranthene, naphthalene, phenanthrene, pyrene, arsenic, barium, cadmium, chromium (CRIII), chromium (CRVI), copper, iron, lead, mercury, nickel, selenium, silver, zinc for soil; acetone, benzene, carbon disulfide, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, ethylbenzene, isopropylbenzene, tetrachloroethene, 1,1,1-trichloroethane, toluene, trichloroethene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, xylenes, bis(2-ethylhexyl)phthalate, fluorene, naphthalene, phenol, pcb-1260, aluminum, arsenic, barium, boron, cadmium, chromium, lead, cobalt, copper, iron, lead, manganese, nickel, silver, zinc for groundwater. The Final Report demonstrated attainment of the Statewide health and site-specific standards. Approved: November 14, 2023.

Penn Avenue & Center Street, Primary Facility ID # **862461**, 775-799 Penn Avenue & 750-754 Wallace Avenue, Wilkinsburg, PA 15221, Wilkinsburg Borough, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of North Side Industrial Development Co., Inc., 700 River Avenue, Suite 531, Pittsburgh, PA 15219, submitted a Baseline Environmental Report concerning remediation of soil and groundwater contaminated with Cyclohexane, Acenaphthene,

Barium, Ethylbenzene, Acenaphthylene, Cadmium, Isopropylbenzene, Anthracene, Chromium, Methyl cyclohexane, Benzo(ghi)perylene, Lead, Toluene, Chrysene, Mercury, 1,3,5-Trimethylbenzene, Fluoranthene, Selenium, o-Xylene, Fluorene, Silver, p/m-Xylene, 2-Methylnaphthalene, Xylenes, Naphthalene, Phenanthrene, Pyrene, Benzene, Benzo(a)anthracene, Arsenic, 1,2,4-Trimethylbenzene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Dibenz(a,h)anthracene, Indeno(1,2,3-cd)pyrene for soil; Acetone, Acenaphthene, Arsenic, Benzene, Benzo(a)anthracene, Barium, Cyclohexane, 2-Chloronaphthalene, Lead, Ethylbenzene, Fluoranthene, Isopropylbenzene, Fluorene, Methyl cyclohexane, 2-Methylnaphthalene, Toluene, Naphthalene, Trichloroethene, Phenanthrene, 1,3,5-Trimethylbenzene, Pyrene, 1,2,4-Trimethylbenzene, Xylenes for groundwater. The Report did not demonstrate attainment of the special industrial area provision of Act 2. Issued a technical deficiency letter: November 3, 2023.

Penneco Swiantek # 3 Well Pad, Primary Facility ID # **869529**, Cemetery Road, Perryopolis, PA 15473, Perry Township, **Fayette County**. Woodard & Curran, 400 Penn Center Boulevard, Suite 600, Pittsburgh, PA 15235, on behalf of Penneco Oil Company, Inc., 6608 Route 22, Delmont, PA 15626, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, chloride, iron, lithium, manganese, selenium, strontium, vanadium, and zinc. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: November 14, 2023.

DETERMINATION OF APPLICABILITY FOR RESIDUAL 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 Residual Waste Regulations for Determination of Applicability for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Waste Management Program Manager.

WMGR123SW066. Range Resources—Appalachia, LLC, 3000 Town Center Blvd, Canonsburg, PA 15317, Mount Pleasant Township, **Washington County**. A Determination of Applicability for operation under Residual Waste General Permit No. WMGR123 for the processing and beneficial use of oil and gas liquid waste at the Yonker George Tank Pad Reuse Water Storage Facility for use as a water supply to develop or hydraulically fracture an oil or gas well was issued by the Southwest Regional Office. Application received: May 1, 2023. Permit issued: November 8, 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.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

AG5A-58-00071A: Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, Dimock Township, **Susquehanna County**. A general Operating Permit GP5A was issued for the construction & operation of a Unconventional Natural Gas Well Site at Wood, E. Pad 1 located in Dimock Twp., Susquehanna County. Application received: October 23, 2023. Issued: November 14, 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 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

36-03217C: Charles F. Snyder Funeral Home, Inc./Willow Street, 3110 Lititz Pike, Lititz, PA 17543, West Lampeter Township, **Lancaster County**. For the installation of a human crematory at the funeral home. Application received: March 24, 2023. Issued: November 16, 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.

15-0161: G&A Clanton, Inc./London Grove, 804 W Baltimore Pike, West Grove, PA 19390-9115, London Grove Township, **Chester County**. This action is for the issuance of a plan approval extension for the installation and operation of an existing portable non-metallic mineral processing plant consisting of crushers, screens, and conveyors powered by diesel engines. Application received: November 3, 2023. Issued: November 16, 2023.

15-0138A: Aqua PA, Inc./Pickering Water Treatment Plant, 1050 Valley Forge Rd, Phoenixville, PA 19460-2657, Schuylkill Township, **Chester County**. A plan approval extension for the temporary operation and shakedown of five (5) diesel-fired emergency generators that are being operated under Synthetic Minor Operating Permit No. 15-00138. Application received: November 9, 2023. Issued: November 16, 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-11-00542: Military Resource Enhancement Specialists, Inc., 3179 Lincoln Highway, Stoystown, PA 15563, Conemaugh Township, **Cambria County**. Plan Approval extension issued on November 13, 2023, expira-

tion date May 28, 2024 to allow shake-down of sources and air cleaning devices at MRES Slag Operation located in Conemaugh Township, Cambria County. Application received: October 26, 2023. Issued: November 13, 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.

47-00014D: United States Gypsum Company, 86 PPL Road, Danville, PA 17821, Derry Township, **Montour County**. Was issued a plan approval extension, allowing continued operation of the previously listed facility's board kiln dryer (Source ID P114) under plan approval for another 180 days to allow for additional time to incorporate into the Title V permit for their Washingtonville gypsum board manufacturing plant. Application received: October 25, 2023. Revised: November 9, 2023.

14-00002S: Graymont (PA), Inc., 375 Graymont Road, Bellefonte, PA 16823, Spring Township, **Centre County**. Was issued a plan approval extension request approval, allowing continued usage of natural gas for operation of the rotary lime kilns No. 6 and 7 under plan approval for another 180 days to allow for additional time to incorporate into the Title V permit for their Pleasant Gap plant. Application received: November 2, 2023. Revised: November 15, 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.

67-05083F: Calpine Mid-Merit, LLC, 1055 Pikes Peak Road, Delta, PA 17314, Peach Bottom Township, **York County**. For the upgrade of the Block 2 Electricity Generation Project's nominally rated power output capacity from 760 MW to 830 MW at the York Energy Center. The plan approval was extended. Application received: October 27, 2023. Issued: November 9, 2023.

67-05083G: Calpine Mid-Merit, LLC, 1055 Pikes Peak Road, Delta, PA 17314, Peach Bottom Township, **York County**. For the modification of the York Energy Center Block 2 Electricity Generation Project's turbine BACT emission limits. These limits are imposed on each combined cycle (CC) combustion turbine (CT) associated with the project. The modification consists of the following changes to the requirements of P.A. No. 67-05083F (issued on August 1, 2016): 1.) Remove provisional status of any emission limits previously so specified except CO; 2.) Remove requirement for second stack test related to provisional emission limits; and 3) Revise the CO BACT emission limit for the CTs firing ULSD without duct burners from 3.5 ppmvd at 15% O₂ (3-hour block average; average of 3 test runs) to a bifurcated limit as follows: Load ≥ 90% = 2.0 ppmvd at 15% O₂ (3-hour block average; average of 3 test runs); Load < 90% = 3.5 ppmvd at 15% O₂ (3-hour block average; average of 3 test runs). The plan approval was extended. Application received: October 27, 2023. Issued: November 9, 2023.

21-03132A: Generations Tribute Center & Crematory, P.O. Box 431, New Cumberland, PA 17070, New Cumberland Borough, **Cumberland County**. For the construction of a human crematory. The unit will be a Matthews Environmental IE43-PPI (Power Pak I) multiple-chamber crematory. The plan approval was extended. Application received: November 3, 2023. Issued: November 16, 2023.

Contact: *Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.*

06-05096E: Reading Hospital, P.O. Box 16052, Reading, PA 19612, West Reading Borough, **Berks County**. For the reactivation of Cogeneration Plant No. 2 at the Reading Hospital. The plan approval was extended. Application received: October 24, 2023. Issued: November 16, 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-30-00072H: Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. For plan approval extension to authorize continued temporary operation of sources and controls associated with the Bailey Prep Plant Expansion. Application received: October 20, 2023. Effective: November 28, 2023.

PA-30-00072I: Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, East Finley Township, **Washington County**. For plan approval extension to authorize continued temporary operation of sources and controls associated with the Enlow Fork Overland Conveyor. Application received: October 20, 2023. Effective: November 28, 2023.

PA-63-00936F: MarkWest Liberty Midstream & Resources, LLC, 4600 J Barry Court, Suite 500, Canonsburg, PA 15317, Chartiers Township, **Washington County**. For plan approval extension to authorize continued temporary operation of air contamination sources and controls at the Houston Gas Plant. Application received: October 10, 2023. Effective: November 28, 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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: *Norm Frederick 570-826-2409.*

54-00003: Schuylkill Energy Resources, Inc./St. Nicholas Cogeneration, P.O. Box 112, Shenandoah, PA 17976-0112, Mahanoy Township, **Schuylkill County**. The Department issued a renewal Title V Operating Permit for the electric generation facility located in Mahanoy Township, Schuylkill County. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The main sources at this facility consist of a fluidized bed boiler, ash handling system, flash dryer, and emergency generators. The sources are controlled by baghouses. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. On April 23, 2016, the Pennsylvania Department of Environmental Protection (PADEP) published 25 Pa. Code §§ 129.96—129.100, Additional RACT Requirements for Major Sources of NO_x and VOC, also

known as Reasonably Available Control Technology (RACT II). Schuylkill Energy Resources, Inc (SER) qualifies as a major source of NO_x emissions because facility-wide potential NO_x emissions are above the RACT II major source threshold (i.e., 100 tons per year). As a result, the NO_x-emitting operations at the facility will be subject to the provisions of the RACT II rule. The NO_x emitting sources at the facility are Source ID # 031, the Circulating Fluidized Bed (CFB) Boiler, and Source ID # 058, Flash Dryer. The Presumptive RACT II requirements are included in the TV Operating Permit. Chapter 129, Sections 129.111—129.115—Effective on November 12, 2022, upon its publication in the *Pennsylvania Bulletin*, the Environmental Quality Board (EQB) amended Chapter 129 to establish additional presumptive reasonable available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of oxides of nitrogen (NO_x), and volatile organic compounds (VOC) emissions in existence on or before August 3, 2018. These additional requirements and limitations, collectively known as RACT III, address the Federal requirements for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). Schuylkill operates several sources subject to RACT, including a CFB Boiler (Source ID CU031), Flash Dryer (Source ID CU058), an Emergency Diesel Generator (Source ID CU 029), an Emergency Fire Water Pump (CU059), and an Emergency Boiler Feedwater Pump (CU086) that are subject to RACT; however, the requirements for these sources were previously incorporated into the Title V Operating Permit under RACT II. The Presumptive RACT III requirements are included in the TV Operating Permit. The Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: December 28, 2022. Renewal issued: November 16, 2023.

54-00004: Gilberton Power Co./John B. Rich Memorial Power Station, 81 Eleanor Avenue, Frackville, PA 17931-2301, Mahoning Township, **Schuylkill County**. The Department issued a renewal Title V Operating Permit for the electric generation facility located in Mahanoy Township, Schuylkill County. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The main sources at this facility consist of two (2) fluidized bed boilers, an auxiliary boiler, ash handling system, and a diesel fire pump. The sources are controlled by baghouses. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. On April 23, 2016, the Pennsylvania Department of Environmental Protection (PADEP) published 25 Pa. Code §§ 129.96—129.100, Additional RACT Requirements for Major Sources of NO_x and VOC, also known as Reasonably Available Control Technology (RACT II). Gilberton Power Co./John B. Rich Memorial Power Station qualifies as a major source of NO_x emissions because facility-wide potential NO_x emissions are above the RACT II major source threshold (i.e., 100 tons per year). As a result, the NO_x-emitting operations at the facility will be subject to the provisions of the RACT II rule. The NO_x emitting sources at the facility are Source ID # 031 and Source ID # 032, the Circulating Fluidized Bed (CFB) Boilers, Source ID # 033, an Auxiliary Boiler, and Source ID # 200, a Diesel Fire Pump. The Presumptive RACT II requirements are included in the TV Operating Permit. Chapter 129, Sections 129.111—129.115—Effective on November 12, 2022, upon its publi-

cation in the *Pennsylvania Bulletin*, the Environmental Quality Board (EQB) amended Chapter 129 to establish additional presumptive reasonable available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of oxides of nitrogen (NO_x), and volatile organic compounds (VOC) emissions in existence on or before August 3, 2018. These additional requirements and limitations, collectively known as RACT III, address the Federal requirements for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). Gilberton operates several sources subject to RACT, including Source ID # 031 and Source ID # 032, the Circulating Fluidized Bed (CFB) Boilers, Source ID # 033, an Auxiliary Boiler, and Source ID # 200, a Diesel Fire Pump, however, the requirements for these sources were previously incorporated into the Title V Operating Permit under RACT II. The Presumptive RACT III requirements are included in the TV Operating Permit. The Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: December 23, 2022. Renewal issued: November 16, 2023.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

36-05018: Aquatic Company, 40 Industrial Road, Elizabethtown, PA 17022-9425, West Donegal Township, **Lancaster County**. For the fiberglass tub and shower manufacturing facility. The Title V permit was renewed. Application received: April 13, 2023. Issued: November 7, 2022.

06-05040: East Penn Manufacturing Co., P.O. Box 147, Lyon Station, PA 19536, Richmond Township, **Berks County**. For the secondary lead smelting facility. The Title V permit underwent a significant modification to add presumptive and case-by-case RACT 3 requirements for the facility, and to make minor administrative updates. The portions of the permit related to approval of the RACT 3 case-by-case approval will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Other requirements will be excluded from the SIP submittal. Application received: December 21, 2022. Issued: November 14, 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.

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.

12-00009: Embassy Powdered Metals, Inc., 513 E. Second Street, Emporium, PA 15834, Emporium Borough, **Cameron County**. The Department issued a renewal State Only (Natural Minor) Operating Permit for the Emporium Plant. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: February 17, 2023. Renewal issued: November 13, 2023. New expiration date: November 12, 2028.

GP1-59-00012: Dairy Farmers of America, Inc., 72 Milk Plant Road, Middlebury Center, PA 16935, Middlebury Township, **Tioga County**. The Department approved authorization to continue operation of a 31.40 MMBtu per hour Johnston manufactured model PFTX 750-4 natural gas fired boiler pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-1: Gas and No. 2 Oil Fired Small Combustion Units at the Middlebury Milk Plant. Application received: October 16, 2023. Renewal issued: November 9, 2023. New expiration date: November 8, 2028.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norm Frederick, 570-826-2409.

48-00096: Custom Laminating Corporation, 5000 River Road, Mt. Bethel, PA 19343-5610, Upper Mount Bethel Township, **Northampton County**. The Department issued a renewal State-Only (Synthetic Minor) Permit for this laminated plastics plate, sheet (except packaging), and shape manufacturing facility located in Upper Mount Bethel Township, Northampton County. The main sources at this facility consists of surface treaters laminating lines, mixing process, and emergency generators. The control devices for the sources are baghouses. The sources are considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: January 27, 2023. Renewal issued: November 13, 2023.

48-00097: Lamtec Corporation, 5010 River Road, Mt. Bethel, PA 19343-5610, Upper Mount Bethel Township, **Northampton County**. The Department issued a renewal State-Only (Synthetic Minor) Permit for this paper bag and coated and treated paper manufacturing facility located in Upper Mount Bethel Township, Northampton County. The main sources at this facility consists of thirteen (13) laminated lines, mixing processes, and flexographic and ink jet printers. The control devices for the sources are baghouses. The sources are considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: January 30, 2023. Renewal issued: November 13, 2023.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

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

24-00124: Bluewater Thermal Solutions, 5400 W Lake St, Melrose Park, IL 60160-2736, City of Saint Marys, **Elk County**. The Department issued the renewal State Only Natural Minor Operating Permit for the heat-treating facility. The facility's primary emission sources include miscellaneous natural gas usage, fifteen tempering furnaces, ten heat-treating furnaces, and quench oil tanks. The potential emissions of the primary pollutants from the facility are as follows: 25.46 TPY NO_x, 15.87 TPY CO, 1.77 TPY VOC, 1.44 TPY PM₁₀ and PM_{2.5}, and 0.11 TPY SO_x; thus, the facility is a natural

minor. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: October 31, 2022. Renewal issued: November 13, 2023.

16-00178: Champion Modular Homes Plt 270, 451 Southern Ave, Strattanville, PA 16258, Strattanville Borough, **Clarion County**. The Department issued the new State Only Natural Minor Operating Permit for the modular home construction facility. The facility's primary emission sources include an assembly area, the drywall/mill controlled by two small baghouses, and space heating units. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 2.83 TPY NO_x, 2.37 TPY CO, 27.05 TPY VOC, 0.25 TPY PM₁₀ and PM_{2.5}, and 0.02 TPY SO_x; thus, the facility is a natural minor. Plan approval 16-178A was issued on September 9, 2022 and includes a VOC content restriction on surface coating as well as recordkeeping requirements. The surface coating processes are also subject to 25 Pa. Code 129.77 for control of emissions from the use or application of adhesives, sealants, primers and solvents. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: November 1, 2022. Issued: November 13, 2023.

10-00139: Rosini Carbons Company Inc. Boyers Division, 453 Venn Access Road, Coal Township, PA 17866, Cherry Township, **Butler County**. The Department issued the renewal of the State Only Operating Permit for Rosini Carbons Co. Inc., Boyers Division for the facility that processes coke breeze for use in brake manufacturing and metallurgical purposes. The facility is a Natural Minor. The primary sources at the facility include coke screening/shaking controlled by a baghouse. 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. Application received: October 11, 2022. Issued: November 14, 2023.

10-00395: Vogel Disposal Service, Inc., 121 Brickyard Road, Mars, PA 16046, Adams Township, **Butler County**. The Department issued the renewal of the State Only Operating Permit for Vogel Disposal Service, Inc. for the paint booth and cold cleaning degreasers. The facility is a Natural Minor. The potential emissions from the facility are less than 8 TPY for 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. Application received: October 20, 2022. Issued: November 14, 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.

28-05020: TB Woods, Inc., 440 5th Avenue, Chambersburg, PA 17201-1763, Chambersburg Borough, **Franklin County**. For the iron foundry. The State-Only permit was renewed. Application received: December 22, 2022. Issued: November 8, 2023.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

36-03034: Purina Animal Nutrition LLC, 3029 Hempfield Road, Lancaster, PA 17601-1309, East Hempfield Township, **Lancaster County**. For the animal feed mill.

The State-Only Permit was renewed. Application received: July 5, 2023. Issued: November 9, 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.

23-00068: Private Crematory, 43 E Baltimore Ave, Media, PA 19063-2927, Media Borough, **Delaware County**. This action for a renewal of an Operating Permit for a human crematory. Application received: October 4, 2022. Issued: November 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.

63-00872: RTS Packaging, LLC, 300 and Penn Central Railroad, Charleroi, PA 15022, Charleroi Borough, **Washington County**. On November 8, 2023, the Department of Environmental Protection issued a renewed natural minor State-Only Operating Permit to RTS Packaging, LLC's paperboard partition manufacturing facility located in Charleroi Borough, Washington County. This facility is subject to the applicable requirements of 25 Pa. Code, Chapters 121—145. The air quality Operating Permit includes emission limitations, operating requirements, monitoring requirements, work practice standards, reporting, and recordkeeping requirements for the site. Application received: June 13, 2023. Accepted: June 27, 2023.

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.

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.

18-00011: Croda, Inc., 8 Croda Way, Mill Hall, PA 17751, Bald Eagle Township, **Clinton County**. Was issued a revised State Only "Synthetic Minor" Operating Permit for their Mill Hall Facility for incorporation of a new Super Refined Oils process and Combined Heat and Power unit constructed pursuant to Plan Approval 18-00011K. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: May 8, 2023. Issued: November 15, 2023.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

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

37-00331: RWE Holding CO West Pittsburgh Plant, 535 Rundle Rd., New Castle, PA 16101, Taylor Township, **Lawrence County**. The Department amended the Natural Minor State Only Operating Permit to incorporate the requirements of Plan Approvals 37-331B and 37-331E. Application received: April 18, 2023. Revised: November 15, 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.*

46-00299: Innovation 411 Fee Owner, LLC, 707 Swedeland Rd, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. In accordance with 25 Pa. Code § 127.462, the permit was modified to allow the conversion of the four existing boilers from burning natural gas/No. 5 or 6 fuel oils to burning natural gas/No. 2 fuel oil. No changes in the permitted production throughputs or emission limitations were made. The Title V Operating Permit contains monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. Application received: September 27, 2023. Issued: November 2, 2023.

Operating Permit(s) Denied, Terminated, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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.*

AG5-59-00010B: NFG Midstream Covington, LLC, 6363 Main Street, Williamsville, NY 14221, Charleston Township, **Tioga County**. The Department terminated the General Plan Approval/Operating Permit (BAQ GPA/GP-5) Authorization for the Wellsboro 2 aka Parthemer Compressor Station. The facility has disconnected all air contaminant sources and physically removed sources rendering them physically inoperable. The Department hereby terminates AG5-59-00010B. Application received: October 16, 2023. Revoked: November 13, 2023. Revoked: November 13, 2023.

18-00009G: Clinton County Solid Waste Authority, P.O. Box 209, McElhattan, PA 17748, Wayne Township, **Clinton County**. The Department authorized the extension of the temporary operation of their landfill gas flare at their Wayne Township Landfill pending verification of source testing compliance. The plan approval has been extended through May 15, 2024. Application received: October 24, 2023. Extension: November 13, 2023. New expiration date: May 15, 2024.

GP3-08-312G: DeCristo, Inc., 9070 Roue 414, Canton, PA 17724, Leroy Township, **Bradford County**. The Department authorized the construction and operation of one (1) 2010 Terex Pegson XA400S Crusher rated at 400 tons per hour (tph) throughput, one (1) 2013 Terex Finlay C-1550P Crusher rated at 400 tph, one (1) 2016 PremierTrak model 600 crusher rated at 600 tph, one (1) 2017 Terex model C-1545 crusher rated at 300 tph, one (1) 2019 PremierTrak model 400X crusher rated at 400 tph, one (1) 2008 Powerscreen Chieftain 2100 screen rated at 550 tph, one (1) 2013 Terex Finlay 694+ screen rated at 550 tph, one (1) 2017 Powerscreen Warrior 2400 screen rated at 550 tph, one (1) 2012 Powerscreen model H6203 screen rated at 550 tph, one (1) 2016 Powerscreen model H6203 screen rated at 550 tph, one (1) 2020 Powerscreen Warrior 2400 screen rated at 450 tph, one (1) 2021 Powerscreen Warrior 2400 screen rated at 450 tph, one (1) 2019 MDS M515 Trommel screen rated at 500 tph, three (3) 2011 Telestacker TC421 stackers rated at 550 tph, one (1) 2016 Maximus TFC-80 stacker rated at 550 tph, one (1) 2016 McCloskey SDX100 stacker rated at 800 tph, one (1) 2018 McCloskey SDX130 stacker rated at 800 tph, one (1) 2011 Telestacker TC621 stackers rated

at 600 tph, one (1) 2018 McCloskey ST-100 stacker rated at 800 tph, one (1) 2012 Screen USA TC5036 stacker rated at 300 tph with associated water spray dust suppression systems pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at DeCristo's LeRoy Quarry # 1. Application received: September 19, 2023. Authorized: November 9, 2023. New expiration date: November 8, 2028.

GP9-08-312G: DeCristo, Inc., 9070 Roue 414, Canton, PA 17724, Leroy Township, **Bradford County**. The Department authorized the construction and operation of the following diesel-fired engines: one (1) one (1) 2008 Caterpillar model C-9 DITA rated at 300 bhp, one (1) 2013 Caterpillar model C-15 rated at 540 bhp, one (1) 2016 Scania model DC13 084A rated at 444 bhp, one (1) 2017 Scania model DC13 84A rated at 444 bhp, one (1) 2008 Caterpillar model C4.4 rated at 129.4 bhp, one (1) 2012 Caterpillar model C4.4 rated at 131.4 bhp, one (1) 2016 Caterpillar model C7.1 rated at 202.5 bhp, one (1) 2011 Caterpillar model C6.6 rated at 202.5 bhp, one (1) 2011 Deutz model D2011 rated at 40 bhp, one (1) 2015 Caterpillar model C4.4 rated at 129.4 bhp, one (1) 2016 Caterpillar model C3.4B rated at 100.5 bhp, one (1) 2018 Caterpillar model C4.4 rated at 131 bhp, one (1) 2019 Scania model DC09 084A rated at 270 bhp, one (1) 2016 Caterpillar model C7.1 rated at 202.5 bhp, one (1) 2012 Caterpillar model C7.1 rated at 202.5 bhp, one (1) 2020 Caterpillar model C7.1 rated at 202.5 bhp, one (1) 2019 Caterpillar model C4.4 rated at 131.4 bhp, four (4) 2011 Deutz model D2011 rated at 40 bhp, one (1) 2018 Caterpillar model C3.4B rated at 73.8 bhp, one (1) 2012 Caterpillar model C2.2 rated at 49 bhp pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at DeCristo's LeRoy Quarry # 1. Application received: September 19, 2023. Authorized: November 9, 2023. New expiration date: November 8, 2028.

49-00063B: Renewal Processing, LLC, 10705 State Route 44, Watsonstown, PA 17777, Lewis Township, **Northumberland County**. The Department authorized the temporary operating period for the facility's bakery waste rotary dryer for the shakedown of the newly installed equipment and in preparation for compliance testing. Application received: October 16, 2023. Extension: November 9, 2023. New expiration date: May 8, 2024.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

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

42-00215: Kane Area School District High School, 400 W. Hemlock Ave., Kane, PA 16735, Wetmore Township, **McKean County**. The facility last operated the Woody Biomass Unit (Source # 030—Wood Fired Boiler) in March 2020. The Department approved the deactivation plan for this unit on April 12, 2021. Based on the Board of Directors of the Kane Area School District decision to discontinue the operation of the unit permanently, the facility will no longer be required to have an Operating Permit. The only remaining sources at the facility are two natural gas boilers (2.79 MMBtu/hr each), and one 127 HP emergency natural gas generator. The remaining sources are exempt from plan approval. The potential emissions from the sources that remain at the facility are less than the exemption criteria for Operating Permits as identified in the Air Quality Permit Exemptions Document Number 275-2101-003. The permit was revoked as the permit is no longer necessary. Application received: November 8, 2023. Revoked: November 14, 2023.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the 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).

Coal Permits

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

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 33110101. MSM Coal Company, Inc., P.O. Box 243, DuBois, PA 15801, Beaver Township, **Jefferson County**. Revision to change the post mining land use from Forestland to Unmanaged Natural Habitat. Application received: August 25, 2023. Issued: November 16, 2023.

Noncoal Permits

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

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 37140301. Amerikohl Aggregates, Inc., 202 Sunset Drive, Butler, PA 16001, Wayne Township, **Lawrence County**. Revision to an existing surface mine to enlarge the mining area by revising the highwall boundary. Application received: September 14, 2023. Issued: November 15, 2023.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 8274SM2. PA0612871. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, West Cocalico Township, **Lancaster County**. Renew NPDES Permit on a quarry operation. Receiving stream: UNT to Indian Run. Application received: August 4, 2022. Renewal issued: November 17, 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. 46234105. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Lower Salford Township, **Montgomery County**. Construction blasting for Almac Headquarters expansion. Application received: October 24, 2023. Permit issued: November 15, 2023. Expiration date: October 23, 2024.

Permit No. 58234105. DW Drilling & Blasting, LLC, 2733 East Battlefield Street, # 320, Springfield, MO 65804, Springfield Township, **Susquehanna County**. Construction blasting for Bushnell R Gas Pad. Application received: November 2, 2023. Permit issued: November 15, 2023. Expiration date: November 1, 2024.

Permit No. 67234114. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015, Hellam Township, **York County**. Construction blasting for LHE Warehouse. Application received: November 7, 2023. Permit issued: November 15, 2023. Expiration date: October 25, 2024.

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.

Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: RA-EPREGIONALPERMIT@pa.gov.

E6783223-005. Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057, Fairview Township, **York County**. U.S. Army Corps of Engineers Baltimore District.

To authorize and maintain the following water obstructions and encroachments associated with the New Cumberland Maintenance Facility Project: 1. To place fill in approximately 0.03 acre of PFO wetlands (Other) (Wetland A and B) within the Susquehanna River Watershed. 2. To relocate and enclose 165 linear feet of a tributary to Marsh Run (WWF) (Stream B) in 24-inch RCP with a manhole. 3. To construct and maintain a stormwater basin in approximately 0.10 acre of the floodway of a tributary to Marsh Run (WWF) (Stream D). The project is located at 519 Marsh Run Road (Steelton, PA Quadrangle) in Fairview Township, York County. Latitude: 40.199209°, Longitude: -76.839115°. Application received: June 2, 2023. Issued: November 16, 2023.

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.

E4002223-012. Wyoming Valley Sanitary Authority, P.O. Box 33A, Hanover, PA 18706-1333, Forty Fort Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Abrahams Creek stream restoration project: 1) A channel change within a 5,500-LF reach of Abrahams Creek (CWF, MF) with work consisting of the removal of legacy sediment and re-grading to create a constructed stream channel having a 1-foot wide bed bottom lined with 6-inches of natural streambed material, an 8-foot top width, 3:1 side slopes, and longitudinal slopes ranging from 0.13% to 0.64%. Other improvements will include boulder shoring, live stake plantings, and riparian buffer plantings. This impact will result in 4,906 yd³ of total cut within the stream and floodway. 2) The modification of an existing headwall with work consisting of the removal of existing trash rack affixed to the headwall associated with an enclosed portion of Abrahams Creek (CWF, MF) and the construction of a 26-foot wide metal track rack. 3) A fill in

the floodway consisting of a 10-ft wide, 5,000-ft long at-grade gravel walking trail, a wetland observation deck, park benches, and playground equipment. This impact will result in no net fill within the floodway. The project begins downstream of the SR 11 bridge and terminates at the confluence of Susquehanna River (Pittston, PA Quadrangle Latitude: 41° 17' 33"; Longitude: -75° 52' 1") in Forty Fort Borough, Luzerne County. Application received: June 13, 2023. Issued: November 13, 2023.

E4002222-003. Earth Conservancy, Inc., 101 South Main Street, Ashley, PA 18706, Hanover Township, Warrior Run Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain and the following water obstructions and encroachments associated with the Nanticoke Creek Stream Restoration at Truesdale Colliery Project: 1) A stream crossing of Nanticoke Creek (CWF, MF) consisting of a 90-ft long, 20-ft wide, 5-ft high concrete box culvert having concrete wingwalls, an invert depressed 1.0-ft, and R-6 riprap choked with natural streambed material. The crossing will carry SR 2008 (Main Street) over Nanticoke Creek. 2) To remove an existing stream crossing and to construct a stream crossing of Nanticoke Creek (CWF, MF) consisting of a 90-ft long, 10-ft wide, 5-ft high concrete box culvert having concrete wingwalls, an invert depressed 1.0-ft, and R-6 riprap choked with natural streambed material. The crossing will carry SR 2010 (Hanover Street) over Nanticoke Creek. 3) To remove an existing stream enclosure and to construct a stream enclosure of Nanticoke Creek (CWF, MF) consisting of a 436-ft long, 48-in diameter corrugated metal pipe, concrete wingwalls, a trash/debris collection device, and R-6 riprap choked with natural streambed material. The enclosure will carry a local gravel trail over Nanticoke Creek. 4) To modify an existing stream enclosure of Nanticoke Creek (CWF, MF) with work consisting of a 6-ft, 18-in diameter corrugated metal pipe extension and riprap apron. 5) To modify an existing dual stream enclosure of Nanticoke Creek (CWF, MF) with work consisting of two (2) 11-ft, 36-in diameter corrugated metal pipe extension and riprap apron. 6) To remove an existing stream crossing of Leuder Creek (CWF, MF) consisting of a 93-ft long, 5-ft wide, 3-ft high concrete box culvert having concrete wingwalls, an invert depressed 1.0-ft, and the regrading of an existing concrete flume. The crossing will carry a local gravel trail over Leuder Creek. 7) To modify an existing stream enclosure with work consisting of slip-lining and grouting the existing enclosure with a 215-ft long, 48-in diameter corrugated metal pipe and a trash/debris collection device. The enclosure will carry a local gravel trail over Leuder Creek (CWF, MF). 8) A channel change within Nanticoke Creek (CWF, MF) consisting of 5,470-LF of grading within the stream channel, 3,575-LF of floodway establishment, 2,150-LF of stream realignment, 1,500-LF of stream abandonment, 3,345-LF of grading within the floodway, 150-LF of crack sealing, and 475-LF of bentonite lining. The constructed trapezoidal channel will include 2:1 side slopes, a bottom width ranging from 6-ft to 25-ft, a thalweg depth ranging from 6-in to 12-in, a longitudinal slope ranging from 0.5% to 6%, and underlain with 2-ft of reclaimed rock and natural streambed material. 9) A channel change within Leuder Creek (CWF, MF) consisting of 795-LF of grading within the stream channel, 945-LF of grading within the floodway, 3,045-LF of crack sealing, 0.01 acre of PEM wetland impacts, and the removal of an existing 13-foot high, on-stream concrete dam. The constructed trapezoidal channel will include 2:1 side slopes, bottom width ranging from 6-ft to 10-ft, a

thalweg depth ranging from 6-in to 12-in, a longitudinal slope ranging from 0.5% to 3%, and underlain with 2-ft of reclaimed rock and natural streambed material. The project begins at Loomis Park Road and extends approximately 1.3 miles south to the confluence of Leuder Creek and Nanticoke. From this confluence, the project extends approximately 1.1 miles southward within Leuder Creek and approximately 1.2 miles southward within Nanticoke Creek (Wilkes-Barre West, PA Quadrangle Latitude: 41° 11' 9.49"; Longitude: -75° 57' 56.16") in Hanover Township and Warrior Run Borough, Luzerne County. Application received: March 9, 2022. Issued: November 16, 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.

E5101222-017. Philadelphia Water Department, 1101 Market Street, 4th Floor, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District.

The Philadelphia Water Department is proposing to construct and maintain the following activities for the project associated with Ecological Restoration Project—Pennypack Corridor Improvement at Holme Avenue, along the Pennypack Creek and Axe Factory Run (TSF, MF): 1) Install two engineering riffles in the stream bed, total 224 linear feet of stream impact. 2) Excavate, grade, and landscape the land around the stream channel for floodplain reconnection, total 948 linear feet of stream impact. 3) Install riprap bank revetment, 862 linear feet along the left bank and 507 linear feet along the right bank. 4) Bank grading and stabilization with soil stabilization matting, a total of 1,756 linear feet along the left bank and a total of 1,173 linear feet along the right bank. 5) Replacement of the sanitary sewer encasement, a total of 132 linear feet of sewer encasement across stream. 6) Restore the main stem of Pennypack Creek and Axe Factory Run tributary, a total of approximately 1,850 linear feet of stream would be rehabilitated using the same treatments. The total project impact will be approximately 0.67 acre of permanent floodplain and 0.813 acre of temporary floodplain impact. The site is located near the intersection of SR 1 and Holme Avenue and immediately 500 LF downstream from the Holme Avenue Bridge crossing over the Pennypack Creek (Frankford, PA, NJ USGS Map) in the City and County of Philadelphia. Latitude: 40.057908°, Longitude: -75.036377°. Application received: October 13, 2022. Permit issued: November 15, 2023.

EA1501223-001, WV1501223-006. Brandywine Red Clay Alliance, 1760 Unionville-Wawaset Road, West

Chester, PA 19382, East Marlborough Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District.

To restore and rehabilitate approximately 3,400 feet of Upper East Branch Red Clay Creek, Quartz Creek, and its UNT (TSF-MF) associated with the applicant's request for 105.12(a)(16) waiver to conduct stream restoration and enhancement. The proposed rehabilitation will include the following: 1) The removal of legacy sediments. 2) To improve the hydrologic, aquatic, riparian, and chemical functions of the stream. 3) Enhance riparian habitat, decrease sedimentation to downstream areas, and improve water quality. 4) Stabilize the streambanks, create floodplain benches, and install aquatic habitat enhancement structures such as j-hooks, straight vanes, and root wads to improve the available cover for aquatic species, etc. 5) The proposed project will not increase flood elevations or adversely impact upstream, downstream, or adjoining properties and structures. 6) Temporary wetland impacts will be approximately 0.43 acre and there are no permanent wetland impacts. The project is located about 1,500 feet northwest of Walnut and Longwood Roads (Kennett Square, PA USGS Quadrangle) in East Marlborough Township, Chester County. Latitude: 39.871101°, Longitude: -75.707997°. Application received: August 31, 2023. Permit 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, 412-442-4281.

E6507223-013. Olympus Energy, LLC, 501 Technology Drive, Suite 1200, Canonsburg, PA 15317, Washington Township, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Latitude: 40.460219°, Longitude: -79.572466°. Application received: July 17, 2023. Issued: November 13, 2023.

Sub-Basin 18B (Kiskiminetas River), Quadrangle: Slickville, PA.

The applicant will construct, operate, and maintain two 36" x 22" temporary floating intakes and 1.1 miles of 16-inch diameter high density polyethylene (HDPE) temporary aboveground waterline in Washington Township, Westmoreland County. The intakes will be placed directly within the Beaver Run Reservoir and the temporary above ground waterline and associated temporary road crossings will cross five UNTs to Thorn Run and the floodway of the reservoir. The project will result in 0.565 acre of impacts to Waters of the Commonwealth as follows:

<i>Impact Identifier</i>	<i>Authorization Type</i>	<i>Aquatic Resource Name</i>	<i>Resource Type</i>	<i>Area of Temporary Impact (acre)</i>	<i>Coordinates</i>
Proposed Temporary Intakes	Chapter 105 Joint Permit Application	Beaver Run Reservoir	HQ—CWF	0.008 (Reservoir)	40.460219 -79.572466
					40.460222 -79.572467
Utility Line Crossing 1/ Temporary Road Crossing 1	Chapter 105 Waiver 2	UNT 4 to Trib 42979 to Thorn Run	HQ—CWF	0.001 (Stream) 0.119 (Floodway)	40.460318 -79.576371

<i>Impact Identifier</i>	<i>Authorization Type</i>	<i>Aquatic Resource Name</i>	<i>Resource Type</i>	<i>Area of Temporary Impact (acre)</i>	<i>Coordinates</i>
Utility Line Crossing 2/ Temporary Road Crossing 2	Chapter 105 Waiver 2	UNT 3 to Trib 42979 to Thorn Run	HQ—CWF	0.001 (Stream) 0.124 (Floodway)	40.460333 -79.576751
Utility Line Crossing 3/ Temporary Road Crossing 3	Chapter 105 Waiver 2	UNT 5 to Trib 42979 to Thorn Run	HQ—CWF	0.001(Stream) 0.060 (Floodway)	40.460847 -79.578974
Utility Line Crossing 4/ Temporary Road Crossing 4	Chapter 105 Waiver 2	UNT 6 to Trib 42979 to Thorn Run	HQ—CWF	0.001 (Stream) 0.103 (Floodway)	40.461348 -79.580031
Utility Line Crossing 5/ Temporary Road Crossing 5	Chapter 105 Waiver 2	UNT 7 to Trib 42979 to Thorn Run	HQ—CWF	0.001 (Stream) 0.098 (Floodway)	40.463075 -79.582895
Temporary Road Crossing 10	Chapter 105 General Permit 8	Beaver Run Reservoir Floodway	HQ—CWF	0.048 (Floodway)	40.461693 -79.58075
Totals		Stream		0.005	
		Reservoir		0.008	
		Floodway		0.552	

E6507223-009. CNX Gas Company, LLC, 1000 Horizon Vue Drive, Canonsburg, PA 15317, North Franklin Township, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District. Latitude: 40.144500°, Longitude: -80.263100°. Application received: May 11, 2023. Issued: October 30, 2023.

The applicant will construct, operate, and maintain a 7' x 10.78" cylinder floating intake and 200 LF of 8" polyethylene line (flexible hose) in North Franklin Township, Washington County. The intakes will be placed directly within Washington Reservoir No. 3. The project will result in 0.005 acre of permanent direct impact to Waters of the Commonwealth as follows:

<i>Resource</i>	<i>Location (Latitude, Longitude)</i>	<i>Resource Type</i>	<i>Activity Type</i>	<i>Permanent Direct (acres)</i>
Washington Reservoir No. 3	40.144500, -80.263100	HQ—WWF	Water Withdrawal Intake	0.001
Washington Reservoir No. 3		HQ—WWF	Flexible Hose Installation	0.004

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.

D15-406EA. Scott Bush, Open Land Conservancy of Chester County, 410 Eagleview Blvd, Exton, PA 19341, Tredyffrin Township, **Chester County**. The Department has reviewed and approved a proposal to remove the Lorimer Reserve Upper Pond Dam to eliminate a threat to public safety and to restore approximately 140 feet of stream channel to a free-flowing condition. The proposed restoration project includes sediment removal within the limits of the impoundment and proposes grading of the stream channel in the historic alignment. The project is located across a tributary to Valley Creek (EV, MF) (Valley Forge, PA Quadrangle, Latitude: 40.0707, Longitude: 75.4898). Project was approved on 11/15/2023 Application received: August 29, 2023. Approved: November 15, 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 **ESG290823015-00**
Applicant Name **Repsol Oil & Gas USA LLC**
Contact Person Jonathan Fronk
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
Township(s) Canton Township
County **Bradford County**
Receiving Stream(s) and Classification(s) UNT to Towanda Creek (CWF, MF)
Application received: September 28, 2023
Issued: November 17, 2023

ESCGP # 3 **ESG294123019-00**
Applicant Name **Inflection Energy (PA) LLC**
Contact Person Gregg Saunders
Address 145 Choate Cir
City, State, Zip Montoursville, PA 17754
Township(s) Upper Fairfield Township
County **Lycoming County**
Receiving Stream(s) and Classification(s) Unnamed Tributary to Little Mill Creek (HQ—TSF, MF), Little Mill Creek (HQ—TSF, MF)
Application received: October 6, 2023
Issued: November 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 **ESG073023018-00**
Applicant Name **Columbia Gas Trans, LLC**
Contact Person William Timmermeyer
Address PO Box 1273, 1700 Maccorkle Ave SE
City, State, Zip Charleston, WV 25325-1273
Township(s) Center Township, Jackson Township
County **Greene County**
Receiving Stream(s) and Classification(s) Garner Run and UNTs (HQ—WWF); Hargus Creek and UNTs (HQ—WWF); House Run and UNTs (HQ—WWF); McCourtney Run and UNTs (HQ—WWF); Tributary 40638 to House Run and UNTs (HQ—WWF) (EV)
Application received: July 21, 2023
Approved: November 13, 2023

ESCGP # 3 **ESG081023004-00**
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) Middlesex Township
County **Butler County**
Receiving Stream(s) and Classification(s) UNT to Glade Run (WWF)

Application received: August 9, 2023
Accepted: November 14, 2023

Contact: Kate Hogue, Clerical Supervisor, 814-332-6868.

ESCGP # 3 **ESG083223002-00/HCPP WELL PAD**
Applicant Name **XTO Energy, Inc.**
Contact Person Melissa Breitenbach
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
Township(s) Center Township
County **Indiana County**
Receiving Stream(s) and Classification(s) Trib 44081 to Cherry Run/CWF
Application received: August 14, 2023
Issued: November 9, 2023

ESCGP # 3 **ESG080323010-00/Frosty Mug to Hays Run Pipeline**
Applicant Name **Snyder Bros, Inc.**
Contact Person Carl Rose
Address P.O. Box 1022
City, State, Zip Kittanning, PA 16201
Township(s) Boggs Township and Valley Township
County **Armstrong County**
Receiving Stream(s) and Classification(s) Tributary 47162 to South Fork Pine Creek HQ—CWF Unnamed Tributary to South Fork Pine Creek HQ—CWF Tributary 47165 to South Fork Pine Creek HQ—CWF South Fork Pine Creek HQ—CWF
Application received: October 13, 2023
Issued: November 17, 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 **ESG076323014-00**
Applicant Name **Range Resources Appalachia, LLC—Mulert Howard 11231 Well Site**
Contact Person Karl Matz, (724) 873-3090
kmatz@rangeresources.com
Address 0.3 Mile W of Leeper Lane and County Line Road
City, State, Zip Burgettstown, PA 15021
Township(s) Hanover Borough
County **Washington County**
Receiving Stream(s) and Classification(s) 001. Lat 40.47653, Long -80.45866, UNT to Aunt Clara Fork Kings Creek. Ch 93 Class CWF 002. Lat 40.47458, Long -80.45925, UNT to Aunt Clara Fork Kings Creek, Ch 93 Class CWF 003. Lat 40.47538, Long -80.46066, UNT to Aunt Clara Fork Kings Creek, Ch 93 Class CWF 004. Lat 40.47450, Long -80.45855, UNT to Aunt Clara Fork Kings Creek, Ch 93 Class CWF
Application received: November 14, 2023
Issued: November 13, 2023

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site character-

ization, 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.

Hazleton Oil and Environmental, Storage Tank Facility ID # **13-50398**, 300 Tamaqua Street, Hazleton, PA 18201, Banks Township, **Carbon County**. Patriot Environmental Management, 2404 Brown Street, Pottstown, PA 19464, on behalf of Hazleton Oil and Environmental, Inc., 300 Tamaqua Street, Hazleton, PA 18201, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with used motor oil. The report is intended to document the remedial actions for meeting site-specific standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

1001 Baltimore Ave East Lansdowne, Storage Tank Facility ID # **23-06906**, 1001 E. Baltimore Ave., Lansdowne, PA 19050, East Lansdowne Borough, **Delaware County**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of PALG UST VI, LLC, 600 Hamilton Street, Suite 500, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential site-specific standards.

Lukoil 69232, Storage Tank Facility ID # **09-41459**, 1400 Eaton Rd., Warrington, PA 18976, Warrington Township, **Bucks County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A2 and 3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting site-specific standards.

Sunoco 0363 0134, Storage Tank Facility ID # **51-30597**, 4160 N. American St., Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Sunoco 0363 3799, Storage Tank Facility ID # **51-30606**, 100 W. Queen Ln., Philadelphia, PA 19144, City of Philadelphia, **Philadelphia County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

Lukoil 69703, Storage Tank Facility ID # **46-42593**, 101 Crawford Ave., Conshohocken, PA 19428, West Conshohocken Borough, **Montgomery County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A2 and 3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential Statewide health standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

DeBaldo Sales and Service, Storage Tank Facility ID # **02-80057**, 3451 Harts Run Road, Glenshaw, PA 15116, Indiana Township, **Allegheny County**. Environmental Geo-Services, 40 Callahan Road, Greenville, PA 16125, on behalf of Orlando DeBaldo, 3451 Harts Run Road, Glenshaw, PA 15116, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Happy Mart, Storage Tank Facility ID # **02-06684**, 1100 Penn Avenue, Pittsburgh, PA 15221, City of Pittsburgh, **Allegheny County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of S&D Oil, Inc., 1100 Penn Avenue, Wilkesburg, PA 15221, submitted a Remedial Action Plan concerning remediation of soil contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

2501 Brighton Ave, Storage Tank Facility ID # **02-29667**, 2501 Brighton Avenue, Pittsburgh, PA 15212, City of Pittsburgh, **Allegheny County**. Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468, on behalf of PALG UST III LLC, 645 Hamilton Street, Suite 400, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The

report is intended to document the remedial actions for meeting residential Statewide health and site-specific standards.

Robinson Township Municipal Garage, Storage Tank Facility ID # **02-00797**, 5001 Leona Lane, Coraopolis, PA 15108, Robinson Township, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Robinson Township, 5001 Leona Lane, Coraopolis, PA 15108, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with waste oil. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

West Mifflin Borough Garage, Storage Tank Facility ID # **02-15072**, 1011 Lebanon Road, West Mifflin, PA 15122, West Mifflin Borough, **Allegheny County**. Hatch Associates Consultants, Inc., 1600 West Carson Street, Suite 1, Pittsburgh, PA 15219, on behalf of Port Authority of Allegheny County, d/b/a Pittsburgh Regional Transit, 346 6th Avenue, 3rd Floor, Pittsburgh, PA 15222, submitted a Remedial Action Plan concerning remediation of soil contaminated with diesel fuel. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Honey Bear Mini Mart # 201, Storage Tank Facility ID # **26-05807**, 2561 Memorial Boulevard, Connellsville, PA 15425, Bullskin Township, **Fayette County**. Insite Group, Inc., 611 South Irvine Avenue, Sharon, PA 16146, on behalf of OCI, Inc., d/b/a Graft Oil Company, 2561 Memorial Boulevard, P.O. Box 899, Connellsville, PA 15425, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential site-specific standards.

BP # 07411, Storage Tank Facility ID # **63-14147**, 505 Racetrack Road, Washington, PA 15301, South Strabane Township, **Washington County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of NILU Enterprises, Inc., 1 Ukani Drive, Belle Vernon, PA 15012, submitted a Remedial Action Plan concerning remediation of soil contaminated with unleaded gasoline and diesel fuel. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

Donatis Gulf Services, Storage Tank Facility ID # **65-32363**, 1610 Freeport Road, Arnold, PA 15068, City of Arnold, **Westmoreland County**. Flynn Environmental, Inc., 5640 Whipple Avenue Northwest, North Canton, OH 44720, on behalf of Jeffrey Johasky, 2777 Valley View Drive, Lower Burrell, PA 15068, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Air Rescue East, Storage Tank Facility ID # **65-81323**, 131 Deport Street, Greensburg, PA 15601, City of Greensburg, **Westmoreland County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Air Rescue East, 561 West Otterman Street, Greensburg, PA 15601, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with jet fuel. The report is intended to document the remedial actions for meeting residential Statewide health standards.

Solomons Mini Mart II, Storage Tank Facility ID # **65-81313**, 600 Hancock Avenue, Vandergrift, PA 15690, Vandergrift Borough, **Westmoreland County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Susan M. Solomon, P.O. Box 141, Vandergrift, PA 15690, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential Statewide health standards.

Sunoco # 0363-9671, Storage Tank Facility ID # **02-30687**, 113 North Noble Avenue, Crafton, PA 15206, Crafton Borough, **Allegheny County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco, Inc., 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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.

Convenient Food Mart 3030, Storage Tank Facility ID # **35-36655**, 899 Davis Street, Moosic, PA 18507, Moosic Borough, **Lackawanna County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Convenient Food Marts of Pennsylvania, 215 Clark Avenue, Clarks Summit, PA 18411, submitted a Remedial Action Plan concerning remediation of soil contaminated with gasoline. The plan was not acceptable to meet the site-specific standards and was disapproved by DEP on November 15, 2023.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

309 Car Wash, Storage Tank Facility ID # **46-02713**, 773 Bethlehem Pike, Montgomeryville, PA 18936, Montgomery Township, **Montgomery County**. RMS Environmental, 1000 East Walnut Street, Suite 722, Perkasie, PA 18944, on behalf of 309 Car Wash, 773 Bethlehem Pike, Montgomeryville, PA 18936, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan nonresidential was not acceptable to meet the Statewide health standards and was disapproved by DEP on November 15, 2023.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

BFS Connellsville, Storage Tank Facility ID # **26-31699**, 1014 Morrell Avenue, Connellsville, PA 15425, City of Connellsville, **Fayette County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Bruceton Farm Service, Inc., 116 Shannon Drive, Morgantown, WV 26508, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report nonresidential was acceptable to meet the site-specific standards and was approved by DEP on November 7, 2023.

Diamond Mini Mart, Storage Tank Facility ID # **56-81507**, 302 Mulberry Street, Berlin, PA 15530, Berlin Borough, **Somerset County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Brett Custer, 302 Mulberry Street, Berlin, PA 15530, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan nonresidential was not acceptable to meet the Statewide health standards and was approved by DEP on October 23, 2023.

Turkey Hill # 239, Storage Tank Facility ID # **56-37192**, 829 North Center Avenue, Somerset, PA 15501, Somerset Borough, **Somerset County**. Kleinfelder, Inc., 51 Dutilh Road, Suite 240, Cranberry Township, PA 16066, on behalf of TH Minit Markets, LLC, 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel fuel. The plan

nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on November 7, 2023.

SPECIAL NOTICES

WASTE, AIR, RADIATION AND REMEDIATION

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101.

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Teesha Truesdale, 787-7382.

The Department of Environmental Protection (Department) approved the Mifflin-Juniata County Regional Municipal Waste Management Plan 2025-2034 Revision on November 9, 2023.

Persons aggrieved by an action may appeal, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

The plan revision is a public document and may be viewed at the Southcentral Regional Office at the address previously noted.

Questions concerning this approval should be directed to Mark Vottero, Environmental Group Manager, Department of Environmental Protection, Bureau Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 or to Carrie Fleming, Environmental Program Manager, Waste Management at the Regional Office previously noted.

[Pa.B. Doc. No. 23-1656. Filed for public inspection December 1, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Proposed Federal Section 1115 Demonstration for Medicaid Coverage of Health-Related Social Needs and Continuous Eligibility for Young Children

The Department of Human Services (Department) is making available for public review and comment the proposed Federal Section 1115 Demonstration application (Demonstration), entitled Bridges to Success: Keystones of Health for Pennsylvania (Keystones of Health), which proposes Medicaid coverage for Health-Related Social Needs (HRSN), reentry supports and multiyear continuous eligibility for young children.

The purpose of this Demonstration is to further the objectives of Medicaid to expand access to care, improve health outcomes, drive innovation, and engage partners and communities through targeted, time-limited interventions to address HRSNs.

The goals of this Demonstration are to:

1. Address the Commonwealth's Medicaid beneficiaries' HRSNs, such as food and housing, to improve health outcomes and quality of life with interventions that are both lifesaving and cost saving.
2. Provide HRSN services to support beneficiaries, especially those experiencing life transitions, to reduce avoidable hospitalizations and medical utilization and increase recommended or preventive care.
3. Reduce churn and gaps in coverage for children enrolled in Medicaid.
4. Expand Medicaid coverage to improve services to beneficiaries as they prepare to leave incarceration and provide continued support as beneficiaries transition back into the community.

Under Keystones of Health, services are proposed to be provided in the following areas:

- *Reentry from correctional facilities:* Improve transitions to the community for beneficiaries reentering society from correctional facilities. The available services, which will require a legislative amendment, will focus on improving transitions to community-based health care and social services with a particular emphasis on those with significant health care needs such as serious mental illness and substance use disorder.
- *Housing supports:* Add new Medicaid services to help beneficiaries without stable housing find and keep a place to live. Having stable housing makes it easier to find and use health care. These services will focus on beneficiaries with behavioral health issues and chronic conditions where health outcomes are greatly impacted by improved consistency of care and medication access.
- *Food and nutrition supports:* Provide food and nutrition services to specific Medicaid populations facing food insecurity, including pregnant beneficiaries and beneficiaries with diet-sensitive conditions. Services would include direct food support such as medically-tailored meals or groceries with a goal of also connecting eligible beneficiaries to long-term food assistance, like the Supplemental Nutrition Assistance Program.
- *Multiyear continuous coverage for children under 6 years of age:* Provide continuous Medicaid coverage for children from birth or older but under 6 years of age to

reduce gaps in coverage that interrupt access to essential health care services, such as preventive care. This proposal provides eligibility from birth, or when a child first receives Medicaid, through the last day of the month in which they turn 6 years of age. This proposal will make it easier for children to get the important early childhood health care they need.

The Demonstration application is available at dhs.pa.gov/Keystones-of-Health. In addition, copies of the application are available upon written request to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120.

Public Hearing Schedule

The Department will hold three virtual public hearings to receive comments regarding the proposed Demonstration. The Department will also receive comments on the Demonstration application at the Income Maintenance Advisory Council meeting on December 5, 2023, the Medical Assistance Advisory Committee meeting on December 7, 2023, and the Information Sharing and Advisory Committee Hub meeting on December 12, 2023.

The public hearings will be held as follows:

December 11, 2023, from 12 p.m. to 1 p.m.

Register for Session 1: <https://tinyurl.com/RegisterKoH1>

Join by phone only: (312) 626-6799; Webinar ID: 982 3951 9594

December 12, 2023, from 6 p.m. to 7 p.m.

Register for Session 2: <https://tinyurl.com/RegisterKoH2>

Join by phone only: (312) 626-6799; Webinar ID: 980 3834 3590

December 15, 2023, from 9 a.m. to 10 a.m.

Register for Session 3: <https://tinyurl.com/RegisterKoH3>

Join by phone only: (312) 626-6799; Webinar ID: 951 7040 4572

Register to participate virtually. When an individual registers, there will be an option to add the Public Forum to their calendar. Registration is not necessary to join by phone. Closed captioning will be provided during each public forum.

Public Comment

The Department seeks public input on the proposed Demonstration application for Medicaid coverage of HRSNs, reentry supports and multiyear continuous eligibility for young children. The 30-day public comment period will take place from December 2, 2023, through January 2, 2024.

Individuals may submit written comments at <https://tinyurl.com/KeystonesofHealthComments>, by e-mail at RA-PWMAProgComments@pa.gov or to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120.

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).

The Department will consider all comments received by January 2, 2024, in developing the final Demonstration application.

VALERIE A. ARKOOSH,
Secretary

[Pa.B. Doc. No. 23-1657. Filed for public inspection December 1, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania A Latte Money Fast Play Game 5221

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 A Latte Money (“A Latte Money”). The game number is PA-5221.

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 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *PROGRESSIVE TOP PRIZE*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased and then resets to the minimum prize amount whenever a top prize-winning ticket is sold.

(k) *WIN-A-LATTE*: The area at the top and bottom of an A Latte Money Fast Play lottery game ticket containing a “WIN-A-LATTE” play symbol and a “YOUR LATTE” play symbol that, when matched according to the instruc-

tions, determines whether the player wins the current “PROGRESSIVE TOP PRIZE.” WIN-A-LATTE is played separately.

(l) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of an A Latte Money ticket is \$1.

4. *Description of the A Latte Money Fast Play lottery game*:

(a) The A Latte Money 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. A Latte Money 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) A Latte Money is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) A Latte Money tickets contain a “WIN-A-LATTE” area. Whenever the “YOUR LATTE” play symbol matches the “WIN-A-LATTE” play symbol, the player wins the current “PROGRESSIVE TOP PRIZE.” “WIN-A-LATTE” is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A Latte Money 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 an A Latte Money 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 an A Latte Money ticket and select the A Latte Money 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. *A Latte Money ticket characteristics*:

(a) A Latte Money tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: A Latte Money tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area, a “WIN-A-LATTE” area and a “YOUR LATTE” area. The play symbols and their captions, located in the “WINNING NUMBERS” 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 (TWTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “WIN-A-LATTE” area and the “YOUR LATTE” area, are: Swirl (SWIRL) symbol, Heart (HEART) symbol, Swan (SWAN) symbol, Flower (FLOWER) symbol and a Star (STAR) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY) and \$100 (ONE HUN).

(d) *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$10, \$20, \$30, \$50, \$100 and the “PROGRESSIVE TOP PRIZE.” The “PROGRESSIVE TOP PRIZE” amount starts at \$2,500 and increases by \$0.05 every time an A Latte Money ticket is purchased. When a “PROGRESSIVE TOP PRIZE” winning ticket is sold, the “PROGRESSIVE TOP PRIZE” resets to \$2,500. A player can win up to six times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 1,800,000 tickets will be available for sale for the A Latte Money lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All A Latte Money prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which the “YOUR LATTE” play symbol matches the “WIN-A-LATTE” play symbol, on a single ticket, shall be entitled to a prize of a “PROGRESSIVE TOP PRIZE.” The amount won under this paragraph is the amount of the “PROGRESSIVE TOP PRIZE,” determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$2,500.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(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 \$30⁰⁰ (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(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 \$20⁰⁰ (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(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 \$10⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(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 \$5⁰⁰ (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.

(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 \$3⁰⁰ (THR DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3.

(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 \$2⁰⁰ (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.

(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 DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(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 FREE (TICKET) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one A Latte Money Fast Play Game Ticket.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“WIN-A-LATTE”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,800,000 Tickets:</i>
FREE		FREE \$1 TICKET	10	180,000
\$1		\$1	22.73	79,200
\$1 × 2		\$2	83.33	21,600

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"WIN-A-LATTE":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,800,000 Tickets:</i>
\$2		\$2	66.67	27,000
\$1 × 3		\$3	200	9,000
\$2 + \$1		\$3	90.91	19,800
\$3		\$3	200	9,000
(\$1 × 3) + \$2		\$5	200	9,000
(\$1 × 2) + \$3		\$5	200	9,000
(\$2 × 2) + \$1		\$5	200	9,000
\$3 + \$2		\$5	238.1	7,560
\$5		\$5	238.1	7,560
\$5 × 2		\$10	625	2,880
(\$2 × 3) + \$3 + \$1		\$10	625	2,880
(\$3 × 2) + (\$2 × 2)		\$10	625	2,880
\$5 + \$3 + \$2		\$10	625	2,880
\$10		\$10	500	3,600
\$10 × 2		\$20	1,967	915
(\$3 × 3) + \$10 + \$1		\$20	1,967	915
(\$5 × 2) + (\$3 × 2) + (\$2 × 2)		\$20	1,967	915
(\$5 × 2) + \$10		\$20	2,353	765
(\$5 × 3) + \$3 + \$2		\$20	2,400	750
\$20		\$20	2,400	750
\$10 × 3		\$30	4,000	450
(\$3 × 3) + \$20 + \$1		\$30	4,000	450
(\$5 × 3) + \$10 + \$3 + \$2		\$30	4,000	450
(\$10 × 2) + (\$5 × 2)		\$30	4,000	450
\$20 + \$10		\$30	3,000	600
\$30		\$30	3,000	600
(\$10 × 3) + \$20		\$50	12,000	150
(\$20 × 2) + (\$2 × 2) + \$5 + \$1		\$50	6,000	300
\$30 + \$20		\$50	6,000	300
\$50		\$50	12,000	150
\$50 × 2		\$100	180,000	10
(\$30 × 2) + (\$10 × 2) + \$20		\$100	180,000	10
\$100		\$100	180,000	10
	\$2,500 w/ WIN-A-LATTE MATCH	\$2,500	360,000	5

WIN-A-LATTE: When YOUR LATTE matches the WIN-A-LATTE above, win the current PROGRESSIVE TOP PRIZE amount instantly! WIN-A-LATTE is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of

the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

- (1) The game ticket's bar code shall be present in its entirety.
- (2) The game ticket must be intact.
- (3) The game ticket may not be mutilated, altered, reconstituted or tampered with.
- (4) The game ticket may not be counterfeit or a duplicate of a winning ticket.
- (5) The game ticket must have been validly issued.
- (6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.
- (7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.
- (8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

- (1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;
 - (2) A claim form is properly and fully completed;
 - (3) The identification of the claimant is confirmed; and
 - (4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).
- (e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *"PROGRESSIVE TOP PRIZE" restrictions:*

(a) An amount of \$0.05 from the sale of each A Latte Money ticket will be accumulated in the "PROGRESSIVE TOP PRIZE" pool.

(b) *Prize Amount:* The amount of the "PROGRESSIVE TOP PRIZE" at the time a ticket is purchased can only be verified through the Lottery's Central Computer System. Any advertisement or any materials describing the amount of the "PROGRESSIVE TOP PRIZE" are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the A Latte Money game, this notice and the data contained in the Lottery's Central Computer System shall govern.

(c) The "PROGRESSIVE TOP PRIZE" and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a "PROGRESSIVE TOP PRIZE" being reset without the actual sale of a "PROGRESSIVE TOP PRIZE" winning ticket, all prize money that had accumulated into the "PROGRESSIVE TOP PRIZE" pool (i.e., \$0.05 from the sale of each ticket) shall be awarded as part of the next "PROGRESSIVE TOP PRIZE" won.

(d) Prizes payable to "PROGRESSIVE TOP PRIZE" winners will be paid as a one-time cash payment. For the purposes of calculation of the prize to be paid to "PROGRESSIVE TOP PRIZE" winners, the "PROGRESSIVE TOP PRIZE" amount will be rounded up to the nearest \$0.50.

15. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play A Latte Money lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

16. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

17. *Retailer Incentive Programs*: The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play A Latte Money lottery game tickets.

18. *Retailer bonus*: The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

19. *Termination of the game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote A Latte Money or through normal communications methods.

20. *Applicability*: This notice applies only to the A Latte Money lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1658. Filed for public inspection December 1, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania A-MAZE-ing Eight Fast Play Game 5220

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 A-MAZE-ing Eight ("A-MAZE-ing Eight"). The game number is PA-5220.

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) *A-MAZE-ing \$8*: The area on an A-MAZE-ing Eight ticket containing two play symbols, a "START" area and a "FINISH" area that, when matched according to the instructions, determines whether the player wins a prize of \$8. "A-MAZE-ing \$8" is played separately.

(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 6 (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 an A-MAZE-ing Eight ticket is \$2.

4. *Description of the A-MAZE-ing Eight Fast Play lottery game*:

(a) The A-MAZE-ing Eight 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. A-MAZE-ing Eight 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) A-MAZE-ing Eight is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) A-MAZE-ing Eight tickets contain an “A-MAZE-ing \$8” area. When the play symbol at the “START” matches the play symbol at the “FINISH” the player wins a prize of \$8. “A-MAZE-ing \$8” is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A-MAZE-ing Eight 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 an A-MAZE-ing Eight 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 an A-MAZE-ing Eight ticket and select the A-MAZE-ing Eight 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. A-MAZE-ing Eight ticket characteristics:

(a) A-MAZE-ing Eight tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* A-MAZE-ing Eight tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and an “A-MAZE-ing \$8” area. The “A-MAZE-ing \$8” area is played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 29 (TWENTYNINE), 30 (THIRTY) and an 8 (EIGHT) symbol. The play symbols and their captions, located in the “A-MAZE-ing \$8” area, are: Hexagon (HEXGN) symbol, Triangle (TRNGLE) symbol, Square (SQUARE) symbol, Rectangle (RCTNGL) symbol, Star (STAR) symbol, Circle (CIRCLE) symbol, Cloud (CLOUD) symbol and a Heart (HEART) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$80⁰⁰ (EIGHTY), \$100 (ONE HUN), \$400 (FOR HUN), \$800 (EGT HUN) and \$8,000 (EGT THO).

(d) *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$80, \$100, \$400, \$800 and \$8,000. The prize that can be won in the “A-MAZE-ing \$8” area is \$8. A player can win up to nine times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 960,000 tickets will be available for sale for the A-MAZE-ing Eight lottery game.

6. Prizes available to be won and determination of prize winners:

(a) All A-MAZE-ing Eight 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 \$8,000 (EGT THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$8,000.

(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 \$800 (EGT HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$800.

(d) Holders of tickets upon which an 8 (EIGHT) play symbol appears in the “YOUR NUMBERS” area and that 8 (EIGHT) play symbol matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in two of the “Prize” areas, a prize symbol of \$40⁰⁰ (FORTY) appears in five of the “Prize” areas and a prize symbol of \$400 (FOR HUN) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$800.

(e) Holders of tickets upon which an 8 (EIGHT) play symbol appears in the “YOUR NUMBERS” area and that 8 (EIGHT) play symbol matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in two of the “Prize” areas, a prize symbol of \$80⁰⁰ (EIGHTY) appears in two of the “Prize” areas, a prize symbol of \$400 (FOR HUN) appears in one of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “Prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “Prize” areas and a prize symbol of \$2⁰⁰ (TWO DOL) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$792.

(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 \$400 (FOR HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which an 8 (EIGHT) play symbol appears in the “YOUR NUMBERS” area and that 8 (EIGHT) play symbol matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$80⁰⁰ (EIGHTY) appears in four of the “Prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in four of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which an 8 (EIGHT) play symbol appears in the “YOUR NUMBERS” area and that 8 (EIGHT) play symbol matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in three of the “Prize” areas, a prize symbol of \$40⁰⁰ (FORTY) appears in two of the “Prize” areas, a prize symbol of \$2⁰⁰ (TWO DOL) appears in two of the “Prize” areas and a prize symbol of \$8⁰⁰ (EGT DOL) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$392.

(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

(z) Holders of tickets upon which two matching play symbols appear in both the "START" and "FINISH" areas within the "A-MAZE-ing \$8" area, on a single ticket, shall be entitled to a prize of \$8.

(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 \$5.⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(bb) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.⁰⁰

(FOR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(cc) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (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.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"A-MAZE-ing \$8":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 960,000 Tickets:</i>
\$2		\$2	9.43	101,760
\$2 × 2		\$4	40	24,000
\$4		\$4	40	24,000
\$5		\$5	50	19,200
\$2 × 4		\$8	250	3,840
\$4 × 2		\$8	250	3,840
(\$2 × 2) + \$4		\$8	250	3,840
	\$8 w/ SYMBOL MATCH	\$8	40	24,000
\$8		\$8	285.71	3,360
\$5 × 2		\$10	1,000	960
(\$4 × 2) + \$2		\$10	1,000	960
\$2	\$8 w/ SYMBOL MATCH	\$10	454.55	2,112
\$10		\$10	1,250	768
8 WINALL MATCH w/ ((\$4 × 2) + (\$2 × 6))		\$20	200	4,800
\$5 × 4		\$20	2,000	480
(\$4 × 2) + (\$2 × 2)	\$8 w/ SYMBOL MATCH	\$20	1,000	960
(\$5 × 2) + \$2	\$8 w/ SYMBOL MATCH	\$20	1,000	960
\$10 + \$2	\$8 w/ SYMBOL MATCH	\$20	1,000	960
\$20		\$20	1,000	960
8 WINALL MATCH w/ ((\$8 × 2) + (\$4 × 2) + (\$2 × 4))	\$8 w/ SYMBOL MATCH	\$40	1,714	560
8 WINALL MATCH w/ ((\$8 × 4) + (\$2 × 4))		\$40	1,714	560
8 WINALL MATCH w/ ((\$10 × 2) + (\$5 × 2) + (\$2 × 3) + \$4)		\$40	1,714	560
(\$10 × 2) + (\$5 × 4)		\$40	24,000	40
\$8 × 4	\$8 w/ SYMBOL MATCH	\$40	12,000	80
(\$8 × 2) + (\$4 × 4)	\$8 w/ SYMBOL MATCH	\$40	12,000	80

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"A-MAZE-ing \$8":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 960,000 Tickets:</i>
$(\$10 \times 2) + \$8 + \$4$	\$8 w/ SYMBOL MATCH	\$40	12,000	80
$\$20 + \$10 + \$2$	\$8 w/ SYMBOL MATCH	\$40	12,000	80
\$40		\$40	24,000	40
8 WINALL MATCH w/ $(\$10 \times 4) + (\$8 \times 4)$	\$8 w/ SYMBOL MATCH	\$80	4,000	240
8 WINALL MATCH w/ $(\$20 \times 2) + (\$8 \times 2) + (\$4 \times 4)$	\$8 w/ SYMBOL MATCH	\$80	4,000	240
8 WINALL MATCH w/ $(\$20 \times 2) + (\$8 \times 4) + (\$4 \times 2)$		\$80	12,000	80
8 WINALL MATCH w/ $(\$20 \times 2) + (\$10 \times 2) + (\$5 \times 4)$		\$80	12,000	80
$\$40 \times 2$		\$80	60,000	16
$(\$20 \times 3) + (\$10 \times 2)$		\$80	60,000	16
$(\$8 \times 5) + \$20 + \$10 + \2	\$8 w/ SYMBOL MATCH	\$80	12,000	80
$(\$20 \times 2) + (\$10 \times 2) + (\$5 \times 2) + \2	\$8 w/ SYMBOL MATCH	\$80	12,000	80
$\$40 + \$20 + \$10 + \2	\$8 w/ SYMBOL MATCH	\$80	12,000	80
\$80		\$80	60,000	16
8 WINALL MATCH w/ $(\$10 \times 4) + (\$5 \times 2) + \$40 + \2	\$8 w/ SYMBOL MATCH	\$100	30,000	32
8 WINALL MATCH w/ $(\$20 \times 2) + (\$10 \times 2) + (\$8 \times 4)$	\$8 w/ SYMBOL MATCH	\$100	30,000	32
8 WINALL MATCH w/ $(\$10 \times 2) + (\$5 \times 4) + \$40 + \20		\$100	60,000	16
$(\$8 \times 4) + \$40 + \$20$	\$8 w/ SYMBOL MATCH	\$100	120,000	8
\$100		\$100	120,000	8
8 WINALL MATCH w/ $(\$100 \times 3) + (\$40 \times 2) + (\$2 \times 2) + \8	\$8 w/ SYMBOL MATCH	\$400	60,000	16
8 WINALL MATCH w/ $(\$80 \times 4) + (\$20 \times 4)$		\$400	120,000	8
$\$80 \times 5$		\$400	120,000	8
\$400		\$400	120,000	8
8 WINALL MATCH w/ $(\$100 \times 2) + (\$80 \times 2) + \$400 + \$20 + \$10 + \2	\$8 w/ SYMBOL MATCH	\$800	192,000	5
8 WINALL MATCH w/ $(\$100 \times 2) + (\$40 \times 5) + \$400$		\$800	192,000	5
$(\$80 \times 5) + \400		\$800	192,000	5
\$800		\$800	192,000	5
\$8,000		\$8,000	192,000	5

When the matching number is an "8" (EIGHT) symbol, win all 8 prizes shown!

A-MAZE-ING \$8: When the symbol at the START matches the symbol at the FINISH in the A-MAZE above, win \$8 instantly! A-MAZE-ing \$8 is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer docu-

ment deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *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 A-MAZE-ing Eight 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.

15. *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.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play A-MAZE-ing Eight lottery game tickets.

17. *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.

18. *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 A-MAZE-ing Eight or through normal communications methods.

19. *Applicability:* This notice applies only to the A-MAZE-ing Eight lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1659. Filed for public inspection December 1, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Break the Bank Fast Play Game 5219

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 Break the Bank (“Break the Bank”). The game number is PA-5219.

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) *UNLOCK THE VAULT:* The area at the bottom of a Break the Bank Fast Play lottery game ticket that, when matched according to the instructions, determines whether the player wins a prize. UNLOCK THE VAULT is played separately.

(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 6 (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 Break the Bank ticket is \$5.

4. *Description of the Break the Bank Fast Play lottery game:*

(a) The Break the Bank 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. Break the Bank 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) Break the Bank is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) Break the Bank tickets contain an “UNLOCK THE VAULT” area. Whenever three Key symbols appear in the “YOUR NUMBERS” area, the player wins a prize of \$10. Whenever five Key symbols appear in the “YOUR NUMBERS” area, the player wins a prize of \$15. Whenever seven Key symbols appear in the “YOUR NUMBERS” area, the player wins a prize of \$20. “UNLOCK THE VAULT” is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) Break the Bank 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 Break the Bank 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 Break the Bank ticket and select the Break the Bank 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. *Break the Bank ticket characteristics:*

(a) Break the Bank tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* Break the Bank tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and an "UNLOCK THE VAULT" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT) and a Vault (VAULT) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO 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, \$15, \$20, \$50, \$100, \$200, \$500, \$1,000 and \$75,000. A player can win up to 13 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 840,000 tickets will be available for sale for the Break the Bank lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Break the Bank 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, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols 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.

(f) Holders of tickets upon which a Vault (VAULT) play symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the Prize area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(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 \$50⁰⁰ (FIFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which a Vault (VAULT) play symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under that Vault (VAULT) 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 \$20⁰⁰ (TWENTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which a Vault (VAULT) play symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the Prize area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which seven Key symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$20.

(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 \$15⁰⁰ (FIFTEEN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets upon which a Vault (VAULT) play symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the Prize area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets upon which five Key symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$15.

(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 \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which a Vault (VAULT) play symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the Prize area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which three Key symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.⁰⁰

(FIV DOL) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which a Vault (VAULT) play symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the Prize area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$5.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"UNLOCK THE VAULT":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 840,000 Tickets:</i>
\$5 w/ VAULT		\$5	20	42,000
\$5		\$5	18.18	46,200
\$5 × 2		\$10	100	8,400
(\$5 w/ VAULT) + \$5		\$10	100	8,400
	\$10 w/ 3—KEY SYMBOLS	\$10	100	8,400
\$10 w/ VAULT		\$10	50	16,800
\$10		\$10	100	8,400
\$5 × 3		\$15	200	4,200
\$5 w/ VAULT	\$10 w/ 3—KEY SYMBOLS	\$15	100	8,400
	\$15 w/ 5—KEY SYMBOLS	\$15	100	8,400
\$15 w/ VAULT		\$15	100	8,400
\$15		\$15	200	4,200
\$5 × 4		\$20	500	1,680
\$5 × 2	\$10 w/ 3—KEY SYMBOLS	\$20	500	1,680
\$5 w/ VAULT	\$15 w/ 5—KEY SYMBOLS	\$20	200	4,200
\$10 w/ VAULT	\$10 w/ 3—KEY SYMBOLS	\$20	200	4,200
	\$20 w/ 7—KEY SYMBOLS	\$20	166.67	5,040
\$20 w/ VAULT		\$20	200	4,200
\$20		\$20	1,000	840
(\$10 × 4) + (\$5 × 2)		\$50	1,000	840
(\$10 × 2) + (\$5 × 3)	\$15 w/ 5—KEY SYMBOLS	\$50	1,000	840
\$20 × 2	\$10 w/ 3—KEY SYMBOLS	\$50	1,000	840
(\$5 w/ VAULT) + (\$15 × 2)	\$15 w/ 5—KEY SYMBOLS	\$50	1,000	840
(((\$5 w/ VAULT) × 2) + (\$15 × 2)	\$10 w/ 3—KEY SYMBOLS	\$50	1,000	840
(\$10 w/ VAULT) + (\$5 × 4)	\$20 w/ 7—KEY SYMBOLS	\$50	1,000	840
\$50 w/ VAULT		\$50	1,000	840
\$50		\$50	2,000	420

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"UNLOCK THE VAULT":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 840,000 Tickets:</i>
\$20 × 5		\$100	6,000	140
(\$15 × 3) + (\$10 × 3) + (\$5 × 2)	\$15 w/ 5—KEY SYMBOLS	\$100	1,333	630
(\$20 × 3) + (\$15 × 2)	\$10 w/ 3—KEY SYMBOLS	\$100	1,333	630
(\$15 w/ VAULT) + (\$10 × 4) + (\$5 × 5)	\$20 w/ 7—KEY SYMBOLS	\$100	1,333	630
(\$50 w/ VAULT) × 2		\$100	2,400	350
\$100		\$100	12,000	70
\$50 × 4		\$200	12,000	70
\$100 × 2		\$200	12,000	70
(\$50 × 2) + (\$20 × 4) + (\$5 × 2)	\$10 w/ 3—KEY SYMBOLS	\$200	3,000	280
(\$10 w/ VAULT) + (\$20 × 5) + (\$15 × 3) + (\$10 × 3)	\$15 w/ 5—KEY SYMBOLS	\$200	3,000	280
(\$50 w/ VAULT) + (\$15 × 5) + (\$10 × 5) + \$5	\$20 w/ 7—KEY SYMBOLS	\$200	3,000	280
(\$100 w/ VAULT) × 2		\$200	12,000	70
\$200		\$200	24,000	35
(\$200 × 2) + \$100		\$500	60,000	14
(\$20 w/ VAULT) + (\$100 × 4) + \$50 + \$20	\$10 w/ 3—KEY SYMBOLS	\$500	24,000	35
(\$50 w/ VAULT) + (\$5 w/ VAULT) + (\$50 × 5) + \$100 + \$50 + \$20 + \$10	\$15 w/ 5—KEY SYMBOLS	\$500	24,000	35
(\$200 × 2) + (\$20 × 4)	\$20 w/ 7—KEY SYMBOLS	\$500	12,000	70
\$500		\$500	60,000	14
\$500 × 2		\$1,000	120,000	7
(\$100 × 4) + (\$20 × 4) + \$500	\$20 w/ 7—KEY SYMBOLS	\$1,000	120,000	7
\$1,000		\$1,000	120,000	7
\$75,000		\$75,000	280,000	3

When a "VAULT" (VAULT) symbol appears, win prize shown under that symbol automatically!

UNLOCK THE VAULT: When you find at least 3 "KEY" symbols in the YOUR NUMBERS area, win corresponding prize shown in the PRIZE LEGEND. UNLOCK THE VAULT is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game

ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery,

Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *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 Break the Bank 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.

15. *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.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Break the Bank lottery game tickets.

17. *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.

18. *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 Break the Bank or through normal communications methods.

19. *Applicability*: This notice applies only to the Break the Bank lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1660. Filed for public inspection December 1, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Diamonds and Gold Fast Play Game 5217

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 Diamonds and Gold (“Diamonds and Gold”). The game number is PA-5217.

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) *DIAMONDS BY THE DOZEN*: The area on a Diamonds and Gold lottery game ticket containing Diamond play symbols that, when played according to the instructions, determines whether the player wins a prize. “DIAMONDS BY THE DOZEN” is played separately.

(d) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *MONEY BAG MULTIPLIER*: The area at the top of a Diamonds and Gold lottery game ticket that contains either a 1X (NOMULT), 5X (5TIMES), 10X (10TIMES) or 20X (20TIMES) multiplier symbol that is applied to any prize won in the main play area. The “PROGRESSIVE TOP PRIZE” is not multiplied.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket, which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(k) *PROGRESSIVE TOP PRIZE*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a

ticket is purchased, and then resets to the minimum prize amount whenever a top prizewinning ticket is sold.

(l) *Prize*: A non-monetary item, money or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(n) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Diamonds and Gold ticket is \$30.

4. *Description of the Diamonds and Gold Fast Play lottery game*:

(a) The Diamonds and Gold 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. Diamonds and Gold 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) Diamonds and Gold is played by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the “YOUR NUMBERS” play symbol. When a Diamond Bag (WINPRZ) symbol appears in the “YOUR NUMBERS” area, the player wins the prize shown under that symbol automatically. When a Gold Chest (ADD50) symbol appears in the “YOUR NUMBERS” area, the player increases the prize won by \$50. A bet slip is not used to play this game.

(c) Diamonds and Gold lottery game tickets contain a “MONEY BAG MULTIPLIER” area. When a 5X (5TIMES) symbol appears in the “MONEY BAG MULTIPLIER” area, multiply any prize won in the “YOUR NUMBERS” area by five. When a 10X (10TIMES) symbol appears in the “MONEY BAG MULTIPLIER” area, multiply any prize won in the “YOUR NUMBERS” area by ten. When a 20X (20TIMES) symbol appears in the “MONEY BAG MULTIPLIER” area, multiply any prize won in the “YOUR NUMBERS” area by 20. When a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, any prize won in the “YOUR NUMBERS” area is not multiplied.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A Diamonds and Gold game ticket 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 Diamonds and Gold game 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 Diamonds and Gold game ticket and select the Diamonds and Gold 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. *Diamonds and Gold ticket characteristics:*

(a) A Diamonds and Gold ticket shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* Each Diamonds and Gold ticket play area will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, a "DIAMONDS BY THE DOZEN" area and a "MONEY BAG MULTIPLIER" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), Diamond Bag (WINPRZ) symbol and Gold Chest (ADD50) symbol. The multiplier play symbols, located in the "MONEY BAG MULTIPLIER" area, are: 1X (NOMULT) symbol, 5X (5TIMES) symbol, 10X (10TIMES) symbol and a 20X (20TIMES) symbol. The "DIAMONDS BY THE DOZEN" play symbol, located in the "YOUR NUMBERS" area is a Diamond symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

(d) *Prizes:* The prizes that can be won in this game are: \$30, \$40, \$50, \$100, \$150, \$200, \$500, \$1,000 and \$10,000. The prize that can be won in the "DIAMONDS BY THE DOZEN" area is the "PROGRESSIVE TOP PRIZE." The "PROGRESSIVE TOP PRIZE" amount starts at \$500,000 and increases by \$2.40 every time a Diamonds and Gold ticket is purchased. When a "PROGRESSIVE TOP PRIZE" winning ticket is sold, the "PROGRESSIVE TOP PRIZE" resets to \$500,000. For a complete description of how these prizes can be won, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to nine times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 840,000 tickets will be available for sale for the Diamonds and Gold lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Diamonds and Gold prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which 12 Diamond symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of a "PROGRESSIVE TOP PRIZE." The amount won under this paragraph is the amount of the "PROGRESSIVE TOP PRIZE," determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$500,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols 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, and upon which a 1X (NOMULT) symbol appears in the "MONEY BAG MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols 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 a 20X (20TIMES) symbol appears in the "MONEY BAG MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$10,000.

(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 \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and upon which a 1X (NOMULT) symbol appears in the "MONEY BAG MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a Diamond Bag (WINPRZ) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that Diamond Bag (WINPRZ) symbol, and upon which a 1X (NOMULT) symbol appears in the "MONEY BAG MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols 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, and upon which a 5X (5TIMES) symbol appears in the "MONEY BAG MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and upon which a 10X (10TIMES) symbol appears in the "MONEY BAG MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(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 \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and upon which a 20X (20TIMES) symbol appears in the "MONEY BAG MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(bb) Holders of tickets upon which a Diamond Bag (WINPRZ) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under that Diamond Bag (WINPRZ) symbol, and upon which a 1X (NOMULT) symbol appears in the “MONEY BAG MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$100.

(cc) Holders of tickets upon which a Gold Chest (ADD50) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under that Gold Chest (ADD50) symbol, and upon which a 1X (NOMULT) symbol appears in the “MONEY BAG MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$100.

(dd) Holders of tickets upon which a Gold Chest (ADD50) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under that Gold Chest (ADD50) symbol, and upon which a 1X (NOMULT) symbol appears in the “MONEY BAG MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$80.

(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 \$50⁰⁰ (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MONEY BAG MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$50.

(ff) Holders of tickets upon which a Diamond Bag (WINPRZ) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under that Diamond Bag (WINPRZ) symbol, and upon which a 1X (NOMULT) symbol appears in the “MONEY BAG MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$50.

(gg) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MONEY BAG MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$40.

(hh) Holders of tickets upon which a Diamond Bag (WINPRZ) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$40⁰⁰ (FORTY) appears in the “Prize” area under that Diamond Bag (WINPRZ) symbol, and upon which a 1X (NOMULT) symbol appears in the “MONEY BAG MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$40.

(ii) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MONEY BAG MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$30.

(jj) Holders of tickets upon which a Diamond Bag (WINPRZ) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under that Diamond Bag (WINPRZ) symbol, and upon which a 1X (NOMULT) symbol appears in the “MONEY BAG MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$30.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” match any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“MONEY BAG MULTIPLIER”:</i>	<i>“DIAMONDS BY THE DOZEN”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 840,000 Tickets:</i>
\$30 w/ DIAMOND BAG			\$30	20	42,000
\$30			\$30	14.29	58,800
\$40 w/ DIAMOND BAG			\$40	20	42,000
\$40			\$40	13.16	63,840
\$50 w/ DIAMOND BAG			\$50	27.03	31,080
\$50			\$50	27.78	30,240
\$50 × 2			\$100	200	4,200
(\$30 × 2) + \$40			\$100	250	3,360
\$50 w/ GOLD CHEST			\$100	55.56	15,120
\$100 w/ DIAMOND BAG			\$100	125	6,720
\$100			\$100	200	4,200
\$30 × 5			\$150	3,333	252
(\$40 × 3) + \$30			\$150	5,000	168
\$30	5X		\$150	250	3,360
\$100 w/ GOLD CHEST			\$150	1,000	840
\$150 w/ DIAMOND BAG			\$150	2,000	420

<i>When Any Of "YOUR NUMBERS" match any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MONEY BAG MULTIPLIER":</i>	<i>"DIAMONDS BY THE DOZEN":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 840,000 Tickets:</i>
\$150			\$150	5,000	168
\$40 × 5			\$200	12,000	70
\$50 × 4			\$200	12,000	70
(\$40 × 2) + (\$30 × 4)			\$200	12,000	70
(((\$30 w/ GOLD CHEST) × 2) + \$40			\$200	4,000	210
(\$40 w/ DIAMOND BAG) + (\$30 w/ GOLD CHEST) + \$50 + \$30			\$200	4,000	210
(((\$50 w/ DIAMOND BAG) × 2) + (\$50 × 2)			\$200	12,000	70
(\$50 w/ GOLD CHEST) + (\$30 w/ DIAMOND BAG) + \$40 + \$30			\$200	6,000	140
(\$100 w/ GOLD CHEST) + (\$50 w/ DIAMOND BAG)			\$200	6,000	140
\$40 w/ DIAMOND BAG	5X		\$200	2,400	350
\$40	5X		\$200	2,400	350
\$150 w/ GOLD CHEST			\$200	12,000	70
\$200 w/ DIAMOND BAG			\$200	12,000	70
\$200			\$200	12,000	70
\$100 × 5			\$500	24,000	35
(\$100 × 2) + (\$50 × 4) + (\$30 × 2) + \$40			\$500	60,000	14
(\$200 × 2) + (\$50 × 2)			\$500	60,000	14
(\$200 w/ GOLD CHEST) + (\$50 × 2) + (\$40 × 3) + \$30			\$500	24,000	35
(((\$30 w/ DIAMOND BAG) × 2) + \$40	5X		\$500	24,000	35
(\$40 w/ DIAMOND BAG) + (\$30 w/ DIAMOND BAG) + \$30	5X		\$500	60,000	14
\$50 w/ GOLD CHEST	5X		\$500	24,000	35
\$50	10X		\$500	1,000	840
\$100	5X		\$500	12,000	70
\$500 w/ DIAMOND BAG			\$500	24,000	35
\$500			\$500	24,000	35
\$200 × 5			\$1,000	12,000	70
\$500 × 2			\$1,000	12,000	70
(\$50 w/ GOLD CHEST) + (\$30 w/ DIAMOND BAG) + \$40 + \$30	5X		\$1,000	40,000	21
(\$100 w/ DIAMOND BAG) + (\$50 w/ GOLD CHEST)	5X		\$1,000	120,000	7
\$50	20X		\$1,000	4,000	210
\$100	10X		\$1,000	24,000	35
\$200	5X		\$1,000	24,000	35
\$1,000 w/ DIAMOND BAG			\$1,000	60,000	14
\$1,000			\$1,000	120,000	7
\$500	20X		\$10,000	280,000	3
\$10,000			\$10,000	280,000	3

When Any Of "YOUR NUMBERS" match any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:	"MONEY BAG MULTIPLIER":	"DIAMONDS BY THE DOZEN":	Win:	Approximate Chances Of Winning Are 1 In:	Approximate No. Of Winners Per 840,000 Tickets:
		\$500,000 w/ 12 DIAMOND SYMBOLS	\$500,000	280,000	3

When a "DIAMOND BAG" (WINPRZ) symbol appears, win prize shown under that symbol automatically. When a "GOLD CHEST" (ADD50) symbol appears, add \$50 to the prize shown under that symbol and win that amount.

MONEY BAG MULTIPLIER: Multiply any prize won in the YOUR NUMBERS area by the multiplier shown in the MONEY BAG MULTIPLIER area! PROGRESSIVE TOP PRIZE is not multiplied.

DIAMONDS BY THE DOZEN: When 12 "DIAMOND" symbols appear in the YOUR NUMBERS area, win the current PROGRESSIVE TOP PRIZE amount instantly! DIAMONDS BY THE DOZEN is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery

game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *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 Diamonds and Gold 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.

15. *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.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Diamonds and Gold lottery game tickets.

17. *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.

18. *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 Diamonds and Gold or through normal communications methods.

19. *Applicability:* This notice applies only to the Diamonds and Gold lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1661. Filed for public inspection December 1, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Fistful of \$500 Fast Play Game 5218

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 Fistful of \$500 ("Fistful of \$500"). The game number is PA-5218.

2. *Definitions:*

(a) *5 FOR \$500:* The numbers, letters, symbols or other characters found in the "YOUR NUMBERS" area that, when played according to the instructions, determine whether the player wins a prize of \$500. "5 FOR \$500" is played separately.

(b) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(c) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *IN THE BAG:* The area on a Fistful of \$500 lottery game ticket containing four "YOUR NUMBERS" play symbols that, when matched according to the instructions, determines whether the player increases the prize won by \$10.

(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 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Fistful of \$500 ticket is \$10.

4. *Description of the Fistful of \$500 Fast Play lottery game*:

(a) The Fistful of \$500 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. Fistful of \$500 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) Fistful of \$500 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.

(c) Fistful of \$500 lottery game tickets contain an “IN THE BAG” area. Whenever a matching “YOUR NUMBERS” play symbol appears in one of the four Bag spots, the player increases the prize won by \$10. A bet slip is not used to play this game.

(d) Whenever five “YOUR NUMBERS” play symbols are printed on a Burst symbol, the player wins a prize of \$500.

(e) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(f) Fistful of \$500 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 Fistful of \$500 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 Fistful of \$500 ticket and select the Fistful of \$500 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. *Fistful of \$500 ticket characteristics*:

(a) Fistful of \$500 tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Fistful of \$500 tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and an “IN THE BAG” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, the “YOUR NUMBERS” area and the “IN THE BAG” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area and printed on a Burst symbol, 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).

(c) *Prize Symbols*: The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and \$500 (FIV HUN). The prize symbols and their captions, located in the “IN THE BAG” area, are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY) and \$100 (ONE HUN).

(d) *Prizes*: The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$40, \$50, \$100 and \$500. The prize that can be won in the “5 FOR \$500” area is \$500. For a complete description of how these prizes can be won, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to 12 times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 3,000,000 tickets will be available for sale for the Fistful of \$500 lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Fistful of \$500 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 \$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.

(c) Holders of tickets upon which five play symbols in the “YOUR NUMBERS” area are printed on a Burst symbol, on a single ticket, shall be entitled to a prize of \$500.

(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 \$100 (ONE HUN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which the matching “YOUR NUMBERS” play symbol appears in the “IN THE BAG” area, on a single ticket, shall be entitled to a prize of \$110.

(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 \$100

(ONE HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which the matching "YOUR NUMBERS" play symbol appears in the "IN THE BAG" area, on a single ticket, shall be entitled to a prize of \$60.

(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 \$50.⁰⁰ (FIFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(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 \$40.⁰⁰ (FORTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which the matching "YOUR NUMBERS" play symbol appears in the "IN THE BAG" area, on a single ticket, shall be entitled to a prize of \$50.

(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 \$40.⁰⁰ (FORTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(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 \$30.⁰⁰ (THIRTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which the matching "YOUR NUMBERS" play symbol appears in the "IN THE BAG" 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 \$30.⁰⁰ (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 \$20.⁰⁰ (TWENTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which the matching "YOUR NUMBERS" play symbol appears in the "IN THE BAG" 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 \$15.⁰⁰ (FIFTEEN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which the matching "YOUR NUMBERS" play symbol appears in the "IN THE BAG" area, on a single ticket, shall be entitled to a prize of \$25.

(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 \$20.⁰⁰ (TWENTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which the matching "YOUR NUMBERS" play symbol appears in the "IN THE BAG" 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 \$15.⁰⁰ (FIFTEEN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(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 \$10.⁰⁰ (TEN DOL) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"5 FOR \$500":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,000,000 Tickets:</i>
\$10		\$10	6.99	429,000
\$15		\$15	14.29	210,000
\$10 × 2		\$20	100	30,000
\$10 w/ IN THE BAG		\$20	50	60,000
\$20		\$20	100	30,000
\$10 × 3		\$30	555.56	5,400
\$15 × 2		\$30	555.56	5,400
\$20 + \$10		\$30	1,000	3,000
(\$10 w/ IN THE BAG) + \$10		\$30	333.33	9,000

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"5 FOR \$500":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,000,000 Tickets:</i>
\$20 w/ IN THE BAG		\$30	333.33	9,000
\$30		\$30	1,000	3,000
\$10 × 4		\$40	5,000	600
\$20 × 2		\$40	5,000	600
(\$10 × 2) + \$20		\$40	5,000	600
(\$15 × 2) + \$10		\$40	5,000	600
(\$10 w/ IN THE BAG) + \$20		\$40	2,500	1,200
(\$10 w/ IN THE BAG) × 2		\$40	2,000	1,500
(\$20 w/ IN THE BAG) + \$10		\$40	2,000	1,500
\$30 w/ IN THE BAG		\$40	1,000	3,000
\$40		\$40	10,000	300
\$10 × 5		\$50	1,000	3,000
(\$10 × 3) + \$20		\$50	1,000	3,000
(\$20 × 2) + \$10		\$50	1,000	3,000
\$30 + \$20		\$50	1,000	3,000
(((\$10 w/ IN THE BAG) × 2) + \$10		\$50	1,000	3,000
(\$15 w/ IN THE BAG) × 2		\$50	1,000	3,000
(\$20 w/ IN THE BAG) + (\$10 × 2)		\$50	500	6,000
(\$30 w/ IN THE BAG) + \$10		\$50	357.14	8,400
\$40 w/ IN THE BAG		\$50	333.33	9,000
\$50		\$50	1,000	3,000
\$20 × 5		\$100	3,000	1,000
\$50 × 2		\$100	3,000	1,000
(\$20 × 3) + \$30 + \$10		\$100	3,000	1,000
\$50 + \$30 + \$20		\$100	3,000	1,000
(((\$10 w/ IN THE BAG) × 4) + (\$10 × 2)		\$100	2,400	1,250
(((\$20 w/ IN THE BAG) × 2) + (\$10 w/ IN THE BAG) + \$20		\$100	2,400	1,250
(((\$30 w/ IN THE BAG) × 2) + (\$10 × 2)		\$100	2,400	1,250
(\$50 w/ IN THE BAG) + (\$20 w/ IN THE BAG) + \$10		\$100	2,400	1,250
\$100		\$100	3,000	1,000
\$100 × 5		\$500	3,000	1,000
(\$100 × 2) + (\$40 × 4) + (\$30 × 4) + (\$10 × 2)		\$500	3,000	1,000
(((\$50 w/ IN THE BAG) × 4) + (\$100 × 2) + \$50 + \$10		\$500	1,500	2,000
(((\$100 w/ IN THE BAG) × 2) + (((\$50 w/ IN THE BAG) × 2) + (\$50 × 3) + \$10		\$500	1,500	2,000
(((\$100 w/ IN THE BAG) × 4) + (\$15 × 4)		\$500	1,500	2,000
	\$500 w/ 5 BURSTS	\$500	500	6,000
\$500		\$500	3,000	1,000

IN THE BAG: When the matching number is IN THE BAG, add \$10 to the prize shown and win that amount!

5 FOR \$500: When 5 "BURST" symbols appear in the YOUR NUMBERS area, win \$500 instantly! 5 for \$500 is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *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 Fistful of \$500 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.

15. *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 pursu-

ant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Fistful of \$500 lottery game tickets.

17. *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 \$1,000,001 and not exceeding \$10,000,000 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.

18. *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 Fistful of \$500 or through normal communications methods.

19. *Applicability:* This notice applies only to the Fistful of \$500 lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1662. Filed for public inspection December 1, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Advisory Committee Meeting

The State Transportation Advisory Committee will hold a meeting on Wednesday, December 6, 2023, from 10 a.m. to 12 p.m. This meeting will be held in the Keystone Building, 8N1, 400 North Street, Harrisburg, PA and by means of Microsoft Teams. The meeting information including the agenda is available at <https://bit.ly/49mABs7>.

Individuals may join the meeting remotely at https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F%2Fmeetup-join%2F19%3Ameeting_Mjg3MTQxNmYtMjg3NC00MzJlLWE2NzMtNDJhYzNmYzkyZTE1%40thread.v%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%25225254d3e7-0194-4a47-999f-79cb74a9b0ae%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=ca34af2d-c6ef-4f04-9d51-33064d4c002b&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true. The meeting ID is 256 641 027 701. The passcode is otkqvj.

To download Microsoft Teams, go to <https://www.microsoft.com/en-us/microsoft-teams/download-app>. To join on the web, go to <https://www.microsoft.com/microsoft-teams/join-a-meeting>.

To call into the meeting, dial (267) 332-8737 and enter 342483950# as the conference ID. To find a local number, go to <https://dialin.teams.microsoft.com/783683fb-6d69-4e8b-aa52-814e500ad7b8?id=342483950>. To reset the pin number, go to <https://dialin.teams.microsoft.com/usp/pstnconferencing>.

For more information, contact the Office of the State Transportation Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-1663. Filed for public inspection December 1, 2023, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, November 16, 2023, and announced the following:

Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective November 15, 2023

State Board of Osteopathic Medicine # 16A-5326: Child Abuse Reporting Requirements (amends 49 Pa. Code)

State Board of Psychology # 16A-6322: Child Abuse Reporting Requirements (amends 49 Pa. Code)

Insurance Department # 11-261: Preparation of Forms (amends 31 Pa. Code)

Pennsylvania Liquor Control Board # 54-99: Duties and Rights of Licensees (amends 40 Pa. Code)

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 23-1664. Filed for public inspection December 1, 2023, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
4-100	Department of Community and Economic Development Regulation Inspections and Fees 53 Pa.B. 5774 (September 16, 2023)	10/16/23	11/15/23

Department of Community and Economic Development Regulation # 4-100 (IRRC # 3382)

Inspections and Fees

November 15, 2023

We submit for your consideration the following comments on the proposed rulemaking published in the September 16, 2023 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Community and Economic Development (Department) to respond to all comments received from us or any other source.

Consistency with statute.

Section 8 of the Industrialized Housing Act (Act) establishes the Industrialized Housing Advisory Commission (IHAC), consisting of 15 members appointed by the Governor with the advice and consent of two-thirds of the members of the Senate. 35 P.S. § 1651.8. Under this section, the Department “shall consult with and obtain advice of [IHAC] in the drafting and promulgation of rules and regulations. . .” Section 5(a) of the Act also requires the Department to consult with IHAC to promulgate rules and regulations. 35 P.S. § 1651.5(a). In the Preamble, the Department stated that IHAC has not been in existence since 2012 and, therefore, was not consulted during the process of drafting and promulgating this proposed regulation. We ask the Department to explain why IHAC is no longer in existence. Further, we ask the Department to explain how it will promulgate the final-form regulation in a manner that is consistent with Sections 5(a) and 8 of the Act. We will review the Department’s explanation when determining if the regulation is in the public interest.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 23-1665. Filed for public inspection December 1, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Coal Mine Compensation Rating Bureau; Workers’ Compensation Loss Cost Filing

On November 17, 2023, the Insurance Department received from the Coal Mine Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers’ compensation insurance. This filing was made in accordance with section 705 of the Workers’ Compensation Act (77 P.S. § 1035.5).

The Bureau requests an overall 8.4% decrease in loss costs, effective April 1, 2024, on a new and renewal basis. Additionally, the Bureau has calculated the Employer Assessment Factor effective April 1, 2024, to be 2.42%, as compared to the currently approved provision of 2.89%.

The entire April 1, 2024, loss cost filing is available for review on the Bureau’s web site at www.cmcrbpa.com under “Filings.”

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1326 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1666. Filed for public inspection December 1, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Review of Matters Regarding Highmark, Inc., Highmark Health and Allegheny Health Network in Connection with the Insurance Department’s Approving Determination and Order Issued on April 29, 2013 (Order No. ID-RC-13-06); Notice 2023-17

Highmark, Inc. (Highmark) has filed a request for modification of the Insurance Department’s (Department) Approving Determination and Order dated April 29, 2013, (Order No. ID-RC-13-06) (2013 Order) under Condition 27

of the 2013 Order. The 2013 Order was previously modified by Letter Order dated July 28, 2017.

The request for modification was filed with the Department on October 16, 2023, and is available on the Department's web site at www.insurance.pa.gov. Persons wishing to comment on the request, on the grounds of public or private interest, are invited to submit a written statement to the Department on or before January 16, 2024. Each written statement must include the name, address and telephone number of the interested party; identify "Highmark modification request" as the topic to which the comment is addressed; and provide a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be e-mailed to kimsheaffe@pa.gov.

Comments received will be part of the public record regarding this filing and will be made available on the Department's web site. Additionally, copies of the comments received will be forwarded to Highmark for appropriate response. Highmark's responses will also be made available on the Department's web site.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1667. Filed for public inspection December 1, 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 December 18, 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 December 18, 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 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-2023-3042198. Snap Limo, LLC (1626 South Broad Street, Philadelphia, PA 19145) in group and party service, in vehicles seating between 11 and 15 persons, including the driver, from points in the Counties of Berks, Bucks, Chester, Lancaster and Montgomery, to points in

Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2023-3042814. Time Away Transportation Services, LLC (19 Sunny Lane, Beach Lake, Wayne County, PA 18405) in paratransit service, between points in the Counties of Lackawanna, Pike and Wayne.

A-2023-3043409. Liberty Transit, LLC (136 A Street, Wellsboro, Tioga County, PA 16901) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bradford, Lycoming, Potter and Tioga, to points in Pennsylvania, and return.

A-2023-3043651. Accord Community Care Services, LLC (6530 Derry Street, Suite 1, Harrisburg, Dauphin County, PA 17111) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Cumberland, Dauphin, Lancaster, Lebanon and York, to points in Pennsylvania, and return.

A-2023-3043738. Swift Transit, Inc. (7729 Castor Avenue, Floor 2, Philadelphia, Philadelphia County, PA 19152) to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Berks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2023-3044129. Eyebrow, Inc., t/a The Bog Limo (P.O. Box 1453, Scranton, Lackawanna County, PA 18501) to transport, as a common carrier, by motor vehicle, in limousine service, from points in Lackawanna County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2023-3044152. Advanced Executive Transportation, LLC (132 Veterans Lane, Unit A-336, Doylestown, Bucks County, PA 18901) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, 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-2023-3044171. Adult Transport Services, LLC (306 Primrose Lane, First Floor, Mountville, Lancaster County, PA 17554) to transport, as a common carrier, by motor vehicle, persons in paratransit services, from points in the Counties of Berks and Chester, to points in Pennsylvania, and return. *Attorney:* Edward J. Cyran, Esquire, 747 Constitution Drive, Suite 100, Exton, PA 19341.

A-2023-3044217. Reward Transportation Services, LLC (18 Campus Boulevard, Suite 100, Newtown Square, Delaware County, PA 19073) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester, Lehigh and Montgomery, to points in Pennsylvania, and return. *Attorney:* David Temple, Esquire, 111 Buck Road, Building 500, Suite 1, Huntingdon Valley, PA 19006.

Applications 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 each application.

A-2023-3043752. Best US Moving, Inc. (1076 B Park Road, Blandon, Berks County, PA 19510) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

A-2023-3044119. Making Moves PA Limited Liability Company (6410 Blue Bird Avenue, Harrisburg, Dauphin County, PA 17112) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania. *Attorney:* Kenneth R. Stark, Esquire, McNeese Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166.

Applications of the following for the approval of the transfer of stock as described under each application.

A-2023-3044160. AAA Medical Transport, Inc., t/a AAA Fleet (3021 Franks Road, Suite 7, Huntingdon Valley, Montgomery County, PA 19006) a corporation of this Commonwealth for the approval of the transfer of 100% of issued and outstanding shares held by Mikhail Danilov to Hanan Sardar. *Attorney:* Karen O. Moury, Esquire, Eckert Seamans Cherin & Mellott, 213 Market Street, 8th Floor, Harrisburg, PA 17101.

A-2023-3044212. Blackstone Transportation Services, Inc. (1004 Bingham Street, Philadelphia, Philadelphia County, PA 19115) a corporation of this Commonwealth for the approval of the transfer of 100 shares of issued stock held by Basem Jalil to Adnan Abusiam, 50 shares, and Mahdi Alkhwaja, 50 shares. *Attorney:* David Temple, Esquire, 111 Buck Road, Building 500, Suite 1, Huntingdon Valley, PA 19006.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1668. Filed for public inspection December 1, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due December 18, 2023, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Handy Delivery, Inc.; Doc. No. C-2023-3038455

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Handy Delivery, Inc. Respondent, maintains a principal place of business at 2198 High Tech Road, State College, PA 16803.

2. On July 10, 1987, Respondent was issued a certificate of public convenience by this Commission authorizing transport, as a common carrier, by motor vehicle, persons in call or demand service at Application docket Number A-00107326.

3. On October 5, 2022, PUC Enforcement Supervisor Ernest Snyder was assigned an annual taxi inspection of the Respondent but was unable to contact the carrier by telephone or mail. Carrier is not located at the address on file with the Commission.

4. That Respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.3819(a) and 66 Pa.C.S. § 1102(a)(2). The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 763990.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to Handy Delivery, Inc., at PUC utility code no. 763990.

Respectfully submitted,
Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 16 October 2023

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street, 3rd Floor
Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1669. Filed for public inspection December 1, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transmission Lines; Telephonic Prehearing Conference

A-2023-3044071. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation filed under 52 Pa. Code Chapter 57, Subchapter G (relating to Commission review of siting and construction of electric transmission lines) for approval to site and construct a new single-circuit 115 kV transmission line between the Williams Grove 230-69 kV substation and the Allen 115-13 kV substation located in Cumberland County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 19, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Michael J. Shafer, PPL Services Corporation, 2 North Ninth Street, Allentown, PA 18101; David B. MacGregor, Garrett P. Lent, Nicholas A. Stobbe, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

Telephonic Prehearing Conference

A telephonic prehearing conference on the previously captioned case will be held as follows:

<i>Date:</i>	Thursday, January 25, 2024
<i>Time:</i>	10 a.m.

<i>Date:</i>	Thursday, January 25, 2024
<i>Presiding:</i>	Administrative Law Judge Mary D. Long Administrative Law Judge Alphonso Arnold, III (412) 565-3550 Fax: (412) 565-5692

To participate in the telephonic prehearing conference, individuals must:

- Dial the toll-free conference number.
- Enter the PIN number as follows when instructed.
- Speak the individual's name when prompted and press #.

The telephone system will connect individuals to the telephonic prehearing conference.

Toll-free Conference Number: (866) 566-0649
PIN number: 83345259

Individuals who require an interpreter to participate in the telephonic prehearing conference, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the prehearing conference to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania Hamilton Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

The Commission offers a free eFiling subscription service, which allows users to automatically receive an e-mail notification whenever a document is added, removed or changed on the Commission's web site regarding a specific case. Instructions for subscribing to this service are on the Commission's web site at http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1670. Filed for public inspection December 1, 2023, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have 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 December 18, 2023. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are 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-23-11-02. Nazma & Anwar, LLC (10 Powell Lane, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience (CPC) 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.

Doc. No. A-23-11-03. Sukhwinder Kaur, LLC (141 Carlton Place, Media, PA 19063): An application for a medallion taxicab CPC 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.

Doc. No. A-23-11-04. Jorych Taxi, LLC (1628 North 2nd Street, Philadelphia, PA 19122): An application for a medallion taxicab CPC 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.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 23-1671. Filed for public inspection December 1, 2023, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101.

January 24, 2024	Account of Pauline Katina Zozos (Effective Date of Retirement)	10 a.m.
------------------	--	---------

Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to attend the proceeding

should contact the Appeal Docket Clerk at (717) 720-4888 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,
Executive Director

[Pa.B. Doc. No. 23-1672. Filed for public inspection December 1, 2023, 9:00 a.m.]

STATE ATHLETIC COMMISSION

Public Meetings for 2024

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2024 under 5 Pa.C.S. § 103 (relating to duties of commission). These meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11:30 a.m. These meetings are open to the public and are scheduled as follows:

February 28, 2024
April 24, 2024
June 26, 2024
August 28, 2024
October 23, 2024
December 18, 2024

Individuals with questions regarding these meetings should contact the Commission at (717) 787-5720.

EDWARD KUNKLE,
Executive Director

[Pa.B. Doc. No. 23-1673. Filed for public inspection December 1, 2023, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action 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.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Aaron Reiff—Broiler Farm 288 Dorman Lane Mifflinburg, PA 17844	Union County/ Lewis Township	227.2	Broilers	New	Approved
Start Rock Dairy, Inc. and Star Rock Farms, LLC—Heindel Farm 13845 Ted Wallace Road Brogue, PA 17309	York County/ Chanceford Township	380	Cattle	Amended	Approved
Paul Dotterer & Sons, Inc.— Home Farm 410 Kryder Road Mill Hall, PA 17751	Clinton County/ Porter Township	1,785.1	Cattle	Amended	Approved

RUSSELL REDDING,
Chairperson

[Pa.B. Doc. No. 23-1674. Filed for public inspection December 1, 2023, 9:00 a.m.]

PENNSYLVANIA BULLETIN

Volume 53
Saturday, December 2, 2023 • Harrisburg, PA

Number 48

Part II

This part contains
the Rules and Regulations
and the Proposed Rulemakings



RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 14]

Special Education Services and Programs; Intellectual Disability Terminology Update

The State Board of Education (Board) amends Chapter 14 (relating to special education services and programs) to read as set forth in Annex A in this final-omitted rulemaking.

Statutory Authority

The Board adopts this final-omitted rulemaking under the authority granted by sections 1372 and 2603-B of the Public School Code of 1949, as amended (24 P.S. §§ 13-1372 and 26-2603-B).

Purpose

This final-omitted rulemaking amends §§ 14.123—14.125, 14.132, 14.143 and 14.162 by replacing the term “mental retardation” with the term “intellectual disability” and by replacing the term “mentally retarded” with the term “intellectual disability.” These terminology updates are presented for clarity and for consistency with Rosa’s Law (Pub.L. No. 111-256); the regulations found at 34 CFR 300.8(a)(1), (c)(6) and (7) and (10)(ii), 300.309(a)(3)(ii) and 300.311(a)(6); and the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704).

Background

Currently, the regulations in Chapter 14 use the terms “mental retardation” and “mentally retarded.” Rosa’s Law (Pub.L. No. 111-256) amended sections 7(21)(A)(iii), 204(b)(2)(C)(v) and 501(a) of the Rehabilitation Act of 1973 (29 U.S.C. §§ 705(21)(A)(iii), 764(b)(2)(C)(v) and 791(a)), sections 601(c)(12)(C) and 602(3)(A)(i) and 30(C) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §§ 1400(c)(12)(C) and 1401(3)(A)(i) and (30)(C)), section 760(2)(A) of the Higher Education Act of 1965 (20 U.S.C. § 1140(2)(A)) and section 7202(16)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. § 7512(16)(E)) (subsequently renumbered as section 6202(16)(E) and repealed), by removing the term “mental retardation” and replacing it with the term “intellectual disability.” See also 82 FR 31910 (July 11, 2017). The act of November 22, 2011 (P.L. 420, No. 105) amended the Mental Health and Mental Retardation Act of 1966 to read as the “Mental Health and Intellectual Disability Act of 1966” and replaced the defined term and references to “mental retardation” with “intellectual disability.”

The Board amends the terminology currently used in Chapter 14 to be consistent with the aforementioned changes in terminology that were enacted in Federal and State law. This final-omitted rulemaking supports individuals with an intellectual disability by replacing the terms “mentally retarded” and “mental retardation” with the term “intellectual disability.” The benefit of this final-omitted rulemaking is to promote respect, community integration and an array of opportunities for an individual with an intellectual disability by using words that are positive and up to date in the Board’s regulations.

Summary of this Final-Omitted Rulemaking

This final-omitted rulemaking amends §§ 14.123, 14.124(a), 14.125(3)(ii), 14.132(a)(2)(vii) and (d), 14.143(b) and 14.162(a).

Amendments to these sections replace the term “mental retardation” with the term “intellectual disability.”

§§ 14.124(c) (*Reevaluation*) and 14.162(a) (*Impartial due process hearing and expedited due process hearing*)

Amendments to these sections replace the term “mentally retarded” with the term “intellectual disability.”

Affected Parties

This final-omitted rulemaking will affect public school entities, including school districts, area career and technical schools, intermediate units and their employees. This final-omitted rulemaking will also affect citizens of this Commonwealth with school-aged children and their school-aged children.

Fiscal Impact and Paperwork Estimates

This final-omitted rulemaking makes amendments for clarity and for consistency with Rosa’s Law (Pub.L. No. 111-256) and the Mental Health and Intellectual Disability Act of 1966. This final-omitted rulemaking does not establish new requirements that carry an additional cost or create new paperwork requirements for the regulated community.

Effective Date

This final-omitted rulemaking will take effect upon notice or publication in the *Pennsylvania Bulletin*.

Sunset Date

The Board will review the effectiveness of Chapter 14 every 4 years in accordance with the Board’s policy and practice regarding its regulations. Thus, no sunset date is necessary.

Omission of Proposed Rulemaking

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the Commonwealth Documents Law (45 P.S. § 1204(3)) and 1 Pa. Code § 7.4(3) (relating to omission of notice of proposed rulemaking), because the Board finds for good cause that the proposed rulemaking is unnecessary and that a delay in the promulgation of these amendments is contrary to the public interest. Under Federal and State law, the terminology “intellectual disability” has replaced the archaic terminology “mental retardation.” See Rosa’s Law (Pub.L. No. 111-256) and the Mental Health and Intellectual Disability Act of 1966.

Although this final-omitted rulemaking is not mandated by any Federal or State law, court orders or Federal regulations, this final-omitted rulemaking is in conformance with Federal and State law. See Rosa’s Law (Pub.L. No. 111-256) and the Mental Health and Intellectual Disability Act of 1966. Because these amendments are for the purpose of making the terminology in the Board’s regulations consistent with the terminology used in Federal and State law, it is unnecessary to hold a public comment period because the Federal and State law dictate the terminology used and consideration of alternative constructs through public comment would be inconsistent with terminology used elsewhere.

Further, individuals affected by an intellectual disability, friends and family members of affected individuals,

providers of services and supports for individuals with an intellectual disability, and county mental health/intellectual disability programs support the use of the up-to-date and appropriate term “intellectual disability” to replace the archaic term “mental retardation.” This final-omitted rulemaking promotes respect, community integration and an array of opportunities for an individual with an intellectual disability by using a term that is positive and up to date.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act, (71 P.S. § 745.5a(c)), on August 2, 2023, the Board submitted a copy of this final-omitted rulemaking, and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives. On the same date, the final-omitted rulemaking was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on September 20, 2023, this final-omitted rulemaking was deemed approved by the Education Committee of the Senate and the Education Committee of the House of Representatives. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 21, 2023, and approved this final-omitted rulemaking.

Contact Person

Interested persons may contact Karen Molchanow, Executive Director, State Board of Education, ra-stateboardofed@pa.gov, 333 Market Street, 1st Floor, Harrisburg, PA 17126.

Findings

The Board finds that:

(a) Notice of proposed rulemaking is omitted in accordance with section 204(3) of the Commonwealth Documents Law and 1 Pa. Code § 7.4(3). The affected individuals with an intellectual disability, friends and family members of affected individuals, providers of services and supports for individuals with an intellectual disability and educational programs have previously indicated their support the use of the up-to-date and appropriate term “intellectual disability.” This final-omitted rulemaking promotes respect, community integration and an array of opportunities for an individual with an intellectual disability by using a term that is positive and up to date. The Federal government also has indicated its support for the use of the up-to-date and appropriate term “intellectual disability.” Additionally, public comment will not change the terminology used. Therefore, the Board, based on the reasons previously stated, finds that notice of proposed rulemaking is unnecessary and that a delay in the promulgation of these amendments is contrary to the public interest.

(b) The amendment of the regulations in the manner provided in this order is necessary and appropriate for the administration of the Board’s regulations in Chapter 14.

Order

Acting under the authority of the Public School Code of 1949, the Board orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 14, are amended by amending §§ 14.123—14.125, 14.132, 14.143 and 14.162 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Executive Director of the Board shall submit this final-omitted rulemaking to IRRC and the Education Committee of the Senate and the Education Committee of the House of Representatives, as required by law.

(d) The Executive Director of the Board shall certify this final-omitted rulemaking, as approved for legality and form, and deposit it with the Legislative Reference Bureau as required by law.

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

KAREN MOLCHANOW,
Executive Director

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

Fiscal Note: 6-341. No fiscal impact; recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS **CHAPTER 14. SPECIAL EDUCATION SERVICES** **AND PROGRAMS**

CHILD FIND, SCREENING AND EVALUATION

§ 14.123. Evaluation.

(a) The group of qualified professionals, which reviews the evaluation materials to determine whether the child is a child with a disability under 34 CFR 300.306 (relating to determination of eligibility), shall include a certified school psychologist when evaluating a child for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury.

* * * * *

§ 14.124. Reevaluation.

(a) The group of qualified professionals, which reviews the evaluation materials to determine whether the child is a child with a disability under 34 CFR 300.303 (relating to reevaluations), shall include a certified school psychologist when evaluating a child for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury.

* * * * *

(c) Students with disabilities who are identified as having an intellectual disability shall be reevaluated at least once every 2 years.

* * * * *

§ 14.125. Criteria for the determination of specific learning disabilities.

This section contains the State-level criteria for determining the existence of a specific learning disability. Each school district and intermediate unit shall develop procedures for the determination of specific learning disabilities that conform to criteria in this section. These procedures shall be included in the school district’s and intermediate unit’s special education plan in accordance with § 14.104(b) (relating to special education plans). To determine that a child has a specific learning disability, the school district or intermediate unit shall:

* * * * *

(3) Have determined that its findings under this section are not primarily the result of:

- (i) A visual, hearing or orthopedic disability.
- (ii) Intellectual disability.
- (iii) Emotional disturbance.
- (iv) Cultural factors.
- (v) Environmental or economic disadvantage.
- (vi) Limited English proficiency.

* * * * *

IEP

§ 14.132. ESY.

(a) In addition to the requirements incorporated by reference in 34 CFR 300.106 (relating to extended school year services), school entities shall use the following standards for determining whether a student with disabilities requires ESY as part of the student's program:

* * * * *

(2) In considering whether a student is eligible for ESY services, the IEP team shall consider the following factors; however, no single factor will be considered determinative:

* * * * *

(vii) Whether the student's disability is severe, such as autism/pervasive developmental disorder, serious emotional disturbance, severe intellectual disability, degenerative impairments with mental involvement and severe multiple disabilities.

* * * * *

(d) Students with severe disabilities such as autism/pervasive developmental disorder, serious emotional disturbance; severe intellectual disability; degenerative impairments with mental involvement; and severe multiple disabilities require expeditious determinations of eligibility for ESY services to be provided as follows:

* * * * *

EDUCATIONAL PLACEMENT

§ 14.143. Disciplinary placements.

* * * * *

(b) A removal from school is a change of placement for a student who is identified with an intellectual disability, except if the student's actions are consistent with 34 CFR 300.530(g)(1)—(3) (relating to authority of school personnel).

PROCEDURAL SAFEGUARDS

§ 14.162. Impartial due process hearing and expedited due process hearing.

(a) In addition to the requirements incorporated by reference in 34 CFR 300.504 (relating to procedural safeguard notice), with regard to a student who has an intellectual disability or who is thought to have an intellectual disability, a notice when mailed shall be issued to the parent by certified mail (addressee only, return receipt requested).

* * * * *

[Pa.B. Doc. No. 23-1675. Filed for public inspection December 1, 2023, 9:00 a.m.]

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 711]

Charter School and Cyber Charter School Services and Programs for Children with Disabilities; Intellectual Disability Terminology Update

The Department of Education (Department) amends Chapter 711 (relating to charter school and cyber charter school services and programs for children with disabilities) by replacing the term “mental retardation” with the term “intellectual disability” and by replacing the term “mentally retarded” with “an individual with an intellectual disability” as set forth in Annex A.

Statutory Authority

The Department adopts this final-omitted rulemaking under the authority granted by sections 1701-A—1732-A, 1749-A(b)(8) and 1751-A of the Public School Code of 1949, as amended, (24 P.S. §§ 17-1701-A—17-1732-A, 17-1749-A(b)(8) and 17-1751-A).

Omission of Proposed Rulemaking

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the Commonwealth Documents Law (45 P.S. § 1204(3)) and 1 Pa. Code § 7.4(3) (relating to omission of notice of proposed rulemaking) because the Department finds for good cause that the proposed rulemaking is unnecessary and that a delay in the promulgation of these amendments is contrary to the public interest. Under Federal and State law, the terminology “intellectual disability” has replaced the archaic terminology “mental retardation” and “mentally retarded.” See Rosa’s Law (Pub.L. No. 111-256) and the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704).

Although this regulation is not mandated by any Federal or State law, court orders, or Federal regulations, this final-omitted rulemaking is in conformance with Federal and State law. See Rosa’s Law (Pub.L. No. 111-256) and the Mental Health and Intellectual Disability Act of 1966. Because the amendments are for the purpose of making the terminology in the regulations consistent with the terminology used in Federal and State law, it is unnecessary to hold a public comment period because the Federal and State law dictate the terminology used and public comment would not change the terminology used.

Further, the affected individuals with an intellectual disability, friends and family members of affected individuals, providers of services and supports for individuals with an intellectual disability and county mental health/intellectual disability programs support the use of the up-to-date and appropriate term “intellectual disability” to replace the archaic terms “mental retardation” and “mentally retarded.” This final-omitted rulemaking promotes respect, community integration and an array of opportunities for an individual with an intellectual disability by using a term that is positive and up to date, and the Department seeks to make this regulatory change in an expeditious manner.

Purpose

This final-omitted rulemaking amends §§ 711.22, 711.24, 711.25, 711.44 and 711.61 by replacing the term “mental retardation” with the term “intellectual disability” and by replacing the term “mentally retarded” with “having an intellectual disability” for clarity and for

consistency with Rosa's Law (Pub.L. No. 111-256), the regulations found at 34 CFR 300.8(a)(1), (c)(6), (7) and (10)(ii), 300.309(a)(3)(ii) and 300.311(a)(6) (relating to child with a disability; determining the existence of a specific learning disability; and specific documentation for the eligibility determination); and the Mental Health and Intellectual Disability Act of 1966.

Background

Currently, regulations in Chapter 711 use the term "mental retardation." Rosa's Law (Pub.L. No. 111-256) amended sections 7(21)(A)(iii), 204(b)(2)(C)(v) and 501(a) of the Rehabilitation Act of 1973 (29 U.S.C. §§ 705(21)(A)(iii), 764(b)(2)(C)(v) and 791(a)), sections 601(c)(12)(C) and 602(3)(A)(i) and 30(C) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §§ 1400(c)(12)(C) and 1401(3)(A)(i) and (30)(C)), section 760(2)(A) of the Higher Education Act of 1965 (20 U.S.C. § 1140(2)(A)) and section 7202(16)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. § 7512(16)(E)) (subsequently renumbered as section 6202(16)(E) and repealed), by removing the term "mental retardation" and replacing it with the term "intellectual disability." See also 82 FR 31910 (July 11, 2017), Rules and Regulations. The act of November 22, 2011 (P.L. 420, No. 105) amended the Mental Health and Mental Retardation Act of 1966 (50 P.S. §§ 4101—4704) to read as the "Mental Health and Intellectual Disability Act of 1966" and replaced the defined term and references to "mental retardation" with "intellectual disability."

Affected Parties

This final-omitted rulemaking will affect public, private, parochial and nonpublic schools, including charter schools, cyber charter schools, vocational schools, intermediate units, special education and home education programs, and their employees. This final-omitted rulemaking will also affect citizens of this Commonwealth with school-aged children and their school-aged children.

Fiscal Impact and Paperwork Estimates

This final-omitted rulemaking will make amendments for clarity and for consistency with Rosa's Law, the regulations found at 34 CFR 300.8(a)(1), (c)(6), (7) and (10)(ii), 300.309(a)(3)(ii) and 300.311(a)(6), and the Mental Health and Intellectual Disability Act of 1966. The Department's final-omitted rulemaking does not establish new requirements that carry an additional cost or create new paperwork requirements for the regulated community.

Effective Date

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

Sunset Date

The Department will review the effectiveness of Chapter 711 every 4 years in accordance with the Department's policy and practice regarding its regulations. Thus, no sunset date is necessary.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on August 2, 2023, the Department submitted a copy of this final-omitted rulemaking, and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives. On the same date, the final-omitted regulation was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on September 20, 2023, this final-omitted regulation was deemed approved by the Education Committee of the Senate and the Education Committee of the House of Representatives. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 21, 2023, and approved this final-omitted regulation.

Public Comments and Contact Person

Although this rulemaking is being adopted without publication as a final-omitted rulemaking, interested persons and individuals affiliated with education are invited to submit written comments, questions, suggestions, commendations, concerns or objections regarding this final-omitted rulemaking to, Carole Clancy, Director, Bureau of Special Education, caclancy@pa.gov, 333 Market Street, Harrisburg, PA 17126, or John Gombocz, Special Education Advisor, jgombocz@pa.gov, 607 South Drive, Harrisburg, PA 17126. Persons with disabilities who require an alternative means of providing public comment may make arrangements by calling John Gombocz at (717) 772-3745.

Findings

The Department finds that:

(a) Notice of proposed rulemaking is omitted in accordance with section 204(3) of the Commonwealth Documents Law and 1 Pa. Code § 7.4(3). The affected individuals with an intellectual disability, friends and family members of affected individuals, providers of services and supports for individuals with an intellectual disability and educational programs support the use of the up-to-date and appropriate term "intellectual disability." This final-omitted rulemaking promotes respect, community integration and an array of opportunities for an individual with an intellectual disability by using a term that is positive and up to date. It is unnecessary to hold a public comment period because Federal and State law dictate the terminology used and public comment would not change the terminology used. Therefore, based on the reasons previously stated, the Department finds that notice of proposed rulemaking is unnecessary and that a delay in the promulgation of these amendments is contrary to the public interest.

(b) The adoption of this final-omitted rulemaking in the manner provided by this Order is necessary and appropriate for the administration and enforcement of the Department's education regulations found in Chapter 711.

Order

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

(a) The regulations of the Department, 22 Pa. Code Chapter 711, are amended by amending §§ 711.22, 711.24, 711.25, 711.44 and 711.61 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Secretary of Education shall submit this final-omitted rulemaking to IRRC and the Education Committee of the Senate and the Education Committee of the House of Representatives, as required by law.

(d) The Secretary of Education shall certify this Order and Annex A, as approved for legality and form, and deposit them with the Legislative Reference Bureau as required by law.

(e) This Order shall take effect upon publication in the *Pennsylvania Bulletin*.

DR. KHALID N. MUMIN,
Secretary

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

Fiscal Note: 6-342. No fiscal impact; recommends adoption.

Annex A

TITLE 22. EDUCATION

PART XX. CHARTER SCHOOLS

CHAPTER 711. CHARTER SCHOOL AND CYBER CHARTER SCHOOL SERVICES AND PROGRAMS FOR CHILDREN WITH DISABILITIES

IDENTIFICATION AND EVALUATION

§ 711.22. Reevaluation.

* * * * *

(c) Children with disabilities who are identified as having an intellectual disability shall be reevaluated at least once every 2 years.

§ 711.24. Evaluation.

(a) The group of qualified professionals, which reviews the evaluation materials to determine whether the child is a child with a disability under 34 CFR 300.306 (relating to determination of eligibility), must include a certified school psychologist when evaluating a child for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury.

* * * * *

§ 711.25. Criteria for the determination of specific learning disabilities.

Following are State-level criteria for determining the existence of a specific learning disability. Each charter school and cyber charter school shall develop procedures for the determination of specific learning disabilities that conform to criteria in this section. These procedures shall be included in the school’s charter application and annual report. To determine that a child has a specific learning disability, the charter school or cyber charter school shall:

* * * * *

(3) Have determined that its findings under this section are not primarily the result of any of the following:

- (i) A visual, hearing or orthopedic disability.
- (ii) Intellectual disability.
- (iii) Emotional disturbance.
- (iv) Cultural factors.
- (v) Environmental or economic disadvantage.
- (vi) Limited English proficiency.

* * * * *

IEP

§ 711.44. ESY.

(a) In addition to the requirements incorporated by reference in 34 CFR 300.106 (relating to extended school year services), charter schools and cyber charter schools shall use the following standards for determining whether a student with disabilities requires ESY as part of the student’s program:

* * * * *

(2) In considering whether a student is eligible for ESY services, the IEP team shall consider the following factors, however, no single factor will be considered determinative:

* * * * *

(vii) Whether the student’s disability is severe, such as autism/pervasive developmental disorder, serious emotional disturbance, severe intellectual disability, degenerative impairments with mental involvement and severe multiple disabilities.

* * * * *

(d) Students with severe disabilities such as autism/pervasive developmental disorder, serious emotional disturbance; severe intellectual disabilities; degenerative impairments with mental involvement; and severe multiple disabilities require expeditious determinations of eligibility for ESY services to be provided as follows:

* * * * *

PROCEDURAL SAFEGUARDS

§ 711.61. Suspension and expulsion.

* * * * *

(c) Any removal from the current educational placement is a change of placement for a student who is identified with an intellectual disability.

* * * * *

[Pa.B. Doc. No. 23-1676. Filed for public inspection December 1, 2023, 9:00 a.m.]

Title 67—TRANSPORTATION

TURNPIKE COMMISSION

[67 PA. CODE CH. 601]

Traffic Regulations

The Turnpike Commission (Commission) hereby amends Chapter 601 (relating to traffic regulations) to read as set forth in Annex A. Specifically, the Commission amends §§ 601.1, 601.3, 601.5, 601.9, 601.12—601.15, 601.17, 601.18 and 601.101—601.103.

A. Statutory Authority

The Commission is publishing this final-form rulemaking under the authority of sections 4 and 12 of the act of May 21, 1937 (P.L. 774, No. 211), referred to as the Pennsylvania Turnpike Commission Act (act) (36 P.S. §§ 652d and 652l); 74 Pa.C.S. §§ 8102, 8107, 8116 and 8117; and 75 Pa.C.S. §§ 6110 and 6110.1 (relating to regulation of traffic on Pennsylvania Turnpike; and fare evasion).

B. Purpose of this Final-Form Rulemaking

This final-form rulemaking establishes the Commission’s statutory authority to promulgate traffic regulations that promote the health, safety and welfare of the Commission’s customers traveling on the Turnpike System. The amendments to Chapter 601 amend and improve the regulations and reflect the Commission’s conversion to a cashless tolling system, that is, all electronic tolling (AET). The amendments include new policies and procedures regarding special hauling permits for over-dimensional/overweight vehicles, update the regulations and chart regarding the transportation of hazardous materials through Turnpike tunnels and revise language regarding vehicles excluded from the Turnpike System

and tandem trailer combinations. The amended regulations also address recent statutory amendments to electronic toll collection and fare evasion. Additional changes include clarifying existing language, deleting or revising obsolete language and other editorial amendments.

C. *Explanation of this Final-Form Rulemaking*

§ 601.1. *Definitions*

The definition of “Class 9 vehicle” is amended to “over-dimensional/overweight vehicle” in conjunction with the revisions to § 601.14 (relating to over-dimensional/overweight vehicles) and the implementation of a new special hauling permitting process. As part of the Commission’s conversion to a cashless tolling system, the Commission has updated and modernized its long-standing Class 9 toll rate for use with AET and the revised permitting process. The phrase “combination of vehicles” is added to clarify that an “over-dimensional/overweight vehicle” could represent other forms of combinations, including tandems. Section 102 of 75 Pa.C.S. (relating to definitions) defines “combination” as “two or more vehicles physically interconnected in tandem.” “Tandem” is defined in § 601.1 (relating to definitions) of the Commission’s regulations “as a truck tractor, semitrailer and trailer.” Therefore, for example, there could be a heavy wrecker (tow truck) towing a bus or a truck tractor. The revised definition also includes the maximum gross weight that may be carried upon any one axle (22,400 pounds).

The definition of “Hazardous material” is amended to reflect the proper citation of said definition as found in 49 CFR Chapter I (relating to pipeline and hazardous materials safety administration, Department of Transportation).

The definition of “max time formula” is deleted because these formulas are determined by business rules rather than a regulation, which the Commission may need to modify periodically.

§ 601.3. *Officers*

This section is amended to reflect the conversion of the Turnpike to a cashless tolling system and deletes references to toll collection and fare booths. The phrase “other officers” is deleted because the word “officers” already appears in the text for § 601.3 (relating to officers). Likewise, the term “maintenance personnel” is deleted because the term “employees” is intended to capture all Commission employees.

§ 601.5. *Hazardous materials*

This section is amended to update the existing chart regarding the Commission’s policies for the transportation of hazardous materials through Turnpike tunnels. The Federal Motor Carrier Safety Administration and the United States Department of Transportation (USDOT) recognize nine classes as the first level of warning for hazardous materials, and multiple placards can fall into those classes. Title 49 of the *Code of Federal Regulations* sets forth the nine hazardous materials classes, listed by class—not placard. See 49 CFR 173.2 (relating to hazardous materials classes and index to hazard class definitions). The definitions for each class are found in various other subsections of 49 CFR Part 173 (relating to shippers—general requirements for shipments and packagings). The hazard class is the overall category of a hazard material, whereas the placard is the recommended sign placed on a vehicle. Because USDOT has multiple placards for some of the classes, the Commission does not want carriers to focus on a single placard for a specific

hazardous materials class. To avoid confusion, the amended chart eliminates “placard name” and now separates hazardous materials classes into prohibited, prohibited in bulk packaging and permitted. Therefore, the amended chart will: (1) recognize and clarify the classes, (2) be easier to read and interpret, and (3) realign the Commission’s regulations to remain consistent with Federal law.

The amended chart updates the status of organic peroxide (Class 5.2) as a prohibited hazardous material, which is the only substantive change to the existing chart. The Commission has already been operating under this change since 2014 to remain consistent with Federal placard revisions required for the highway transportation of organic peroxide, which became mandatory on January 1, 2014. At that time, the Commission updated its web site and guidelines for transporting hazardous materials through its tunnels to include the prohibition of organic peroxide (Class 5.2). Therefore, this will not be a newly disclosed prohibited class for Commission customers, but the amended chart will officially reflect the change that was instituted in 2014. Other amendments to this section are editorial.

§ 601.9. *U-turns*

This section is amended to clarify who may authorize a U-turn on the Turnpike System.

§ 601.12. *Toll collection*

In 2020, the Commission converted to AET, a cashless tolling system that incorporates electronic toll collection. The Commission no longer issues paper tickets and all tolls are collected by electronic toll collection as defined in 74 Pa.C.S. § 8102 (relating to definitions), which includes E-ZPass and license plate imaging captured by cameras or similar technology (Toll By Plate). Section 8116 of 74 Pa.C.S. (relating to collection and disposition of tolls and other revenue) establishes the Commission’s statutory authority to charge and collect tolls, including the right to authorize, fix and revise toll rates for use of the Turnpike System. Section 12 of the act provides similar language. The language of both statutes grants the Commission broad discretion regarding tolling and demonstrates a clear legislative intent that the Commission shall have the sole authority to establish the most efficient and modern methods regarding the collection of tolls. No other governmental entity or agency in the Commonwealth has been granted these powers, which further proves the legislature’s intent that the Commission rely on its operational experience and tolling expertise to determine the best way to collect tolls on the Turnpike System.

This section is renamed “Toll collection” formerly “Toll tickets” and is fully amended to reflect the conversion to AET. The new language incorporates the definition of “electronic toll collection” which includes the implementation of license plate tolling and any other technology used to identify vehicles traveling the Turnpike System and a citation to 74 Pa.C.S. § 8116.

§ 601.13. *Evasion of fare*

The General Assembly enacted the act of November 25, 2013 (P.L. 974, No. 89) and codified the language of 75 Pa.C.S. § 6110.1, which sets the penalties for fare evasion or attempted fare evasion committed on the Turnpike System, including any affirmative actions, which is a misdemeanor of the third degree. Section 601.13 (relating to evasion of fare) is amended to reference the language and penalties set forth in 75 Pa.C.S. § 6110.1. This section is also amended to reflect the

elimination of paper toll tickets as part of the Commission's conversion to a cashless tolling system.

The General Assembly enacted the act of November 3, 2022 (P.L. 1734, No. 112), which amended the language contained in 75 Pa.C.S. § 6110.1(f) relating to "affirmative action" to incorporate the Commission's conversion to electronic toll collection. The 2022 amendments to 75 Pa.C.S. § 6110.1 were codified nearly a year and a half after the publication of the Commission's proposed rulemaking published at 51 Pa.B. 3347 (June 19, 2021) and the Independent Regulatory Review Commission's (IRRC) subsequent August 18, 2021, comments.

In response to comments received from IRRC, subsection (c) is added to § 601.13 in Annex A of this final-form rulemaking, which lists the actions that constitute "affirmative action" for fare evasion or attempted fare evasion with reference to 75 Pa.C.S. § 6110.1(f). Accordingly, the Commission deletes previously proposed language in § 601.13(b)(2.1) and (3.1) because similar language appears in 75 Pa.C.S. § 6110.1(f) which is now included in the § 601.13(c). Specifically, the proposed language in § 601.13(b)(2.1) now appears in § 601.13(c)(6) of this final-form rulemaking, and the proposed language in § 601.13(b)(3.1) now appears in § 601.13(c)(1). Moreover, to remain consistent, the Commission deletes the existing language in § 601.13(b)(1) because similar language exists in 75 Pa.C.S. § 6110.1(f)(5), which is added to this final-form rulemaking as § 601.13(c)(5).

As suggested by IRRC, the changes discussed previously to § 601.13 in Annex A of this final-form rulemaking help bring clarity to the Commission's fare evasion regulation. The changes are not substantive and will incorporate the 2022 amendments already made by the General Assembly to 75 Pa.C.S. § 6110.1(f).

§ 601.14. *Over-dimensional/overweight vehicles*

As stated previously, the definition of a "Class 9 vehicle" found in § 601.1 is amended to an "over-dimensional/overweight vehicle." Accordingly, this section is renamed and amended to reflect the Commission's revised policies and procedures for issuing special hauling permits for over-dimensional/overweight vehicles. To foster uniformity within the trucking/hauling industry, and consistency with other entities using a similar permitting process, such as PennDOT and the Ohio Turnpike Commission, the Commission will now charge a separate fee for a special hauling permit in addition to regular toll rates. First, operators of over-dimensional/overweight vehicles must apply for a special hauling permit and pay a \$37 flat fee along with an additional 24 cent-per-ton-mile fee on all weight in excess of 80,000 pounds (if applicable). Second, all appropriate tolls are assessed according to the vehicle classification system in place and then paid in lane by E-ZPass or Toll By Plate at the time of travel.

As part of its conversion to AET, the Commission's long-standing Class 9 toll rate is updated for use with the revised permitting process that includes a new toll rate which is now equal to the significantly lower Class 8 toll rate. The former Class 9 toll was always higher than other tolling rates because of the need for the Commission to affect repairs to the Turnpike System from damage done by over-dimensional/overweight vehicles. The pre-AET Class 9 rate had these costs built into the toll rate and represented the cost for carriers to travel on the Turnpike System, in effect a user fee. However, due to the revised toll rates under AET, the revised permitting system will result in revenue/cost neutrality for the

Commission and the carriers and customers impacted by the new procedures. Moreover, the revised permitting system will not impose new or restrictive conditions on said carriers or customers traveling on the Turnpike System.

The amendments to this section also revise the language regarding escorts for vehicles with excessive width, length, height or weight. As suggested in IRRC's comments, the Commission amends § 601.14(a) in this final-form rulemaking to include the Commission's web site to direct and alert customers on how to request and obtain a special hauling permit.

§ 601.15. *Vehicles excluded from the Turnpike*

To be consistent with the amendments to § 601.14, this section is amended to replace the term "Class 9 vehicle" with "over-dimensional/overweight vehicle" and the requirement to obtain a special hauling permit before these vehicles can travel on the Turnpike System. This section is also amended to prohibit certain vehicles on the Turnpike System during adverse travel conditions. Weather-related exclusions are already permitted under § 601.15(a) (relating to vehicles excluded from the Turnpike). The Commission's intent is to exclude certain vehicles, as already listed in § 601.15(a), from the Turnpike System for non-weather-related travel conditions as determined by the Commission. For example, closure of a bridge due to structural damages, such as the Delaware Bridge in 2017 or a truck fire in a tunnel.

§ 601.17. *Authorized vehicle*

The amendments to this section clarify existing language or are editorial.

§ 601.18. *Accident prevention investigations*

The amendment to this section is editorial.

§ 601.101. *Length limit for tandems*

To be consistent with the amendments to § 601.14, this section is amended to replace the term "Class 9 vehicle" with "over-dimensional/overweight vehicle" and the requirement to obtain a special hauling permit regarding tandem combinations exceeding 85 feet in length.

§ 601.102. *Weight and dimensional limits for tandems*

To be consistent with the amendments to § 601.14, this section is amended to replace the term "Class 9 vehicle" with "over-dimensional/overweight vehicle" and the requirement to obtain a special hauling permit regarding tandem combinations. The Commission deletes the sentence "[t]he maximum gross weight that may be carried upon any one axle may not exceed 22,400 pounds" because it is redundant and could be confusing to carriers when read in conjunction with the newly defined "over-dimensional/overweight vehicle." Likewise, obsolete language regarding excessive maximum gross axle weight and upgrading to the next higher vehicle classification is also deleted.

§ 601.103. *Exclusion of tandem truck trailers*

This section is amended to update the proper citation for the definition of "hazardous materials, substances or wastes" as found in 49 CFR Chapter I (relating to pipeline and hazardous materials safety administration, Department of Transportation).

D. *Response to Comments and Summary of Changes*

The Commission received no public comments from the regulated community or the general public during the public comment period, which closed on July 19, 2021. On August 18, 2021, the Commission received comments to

its proposed rulemaking from IRRC. The Commission's responses to IRRC's comments are set forth as follows with explanation of any changes made to the proposed rulemaking:

1. *Compliance with the provisions of the RRA or the regulations of IRRC in promulgating the regulation; Possible conflict with statutes and regulations.*

IRRC asked the Commission to identify how many of the approximately 800 registered vendors/businesses with former "Class 9" accounts as reported in the Regulatory Analysis Form (RAF) for 2018-2019 would be considered small businesses, and if so, how many. The Commission has no identifiable method for answering IRRC's question because it does not collect this data or records and does not ask whether a customer applying for a permit is operating as a small business. In the past, including 2018-2019, the Commission has not requested or required personal information from former "Class 9" permit applicants including financial information, business practices, proof of business level (specifically, whether the permit applicant is a business or small business), or other related information. In short, the Commission would have no way of knowing whether a customer applying for a permit is a small business. The Commission does not request this information now with its special hauling permits and accounts and it is not a requirement of this final-form rulemaking. Requesting the business status or classification of a customer applying for a permit could be interpreted as discriminatory in nature. Moreover, the Commission does not require this information to set up an account or process an application for a permit.

In its answers to RAF # 15 and # 17, the Commission explained that all customers operating an over-dimensional/overweight vehicle on the Turnpike System shall be required to comply with this final-form rulemaking and register and obtain a special hauling permit, formally referred to as a "Class 9" permit. Accordingly, the requirements for a special hauling permit are applied equally to any person, business, small business or an organization, as were the former "Class 9" permits in 2018-2019. As detailed by the Commission's answers in RAF # 15, # 17, # 24 and # 27, there is no significant financial/economic or adverse impact to small business, or any permit applicant, because the final-form regulations are revenue/cost neutral when compared to the previous regulations. These final-form regulations amend and revise procedures that already exist and have been in place with the Commission for decades. Moreover, the revised regulations for registering and obtaining a special hauling permit—which all applicants were already required to comply with—will not impose new or restrictive conditions on customers traveling on the Turnpike System (including small businesses).

IRRC asked the Commission to explain how its fiscal impact statement is consistent with section 612 of The Administrative Code of 1929 (71 P.S. § 232), its accompanying regulations at 4 Pa. Code §§ 7.231—7.234 (relating to fiscal notes) and the Regulatory Review Act (71 P.S. §§ 745.1—745.14). In November 2021, the Commission contacted the Chief Counsel for the Office of the Budget (OB) seeking confirmation on whether the Commission is required to submit a fiscal note for its proposed rulemaking. The OB discussed the issue internally and decided that the OB would not produce a fiscal note for the Commission's proposed rulemaking. The OB reasoned that because the Commission does not receive funds from the State Treasury, and operates almost exclusively out of its own funding, the Commission does not fall within

section 612 of The Administrative Code of 1929. Accordingly, the Commission's fiscal note comment at the conclusion of its preamble in the proposed rulemaking is accurate and remains as stated.

In response to IRRC's comment regarding the consistency of the fiscal impact statement, the Commission updates its response in the preamble included with this final-form rulemaking.

2. *Section 601.13. Evasion of fare.—Clarity; and Possible conflict with or duplication of statutes or existing regulations.*

IRRC provided several comments regarding the Commission's amendments to § 601.13. Evasion of fare, including a suggestion that the Commission insert into the regulation the actions that constitute "affirmative action" as listed in 75 Pa.C.S. § 6110.1(f). IRRC requested that the Commission define "Electronic toll collection device" and explain what makes this device valid. IRRC also asked the Commission to clarify the intent of certain conditions that must be present to be considered as fare evasion and to correct certain non-regulatory language.

The General Assembly enacted the act of November 3, 2022 (P.L. 1734, No. 112), which amended the language contained in 75 Pa.C.S. § 6110.1(f) relating to "affirmative action" to incorporate the Commission's conversion to electronic toll collection. The 2022 amendments to 75 Pa.C.S. § 6110.1 were codified after the publication of the Commission's proposed rulemaking published at 51 Pa.B. 3347 and IRRC's subsequent August 18, 2021, comments.

To reflect the amendments to 75 Pa.C.S. § 6110.1(f) as codified by the General Assembly, and to address IRRC's comments, the Commission amends the language of § 601.13 in this final-form rulemaking. The Commission deletes, rearranges and adds additional language into § 601.13. As suggested by IRRC for purposes of clarity, subsection (c) is added, which lists the actions that constitute "affirmative action," with reference to 75 Pa.C.S. § 6110.1(f). With the addition of what constitutes "affirmative action," the Commission deletes the proposed language in § 601.13(b)(2.1) and (3.1) previously submitted with the proposed rulemaking published at 51 Pa.B. 3347 and also deletes the existing language in § 601.13(b)(1). The inclusion of similar language, from the amendment of 75 Pa.C.S. § 6110.1(f), is now contained in § 601.13(c) that addresses toll evasion in an electronic toll collection environment. As a result, the proposed language in § 601.13(b)(2.1) and (3.1), and the existing language in § 601.13(b)(1), is redundant. Further details regarding these amendments are previously explained in Section C of this preamble.

The amended language in Annex A also includes reference to the definition of "electronic toll collection device" in 74 Pa.C.S. § 8102, as amended. This is a new definition in 74 Pa.C.S. § 8102 that was also added by the General Assembly to 75 Pa.C.S. § 6110.1(f) in the 2022 amendments and did not exist at the time that IRRC submitted its comments. The Commission prefers to reference the definition of "electronic toll collection device" in 74 Pa.C.S. § 8102, instead of adding and repeating the same definition to this final-form rulemaking (as is common practice in rulemaking). The term "valid" electronic toll collection device, as it now appears in § 601.13(c), is used in the same context as the General Assembly's 2022 amendments to 75 Pa.C.S. § 6110.1(f). "Valid" in its common usage meaning legally or officially acceptable.

IRRC's remaining comments regarding the proposed language in § 601.13(b)(2.1) and (3.1) are resolved with

inclusion of what constitutes “affirmative action” into § 601.13(c) in this final-form rulemaking. The language previously proposed in § 601.13(b)(2.1) is deleted and similar language from the amendments to 75 Pa.C.S. § 6110.1(f)(6) now appears in § 601.13(c)(6). The non-regulatory language “and/or” is deleted.

Likewise, the previously proposed language in § 601.13(b)(3.1) is deleted and similar language from the amendments to 75 Pa.C.S. § 6110.1(f)(1) now appears in § 601.13(c)(1). IRRC asked if the Commission’s intent is that both conditions, that is, operating a vehicle without a license plate and valid vehicle registration, must be present to be considered an attempted evasion of fare. The answer is yes, and this same language also appears in the amendments to 75 Pa.C.S. § 6110.1(f)(1).

As explained in detail previously, the Commission updates the relevant sections in this final-form rulemaking (in both the preamble and Annex A) to reflect the recommended changes and address IRRC’s comments.

3. *Section 601.14. Over-dimensional/overweight vehicles—Clarity.*

As part of its comments, IRRC asked the Commission to explain why the additional requirements pertaining to special hauling permits found on the Commission’s web site—such as polices for escort vehicles and engineering approvals—are not part of the amended regulations. The Commission desires to maintain the specific policies and procedures for special hauling permits on its web site to facilitate easier changes and updates as required. Therefore, this final-form rulemaking will remain general as to the permit requirements. However, the Commission agrees with IRRC’s suggestion to include a reference in Annex A to the Commission’s web site to alert customers on how to request and obtain a special hauling permit. Accordingly, the Commission amends § 601.14(a) in this final-form rulemaking to include its web site.

4. *Miscellaneous.*

The Commission agrees with IRRC’s comment that the language contained in § 601.13(b)(6) should be consistent with the statutory definition of “electronic toll collection.” Accordingly, § 601.13(b)(6) is amended in this final-form rulemaking to reflect IRRC’s recommendation and the term “appropriate” has been replaced with “prescribed.”

E. *Persons and Entities Affected*

This final-form rulemaking is intended to update and amend the Commission’s current regulations. As before, all customers of the Commission (whether a person, business, small business or an organization) that travel on the Turnpike System will be affected by and required to comply with this final-form rulemaking.

F. *Fiscal Impact*

The Commonwealth and local governments will not experience increased costs or savings as a result of this final-form rulemaking. Moreover, as explained in depth in the RAF, the final-form regulations are expected to be cost neutral and should not impose significant, new fiscal impacts to the regulated community. Customers who travel on the Turnpike System shall be required to comply with this final-form rulemaking and the amendments are consistent with current practices that have been in place for decades. No adverse impacts on small businesses are anticipated because this final-form rulemaking amends and revises the previous regulations that apply to all customers who travel on the Turnpike System including all businesses (small or large). Also, no new

legal, accounting or consulting procedures are required because of this final-form rulemaking.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 1, 2021, the Commission submitted a copy of the proposed regulations, published at 51 Pa.B. 3347, to IRRC and to the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act the Commission is required to submit to IRRC and the House and Senate Transportation Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Commission considered all comments received from IRRC. No public comments were received. The Commission also received no comments from the House and Senate Transportation Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5(j.2)), on September 20, 2023, this final-form rulemaking was deemed approved by the House and Senate Transportation Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 21, 2023, and approved this final-form rulemaking.

H. *Effective Date*

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

I. *Sunset Provisions*

The Commission has not established a sunset date for this final-form rulemaking because the traffic regulations are in effect on a continual basis. The Commission will continue to monitor these regulations for their effectiveness and propose amendments as necessary.

J. *Contact Person*

The contact person for questions about this final-form rulemaking is John F. Dwyer, Assistant Counsel, Pennsylvania Turnpike Commission, P.O. Box 67676, Harrisburg, PA 17106-7676, (717) 831-7343 or jdwyer@paturnpike.com.

K. *Findings*

The Commission finds that:

(1) Public notice of the amendments to the regulations was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder 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. No public comments were received.

(3) These amendments to the regulations of the Commission are necessary and appropriate for the continued administration and enforcement of the traffic regulations that promote the health, safety and welfare of the Commission’s customers traveling on the Turnpike System.

L. *Order*

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

(a) The regulations of the Commission, 67 Pa. Code Chapter 601, are amended by amending §§ 601.1, 601.3, 601.5, 601.9, 601.12—601.15, 601.17, 601.18 and

601.101—601.103 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Commission shall submit this final-form rule-making to the Office of Attorney General, as required by law, for approval as to form and legality.

(c) The Commission shall submit this final-form rule-making to IRRC and the House and Senate Transportation Committees as required by law.

(d) The Commission shall certify this final-form rule-making and deposit it with the Legislative Reference Bureau, as required by law.

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

MARK P. COMPTON,
Chief Executive Officer

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

Fiscal Note: The Commission is funded primarily by bonds and tolls. Because there is no direct cost to the Commonwealth as a result of these proposed amendments, the Commission has not submitted a fiscal note.

Annex A
TITLE 67. TRANSPORTATION
PART II. TURNPIKE COMMISSION
CHAPTER 601. TRAFFIC REGULATIONS
GENERAL

§ 601.1. Definitions.

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

Acceleration lane—A speed change lane for the purpose of:

- (i) Enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.
- (ii) Providing the necessary merging distance.
- (iii) Giving the main roadway traffic the necessary time and distance to make appropriate adjustments.

Commission—The Pennsylvania Turnpike Commission.

Deceleration lane—The portion of the roadway adjoining the traveled way constructed for the purpose of enabling a vehicle that is exiting a roadway to slow to a safe speed after it has left the mainstream of traffic.

Hazardous material—An explosive, blasting agent, flammable liquid, combustible liquid, flammable solid, flammable and nonflammable compressed gas, corrosive material, poison, poison gas, irritant, oxidizer, organic peroxide, radioactive material, etiologic agent or other regulated material defined in 49 CFR Chapter I (relating to pipeline and hazardous materials safety administration, Department of Transportation) whether a material, a substance or a waste product.

Over-dimensional/overweight vehicle—A vehicle or combination of vehicles, including the load carried thereon, which exceeds any one of the following: 100,000 pounds in maximum gross weight, 22,400 pounds maximum gross weight carried upon any one axle, 13 feet 6 inches in height, 10 feet in width, 85 feet in overall length, or which has a load or part thereof extending 5 feet or more beyond the front bumper or 15 feet or more beyond the rear bumper. The front and rear overhang of stinger

steered vehicles, as defined in 23 CFR 658.13(e) (relating to length), may not be included in calculating the overall length of the stinger steered vehicle, as long as the front overhang does not exceed 3 feet and the rear overhang does not exceed 4 feet.

Recreational vehicle—A multipurpose passenger vehicle that provides living accommodations for persons or an apportionable vehicle designed or converted and used exclusively for personal pleasure or travel by an individual or the individual’s family.

* * * * *

§ 601.3. Officers.

A driver of a motor vehicle and other persons using or traveling upon the Turnpike System shall obey the signs, signals and oral directions rendered by officers, employees, independent contractors or agents of the Commission, including the Pennsylvania State Police.

§ 601.5. Hazardous materials.

(a) Hazardous materials may be transported, under the required Federal permits, on the Turnpike System, if the shipments are in full compliance with 10 CFR Part 71 (relating to packaging and transportation of radioactive material), 49 CFR Chapter I, Subchapter C (relating to hazardous materials regulations), 49 CFR Parts 390—397, regarding Federal motor carrier safety regulations, and other Federal or State laws or regulations relating to the transportation of hazardous materials.

(b) A transporter of hazardous materials shall carry the required Federal permits while traveling on the Turnpike System and shall present the permits upon demand to any Commission employee or the Pennsylvania State Police.

(c) Explosives Divisions 1.1, 1.2, 1.3 and Radioactive materials as defined in 49 CFR 173.50 and 173.403, respectively (relating to Class 1—definitions; and definitions) are prohibited from being transported on the Turnpike System in tandem trailer combinations.

(d) The total volume of material in a tandem combination may not exceed the total volume that could be carried in a single trailer.

(e) The following materials are prohibited, prohibited in bulk packaging or permitted in Commission tunnels under the following chart. Bulk packaging is defined in 49 CFR 171.8 (relating to definitions and abbreviations).

<i>Prohibited Hazardous Materials Classes</i>		
<i>Hazardous Material</i>	<i>Class</i>	<i>Policy</i>
All Explosives	1.1—1.6	Prohibited
Poison Gas	2.3	Prohibited
Dangerous When Wet	4.3	Prohibited
Organic Peroxide	5.2	Prohibited
Poison (Inhalation Hazard)	6.1	Prohibited
Radioactive	7	Prohibited
<i>Prohibited in Bulk Packaging Hazardous Materials Classes</i>		
<i>Hazardous Material</i>	<i>Class</i>	<i>Policy</i>
Flammable Gas	2.1	Prohibited in bulk packaging
Flammable Liquid	3	Prohibited in bulk packaging

<i>Prohibited Hazardous Materials Classes</i>		
<i>Hazardous Material</i>	<i>Class</i>	<i>Policy</i>
Flammable Solid	4.1	Prohibited in bulk packaging
Spontaneously Combustible	4.2	Prohibited in bulk packaging
Oxidizer	5.1	Prohibited in bulk packaging
Poison (Other than Inhalation Hazard)	6	Prohibited in bulk packaging
Corrosive	8	Prohibited in bulk packaging
<i>Permitted Hazardous Materials Classes</i>		
<i>Hazardous Material</i>	<i>Class</i>	<i>Policy</i>
Non-Flammable Gas	2.2	Permitted
Combustible (Fuel Oil)	3	Permitted
Miscellaneous	9	Permitted
Dangerous	-	Permitted
Stow Away From Food Stuffs	-	Permitted

§ 601.9. U-turns.

The making of a U-turn on the Turnpike System is prohibited except by authorized vehicles. A driver of a motor vehicle may reverse direction of travel only by passing through an interchange or other tolling point. The Pennsylvania State Police may authorize a U-turn in an emergency and other personnel authorized by the Commission may authorize a U-turn when necessary.

§ 601.12. Toll collection.

Vehicles that travel on the Turnpike System, unless otherwise authorized, shall pay a toll through any of the following:

- (1) Electronic toll collection, as defined in 74 Pa.C.S. § 8102 (relating to definitions).
- (2) By license plate tolling with an invoice sent to the vehicle's registered owner, as authorized in 74 Pa.C.S. § 8116 (relating to collection and disposition of tolls and other revenue).
- (3) Other technology which identifies a vehicle by photographic, electronic or other method, as authorized in 74 Pa.C.S. § 8116.

§ 601.13. Evasion of fare.

(a) Evasion of fare or attempted evasion of fare is prohibited and constitutes a summary offense unless a person intentionally or knowingly takes an affirmative action as defined in 75 Pa.C.S. § 6110.1(f) (relating to fare evasion) in an attempt to evade tolls, in which case the offense constitutes a misdemeanor of the third degree. Fines for evasion of fare, attempted evasion of fare and affirmative action are imposed by 75 Pa.C.S. § 6110.1(a) and (b).

(b) Evasion of fare or attempted evasion of fare includes the following:

- (1) [Reserved].
- (2) [Reserved].
- (3) [Reserved].
- (4) [Reserved].
- (5) [Reserved].

(6) The failure by a person to pay the prescribed toll as indicated in § 601.12 (relating to toll collection).

- (7) [Reserved].
- (8) [Reserved].

(c) As used in this section, the term "affirmative action," as defined in 75 Pa.C.S. § 6110.1(f), includes:

- (1) Operating a vehicle without a license plate and valid vehicle registration;
- (2) Operating a vehicle without a valid electronic toll collection device, as defined in 74 Pa.C.S. § 8102 (relating to definitions), and installing a mechanism which rotates, changes, blocks or otherwise mechanically alters the ability of a license plate to be read by a toll collection system;

(3) Installing a device upon a vehicle which serves the sole purpose of masking, hiding or manipulating the true weight of the vehicle as it appears to a mechanical scale;

(4) Conspiring with an individual or group of individuals to alter, lower or evade payment of correct tolls;

(5) Unauthorized use of a Turnpike System private gate access or otherwise unauthorized movement entering or exiting the Turnpike System other than at approved tolling points; and

(6) Operating a vehicle without a valid electronic toll collection device and altering, obstructing, covering, distorting, manipulating or removing a license plate from a vehicle to impede electronic toll collection, as defined in 74 Pa.C.S. § 8102.

§ 601.14. Over-dimensional/overweight vehicles.

(a) Prior to entering the Turnpike System, operators of over-dimensional/overweight vehicles shall request and obtain a special hauling permit according to Commission policies and procedures and pay all applicable fees. The requester must apply online at the Commission's web site, www.paturnpike.com, which contains all of the current policies and procedures for obtaining a special hauling permit.

(b) The requester shall be prepared to provide the following information:

- (1) The size, weight and number of axles of the over-dimensional/overweight vehicle.
- (2) The name, address and telephone number of the carrier.
- (3) The planned entry and exit interchange.
- (4) The planned date of movement.
- (5) Other information which may be requested by the Commission.

(c) If approved, the Commission will provide the requester with proof of a valid special hauling permit that the operator shall produce upon request from the Pennsylvania State Police or a Commission employee at any point during permitted travel on the Turnpike System.

(d) Based on Commission policies and procedures, operators of over-dimensional/overweight vehicles with excessive width, length, height or weight, or at the discretion of the Commission, may be required to provide an escort vehicle or have a Pennsylvania State Police escort, or both, for movement on the Turnpike System.

(e) Over-dimensional/overweight vehicles may travel on the Turnpike System only on days and at times designated by the Commission. The Commission will provide schedules and additional information according to policies and procedures.

(f) If the operator is unable to travel on the planned dates of movement, or the special hauling permit is cancelled, the requester shall notify the Commission according to policies and procedures.

§ 601.15. Vehicles excluded from the Turnpike.

(a) During adverse weather or travel conditions, recreational vehicles, motorcycles, vehicles towing trailers, tandem trailers, buses and over-dimensional/overweight vehicles may be excluded from parts or all of the Turnpike System. Vehicles may be excluded from the Turnpike System to effect proper snow removal or to remedy hazardous situations. Unsafe vehicles may be excluded at any time.

(b) Over-dimensional/overweight vehicles are prohibited from using the Turnpike System except by special hauling permit issued from the Commission, as indicated in §§ 601.1 and 601.14 (relating to definitions; and over-dimensional/overweight vehicles).

* * * * *

§ 601.17. Authorized vehicle.

(a) For the purposes of this chapter, the term “authorized vehicle” shall be defined as follows:

(1) A vehicle which carries the Commission seal, including automobiles and construction and maintenance vehicles.

(2) A vehicle owned by the Commission which does not carry the Turnpike seal.

(3) A vehicle driven by a Commission employee used in an official capacity and in the performance of employment.

(4) A vehicle of the Commission’s Consulting Engineer utilized in the furtherance of the Consulting Engineer’s duties, under the Trust Indenture.

(5) A vehicle of a consultant under contract with the Commission utilized in the furtherance of the consultant’s duties under the Commission contract.

(6) A towing or wrecking vehicle which meets the following conditions:

(i) Through contract with the Commission as an authorized service provider and the vehicle displays that designation.

(ii) Is called by an authorized employee of the Commission or the Pennsylvania State Police to perform special clean-up or towing services.

(7) A construction vehicle owned, leased or operated by a company performing a construction contract for the Commission which is operating within the terms of the contract.

(8) A vehicle which has obtained prior permission from the Commission and is moving under the supervision of the Pennsylvania State Police in executing the otherwise restricted activity.

* * * * *

§ 601.18. Accident prevention investigations.

(a) The Commission may conduct in-depth accident investigations and safety studies of the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the cause of traffic accidents and the improvements which may help prevent similar types of accidents or increase the overall safety of the Turnpike roadway and bridges.

(b) In-depth accident investigations and safety studies and information, records and reports used in their preparation are not discoverable or admissible as evidence in any civil action or proceeding. Officers or employees or the agencies charged with the development, procurement or custody of in-depth accident investigations and safety study records and reports are not required to give depositions or evidence pertaining to anything contained in the in-depth accident investigations or safety study records or reports in any civil action or other proceeding.

TANDEM TRAILER COMBINATIONS

§ 601.101. Length limit for tandems.

A semitrailer, or the trailer of a tandem trailer combination, may not be longer than 28 1/2 feet. A tandem combination—including the truck tractor, semitrailer and trailer—which exceeds 85 feet in length is considered an over-dimensional/overweight vehicle which requires a special hauling permit to travel on the Turnpike System.

§ 601.102. Weight and dimensional limits for tandems.

A tandem trailer combination which is considered an over-dimensional/overweight vehicle shall require a special hauling permit to travel on the Turnpike System. In tandem combinations, the heaviest trailer shall be towed next to the truck tractor.

§ 601.103. Exclusion of tandem tank trailers.

Tandem tank trailer combinations transporting hazardous materials, substances or wastes, as defined in 49 CFR Chapter I (relating to pipeline and hazardous materials safety administration, Department of Transportation) are prohibited from using the Turnpike System.

[Pa.B. Doc. No. 23-1677. Filed for public inspection December 1, 2023, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF PODIATRY

[49 PA. CODE CH. 29]

Child Abuse Reporting Requirements

The State Board of Podiatry (Board) proposes to amend §§ 29.52, 29.55, 29.61, 29.91—29.97, and add §§ 29.98 and 29.99 (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 proposed rulemaking will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 15 of the Podiatry Practice Act (63 P.S. § 42.15) 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 Purpose

Since 2014, there have been numerous amendments made 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. These proposed amendments are required to update the Board's existing 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 as set forth in section 6383(b)(3)(i) and (ii).

Description of the Proposed Amendments

The Board proposes to amend § 29.52 (relating to requirements for applicants) by placing the existing language pertaining to professional liability insurance requirements in subsection (a) and reorganizing that subsection. Next, the Board proposes adding subsection (b) which would incorporate the mandatory child abuse recognition and reporting training requirements. The Board is also proposing to amend § 29.55 (relating to volunteer license) to incorporate the mandatory training requirements for applicants for a volunteer license in subsection (c) and for biennial renewal of a volunteer license in subsection (e). The Board is also taking this opportunity to replace the outdated reference to the repealed Health Care Services Malpractice Act with its successor—the Medical Care Availability and Reduction of Error (MCARE) Act in subsection (e)(2).

The Board is also proposing to amend § 29.61 (relating to requirements for biennial renewal and eligibility to conduct educational conferences) to incorporate the requirement that podiatrists seeking to renew a license shall complete at least 2 hours of approved courses in

child abuse recognition and reporting as required under section 6383(b)(3)(ii) of the CPSL.

The Board proposes comprehensive amendments to the Board's existing child abuse reporting requirements to comport to the amendments to the CPSL. Initially, the Board proposes amendments to § 29.91 (relating to definitions relating to child abuse reporting requirements) to update the definitions of terms used in the CPSL. Specifically, the Board finds it necessary to define the terms "bodily injury," "child," "parent," "program, activity or service" and "serious physical neglect" and to amend the definitions of "child abuse," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions" and "sexual abuse or exploitation" to comport with amendments made to the CPSL. The Board has also added a definition for the terms "Bureau" and "mandated reporter" for ease of reference. The Board is also proposing to delete definitions for "individual residing in the same home as the child" and "serious physical injury" because these terms have been deleted from the CPSL. Additionally, the Board proposes to amend, where necessary throughout the proposal, the name of the Department of Public Welfare, as the name of that agency has changed to the Department of Human Services.

The Board is proposing to amend § 29.92 (relating to suspected child abuse—mandated reporting requirements) to provide the general rule that all licensed podiatrists are considered mandated reporters, and to update the mandated reporting requirements and reporting procedures as set forth in sections 6311 and 6313 of the CPSL (relating to persons required to report suspected child abuse; and reporting procedure), as amended. The Department of Human Services has implemented an electronic reporting process for mandated reporters, and the Board finds it necessary to propose amendments to § 29.93 (relating to photographs, medical tests and X-rays of child subject to report) to set forth the requirement to submit documentation relating to photographs, medical tests and X-rays to the county children and youth social service agency within 48 hours of making an electronic report in accordance with section 6314 of the CPSL (relating to photographs, medical tests and X-rays of child subject to report), and to include the requirement that medical summaries or reports of the photographs, X-rays and relevant medical tests 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).

The Board is proposing to amend § 29.94 (relating to suspected death as a result of child abuse—mandated reporting requirement) to incorporate an amendment made to section 6317 of the CPSL (relating to mandatory reporting and postmortem investigation of deaths) to permit a report to be made to the medical examiner of the county where the death occurred, or of the county where the injuries were sustained. Further, the Board is proposing to amend and restructure § 29.95 (relating to immunity from liability) to incorporate amendments made to section 6318 of the CPSL in subsection (a) and to clarify in subsection (b) that the Board will uphold the same good faith presumption in any disciplinary proceedings that may be brought for violations of the duties imposed upon licensees that are set forth in §§ 29.92—29.94. The Board also proposes to amend § 29.96 (relating to confidentiality—waived) to incorporate the provisions of section 6311.1 of the CPSL (relating to privileged communi-

cations). Likewise, the Board proposes to amend § 29.97 (relating to noncompliance) to update the criminal penalties for failure to make a report or referral required by the CPSL, which have been increased in recent years from a summary offense for a first violation and a misdemeanor for a second or subsequent violation, to a misdemeanor of the second degree to most offenses, except under certain enumerated circumstances where the offense is graded as a felony.

The Board proposes to add two sections to incorporate the mandatory training requirements set forth in section 6383(b)(3)(i) and (ii) of the CPSL. Section 29.98 would set forth the requirements that all individuals applying to the Board for an initial license are required to complete at least 3 hours of training in child abuse recognition and reporting which has been approved by the Department of Human Services; and that all licensees seeking renewal are required to complete at least 2 hours of continuing education in approved courses in child abuse recognition and reporting as a requirement of renewal. The Board would also provide notice that these 2 hours of training would be accepted as a portion of the total continuing education hours required for biennial renewal, and not an additional requirement, as provided in section 6383(b)(3)(ii) of the CPSL. The Board is also clarifying that a license will not be issued or renewed unless the Bureau of Professional and Occupational Affairs (Bureau) has received an electronic report from an approved course provider documenting the attendance or participation by the applicant or licensee in an approved course or the individual has been granted an exemption under subsection (c). The proposal would also clarify that for purposes of renewal, the course must be completed within the applicable biennial renewal period, and that if a licensee holds a license from 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.

Subsection (c) would include 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. Specifically, paragraph (1) provides an exemption for individuals who have already completed comparable training required under section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6). Paragraph (2) would provide an exemption for individuals who have completed comparable training under section 6383(c) of the CPSL. The Board notes that section 6383(b)(4)(ii)(B) of the CPSL provides an exemption for individuals who have already completed child abuse recognition training required by the Human Services Code (formerly known as the Public Welfare Code), and the training was approved by the Department of Human Services. However, the Department of Human Services has confirmed that there is no provision in the Human Services Code that requires this training. Instead, section 6383(c) of the CPSL sets forth the requirement that certain individuals and entities regulated by the Department of Human Services complete mandated reporter training. Therefore, the Board believes it is appropriate to include an exemption for a licensee who has already completed comparable training in child abuse recognition and reporting required by the Department of Human Services under section 6383(c) of the CPSL. For example, if a podiatrist happened to be a foster parent and, therefore, was required to complete the training under section 6383(c) of the CPSL, there would be no need to repeat the training as a condition of licensure or license

renewal under section 6383(b) of the CPSL. In addition, section 6383(b)(6) of the CPSL permits the Board to exempt a licensee from the training requirement if the licensee "submits documentation acceptable to the licensing board that the licensee should not be subject to the training or continuing education requirement." The Board believes that this section also provides authority to the Board to determine that those licensees who are required to complete comparable training under section 6383(c) of the CPSL should be exempt from the training requirement under section 6383(b) of the CPSL, provided they submit acceptable documentation to the Board evidencing completion of comparable training.

The Board is also proposing to further implement section 6383(b)(6) of the CPSL by providing, in paragraph (3), an exemption for an individual who submits acceptable documentation demonstrating why they should not be subject to the training or continuing education requirement. The Board also proposes to clarify the standards for granting an exemption under paragraph (3) by explaining that 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 and that each request for an exemption 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.

Subsection (d) will clarify that exemptions which are granted under subsection (c) are applicable only to the biennial renewal period in which the exemption is requested. Subsection (d) will also set forth the process for notifying an applicant or licensee of the Board's decision to grant or deny the exemption.

Finally, the Board proposes to add § 29.99 to set forth the administrative process developed by the Bureau in conjunction with the Department of Human Services, for individuals, entities and organizations to apply for approval to deliver the mandatory training in child abuse recognition and reporting. Subsection (a) requires an individual, entity or organization to apply simultaneously to the Bureau and the Department of Human Services. Subsection (b) sets forth the required course materials to be submitted. In addition to the materials relating to the content of the training itself for review by the Department of Human Services, the Bureau has established a requirement that to be approved to provide the mandatory training in child abuse recognition and reporting, an individual, entity or organization must be able to report participation or attendance electronically to the Bureau. In this manner, 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. Then, at the time of application or renewal, the system verifies that the training was completed as required prior to issuing or renewing the license. Thus, the Board will not renew a license unless an electronic report has been received from an approved course provider or the licensee has received an exemption from the mandatory training requirement. Finally, subsection (c) clarifies that 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 and the Board's web site.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. Because licensees are already required to complete mandatory continuing education, and these 2 hours in child abuse recognition and reporting are

incorporated in the existing requirement, there would be no increased burden. Only applicants for licensure would incur an additional requirement, and as there are many low-cost and free options available to complete the training, the Board anticipates this impact to also be minimal. Because all approved training providers of the mandatory training in child abuse recognition and reporting are required to report attendance/participation electronically, there are no additional paperwork requirements imposed on licensees. In addition, the implementation of an electronic reporting system for mandated reporters of child abuse under the CPSL by the Department of Human Services has decreased the paperwork requirements related to the mandatory reporting requirements.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 13, 2023, the Board 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria 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 Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to the Regulatory Counsel, State Board of Podiatry, P.O. Box 69523, Harrisburg, PA 17106-9523 or RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be identified as pertaining to rulemaking 16A-4412 (Child Abuse Reporting Requirements).

ERIC B. GREENBERG, DPM, JD,
Chairperson

Fiscal Note: 16A-4412. No fiscal impact; recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 29. STATE BOARD OF PODIATRY LICENSURE APPLICATIONS

§ 29.52. Requirements for applicants.

(a) *Professional liability insurance requirements.* Applicants for licensure or licensees applying for biennial renewal, who practice in this Commonwealth, shall comply with the following:

(1) Applicants shall furnish satisfactory proof to the Board that they are complying with the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910), in that the applicant or licensee, if required by the act and the rules and regulations pertaining thereto, is maintaining the required amount of professional liability insurance or an approved self-insurance plan, and has paid the required fees and surcharges.

[(b)] (2) Licensees practicing solely as Federal employees are not required to participate in the professional liability insurance program, nor are they required to comply with the MCARE Act.

[(c)] (3) Licensees practicing podiatry in this Commonwealth shall carry at least the minimum amount of professional liability insurance or an approved self-insurance plan as set forth in the MCARE Act. The licensee shall carry liability insurance or an approved self-insurance plan to cover all professional services performed by the licensee. Licensees who do not practice in this Commonwealth are not required to comply with the MCARE Act.

(b) Mandatory child abuse recognition and reporting training requirements. Applicants for licensure or licensees applying for biennial renewal shall comply with the requirements of § 29.98 (relating to child abuse recognition and reporting—mandatory training requirement).

§ 29.55. 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:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice exclusively as follows:

(i) Without personal remuneration for professional services.

(ii) In an approved clinic.

(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) Evidence that the applicant has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 29.98(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(d) *Validity of a 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 a change, or at the time of renewal, whichever occurs first.

(e) *Renewal of license.* 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 the holder of an active, unrestricted license, including

at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 29.98(b).

(2) The applicant shall be exempt from § 29.13 (relating to fees) pertaining to the biennial renewal fee and shall be exempt from the requirements with regard to maintenance of liability insurance coverage under [**section 701 of the Health Care Services Malpractice Act (40 P.S. § 1301-701)**] **section 711 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.711)** and §§ 29.51—29.54.

(f) *Return to active practice.* A volunteer license holder who desires to return to active practice shall notify the Board and apply for biennial registration on forms provided by the Board in accordance with §§ 29.51 and 29.52 (relating to applicants; and requirements for applicants).

(g) *Disciplinary provisions.* A volunteer license holder shall be subject to the disciplinary provisions of the act and this chapter. Failure of the licensee to comply with the Volunteer Health Services Act (35 P.S. §§ 449.41—449.50) or this chapter may also constitute grounds for disciplinary action.

CONTINUING EDUCATION

§ 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.

(a) A licensee applying for biennial renewal of a license shall have completed 50 clock hours of continuing education in approved courses and programs during the preceding biennium, in accordance with the following:

(1) At least 30 of the clock hours must be in courses and programs in podiatry approved by the Board under § 29.64 (relating to applications for approval of educational conferences) or approved by the CPME.

(1.1) At least 2 of the clock hours must be completed in child abuse recognition and reporting in accordance with § 29.98(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) The remaining clock hours must be in courses and programs in medical subjects pertinent to the practice of podiatry approved by the American Medical Association, the American Osteopathic Association, the Board or the CPME, or offered by an accredited school or college of podiatric medicine.

(3) A maximum of 10 clock hours may be in approved courses and programs that involve the use of reading professional journals.

(4) Clock hours may be obtained by completing approved synchronous distance education or asynchronous distance education courses and programs. Approved asynchronous distance education courses or programs must include a skill or knowledge assessment component in addition to all other requirements.

(5) Continuing education credit will not be awarded for courses or programs in office management or marketing the practice.

(6) Excess clock hours may not be carried over to the next biennium.

(7) Continuing education courses completed in accordance with a disciplinary order of the Board may not be used to meet the biennial continuing education requirement.

(8) A licensee who wishes to use a course or program for continuing education credit toward licensure renewal is responsible for ensuring that a particular course or program is approved for continuing education credit prior to participating in the course or program.

(b) Providers approved by the Board are eligible to conduct educational conferences.

* * * * *

CHILD ABUSE REPORTING REQUIREMENTS

§ 29.91. Definitions relating to child abuse reporting requirements.

The following words and terms, when used in this section and §§ 29.92—[29.97] 29.99, have the following meanings, unless the context clearly indicates otherwise:

Bodily injury—Impairment of physical condition or substantial pain.

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

Child—An individual under 18 years of age.

Child abuse—[A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.] 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 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 [**Public Welfare**] **Human Services** which operates a 24-hour a day Statewide [**toll free**] **toll-free** telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

[*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.]

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

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

Perpetrator—[A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.] 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.

(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. [The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.]

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 [acts or omissions—Acts or omissions] 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 [Public Welfare] 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 injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.]

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—[The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.] 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.

§ 29.92. 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), [podiatrists who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse] licensed podiatrists 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 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. [Podiatrists who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the podiatrist, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d)] Whenever a podiatrist 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, the podiatrist 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. [Reports of suspected child abuse shall be made by telephone and by written report.

(1) Oral reports. Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313.

(2) Written reports. Written reports shall be made within 48 hours after the oral report is made by telephone. Written reports shall be made on forms available from a county children and youth social service agency.] 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 (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. 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. [Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available] A written or electronic report of suspected child abuse shall include the following information, if known:

(1) The names and addresses of the child [and], the child's parents [or] and any other person responsible for the [care of the child, if known] child's welfare.

(2) Where the suspected child abuse occurred.

(3) The age and sex of [the subjects] 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 [siblings] any sibling of the child.

(5) The name and relationship of [the persons] each individual responsible for causing the suspected abuse[, if known,] and any evidence of prior abuse by [those persons] 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 [and where that person can be reached].

(9) The actions taken by the [reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner] person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

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

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

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

A podiatrist who is 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 § 29.92(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).

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

A podiatrist 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.

§ 29.95. Immunity from liability.

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

(b) The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a podiatrist's actions [in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs] under §§ 29.92—29.94 (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).

§ 29.96. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 29.92—29.94 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of confidentiality in § 29.23 (relating to confidentiality) and any other ethical principle or professional standard that might otherwise apply to podiatrists. 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.

§ 29.97. Noncompliance.

(a) *Disciplinary action.* A podiatrist who willfully fails to comply with the reporting requirements in §§ 29.92—29.94 (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. § 42.16).

(b) *Criminal penalties.* [Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a podiatrist who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.] Under 23 Pa.C.S. § 6319 (relating to penalties), a podiatrist 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 the 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.

(Editor's Note: Sections 29.98 and 29.99 are proposed to be added and are printed in regular type to enhance readability.)

§ 29.98. 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 § 29.99 (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 or 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 § 29.99. The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance or 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 under section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

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

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

§ 29.99. 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 all of the following:

(1) Contact information, including 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) 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 or participation, which shall include all of the following:

Public Meeting held
May 18, 2023

- (i) Name of participant.
 - (ii) Title of training.
 - (iii) Date of training.
 - (iv) Length of training (2 hours 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 or 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. 23-1678. Filed for public inspection December 1, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 58]

[L-2016-2557886]

Initiative to Review and Revise the Existing Low-Income Usage Reduction Program (LIURP) Regulations at 52 Pa. Code §§ 58.1—58.18

Executive Summary

By Secretarial Letter dated December 16, 2016 (2016 Secretarial Letter), the Pennsylvania Public Utility Commission (PUC) sought stakeholder input on topics that are instrumental in determining the scope of a rulemaking to update the PUC's existing Low-Income Usage Reduction Program (LIURP) Regulations at 52 Pa. Code §§ 58.1—58.18.

Due to the advanced age of Pennsylvania's residential building stock, which is the second oldest in the nation, and the increasing need for affordable housing, LIURP is an essential program in reducing energy consumption for low-income households. However, much has changed in the marketplace since the LIURP regulations were first promulgated in 1987 and last revised in 1998.

Having reviewed the comments and reply comments to the 2016 Secretarial Letter, the PUC has now developed this Notice of Proposed Rulemaking (NPR) to propose revisions to the existing LIURP regulations.

In 2016, we articulated the justification for reviewing the LIURP regulations, noting that it "is important for the PUC to update the LIURP regulations in order to keep pace with the changing energy landscape and technology improvements, to ensure proper coordination among Commonwealth energy reduction programs, and to ensure that these programs continue to meet the goals established." Nationally accepted benefit/cost models now measure results on a whole-job basis rather than a per-measure basis as was the case when the LIURP regulations were first promulgated. Further, the existing regulations have no work specifications, contractor certification requirements, or quality control standards.

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss, statement follows; John F. Coleman, Jr.

Initiative to Review and Revise the Existing Low-Income Usage Reduction Program (LIURP) Regulations at 52 Pa. Code §§ 58.1—58.18; L-2016-2557886

Notice of Proposed Rulemaking

By the Commission:

By Secretarial Letter dated December 16, 2016 (2016 Secretarial Letter), the Pennsylvania Public Utility Commission (PUC) sought stakeholder input on topics that are instrumental in determining the scope of a rulemaking to update the PUC's existing Low-Income Usage Reduction Program (LIURP) Regulations at 52 Pa. Code §§ 58.1—58.18. This Notice of Proposed Rulemaking (NPR)¹ summarizes the stakeholder comments to the 2016 Secretarial Letter, proposes amendments to the existing LIURP regulations, and seeks comments on the proposed amendments.

History

The PUC's existing LIURP regulations apply to "covered" natural gas distribution companies (NGDCs) and "covered" electric distribution companies (EDCs).² These EDCs and NGDCs are required to include a low-income weatherization program in their universal service and energy conservation program (universal service) portfolios.³ 2016 Secretarial Letter at 2.

The 2016 Secretarial Letter requested comments from interested stakeholders on updating the PUC's existing LIURP regulations and was published in the *Pennsylvania Bulletin* at 46 Pa.B. 8188 (12/31/2016). Parties were encouraged to include proposed regulatory language with their responses and replies. Comments were timely filed by Duquesne Light Company (Duquesne)⁴; Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), and West Penn Power Company (West Penn) (collectively FirstEnergy)⁵; PECO Energy Company (PECO)⁶; PPL Electric Utilities Corporation (PPL)⁷; National Fuel Gas Distribution Corporation (NFG)⁸; Phila-

¹ This NPR consists of a PUC Order which serves as the "preamble" under 1 Pa. Code § 301.1 (relating to definitions) and an Annex A containing the text of the proposed regulation under 1 Pa. Code § 305.1 (relating to delivery of a proposed regulation).

² See 52 Pa. Code § 58.2 (relating to definitions) for the existing definition of "covered utility." As noted below, the term "covered" would be changed to "public," and "public utility" would be defined based on the number of customers that an EDC or NGDC has. The EDCs and NGDCs that would be affected by this amendment are identified below. The terms "natural gas distribution utility or NGDU" and "electric distribution utility or EDU" are synonymous, respectively, with "NGDC" and "EDC."

³ A "low-income customer" is one with household income at or below 150% of the Federal poverty income guidelines (FPIG). A public utility may spend up to 20% of its annual LIURP budget on customers having an arrearage and whose household income is at or below 200% of FPIG. See 52 Pa. Code §§ 58.1, 58.2, and 58.10 (relating to purpose; definitions; and program announcement).

⁴ Duquesne is an EDC that served approximately 543,000 residential customers in the Commonwealth in 2021. 2021 Report on Universal Service and Collections Performance at 6.

⁵ The four FirstEnergy public utilities providing jurisdictional electric distribution service in the Commonwealth are EDCs. Met-Ed served approximately 512,000 residential customers in the Commonwealth in 2021. Penelec served approximately 502,000 residential customers in the Commonwealth in 2021. Penn Power served approximately 148,000 residential customers in the Commonwealth in 2021. West Penn served approximately 632,000 residential customers in the Commonwealth in 2021. 2021 Report on Universal Service and Collections Performance at 6.

⁶ PECO is an EDC that served approximately 1.5 million residential customers in 2021. 2021 Report on Universal Service and Collections Performance at 6.

⁷ PPL is an EDC that served approximately 1.5 million residential customers in the Commonwealth in 2021. 2021 Report on Universal Service and Collections Performance at 6.

⁸ NFG is an NGDC that served approximately 214,000 residential customers in 14 counties. 2021 Report on Universal Service and Collections Performance at 6.

delphia Gas Works (PGW)⁹; Energy Association of Pennsylvania (EAP)¹⁰; Office of Consumer Advocate (OCA); Department of Environmental Protection (DEP) and Department of Community and Economic Development (DCED) (collectively DEP & DCED); Commission on Economic Opportunity (CEO)¹¹; PA Energy Efficiency For All Coalition (PA-EEFA)¹²; and PA Weatherization Providers Task Force (PWPTF)¹³. Reply comments (RC) were timely filed by Duquesne; PECO; PPL; Peoples Natural Gas LLC (PNGC) and Peoples Gas Company LLC (PGC) (collectively, Peoples)¹⁴; EAP; OCA; PA-EEFA; and CEO.

Background

The endeavors by the PUC and various stakeholders to formally address low-income policies, practices, and services began as early as 1984.¹⁵ As a result, the public utilities began considering how to better address arrearages of low-income customers. 2016 Secretarial Letter at 1.

From 1988 through 2021, LIURPs have provided conservation services to more than 653,000 households.¹⁶ Services may have included full weatherization conservation treatments, furnace repair and replacement, water heating measures and electric baseload measures. In our September 20, 1996 Order, at Docket No. L-00960118, we initiated a proposed rulemaking to extend the LIURP regulations that were scheduled to expire on or before January 28, 1998. In that order, we recognized that LIURP's weatherization, usage reduction, and conservation services had achieved significant benefits for both public utilities and low-income customers. 28 Pa.B. 25 (1/3/1998).

Due to the advanced age of Pennsylvania's residential building stock, which is the second oldest in the nation, and the increasing need for affordable housing, LIURP is an essential program in reducing energy consumption for low-income households. However, much has changed in the marketplace since the LIURP regulations were first promulgated in 1987 and last revised in 1998.¹⁷ The PUC

is interested in leveraging the knowledge and experience gained, to-date, by the public utilities, consumers, and other stakeholders to improve the operation of the various LIURPs and thereby maximize ratepayer benefits. 2016 Secretarial Letter at 1.

The four mandatory universal service programs are customer assistance programs (CAPs),¹⁸ LIURPs, customer assistance referral and evaluation programs (CARES), and hardship fund programs.¹⁹ 2016 Secretarial Letter at 2.

The purpose of the LIURP regulations is to require:

[C]overed utilities to establish fair, effective and efficient energy usage reduction programs for their low income [sic] customers. The programs are intended to assist low income [sic] customers conserve energy and reduce residential energy bills. The reduction in energy bills should decrease the incidence and risk of customer payment delinquencies and the attendant utility costs associated with uncollectible accounts expense, collection costs and arrearage carrying costs. The programs are also intended to reduce the residential demand for electricity and gas and the peak demand for electricity so as to reduce costs related to the purchase of fuel or of power and concomitantly reduce demand which could lead to the need to construct new generating capacity. The programs should also result in improved health, safety and comfort levels for program recipients.

2016 Secretarial Letter at 3-4.

LIURPs were initially subject to revision, stakeholder comment, and PUC review every three years as part of each public utility's on-the-record triennial universal service and energy conservation plan (USECP) review. The process leading up to PUC action relative to a USECP is overseen by the PUC's Bureau of Consumer Services (BCS) in docketed collaborative proceedings. This rulemaking would not change the process of BCS oversight of the review and approval process. Additionally, public utility universal service programs, including LIURPs, have been subject to independent third-party impact evaluations at least every six years.²⁰ On occasion, stakeholders have also proposed changes for consideration in a public utility's base rate proceeding, rider proceeding, demand side management filing, or other proceedings. 2016 Secretarial Letter at 2. Currently, the interval between USECP reviews has been extended to at least every five years, and deadlines for filing the third-party impact evaluations are established as part of the docketed USECP proceedings.²¹ Public utilities may propose revisions to programs in an approved USECP for PUC consideration at any time between the periodic USECP reviews.

In January 2009, the Consumer Services Information System Project at The Pennsylvania State University (CSIS PSU), under contract with the PUC, published a long-term study on LIURP in the Commonwealth, including recommendations for policy changes.²² To date, the PUC has taken no action on the CSIS PSU Report.

⁹ PGW is an NGDC that served approximately 489,000 residential customers in the Commonwealth in 2021. 2021 Report on Universal Service and Collections Performance at 6.

¹⁰ EDC members of EAP include: Citizens' Electric Company, Duquesne, Met-Ed, PECO, Penelec, Penn Power, Pike County Light & Power Company (Pike), PPL, UGI Utilities Inc. (UGI), Wellsboro Electric Company, and West Penn Power. NGDC members of EAP include: Columbia Gas of Pennsylvania, Inc., Pike, NFG, PECO, Peoples, PGW, UGI, and Valley Energy Inc.

¹¹ CEO is a non-profit organization serving low-income and elderly residents of Luzerne County. CEO has weatherized over 25,000 homes under DCED's Weatherization Assistance Program (WAP) and served as a subcontractor for PPL's and UGI's LIURPs and as the contracted operator of PPL's and UGI's CAPs. CEO Comments at 1.

¹² PA-EEFA is a partnership of Commonwealth and national organizations that share a goal of ensuring that low-income individuals have access to energy efficiency services to reduce their energy consumption. The partners include: Pennsylvania Utility Law Project (PULP); Natural Resources Defense Council (NRDC); National Housing Trust (NHT); Keystone Energy Efficiency Alliance (KEEA); Action Housing, Inc. (AHD); Housing Alliance of Pennsylvania (HAP); Regional Housing Legal Services (RHLS); and Community Legal Services of Philadelphia, Inc. (CLS). PA-EEFA Comments at 3.

¹³ PWPTF is a network of 37 organizations providing energy conservation services throughout the Commonwealth. PWPTF entities administer various LIURPs and DCED Weatherization Assistance Programs. PWPTF Comments at 2.

¹⁴ Peoples filed its joint comments in the names of three entities: Peoples Equitable Division, Peoples Natural Gas Company LLC, and Peoples TWP LLC. On August 10, 2017, at Docket No. R-2017-2618118, the PUC approved the request of Peoples TWP LLC to do business as PGC. On October 3, 2019, at Docket No. R?2018?3006818, et al., the PUC approved the merger of Peoples Natural Gas separate Peoples and Equitable rate districts into a single rate district known as PNGC. PNGC and PGC are NGDCs that served approximately 593,089 and 58,000 residential customers in the Commonwealth in 2021, respectively. 2021 Report on Universal Service and Collections Performance at 6, 85.

¹⁵ See, e.g., Recommendations for Dealing with Payment Troubled Customers, Docket No. M-840403. This docket is also indexed as "M-00840403" in some electronic databases.

¹⁶ The LIURP regulations were originally codified as 52 Pa. Code §§ 69.151–69.168 (relating to residential low income usage reduction programs). See 15 Pa.B. 3650 (10/12/1985); 16 Pa.B. 1277 (4/14/1986); and 17 Pa.B. 3220 (8/1/1987). As of January 16, 1993, the LIURP regulations were codified at 52 Pa. Code §§ 58.1–58.18. See 23 Pa.B. 265 (1/13/1993). The Editor's Note at 23 Pa.B. 265, 274, explains that the "text of the regulations amended [by the annex at 23 Pa.B. 265, 274], was originally codified in Chapter 69 in error."

¹⁷ The provisions in Chapter 58 were issued under §§ 501, 1501, and 1505(b) of the Public Utility Code, 66 Pa.C.S. §§ 501, 1501, and 1505(b). Chapter 58 became effective January 16, 1993. See 23 Pa.B. 265 (1/16/1993). Sections 58.2, 58.3, 58.8, and 58.10, were amended effective January 3, 1998. See 28 Pa.B. 25 (January 3, 1998).

¹⁸ The CAP Policy Statement, 52 Pa. Code §§ 69.261–69.267, became effective July 25, 1992, was amended, effective May 8, 1999, and was further amended, effective March 21, 2020.

¹⁹ See <https://www.puc.pa.gov/media/1396/energy-assistance-programs2021.pdf>. (accessed on March 7, 2023.)

²⁰ See 52 Pa. Code § 54.76 for EDCs and 52 Pa. Code § 62.5 for NGDCs.

²¹ See Universal Service and Energy Conservation Plan Filing Schedule and Independent Evaluation Schedule, Docket No. M-2019-3012601 (order entered October 3, 2019).

²² See Shingler, John. (2009). "Long Term Study of Pennsylvania's Low Income Usage Reduction Program: Results of Analyses and Discussion." Penn State University Consumer Services Information System Project. <http://aese.psu.edu/research/centers/csiss/publications> (accessed on March 7, 2023).

This rulemaking docket was opened in 2016 to consider potential revisions to the existing LIURP regulations. Shortly thereafter in 2017, the PUC opened a docket to initiate a comprehensive review of the Universal Service and Energy Conservation model²³ and a docket to study energy affordability for low-income customers in Pennsylvania.²⁴ Subsequently, the PUC opened proceedings at Docket No. M-2019-3012599 to amend the CAP Policy Statement²⁵ and at Docket No. L-2019-3012600 to initiate a “comprehensive universal service rulemaking.”²⁶ The PUC deferred its review of the stand-alone LIURP regulations pending completion of the CAP Policy Statement proceeding and the universal service rulemaking. While the CAP Policy Statement was revised, the universal service rulemaking proceeding is still pending. This notice of proposed rulemaking now resumes the PUC’s review of the LIURP regulations.

In the interim, the PUC has worked with DCED on a state-wide weatherization initiative and inter-agency coordination effort regarding DCED’s Weatherization Assistance Program (WAP) and LIURP. DCED and the PUC shared data and analyses of the two agencies’ weatherization programs. This allowed for additional analysis in conjunction with the PUC’s oversight of the EDCs’ Act 129²⁷ energy efficiency and conservation program low-income measures. This also allowed CSIS PSU to compile data from these weatherization programs and perform analyses to inform the PUC. 2016 Secretarial Letter at 2-3. The work with DCED is continuing; a memorandum of understanding between the two agencies was renewed in 2022 for another five years.

Justification for Reviewing LIURP Regulations

In 2016, we articulated the justification for reviewing the LIURP regulations, noting that it “is important for the PUC to update the LIURP regulations in order to keep pace with the changing energy landscape and technology improvements, to ensure proper coordination among Commonwealth energy reduction programs, and to ensure that these programs continue to meet the goals established.” Nationally accepted benefit/cost models now measure results on a whole-job basis rather than a per-measure basis as was the case when the LIURP regulations were first promulgated. Further, the existing regulations have no work specifications, contractor certification requirements, or quality control standards. 2016 Secretarial Letter at 3. We noted that it was “prudent and reasonable” to revisit the LIURP regulations to ensure that the regulations are fostering fair, effective, and efficient energy usage reduction programs. 2016 Secretarial Letter at 3. We articulated our interest in leveraging the knowledge and experience of the public utilities, consumers, advocates, and other stakeholders to identify improvements to the design of and the cost-effective operation of LIURPs, to maximize ratepayer benefits. 2016 Secretarial Letter at 3.

The rationale for reviewing the LIURP regulations remains valid. That process continues with this NOPR.

2016 Secretarial Letter

As part of the PUC’s process of reviewing the existing LIURP regulations, and with the goal of ensuring effec-

tive and efficient use of ratepayer funds, the PUC posed, in its 2016 Secretarial Letter, the following Questions relative to revising the regulations:

1. Are the existing regulations meeting the charge in 52 Pa. Code § 58.1? If not, what changes should be made?
2. How should LIURPs be structured to maximize coordination with other weatherization programs such as DCED’s WAP and Act 129 programs?
3. How can utilities ensure that they are reaching all demographics of the eligible populations in their service territories?
4. What design would better assist/encourage all low-income customers¹¹ to conserve energy to reduce their residential energy bills and decrease the incidence and risk of payment delinquencies? How does energy education play a role in behavior change?
5. How can the utilities to use their LIURPs to better address costs associated with uncollectible accounts expense, collection costs, and arrearage carrying costs?
6. How can LIURPs best provide for increased health, safety, and comfort levels for participants?
7. How can LIURPs maximize participation and avoid disqualifications of households due to factors such housing stock conditions?
8. What is the appropriate percentage of federal poverty income level to determine eligibility for LIURP?
9. With the additional energy burdens associated with warm weather, what, if any, changes are necessary to place a greater emphasis on cooling needs?
10. What are options to better serve renters, encourage landlord participation, and reach residents of multifamily housing?
11. Should the requirements regarding a needs assessment in developing LIURP budgets, as outlined at 52 Pa. Code § 58.4(c), be updated to provide a calculation methodology uniform across all utilities? If so, provide possible methodologies.
12. Should the interplay between CAPs and LIURPs be addressed within the context of LIURP regulations? If so, how?
13. Are there specific “best practices” that would better serve the LIURP objectives which should be standardized across all the utilities? If so, what are they? For example, is there a more optimal and cost-effective method(s) of procuring energy efficiency services so as to maximize energy savings at lower unit costs?
14. The [PUC] also welcomes stakeholder input on other LIURP issues or topics.

¹¹ All income-qualifying, low-income customers are potentially eligible for LIURP, regardless of whether they participate in CAP programs.

2016 Secretarial Letter at 4-5; (Footnote 11 in the original).

Parties were encouraged to submit proposed regulatory language with their responses and replies. 2016 Secretarial Letter at 5. The stakeholder responses to the Questions are addressed below in conjunction with the section of the regulations to which they relate. Questions

²³ Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907.

²⁴ Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711.
²⁵ 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code §§ 69.261–69.267, Docket No. M-2019-3012599.

²⁶ See Universal Service Rulemaking, Docket No. L-2019-3012600 (order entered January 2, 2020), at 1.

²⁷ See 66 Pa.C.S. § 2806.1. Act 129, effective November 14, 2008, expanded, among other things, the PUC’s oversight responsibilities and imposed new requirements on EDCs, with the overall goal of reducing energy consumption and demand.

13 and 14 are addressed separately as they did not relate to specific sections of the existing regulations.²⁸

CAP and LIURP

CAP participation is not a requirement for LIURP eligibility. High usage, arrearages, and income parameters are the primary eligibility requirements for LIURP services. See 52 Pa. Code § 58.10 (relating to program announcement). LIURP conservation and efficiency efforts do not always result in lower energy bills or reduced usage for households receiving LIURP services. CAP asked-to-pay (ATP) amounts do not necessarily change as a result of a household receiving LIURP services. Individual LIURPs and CAPs help to reduce the costs of a public utility's uncollectible accounts, but the two programs are most effective when working in tandem. Further, when CAP participation is coupled with LIURP participation, the impact may lower a public utility's CAP shortfall²⁹ by reducing the differences between the actual cost of energy used and CAP ATP amounts.³⁰ 2016 Secretarial Letter at 5-6.³¹

Discussion

While the 2016 Secretarial Letter posed specific Questions, this proceeding is a review of the existing regulations and the proposed amendments to those regulations. We shall address each section of the existing regulations and proposed amendments, in turn, drawing upon the stakeholders' answers³² to the Questions posed in the 2016 Secretarial Letter, as well as best practices identified in PUC reviews of USECPs over the years. We note that any issue raised in response to the 2016 Secretarial Letter that we may not have specifically delineated herein has been considered even though we have not incorporated it in the proposed Annex. Those exclusions have been made without prejudice, and such matters may be introduced by stakeholders in comments to this NOPR.

Section 58.1. Purpose.

This section of the existing regulations³³ sets forth the purpose and goals of public utility LIURPs. Stakeholder comments to Question Nos. 1 and 5 in the 2016 Secretarial Letter relate to this section.

Question 1: Are the existing regulations meeting the charge in 52 Pa. Code § 58.1? If not, what changes should be made?

Stakeholder Comments

FirstEnergy asserted that the existing LIURP regulations are following the purpose of § 58.1. It attributed the success of its LIURP³⁴ efforts to the flexibility permitted by the existing regulations. Consequently, FirstEnergy recommended that central components of a public utility's LIURP, including the specific LIURP measures, payback periods, and budgeting parameters, should continue to be derived within a public utility's USECP. FirstEnergy did

not believe that a full overhaul of LIURP regulations was needed, but it recognized that certain strategies or small changes could modernize LIURP and improve the program for low-income customers. FirstEnergy Comments at 4-5. FirstEnergy recommended that the PUC draw a distinction between issues that are within the scope of a LIURP rulemaking and those that are LIURP policy or best practices. FirstEnergy maintained that due to differences among public utilities, the standardization of certain LIURP practices would fail to promote fair, effective, and efficient LIURP programs for all public utilities. FirstEnergy RC at 2.

Duquesne submitted that the existing regulations meet the charge in § 58.1. However, Duquesne suggested giving flexibility to public utilities to propose alternate ways to measure a program's success besides measuring energy savings. Duquesne Comments at 3-4.

EAP believed that the existing programs generally meet the charge in § 58.1 and the intent of the General Assembly. EAP Comments at 7. EAP stated that LIURP should remain a targeted program to lower bills for low-income households so fewer and smaller delinquencies occur resulting in a benefit for all residential ratepayers. EAP disagreed with broad expansion of programs or budgets as LIURP is not intended to be a "catch-all" solution for customers who struggle to pay bills or a remediation for housing stock deficiencies. EAP stated that public utilities are not the social agency of last resort. EAP RC at 3.

While identifying that there is always room for improvement, PECO agreed with EAP that the programs are meeting the charge in § 58.1 and intent of the General Assembly. PECO Comments at 5.

PPL believed that the existing regulations and its LIURP³⁵ support the regulations' objectives. PPL, however, acknowledged that there may be opportunities to increase LIURP effectiveness through revisions. PPL Comments at 2.

Peoples cautioned that any reworking of the existing LIURP regulations needs to continue to provide flexibility to public utilities to operate their LIURPs based on the unique needs of customers in their service territories. Peoples RC at 2.

According to PA-EEFA, the existing regulations only meet some of the expressed purposes. While PA-EEFA cited to LIURPs success in achieving energy savings, it used its responses to the other Questions to explore whether the existing regulations are successfully targeted to deliver energy efficiency measures that are most effective at reducing energy bills and whether the measures provided are evenly targeted and distributed. PA-EEFA Comments at 6-7.

OCA stated that the existing regulations should be modified to meet the charge in § 58.1. According to OCA, the LIURP regulations should rigorously consider the needs of customers in a public utility's service territory and more fully consider the impacts of LIURP measures outside of usage reduction, such as the costs of a public utility's CAP program and operation costs. OCA Comments at 23. OCA commented that the "overall objective should not stand in the way of allowing for some exceptions to the customers who are targeted for LIURP assistance." OCA pointed out that some customers reach their CAP credit maximums due to extremely low incomes or high usage. OCA RC at 4.

³⁵ PPL calls its LIURP program "Winter Relief Assistance Program (WRAP)."

²⁸ Additional questions not related to the 2016 Secretarial Letter are posed herein as well.

²⁹ The CAP shortfall (also known as the CAP credit) is the difference between the actual tariff rate for jurisdictional residential energy service and the discounted amount that a CAP participant is expected/asked to pay for that service.

³⁰ The ATP amount for a CAP participant may only cover a portion of the tariff cost of energy that the customer uses. In some cases, the ATP is tied to usage; in other cases, it might be based on a percent of income or other formula not based solely on usage.

³¹ For a discussion of LIURP in relation to universal service and energy conservation programs, see Re Guidelines for Universal Service and Energy Conservation Programs, 178 P.U.R. 4th 508 (July 11, 1997), which clarified the incorporation of the LIURP regulations into universal service and energy conservation programs.

³² The stakeholder answers are referred to herein as their comments and reply comments.

³³ The provisions of § 58.1 became effective January 16, 1993. The existing sections discussed below without specified effective dates also became effective January 16, 1993. See 23 Pa.B. 265 (January 16, 1993).

³⁴ FirstEnergy's LIURP program is called "WARM."

PGW believed that changes are needed to better meet the charges of § 58.1. PGW contended that the regulations achieve conservation in low-income homes but fail to acknowledge the reality that customers in a Percent of Income Payment (PIP) CAP may not experience a reduction in energy bills. PGW Comments at 1-2.

Question 5: How can the public utilities use their LIURPs to better address costs associated with uncollectible accounts expense, collection costs, and arrearage carrying costs?

Stakeholder Comments

OCA suggested improvement in the coordination and information exchange between the public utility credit and collection processes/account managers and community-based organizations (CBOs). According to OCA, there should also be a non-public-utility-based contact regarding LIURP availability involved in the collection process, including the ability to use LIURP to address arrearage issues and disconnection threats. OCA Comments at 26-27. Duquesne agreed with OCA about LIURP availability and preventing arrears by reducing energy bills. Duquesne RC at 6.

PGW contended that the prioritization practices in § 58.10 should have the greatest impact on costs associated with uncollectible accounts, collection and arrearage. Additionally, PGW noted that further prioritization of the lowest-income customers within the highest usage population could have a positive impact by reducing the potential for high bills among the lowest income customers. PGW also noted the importance of managing program budget size as an increase in a program budget results in an additional cost burden for customers and thus increases the potential for customers to fall behind on their payments. PGW Comments at 7-8.

EAP asserted that LIURP is only one vehicle and that it works best with other support such as CAP to reduce customer arrearages and encourage good payment practices. EAP Comments at 10.

PECO asserted that the only way to use LIURP to reduce costs associated with uncollectible accounts, collection and arrearage is through the various methods described in its comments, and in the EAP comments, that target improving usage reduction. PECO Comments at 10.

Duquesne asserted that programs that can lead to usage reduction (such as LIURP and Watt Choices³⁶) work best with other mechanisms or programs that assist customers with reducing arrearages and establishing good payment habits, such as budget billing or CAP. Duquesne Comments at 6. OCA agreed with Duquesne that LIURP works best when in tandem with other mechanisms or programs. OCA RC at 7-8.

PA-EEFA suggested that the PUC reconsider its decision not to address CAP issues, as it is critical for the PUC to address the fact that CAP energy burdens are too high to effectively mitigate utility-related economic hardship. PA-EEFA contended that by implementing some of the suggestions contained throughout their comments, such as making savings targets fuel-neutral, eliminating the fuel switching prohibition, and other changes to encourage more comprehensive energy savings, public utilities would realize deeper results in reducing arrears. PA-EEFA stated that the PUC should encourage the public utilities to implement in-person energy education

for all household members in the residence at the time of measure installation and to provide follow-ups with the household if savings do not continue. PA-EEFA Comments at 16-17.

According to PPL, one method it employed involved training LIURP contractors to make referrals to PPL's CAP. PPL further recommended using LIURP funds to educate 1) "high usage" customers who are not eligible for LIURP, and 2) CAP customers with usage increases after LIURP treatment. PPL Comments at 5.

Proposed Revisions to Section 58.1.

We propose to retitle this section "Statement of Purpose" (currently "Purpose") for consistency with other regulations and to more accurately reflect the purpose and goals of a public utility LIURP. We also propose to revise the section to explain the purpose of LIURPs, consistent with the statement of purpose currently in § 58.1, with a proposed clarification to reflect that a LIURP may also provide service to a customer with household income between 151%—200% of the federal poverty income guideline level (FPIG) with special needs (i.e., special needs customer), who does not meet the definition of "low-income." This is consistent with existing provisions in several Commission-approved LIURPs. Further, throughout the regulation, when "low" and "income" are combined as an adjective, we propose to use the term "low-income" with a hyphen. The terms in this section would also be updated consistent with the proposed definitions in § 58.2, including replacing "program" with "LIURP" when appropriate.

Section 58.2. Definitions.

This section of the existing regulations³⁷ sets forth words and terms used in this chapter. There were no Questions in the 2016 Secretarial Letter relative to § 58.2.

Stakeholder Comments

PPL proposed revising the definition of "residential space heating customer" to define "primary heating source" as "a residence with a minimum of 50% installed electric or gas heat as provided by the covered utility." This was consistent with how PPL categorized customers with electric heat for CAP payments. PPL asserted that those with non-installed electric heat (e.g., portable space heaters) should not be categorized as "residential space heating customers." PPL Comments at 10.

FirstEnergy suggested that a working group evaluate the definition of a "residential space heating customer" to determine whether revisions would be appropriate based on current customer heating behaviors. FirstEnergy Comments at 12.

PA-EEFA disagreed with PPL's suggestion that the LIURP definition of residential space heating needs to be revised. PA-EEFA maintained that the definition should include portable space heaters. However, PA-EEFA agreed with PPL and FirstEnergy that a working group to address certain issues would be beneficial. PA-EEFA argued that LIURPs are obligated to address conditions as they exist and that any revised definition that fails to acknowledge de facto heating conditions will not meet the needs of LIURP constituents. PA-EEFA supported common sense, cost-effective solutions. PA-EEFA RC at 10-11.

PGW stated that the definition of "usage reduction education" should be broadened to allow for greater

³⁶ Duquesne's Watt Choices program helps customers conserve energy and reduce demand while lowering their electricity costs. <https://www.duquesnelight.com/energy-money-savings/watt-choices> (accessed on February 14, 2023).

³⁷ The provisions of § 58.2 were amended January 2, 1998, effective January 3, 1998. See 28 Pa.B. 25.

flexibility based on the public utility's program design and territories. PGW also recommended modifying the definition of "energy survey" to allow for future innovations by referring to it as an "analysis" rather than an "onsite inspection." PGW Comments at 6, 13.

Proposed Revisions to Section 58.2.

We propose to update the existing definitions in the LIURP regulations with current terminology, incorporate definitions used in 52 Pa. Code §§ 54.72, 56.2, 62.2, and 69.262,³⁸ and add definitions applicable to LIURP as a universal service program. While all the definitions are to be listed in one listing in one section of the LIURP regulations, our discussion herein addresses the proposed revisions in five groups according to the reasons for adding or changing a definition.

Because a public utility is required to administer a LIURP as one of its required universal service programs,³⁹ this first group of proposed definitions would be introduced in this regulation to reflect common universal service and low-income related programs and terms:

- *BCS—Bureau of Consumer Services*

Since the inception of LIURPs and USECPs, PUC approval of a public utility's universal service programs has been a process overseen by the PUC's BCS.⁴⁰

- *CAP—Customer Assistance Program*

The proposed definition is consistent with the definition of "CAP" found in 52 Pa. Code §§ 54.72 and 62.2. We propose to identify a CAP as a universal service program that provides payment assistance and pre-program arrearage (PPA) forgiveness to low-income residential customers.

- *CAP shortfall*

This term would be defined for the first time in this regulation. The definition would explain that the CAP shortfall is the difference between the actual tariff rate for jurisdictional residential energy service and the amount charged on a CAP participant's bill. Because this term is used interchangeably with "CAP credit" by several public utilities in their universal service proceedings, we propose to indicate that "CAP credit" is a synonym even though we do not propose to use "CAP credit" in the LIURP regulations.

- *CARES—Customer Assistance and Referral Evaluation Services*

The proposed definition is consistent with the definition of "CARES" found in 52 Pa. Code §§ 54.72 and 62.2. We propose to identify CARES as a universal service program and to clarify that a CARES recipients may receive referrals to maximize their ability to pay utility bills.

- *CBO—Community-based organization*

The proposed definition is consistent with the definition of "community-based organization" as defined by the Federal government in 20 U.S.C. § 7801 (relating to definitions). It reflects that a CBO is a public or private

³⁸ Definitions in Sections 69.261–69.267 (relating to policy statement on customer assistance programs) reflect policy considerations.

³⁹ The Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act direct the PUC to ensure that universal service and energy conservation policies, activities and services are appropriately funded and available in each NGDC and EDC service territory. 66 Pa.C.S. §§ 2203(8) (relating to standards for restructuring of natural gas utility industry) and 2804(9) (relating to standards for restructuring of electric industry).

⁴⁰ The Commission has directed that "BCS will review the universal service plans and make recommendations to the Commission." See Reporting Requirements for Universal Service And Energy Conservation Programs 52 Pa. Code Chapter 62, Final Rulemaking Order, Docket No. L-00000146, (entered June 26, 2000), at 11.

nonprofit organization that is representative of a community or a significant segment of a community that works to meet community needs.

- *FPIG—Federal Poverty Income Guidelines*

The proposed definition is consistent with the definition of "Federal Poverty Level" found in 52 Pa. Code § 56.2. The Federal income guidelines are published at least annually in the Federal Register by the United States Department of Health and Human Services.

- *Hardship Fund*

The proposed definition is consistent with the definition of "Hardship Fund" found in 52 Pa. Code §§ 54.72 and 62.2. We propose to clarify that a Hardship Fund as a universal service program that provides cash assistance to help eligible customers pay public utility debt, restore public utility service, or stop a termination of public utility service.

- *LIHEAP—Low-Income Home Energy Assistance Program*

This proposed definition is consistent with the definition of "LIHEAP" found in 52 Pa. Code § 69.262 and with the way the Department of Human Services defines "LIHEAP."

- *LIURP budget, LIURP funding mechanism, and LIURP funds*

Definitions for these terms are added to conform to the usage distinctions being clarified in the revisions to § 58.4.

- *Payment-troubled customer*

The proposed definition is consistent with the definition of "payment troubled" found in 52 Pa. Code §§ 54.72 and 62.2, reflecting the inclusion of customers with an arrearage and customers who have failed to maintain one or more payment arrangements in a one-year.

- *USAC—Universal Service Advisory Committee*

The proposed definition is consistent with the definition of "USAC" found in 52 Pa. Code § 69.262, reflecting that participants in a USAC are "stakeholders."

- *USECP—Universal Service and Energy Conservation Plan*

This proposed definition is consistent with the definition of "USECP" found in 52 Pa. Code § 69.262; a USECP describes the benefits, policies, and procedures related to a public utility's universal service programs.

- *USECP proceeding*

This term replaces language referring to "Commission approval" in the LIURP regulations and refers to the PUC's process for reviewing a proposed USECP and for a proceeding whereby a public utility proposes to amend an existing USECP.

- *Universal service programs*

This proposed definition is consistent with 66 Pa.C.S. §§ 2203(8) and 2804(9) which require a public utility to offer a LIURP, CAP, CARES, and Hardship Fund, at the minimum, in a USECP. Other programs may be included in a USECP subject to PUC approval.

This second group of proposed definitions are included to clarify LIURP-specific terms and services:

- *De facto heating*

This term would be defined for the first time in this regulation. It has long been used in filings by stakehold-

ers and in PUC orders and other documents to refer to the use of an alternate heating source when the primary or central heating system in a residence is non-functioning or because public utility service or non-utility heating fuel has been terminated or depleted. This proposed definition is based on the description of “de facto heating” developed by the Universal Service Coordination Working Group.⁴¹

- *Dwelling*

This proposed definition is consistent with the definition of “dwelling” found in 52 Pa. Code § 56.2.

- *ESP—Energy service provider*

Public utilities use a variety of external agents and internal staff to provide program services. “ESP” is a general reference for such program service providers.

- *Health and safety measures*

This proposed definition refers to work necessary to correct conditions that affect the health and safety of the residents, the persons providing the measures in a dwelling, or both, before program measures can be installed, consistent with the guidance given to WAP agencies by the US Department of Energy, which identified Health and Safety actions as those “necessary to maintain the physical well-being of both the occupants and weatherization workers.”⁴²

- *Impact evaluation*

This proposed definition, which uses “universal service” to describe “program,” is consistent with the definition of an “impact evaluation” found in 52 Pa. Code §§ 54.72 and 62.2.

- *Incidental repair*

This proposed definition is consistent with the description of “incidental repairs” found in § 58.12.

- *LIURP—Low-Income Usage Reduction Program*

This proposed definition is consistent with the definition of “LIURP” in 52 Pa. Code §§ 54.72 and 62.2 and identifies “LIURP” as a universal service program that provides energy usage reduction services, health, safety and comfort services, conservation education services, or a combination of such services to eligible customers.

- *LIURP job*

The proposed term refers to program services provided by an ESP to the dwelling of an eligible customer.

- *Post-installation inspection*

This proposed definition is consistent with the description of “post-installation inspection” in § 58.14.

- *Program year*

The proposed definition eliminates the need to explain that a LIURP program year begins January 1 and ends December 31 each time the term “program year” is used.

- *Weatherization*

This proposed definition refers to the work needed to install program measures to make a dwelling more energy efficient, consistent with the WAP technical glossary of the National Association for State Community Services Programs (NASCS), which defines “weatherization” as the “process of reducing energy consumption and

increasing comfort in buildings by improving the energy efficiency of the building and maintaining health and safety.”⁴³

This third group of proposed definitions are being introduced in this regulation to clarify terms related to the regulation of public utilities:

- *Commission—The Pennsylvania Public Utility Commission*

This term and its use is a standard part of Commission regulations.

- *CNGDO—City natural gas distribution operation*

This proposed definition has the same meaning and obligations as the term is used in 66 Pa.C.S. §§ 102 and 2212.

- *EDC—Electric distribution company*

The acronym replaces references to “electric distribution company” throughout the regulation and is synonymous with “electric distribution utility” (EDU), as defined in 66 Pa.C.S. § 1403.

- *NGDC—Natural gas distribution company*

The acronym replaces references to “natural gas distribution company” throughout the regulation, is synonymous with “natural gas distribution utility” (NGDU), as defined in 66 Pa.C.S. § 1403, and includes a regulated CNGDO for universal service and energy conservation purposes.

This fourth group of proposed definitions provides amendments and clarifications to existing definitions or terms:

- *Administrative costs*

Administrative costs are expenses not directly related to the provision of program services. The proposed amended definition replaces audit expenses with expenses associated with quality control and training. The proposed amended definition eliminates confusion with energy audit expenses, which are directly related to the installation of program measures.

- *Eligible customer*

The proposed amended definition reflects the inclusion of a residential low-income customer or a special needs customer of a public utility because that customer would be eligible for LIURP if the customer meets the criteria for participation as specified in a public utility’s USECP, which can include usage thresholds.

- *LIURP Advisory Committee*

The proposed amended definition is consistent with the purpose of LIURP Advisory Committees, which, like USACs, may consult with the public utility and provide advice regarding program services.

- *Low-income customer*

The proposed amended definition is consistent with the definition of “low-income customer” in 52 Pa. Code §§ 62.2 and 69.262.

- *Pilot program*

⁴³ See NASCS Technical Glossary at <https://nascsp.org/wap/waptac/wap-resources/technical-glossary/> (accessed on August 26, 2021.) NASCS is the sole national association charged with advocating and enhancing the leadership role of States in the administration of the Community Services Block Grant (CSBG) program and Weatherization Assistance Program (WAP). The U.S. Department of Energy’s WAP reduces heating and cooling costs for low-income families, particularly for the elderly, people with disabilities, and children, by improving the energy efficiency of their homes while ensuring their health and safety. <https://nascsp.org/about/> (accessed on September 17, 2021).

⁴¹ See Universal Service Coordination Working Group Report, Docket No. M-2009-2107153 (Report issued November 18, 2009), at 1. <https://www.puc.pa.gov/pedocs/1060321.pdf> (accessed on March 2, 2023).

⁴² See DOE’s Weatherization Program Notice 17-7: Weatherization Health and Safety Guidance (issued August 9, 2017), at 2. <https://www.energy.gov/sites/default/files/2017/08/f35/WPN%2017-7%20H%26S%208.9.17.pdf> (accessed on February 21, 2023).

The proposed amended definition is consistent with the PUC's long-standing practice of approving a LIURP pilot program for purposes other than usage reduction through a USECP proceeding.

- *Program measure*

The proposed amended definition reflects that program measures may include installation and other related work performed on a dwelling.

- *Program service*

The proposed amended definition reflects that program services are LIURP services offered by or work performed by a public utility under Chapter 58.

- *Residential electric baseload customer*

This proposed term would replace and amend the term "residential high use electric baseload customer." This proposed definition would reflect that baseload electric usage does not use electric service for heating purposes. Because the proposed operative provision would provide a public utility flexibility to establish its own threshold for high usage for individual electric baseload accounts, subject to PUC approval, the provision that identifies electric baseload "high use" as usage greater than 125% of the average residential baseload customer would be removed from the definition.

- *Residential space-heating customer*

The proposed amended definition reflects changes relative to the primary heating source for the dwelling. The proposed amended definition removes language identifying a residential customer with an inoperable natural gas furnace as a space-heating customer because that usage would now be categorized as de facto heating.

- *Residential water-heating customer*

The proposed amended definition clarifies the long-standing distinction that "water-heating customers" refer to customers who use a water heater as the primary source of heat for their dwelling rather than customers who use a water heater to only heat water.

- *Special needs customer*

The proposed amended definition clarifies that a customer with a household income between 151% and 200% of the FPIG and with a household member or members who are age 62 and over or age five and under, need medical equipment, have a disability, are under a protection from abuse order, or are otherwise so defined as a special needs customer under the approved provisions of the public utility's USECP is a special needs customer. With the exception of a household member who is a young child, the demographics and conditions related to the special needs designation for a household member is consistent with existing provisions in public utility USECPs.⁴⁴ The designation of a household with a young child as "special needs" is consistent with the definition of a "vulnerable household" in Pennsylvania's 2023 LIHEAP State Plan at § 601.3 (relating to definitions).⁴⁵ The proposed amended definition also reflects that a customer does not need to have an arrearage to be considered special needs.

Finally, this fifth group proposes new definitions that would replace existing Chapter 58 terms to clarify pro-

gram services offered or bring definitions into alignment with the universal service regulations. The following proposed definitions replace existing Chapter 58 definitions:

- *Energy audit*

This proposed term replaces and expands on the term "energy survey," reflecting that the initial energy audit is used to determine the energy usage of the dwelling as well as to identify any appropriate program measures needed to reduce energy use or health and safety issues.

- *Energy conservation education*

This proposed term replaces and expands on the term "usage reduction education" as used within the regulation, reflecting that energy conservation education includes training, instruction, presentations and workshops to explain energy conservation objectives and techniques.

- *Public utility*

This proposed term replaces the term "covered utility," that identifies utilities subject to the existing regulations based on specific annual sales thresholds (i.e., 750 million kilowatt-hours for EDCs and 10 billion cubic feet of natural gas for NGDCs). The proposed definition is consistent with 52 Pa. Code §§ 54.77 and 62.7, which specify that only EDCs serving at least 60,000 residential customers and NGDCs serving at least 100,000 residential customers are subject to universal service program and reporting requirements.

Section 58.3. Establishment of residential low income usage reduction program.

This section of the existing regulations⁴⁶ sets forth the requirement that a public utility establish a LIURP for its low-income customers. Stakeholder comments to Question No. 8 in the 2016 Secretarial Letter relate to this section.

Question 8: What is the appropriate percentage of federal poverty income guideline level (FPIG) to determine eligibility for LIURP?

Stakeholder Comments

OCA recommended that the bulk of LIURP funds should be set aside for those customers who are income-eligible for CAP. OCA also recommended that the regulations allow a public utility to earmark a certain level of funding, perhaps 20%–25%, for households with income between 150% and 200% of the FPIG. OCA Comments at 30.

PGW asserted that public utilities should have the flexibility to propose appropriate levels beyond the current definition in § 58.2. As PGW has a large population below 150% of the FPIG, it asserted that it would be inappropriate to treat customers above that level. PGW Comments at 9.

EAP suggested that public utilities should be granted leeway to offer measures to customers whose incomes are at or below 200% of the FPIG when deemed appropriate by the public utility due to the under participation or ineligibility of customers at 150% of the FPIG or below. Moreover, EAP recommended removing any limitation on spending up to 200% and allowing public utilities to better address their specific service territory needs. EAP Comments at 13.

PECO recommended allowing greater autonomy in spending LIURP funds on customers with incomes be-

⁴⁴ See, e.g., FirstEnergy 2019–2021 USECP, Docket Nos. M-2017-2636969, M-2017-2636973, M-2017-2636976, and M-2017-2636978 (filed on June 24, 2019), at 19. See also NFG 2022–2026 USECP, Docket No. M-2021-3024935 (filed on June 14, 2022), at 33.

⁴⁵ <https://www.dhs.pa.gov/Services/Assistance/Pages/LIHEAP.aspx> (assessed on March 23, 2023).

⁴⁶ The provisions of § 58.3 were amended January 2, 1998, effective January 3, 1998. See 28 Pa.B. 25.

tween 151%—200% of the FPIG. It had no specific proposal but cited the 20% limitation as prohibiting reduction opportunities. PECO Comments at 14.

PA-EEFA suggested that the PUC maintain the existing regulations to target individuals who are at or below 150% of the FPIG. PA-EEFA also suggested that LIURP eligibility levels be kept in conjunction with CAP eligibility levels to reduce the level of non-CAP ratepayer subsidies. PA-EEFA Comments at 20-21. PA-EEFA stated that increasing the threshold to 200% of the FPIG, without an increase in available funding, could result in reduced services to customers who face the greatest financial obstacles to maintaining utility services. PA-EEFA recommended that the PUC perform needs assessments at both 150% and 200% and authorize adequate funding if the pool of eligible ratepayers is increased to 200% of the FPIG. PA-EEFA RC at 4-5.

PPL recommended increasing the income level from 150% of the FPIG to 200% of the FPIG. Alternatively, PPL suggested that the PUC eliminate the “20 percent rule” in § 58.10(c) which would provide public utilities greater flexibility to serve customers whose income ranges from 151% to 200% of the FPIG. PPL Comments at 7. PPL recommended serving customers up to 200% of the FPIG, as it enables EDCs to serve a segment of customers not addressed through Act 129, and to provide more opportunities for coordination with other weatherization programs. PPL RC at 6.

Duquesne agreed that LIURP eligibility should be based on FPIG levels but believed that each public utility should work with BCS to determine the best criteria to meet needs. Duquesne RC at 7. While public utilities should be given discretion to target homes at 150% of the FPIG, Duquesne asserted that the strict 20% budget limitation to address homes with incomes between 150% and 200% of the FPIG should be eliminated. Duquesne Comments at 8.

Proposed Revisions to Section 58.3.

We propose to retitle this section as “Establishment and maintenance of a residential LIURP” (currently “Establishment of a residential low income usage reduction program”). The proposed amendments in this section clarify the responsibility of a public utility to establish and maintain a LIURP for its low-income and special needs customers. The terms used in the proposed amendments are updated consistent with the proposed definitions in § 58.2.

Section 58.4. Program funding.

This section of the existing regulations sets forth the methodology of program funding for a LIURP and states that LIURP budgets can only be revised through a public utility petition or USECP proceeding. The existing section sets forth the method by which a LIURP budget is established or changed, the factors to be considered when making revisions to the LIURP budget, and the recovery of LIURP costs. Furthermore, this section permits public utilities to propose pilot programs for the development and evaluation of conservation education and other innovative technologies. Stakeholder comments to Question No. 11 in the 2016 Secretarial Letter relate to this section.

Question 11: Should the requirements regarding a needs assessment in developing LIURP budgets, as outlined at 52 Pa. Code § 58.4(c), be updated to provide a calculation methodology uniform across all utilities? If so, provide possible methodologies.

Stakeholder Comments

OCA asserted that the LIURP regulations should include a uniform methodology for calculating the required “needs assessment.” In addition to the factors already contemplated in the existing LIURP regulations, OCA identified several other factors to be added to the needs assessment:

- (1) Type of housing.
- (2) Average age of the housing stock.
- (3) Number of customers who directly pay their utility bills (to distinguish master-metered versus individually metered customers).
- (4) Type of heating fuel used by the customer.
- (5) Housing units occupied by low-income households.
- (6) Housing units that have not been previously treated with LIURP (or other usage reduction program) services in a period longer than that which would not preclude re-treatment.
- (7) Timeline for completion.

OCA Comments at 32-33. OCA further asserted that PUC regulations are silent regarding how unspent LIURP funds are treated at the end of the program year and that unspent funds should be treated in a consistent manner across all public utilities. OCA stated that if a public utility underspends its annual LIURP budget, the amount of the underspending should be rolled over into the next program year’s budget. OCA comments at 7-8. OCA agreed with most stakeholders that a standardized, uniform methodology should be explored for calculating the LIURP needs assessment. OCA believed that the needs assessment should be flexible, should set a budget level specific to the utility’s needs within the service territory, and that the analysis should account for the impact on non-participating customers who pay the program costs. OCA RC at 15-16.

According to PGW, the variables used in the LIURP needs assessment should be customized to the individual service territories. PGW asserted that the needs assessment must be careful to ensure that non-participating customers are not overburdened by high program costs. The purpose of a needs assessment should be explained, and service territory needs alone should not mandate a specific annual spend amount. PGW Comments at 11-12.

FirstEnergy was interested in exploring improvements to their calculation methodology only if they are developed in recognition of the different conditions among public utilities’ service territories. FirstEnergy Comments at 10.

PECO noted its support for developing a standard needs assessment test or tool that would permit the flexibility to illustrate the differences among service territories, income levels, housing stock, number and percentage of eligible customers, number of high-usage CAP customers who have not received LIURP treatment in recent years. PECO Comments at 17.

PA-EEFA suggested that subsections (1) through (4) of § 58.4(c) require more specificity. PA-EEFA believed that a new structure is needed to determine initial funding levels. PA-EEFA suggested using the funding levels in effect at the time the revised regulations are adopted as a minimum floor. Further, PA-EEFA suggested that LIURP funding for natural gas and electric public utilities should be determined based on a PUC-established timeline for providing comprehensive, fuel-neutral services to all income eligible customers. PA-EEFA also submitted that

historical participation rates and average costs should not be the sole basis to set expected participation and budgets. PA-EEFA recommended that the PUC:

- Determine the number of income-eligible low-income households within each service territory using current census data.
- Determine expected costs per customer needed to provide comprehensive fuel-neutral efficiency services based on standards to be developed by the PUC that achieve acceptable energy savings.
- Establish a policy for the length of time over which it would be reasonable and appropriate to provide services to all eligible customers.
- Adjust each public utility's budget allocation based on the unique factors of each service territory.

PA-EEFA Comments at 26, 27.

Duquesne recommended that a needs assessment allow for flexibility to account for service territory differences (i.e., a lack of all-electric homes) and income levels. Duquesne Comments at 9.

PPL supported working with the PUC and other stakeholders to work towards a standard and an improved methodology. PPL Comments at 9. However, PPL generally disagreed with OCA's recommendation of a multi-family housing needs assessment as it could impact a public utility's need to serve single-family customers who may have a greater need for the program services. PPL RC at 8.

CEO supported OCA's recommendation that minimum funding levels for NGDCs in Section 58.4(a) should be eliminated and that the budget should be determined by the needs of the customers in a NGDC's service territory. CEO also supported OCA's recommendation that any unspent funds be carried over into the next program year. CEO RC at 1-2.

FirstEnergy was concerned regarding OCA's and PA-EEFA's suggestion that the needs assessment methodology be modified to include a projected timeline identifying when all LIURP-eligible customers would receive services. FirstEnergy stated that the LIURP budget should not be designed to assume installation of weatherization services for all income-eligible customers. FirstEnergy noted that the public utilities have no reasonable basis for projecting the timeline for a single job, let alone for all feasible LIURP jobs, as the timeline of a LIURP job is determined after visiting each residence and evaluating the cost-effective measures available to the customer. FirstEnergy remained interested in joining a working group to discuss the needs assessment and suggested that any changes be personalized to show the public utilities-specific differences throughout the Commonwealth. FirstEnergy RC at 4-5.

EAP noted its support for a standardized and clear needs assessment methodology with measurable criteria that provides sufficient flexibility to account for differences in public utility service territories. EAP suggested that any resulting regulations should clarify the purpose of the needs assessment. EAP Comments at 14-15. EAP agreed with OCA and PA-EEFA that LIURP needs assessments could benefit from additional clarity and standardization, and that this could be achieved through stakeholder collaboration. EAP did not agree with recommendations to incorporate a timeframe to address all potentially eligible households into the LIURP regula-

tions due to the various weatherization programs offered across the state. EAP stated that the additional variables that OCA asked to be considered in a needs assessment (i.e., type of house, age, heating fuel) are not readily available to public utilities and would be costly to collect, along with having to consider privacy concerns. EAP RC at 4-5.

EAP did not support OCA's recommendation to establish LIURP budgets based on the need in the service territory, as it would "create too much ambiguity." EAP asserted that the existing guideline of at least 0.2% of jurisdictional revenues in § 58.4(a) establishes a useful benchmark. EAP stated that the LIURP budgets should not just consider the needs assessment but should also consider the overall cost burden on the service territory ratepayers. EAP asserted that the LIURP budgets should be determined either through a USECP proceeding or be based on the same fixed percentage of jurisdictional revenues for all public utilities. EAP RC at 5.

PA-EEFA asserted that a needs assessment is intended to determine the extent to which need for LIURP exists, and that conflating a determination of need with a determination of cost impact could disguise an accurate understanding of need. PA-EEFA agreed with OCA's recommendation that unspent LIURP funds should be carried over to the next program year, but with the caveat that the unspent funds would be in addition to the budget and that the PUC should be explicit in its expectations that public utilities try to spend the full budget amount each year, rather than underinvest. PA-EEFA RC at 4, 6.

Proposed Revisions to Section 58.4.

We propose to retitle this section as "LIURP budgets" (currently "Program funding") consistent with the proposed definitions in § 58.2, regarding replacing "program" with "LIURP" and to reflect the difference between LIURP budgets and the LIURP funding mechanism. LIURP budgets are approved in a USECP proceeding that includes a comment period. This proposed amendment clarifies that a LIURP budget can only be revised through a USECP proceeding initiated pursuant to the periodic USECP review process or in response to a petition to amend a USECP earlier than the periodic USECP review process. This section sets a maximum annual LIURP budget allowance for special needs customers as well as the factors and expenses that must first be considered to revise a LIURP budget. Furthermore, this section establishes provisions for unspent LIURP funds at the end of a program year and the mechanism for recovering LIURP costs. Other terms in this proposed amendment are updated consistent with the proposed definitions in § 58.2.

Amendments to this section remove § 58.4(a), which addresses NGDCs, and § 58.4(b), which addresses EDCs, to consolidate general LIURP budget provisions for NGDCs and EDCs in a new § 58.4(a.1). Section 58.4(a.1) incorporates provisions requiring a public utility to propose annual LIURP budgets for the term of its USECP. Changes to approved LIURP budgets would require a public utility to propose the change in a petition. This proposal is intended to standardize the methodology for determining LIURP budgets to ensure that modifications conform to regulatory or policy-level considerations.

LIURP costs are universal service costs. The requirements of 66 Pa.C.S. §§ 2804(9) and 2203(8) mandate that the PUC ensure universal service and energy conservation policies, activities and services for residential electric

and natural gas customers are appropriately funded,⁴⁷ available in each EDC and NGDC territory, and operated cost-effectively. The appropriateness, effectiveness, and prudence of the cost of universal service is determined in a USECP proceeding. How those universal service costs are recovered is addressed in a rate case.

LIURP budgets have sometimes been modified through black box settlements among parties in rate cases.⁴⁸ When a LIURP budget is modified outside a USECP proceeding through a settlement, the settlement agreement often does not explain how the LIURP budget was determined or how this change addresses an unmet need in the public utility's service territory. As LIURP is a ratepayer-funded program, considerations impacting its budget determination should be open to scrutiny and comment. USECP proceedings allow all interested parties to provide comments, raise questions, and review information justifying the proposed change to the LIURP budget in an on-the-record proceeding. Information and data provided by the public utility and stakeholder input allow the PUC to determine whether the proposed LIURP budget appears cost-effective. This change is consistent with EAP's recommendation. EAP RC at 5. Adjusting the LIURP budget based on the needs of the service territory is also consistent with OCA's recommendation. OCA Comments at 7.

The proposed § 58.4(a.2) also incorporates the provision removed from § 58.10(c) that allows a public utility to spend a percentage of its LIURP budget on special needs customers. We propose to increase this spending limit from 20% to 25% of the LIURP budget. This increase provides public utilities greater flexibility to serve more special needs customers who are ineligible for CAP but still need help with their utility bills. Since WAP income limits are set at 200% of the FPIG, this proposal increases the pool of potential LIURP referrals and provides more opportunities for coordination with WAP and other weatherization programs. OCA supported increasing the level of spending for special needs customers to 25%. OCA comments at 30. EAP, PECO, Duquesne, PPL, FirstEnergy, NFG, CEO, and the PA Weatherization Taskforce recommended increasing the LIURP income limit to 200% of the FPIG for all customers or eliminating the 20% spending limit for special needs customers. EAP comments at 13, PECO comments at 14, Duquesne comments at 8, PPL comments at 7, FirstEnergy comments at 5-6, NFG comments at 5, CEO comments at 4, PA Weatherization Taskforce comments at 3. This change would not restrict a public utility's ability to seek a waiver of the spending limit if it is having trouble spending its total annual LIURP budget and if it is able to assist more special needs customers within its service territory.

We propose to revise § 58.4(c) titled to "Revisions to a LIURP budget" (currently "guidelines for revising program funding"). Amendments to § 58.4(c) further clarify that revisions to a LIURP budget are accomplished through a USECP proceeding and incorporate additional

⁴⁷ Section 58.4(a) sets annual LIURP funding for a natural gas public utility at a minimum of 0.2% of the public utility's jurisdictional revenues. Section 58.4(b) specifies that a target funding level for an electric public utility is to be computed at the time of the Commission's initial approval of the public utility's LIURP. Both sections provide that the funding continues at the level set "until the [PUC] acts upon a petition from the utility to change the funding level, or until the [PUC] reviews the need for program services and revises the funding level through a [PUC] order that addresses the recovery of program costs in utility rates. Proposed funding revisions that would involve a reduction in program funding shall include public notice found acceptable by [BCS], and the opportunity for public input from affected persons or entities."

⁴⁸ See, e.g., *Pa PUC, et al. v. Columbia Gas of Pennsylvania*, Docket No. R-2018-2647577 (order entered December 6, 2018); *Pa PUC, et al. v. Duquesne Light Company*, Docket Nos. R-2018-3000124, R-2018-3000829 (order entered December 20, 2018); and *Pa PUC, et al. v. PPL Electric Utilities*, Docket No. R-2015-2469275 (order entered November 19, 2015).

factors for a public utility to consider when proposing revisions to its LIURP budget. Existing § 58.4(c)(1)–(4) are amended as follows:

- § 58.4 (c)(1)-(2) require a public utility to identify the number of estimated low-income customers and confirmed low-income customers by FPIG levels 0% through 50%, 51% through 100%, 101% through 150%, and 151% through 200%.
- § 58.4(c)(3) requires a public utility to identify the number of special needs customers within its service territory.
- § 58.4(c)(4)-(5) requires a public utility to account for the number of eligible confirmed low-income customers and special needs customers that could be provided program services.
- § 58.4(c)(6) requires that a public utility base its expected LIURP participation rates on the number of eligible confirmed low-income customers and historical participation rates.
- § 58.4(c)(7) includes expenses related to training in the total expense of providing program services.
- § 58.4(c)(8) clarifies that a public utility shall also include a plan, within a proposed timeline, to provide program services to eligible customers.

Section 58.4(d) is proposed to be removed and reserved, and the requirements regarding unspent pilot programs is moved to § 58.13a(a) (relating to LIURP pilot programs).

We propose to add § 58.4(d.1) that requires a public utility to re-allocate (i.e., carryover) unspent LIURP funds to the LIURP budget for the following program year, unless an alternate use of these funds is approved through a USECP proceeding. We are proposing this provision to incentivize public utilities to use all available LIURP funds each year or seek out more eligible LIURP participants for the following year. While the existing regulations in Chapter 58 do not expressly require a public utility to carryover unspent LIURP funds from one program year to the next, we have approved carryover of unspent LIURP funds into the next program year in rate case settlements.⁴⁹ Section 58.15(c)(6) would require a public utility to report annually if more than 10% of the annual LIURP budget remains unspent.

This change is consistent with the recommendations of OCA, CEO, and PA-EEFA, expressing support for carrying over unspent LIURP funds into the next year's program budget. OCA Comments at 7-8, CEO RC at 2, PA-EEFA RC at 6.

We propose to retitle the existing § 58.4(e)(1) as "Recovery of LIURP costs" (currently "recovery of costs"). The proposed § 58.4(e)(1) specifies that LIURP costs are allotted among ratepayers. As a universal service cost, LIURP costs are recoverable.⁵⁰ The proposed amended

⁴⁹ See *Pa PUC, et al. v. UGI Utilities, Inc. Gas Division*, Docket No. R-2018-3006814 (order entered October 4, 2019); see also *Pa PUC, et al. v. FirstEnergy Companies*, Docket No. R-2016-2537349 (order entered January 19, 2017).

⁵⁰ See 66 Pa.C.S. §§ 2804(8) and 2203(6). See also *Re Guidelines For Universal Service and Energy Programs*, Docket No. M-00960890 F0010 (order entered 7/11/1997), 87 Pa. P.U.C. 428 (1997), 178 P.U.R.4th 508, in which we said that in 66 Pa.C.S. § 2802(17) (relating to declaration of policy):

[R]equires that the public purpose is to be promoted by continuing universal service and energy conservation policies, protections and services; and full recovery of such costs is to be permitted through a non-bypassable rate mechanism. Section 2804(8) requires that the Commission establish for each [EDC] an appropriate cost recovery mechanism which is designed to fully recover the [EDC's] universal service and energy conservation costs over the life of these programs. Section 2804(9) requires the [PUC] to ensure that universal service and energy conservation policies, activities and services are appropriately funded and available in each [EDC] territory. These policies, activities and services shall be funded in each [EDC] territory by non-bypassable competitively neutral cost recovery mechanisms that fully recover the costs of universal service and energy conservation services.

§ 58.4(e)(2) reflects updated definitions. We propose to add § 58.4(e)(3) to clarify that the LIURP funding mechanism for recovery of LIURP costs must be determined in a public utility's rate proceeding.

Section 58.5. Administrative costs.

This section of the existing regulations sets the parameters of LIURP administrative costs for program funding and its associated cap, as well as LIURP pilot program administrative cost exemptions. There were no Questions in the 2016 Secretarial Letter relative to § 58.5.

Stakeholder Comments

PGW recommended modifying the current 15% cap set forth in § 58.5 by allowing an increase in administrative spending to encourage program coordination but only when and if cost-effective. PGW Comments at 3.

CEO supported keeping the 15% administrative cap for LIURP. CEO pointed out that since 1993, it was believed that LIURP would become more efficient and engage in greater coordination with other programs and, over time, produce lower administrative costs. CEO RC at 1.

Proposed Revisions to Section 58.5.

We propose to divide this section into § 58.5(a) and (b) to clarify the different limits associated with LIURP administrative costs and pilot program administrative costs. The terms in this proposed section would also be updated consistent with the proposed definitions in § 58.2.

The proposed § 58.5(a) addresses the provisions in the first sentence in the existing § 58.5 and is titled "LIURP administrative costs" to reflect the content.

The proposed § 58.5(b) is titled "LIURP pilot program administrative costs" and incorporates existing language from § 58.5 that waives limits on LIURP administrative costs for approved pilot programs. As described in § 58.13a(c), prior to implementation, a pilot program must be reviewed and approved in a USECP proceeding, including establishing its proposed LIURP budgets and permissible administrative costs.

Section 58.6. Consultation.

This section of the existing regulations requires a public utility to consult with certain stakeholders regarding proposed modifications to its LIURP design, including proposing a pilot program. There were no Questions in the 2016 Secretarial Letter or stakeholder comments received relative to § 58.6.

Proposed Revisions to Section 58.6.

The terms in this section are updated consistent with the proposed definitions in § 58.2, including replacing "program" with "LIURP" when appropriate. This section is amended to include persons or entities with experience in the design or administration of energy efficiency and weatherization programs to the list of entities that a public utility may consult with when making proposed modifications to its LIURP or developing a pilot program. Entities that a public utility may consult with include its USAC, its LIURP Advisory Committee, or both.

Section 58.7. Integration.

This section of the existing regulations sets forth the requirement that a public utility coordinate its LIURP with other programs to provide LIURP participants with direct assistance applying for LIHEAP and other relevant low-income assistance programs. It further requires a public utility to provide program services, when possible, through independent agencies with experience and effec-

tiveness in the administration and provision of program services or through a competitive bid process. Stakeholder comments to Question No. 2 in the 2016 Secretarial Letter relate to this section.

Question 2: How should LIURPs be structured to maximize coordination with other weatherization programs such as DCED's WAP and Act 129 programs?

Stakeholder Comments

OCA recommended directing improved coordination efforts toward a "whole-house" approach so that LIURP service providers can meet the home's needs in a single visit. Further, OCA submitted that the need for separate customer applications and program eligibility determinations would also be avoided under this approach. OCA strongly supported strengthening coordination to maximize the cost-effectiveness of LIURPs. OCA Comments at 23-24. OCA also supported PA-EEFA's recommendation that the programs be delivered as "integrated programs." OCA favored treating the whole house in a single visit and coordinating LIURP resources with WAP regardless of the type of public utility providing the service. OCA stated that this approach would eliminate distinctions between electric or natural gas jobs (i.e., baseload, water heating, heating) and allocated costs could be rectified by the accounting process. OCA agreed with PECO's assertion that eligibility requirements should be reduced or eliminated to encourage increased program coordination. Increased coordination would ease burdens and minimize inconvenience for the low-income customer which might increase participation. OCA RC at 4-6.

According to PA-EEFA, inter-utility coordination is impeded by several factors. These included: lower LIURP budgets for NGDCs when compared to EDCs' budgets, the requirement that natural gas customers be residential heating customers, the prohibition on fuel switching, and the insistence on fuel-specific quantification of savings. PA-EEFA recommended that the PUC consider remedies to each of these barriers. PA-EEFA stated that the PUC should consider requiring public utilities to prioritize WAP providers as LIURP and Act 129 providers to better ensure inter-program coordination. PA-EEFA asserted that if a customer qualifies for LIURP based on electric usage, but also has natural gas service, LIURP should address all cost-effective efficiency opportunities in one transaction. PA-EEFA Comments at 9-10.

PGW submitted that coordination between LIURP and other weatherization or home repair programs should be assessed on an individual public utility basis and remain faithful to the purpose in § 58.1. PGW asserted that baseline customer eligibility must be consistent for coordination efforts to be successful. Further, PGW contended that coordination activities could require conservation service providers (CSPs) to perform income verification.⁵¹ PGW stated that this process could involve sharing sensitive customer financial information, which some weatherization contractors may not be equipped to handle, and customers may be unwilling to provide to a CSP. PGW submitted that the area with the greatest potential for coordination opportunities lies in addressing the health and safety issues that prevent comprehensive weatherization measures. PGW Comments at 3.

PGW suggested that the following approaches could be used to help meet program coordination goals: 1) if a CSP is performing work for two utility programs in an overlapping jurisdiction, that CSP could develop agreements with both public utilities for how to perform work and expense

⁵¹ PGW uses a CSP to provide LIURP services.

it under Utility B's program when in the home for a Utility A customer; 2) if programs that provide services that are the same or similar to PGW's collect PGW account numbers and customer authorization waivers as part of their intake process and provide PGW with a list of those PGW account numbers, PGW would screen its customer list to flag any accounts that are also assigned to its LIURP, so that they are not contacted and treated by two programs; or 3) where possible, programs could develop "prescriptive" approaches toward referrals and coordination. PGW Comments at 4.

According to EAP, one way to better coordinate LIURP and WAP lies in eliminating the 20% maximum public utilities may spend on customers who fall between 150% and 200% of the FPIG when deemed appropriate by the public utility due to under participation or ineligibility of customers at 150% or below. EAP Comments at 8. EAP was concerned that any integrated service delivery also complicates the prioritization of LIURP customers under § 58.10 and may not ensure that the highest users are treated first. EAP stated that the selection criteria of agencies that perform LIURP work should be left to the public utilities to determine and should be based on the public utilities' service territory and procurement requirements, not determined by regulation. EAP cautioned the PUC against inserting itself into the marketplace by mandating the use of certain non-profits or businesses. EAP RC at 8-9.

To improve coordination between WAP and LIURP, FirstEnergy recommended increasing the eligibility level for LIURP to 200% of the FPIG for all low-income customers, thereby eliminating the current inconsistent eligibility levels of the two programs. Due to the EDCs being in the best position to evaluate their internal procedures and determine the best methods for coordinating between their Energy Efficiency and Conservation (EE&C)⁵² and LIURP programs, FirstEnergy opined that it is unnecessary for the LIURP regulations to advise uniform coordination procedures. FirstEnergy Comments at 5-6. FirstEnergy stated that it voluntarily coordinates with WAP but noted that, in some cases, coordination did not result in efficient LIURP implementation. FirstEnergy suggested that coordination procedures should be evaluated in USECP proceedings rather than formally adopted within regulations. FirstEnergy RC at 3.

PECO suggested targeting four areas to improve coordination: eligibility and targeting, energy survey requirements, administrative costs, and measure installations. Because varying eligibility standards and targeting requirements often serve as a barrier to coordination, such requirements should be reduced or eliminated where possible to increase coordination. PECO suggested the development of a joint audit data collection system for LIURP and WAP to increase cost savings. While increased coordination may include administrative cost increases, PECO suggested that they should be allowed as a coordination expense. PECO Comments at 6-7.

Duquesne supported open discussion about coordination and suggested that a stakeholder meeting could facilitate the flexibility and forward thinking for such coordination. Duquesne RC at 4. Duquesne claimed that it facilitates such coordination by inviting representatives from overlapping NGDCs and the Commonwealth's WAP to its Act 129 Stakeholder meetings. Additionally, Duquesne noted that, when possible, an integrated electric and natural

gas energy audit is conducted by a common contractor with the costs shared between the public utilities. Further, Duquesne stated that during energy audits for homes eligible for its LIURP,⁵³ the energy auditor will ask customers if they would like a referral to the NGDC for gas-heating measures. Duquesne Comments at 4-5.

PPL submitted that smaller weatherization programs should identify non-emergency jobs and reach out to larger weatherization providers to streamline coordination efforts. Public utilities should be allowed to share customer application and usage data provided that all providers agree to keep customer information confidential. PPL recommended that the PUC create a working group to update coordination procedures, to provide guidelines for de facto heat customers, and to develop a process for addressing "high energy" customers who use multiple heating sources. PPL suggested that the PUC add language to boost joint training, quality assurance, and training initiatives for weatherization providers when cost effective and reasonable. Additionally, PPL suggested removing the word "direct" from "the covered utility shall provide direct assistance to low income usage reduction program recipients in making application to secure available energy assistance funds" found in § 58.13(a). PPL Comments at 3-4, 12.

PPL did not believe the regulations should necessitate the select use of CBOs or WAP agencies as the public utilities are accountable for their program results. PPL noted that it uses a combination of CBOs and private contractors to successfully manage and maximize timely LIURP services. PPL supported coordination between EDCs and NGDCs but believed it should not be a mandate as coordination is not always practical. PPL stated that it needs more details on how water company coordination would work before supporting its inclusion in any LIURP regulations. PPL RC at 2-3.

PA-EEFA believed that if smaller public utilities take over a greater share of coordination management, then their administrative costs will be disproportionately large and would create the appearance that their LIURPs are not as efficient as larger public utilities. PA-EEFA asserted that all programs have an obligation to share and coordinate with each other. PA-EEFA stated that coordination can and should reduce administrative costs by eliminating redundant activities such as customer eligibility, audit, and project management services. PA-EEFA added that there will also be increased benefits for low-income ratepayers and the total cost per unit of savings should be less than it would be if multiple programs pursued a similar level of savings. PA-EEFA acknowledged the comments of DEP & DCED that LIURPs should share in the WAP National Work Standards and recognized the technical value of that suggestion but recommended further study and discussion. PA-EEFA RC at 9-10, citing DEP & DCED Comments at 3.

Proposed Revisions to Section 58.7.

The terms in this amended section are updated consistent with the proposed definitions in § 58.2.

We propose to remove and reserve § 58.7(a). Provisions in § 58.7(a) concerning the coordination of program services with existing resources are addressed in §§ 58.7(b) and 58.14c. Section 58.7(b) is revised to clarify that LIURPs must work in conjunction with other universal service and public/private programs that provide energy assistance or similar assistance to the community. The

⁵² Act 129 requires each EDC with at least 100,000 customers to adopt EE&C plans to reduce energy demand and consumption within its service territory. 66 Pa.C.S. § 2806.1.

⁵³ Duquesne's LIURP is called "Smart Comfort."

revised § 58.7(b) also clarifies that a public utility, directly or through assigned third-party agency, shall assist LIURP participants in applying for energy assistance programs, such as LIHEAP, for which they may be eligible.

We propose to remove and reserve § 58.7(c). The provisions in § 58.7(c) concerning the selection of qualified independent agencies is moved to the proposed § 58.14b (relating to use of an ESP for program services).

The proposed amendments to § 58.7 are consistent with the comments of OCA and PA-EEFA that supported a delivered approach to “integrating programs.” OCA RC at 4-5; PA-EEFA Comments at 7. OCA also supported strengthening coordination to maximize the cost-effectiveness of LIURPs. OCA Comments at 23.

Section 58.8. Tenant eligibility.

This section of the existing regulations⁵⁴ explains how tenant households can receive program services and what eligibility criteria must be met. It further directs how voluntary landlord contributions toward a tenant household’s program services are to be applied. Finally, this section mandates that a public utility require landlords to agree to time-limited restrictions on rent increases and evictions before installing program measures. Stakeholder comments to Question No. 10 in the 2016 Secretarial Letter relate to this section.

Question 10: What are options to better serve renters, encourage landlord participation, and reach residents of multifamily housing?

Stakeholder Comments

OCA stated that multi-family housing efforts are best undertaken through the EDCs’ Act 129 programs and through voluntary natural gas programs. OCA claimed that LIURP funds should not be used to provide services when the tenant is not the public utility’s direct customer. Instead, OCA submitted that such multi-family units should be treated as commercial property with appropriate cost recovery via the Act 129 program or a voluntary natural gas program. LIURP funding should not be used to treat a housing unit unless a minimum proportion of the housing units in the multi-family building are determined low-income, as defined by the LIURP regulations. Specifically, OCA recommended that the multi-family properties have substantially more than 50% occupancy of low-income tenants to be eligible for LIURP services. OCA Comments at 30-31.

To reach landlords, OCA recommended using partnerships with other agencies as well as with local professionals such as architects and commercial construction managers who are likely to be aware of renovations and repairs in rental properties with which energy usage reduction measures might be piggybacked. OCA also recommended that public utilities partner with local property inspectors to identify rental units that will be undertaking renovations that could provide an opportunity for weatherization services to be performed simultaneously. As obtaining local building (such as for electrical work) permits can be burdensome, OCA suggested having LIURPs seek an expedited permit process for usage reduction projects to make the weatherization process more attractive to building owners or managers. OCA Comments at 31-32.

PGW claimed the requirement in § 58.8 that landlords not evict a renter or raise rent for 12 months post-

weatherization may not achieve its purpose. PGW stated that the value added to the property from weatherization measures far outlasts this limited requirement since weatherization measures may last up to 40 years. PGW was concerned that the weatherization improvements may result in landlords increasing rent and marketing the residence to non-low-income customers after the initial 12-month period expires. PGW Comments at 10.

According to PGW, multi-family properties may be master-metered or tenant-metered and that LIURPs must be designed carefully to avoid subsidizing non-low-income customers and the sharing of sensitive customer information and eligibility validation. PGW also suggested that comprehensive weatherization through LIURP may not be an appropriate method to address multi-family properties. PGW Comments at 11.

EAP asserted that subsidizing weatherization at commercial properties with LIURP funds would be inappropriate because usage reduction programs target residential ratepayers, not building owners. EAP Comments at 14.

While the landlord-tenant dynamic of multi-family housing presents additional installation challenges, FirstEnergy asserted that its efforts to increase landlord participation have been successful. According to FirstEnergy, landlords are also permitted to assist in choosing the measures at the building, e.g., baseload or full weatherization measures, and may be present for LIURP audits. Additionally, FirstEnergy suggested that its use of a “one form” policy whereby landlords can sign one form to approve LIURP installation throughout an entire building has encouraged multi-family property participation. FirstEnergy Comments at 10. FirstEnergy stated that multi-family housing should be encouraged as a best practice but that regulations should not be modified as it will create competition with Act 129 programs, which better address multi-family housing. FirstEnergy RC at 5-6.

PECO contended that landlord refusals should be combated by education, information, and outreach to landlords. PGW stated that it could be helpful for the PUC to clarify that LIURP funds can be used to support landlord outreach efforts and encourage public utilities to make such efforts. PECO Comments at 16.

PA-EEFA suggested that the PUC revise the LIURP regulations to create targets for multi-family participation that reflect the fraction of the eligible population that lives in multi-family units. PA-EEFA urged the PUC to allow for LIURP services to low-income multi-family tenants who reside in buildings that are heated with natural gas when the account is master-metered in the landlord’s name. PA-EEFA Comments at 24-25.

Duquesne submitted that it focuses on low-income, multi-family premises without master-meters and strives to meet the needs of all low-income customers at those premises. However, it supported further discussion on this topic. Duquesne Comments at 9.

PPL contended that responding to landlord questions in a timely manner and helping tenants with applications and enrollment encourages landlords to participate in LIURP. When it does not receive landlord permission, PPL provides energy education, baseload items, and energy conservation kits to the customer. PPL suggested that the PUC revise § 58.8(a) to eliminate the following required provision from landlord consent letters as it causes confusion or concern for landlords and disincentivizes them to consent to LIURP services:

⁵⁴ The provisions of § 58.8 were amended January 2, 1998, effective January 3, 1998. See 28 Pa.B. 25.

[T]he landlord agrees, in writing, that rents will not be raised unless the increase is related to matters other than the installation of the usage reduction measures, and the tenant not evicted for a stated period of time at least 12 months after the installation of the program measures, if the tenant complies with ongoing obligations and responsibilities owed the landlord.

PPL Comments at 8.

OCA recommended that the PUC define multi-family housing to distinguish between master-metered and individually metered properties and to address the way they are treated, including the proper cost recovery for each. OCA stated that LIURP funds should only be used when the tenant is the direct customer of the public utility and that the regulations should be modified to include a separate needs assessment to identify individually metered multi-family housing within each service territory. OCA RC at 12.

OCA did not agree with PA-EEFA that LIURP funds should be used to provide services to gas-heated master-metered buildings because the landlord is the account holder and is served under a commercial tariff. OCA recommended that LIURP create separate multi-family needs assessments for tenant-paid situations that includes a target for participation. OCA supported PA-EEFA's recommendation to consider revising LIURP regulations to look at high usage on a square foot basis, rather than on a strict usage threshold and agrees that multi-family residences are often less efficient on a square-foot basis than single family homes. OCA asked for proper consideration of the inefficiency. OCA stated that, to the extent multi-family housing is addressed with LIURP funding, then the regulations should address 1) cost recovery for both individually metered and master-metered properties, 2) treatment of common areas and types of costs for individually metered buildings, and 3) what percentage of multi-family units should be low-income within a multi-family building. OCA recommended a minimum of 75% of tenants should be low-income to qualify. OCA RC at 13—15, citing PA-EEFA Comments at 24.

PPL opposed using any ratepayer funds to incentivize landlord participation in LIURP and does not support creating any participation targets for multi-family housing. PPL stated that it allowed LIURP weatherization of multi-family buildings if 50% of occupants are low-income and thought OCA's recommendation of a 75% threshold would be a barrier for landlords. PPL RC at 7.

PA-EEFA disagreed with some of CEO's and PPL's suggestions. It did not agree with CEO's recommendation to serve a multi-family building if only 50% of units are eligible low-income because that would result in fewer services being provided for those most in need. PA-EEFA supported requiring two-thirds of units to be income-eligible for a multi-family building to receive weatherization and pointed out that a consistent threshold across public utility LIURPs could streamline program communication and verification. PA-EEFA cautioned that PPL's suggestion of easing landlord requirements could result in reduced benefits to LIURP-qualified tenants who might then be forced to move from their rental homes. PA-EEFA stated that if landlords raise rents or evict tenants, as is currently prohibited with a LIURP consent form, then any benefits in reduced arrears would be rendered null. PA-EEFA RC at 5, citing CEO Comments at 4.

PA-EEFA acknowledged the issues and regulatory considerations that must be overcome for LIURP to apply to

master-metered-multi-family properties. However, PA-EEFA still urged the PUC to address opportunities for LIURPs to serve multi-family housing that is financed under a Federal or State affordable housing program with long-term affordability restrictions in place, regardless of who pays the utility bill. PA-EEFA supported OCA's recommendation to develop a separate LIURP needs assessment for the multi-family sector and added that the needs assessment should assess master-metered-multi-family properties in addition to those multi-family properties where tenants pay utility bills directly. PA-EEFA RC at 6-7.

EAP did not believe that multi-family housing should be subjected to stringent regulations or specific targets because increasing multi-family participation for property owners earning a profit from a rental business should not be a primary goal of LIURP. EAP cautioned against mandating any threshold requirement or percentage of occupants required to be low-income for a multi-family housing building. EAP disagreed that whoever pays for measures is secondary to ensuring that the measures are performed. EAP pointed out that each program comes with separate funding and recovery mechanisms, so administering a shared LIURP program across a service territory would be prohibitively complex. EAP noted that landlords, not master-metered tenants, are the primary beneficiaries of the weatherization measures provided to a multi-family building. Mandating master-metered program measures would result in residential ratepayers subsidizing the cost of providing weatherization treatments to commercial properties through the LIURP funding mechanism. EAP RC at 6—8.

Proposed Revisions to Section 58.8.

We propose to retitle this section as “Tenant household eligibility” (currently “tenant eligibility”) to more accurately reflect the individuals living in a single rented dwelling. The term “tenant household” replaces “tenant” in this section.

The provision in § 58.8(a) that requires an agreement from a landlord to not raise rent or evict a tenant for at least 12 months after installation of program measures would become the new § 58.8(c). The new § 58.8(c) makes the non-eviction clause an option, rather than a requirement, that a public utility could impose as a condition of LIURP. Making this provision optional would not prevent a public utility from requiring the provision in a landlord agreement. The contractual provisions regarding rent increases or evictions would then be a matter for the tenant, the landlord, and the public utility to enforce.

Proposed amendments to § 58.8(a)(1) incorporates modified language from the existing § 58.8(a) requiring a public utility to document the landlord's agreement for the installation of program measures and includes a new provision that requires the public utility to provide a tenant household with a copy of the landlord's documented agreement. The proposed amendment to § 58.8(a)(2) allows a tenant household to remain eligible for baseload measures even if the landlord does not approve of more comprehensive measures. We note that PPL, for example, provides a tenant household with energy education, baseload items and energy conservation kits, when the tenant household does not receive landlord permission to install program measures. PPL Comments at 8.

The proposed amendment to § 58.8(b) adds language to clarify that landlord contributions are voluntary and that

the lack of landlord contributions may not prohibit eligible tenant households from receiving LIURP. It further clarifies that a public utility is required to document, in writing, conditions relative to the use of voluntary landlord contributions in writing.

As noted above, the proposed § 58.8(c) is intended to make the requirement for a landlord to not raise rent or evict a tenant for a stated period of time after the installation of program measures an optional provision that the public utility could impose. This optional provision is consistent with WAP regulations that require a notarized agreement signed by both the landlord and tenant to ensure that the tenant is current with rents and that during and for 18 months after the completion of WAP services a landlord cannot raise rents or evict a tenant unless it relates to matters not related to the work that was done. It also requires that there be a process in place for landlords and tenants to follow if rent or eviction issues arise after weatherization assistance. See 10 CFR § 440.22(b)(3) (relating to eligible dwelling units). Making this provision optional is also consistent with PPL's comments. PPL supported eliminating mandatory rent and eviction restrictions on landlords to increase LIURP services to tenant households. PPL Comments at 8.

Section 58.9. Program announcement.

This section of the existing regulations requires a public utility to provide targeted communication about LIURP to potentially eligible customers to solicit applications. It also directs a public utility to consider advertising program services through various outlets. Finally, the section directs a public utility to make additional contacts with potentially eligible customers when funding permits. Stakeholder comments to Question No. 3 in the 2016 Secretarial Letter relate to this section.

Question 3: How can public utilities ensure that they are reaching all demographics of the eligible populations in their service territories?

Stakeholder Comments

PA-EEFA asserted that the PUC must ensure LIURP budgets are adequate to meet the needs of customers in specific territories. According to PA-EEFA, there is a wide range of budgets for public utilities with substantially similar levels of confirmed low-income populations. PA-EEFA suggested that the PUC ensure that each public utility has communications laid out in plain language, has a robust limited English proficiency outreach program, and has limited identification requirements. While acknowledging that LIURP should remain focused on targeting high users, PA-EEFA suggested that public utilities should be allowed to accept referrals from CBOs and CSPs. PA-EEFA Comments at 11–14.

OCA stated that the necessary regulatory measure would be to identify reporting requirements to determine how the public utilities are serving the needs of their service territories. OCA Comments at 24. OCA submitted that the means to address all demographics of eligible populations should be a function of public utility practices rather than a function of regulations. OCA supported codifying PA-EEFA's suggestions into regulations, including providing outreach in plain language, ensure meaningful access for non-English households, providing written and oral translations for non-English materials, and accepting referrals from CBOs regardless of high usage. OCA RC at 6.

EAP noted that under the existing LIURP regulations, public utilities are required to prioritize customers with

the highest usage and greatest opportunities for bill reductions. EAP Comments at 9.

PGW suggested that mass mailing customers under § 58.9 should be based on the prioritized list in § 58.10 and that follow-up communications should be expanded to encompass other contact methods that are most cost-effective based on that program's design. PGW Comments at 5.

PPL stated that it used several methods to reach eligible customers, with the primary method being CBO partnerships to promote LIURP and program referrals. PPL submitted that § 58.9 should be eliminated as program announcement activities are inherently subject to change. It further submitted that public utilities should address announcement and enrollment activities in their USECPs. PPL Comments at 4, 11.

Proposed Revisions to Section 58.9.

We propose to retitle § 58.9 as "LIURP outreach" (currently "program announcement") to reflect the content more accurately and to remove the duplication with § 58.10.

Reflecting the changing way people access information and the demographics of a public utility's service territory, § 58.9(a) is amended to do both of the following:

- Add additional advertising requirements to a public utility's program activities through a wider range of media outlets and platforms, including social media.
- Add a requirement that a public utility advertise LIURP in languages other than English when census data indicate that 5% or more of the residents of the public utility's service territory are using that language. This is consistent with the customer information provisions in 52 Pa. Code § 56.91(b)(17) (relating to general notice provisions and contents of termination notice).

We propose to remove and reserve § 58.9(a)(1)–(3).

Section 58.9(b) is amended to remove language requiring a public utility to provide a description of its program services and eligibility rules to all residential customers, as this provision has been amended and addressed in § 58.9(a). Section 58.9(b) is also amended to add language removed from existing § 58.9(a)(2) and (3) to require a public utility to make additional attempts to contact eligible customers who have not responded to initial contacts if funding permits.

Section 58.10. Program announcement.

This section of the existing regulations⁵⁵ sets forth the criteria that a public utility is required to use to prioritize eligible customers for LIURP. It also requires EDCs to budget for LIURP spending based on different energy accounts (i.e., residential space-heating customers, residential water-heating customers and residential electric baseload customers) based on the prioritization provisions in this section. It further provides that a public utility may spend up to 20% of its LIURP budget on special needs customers. Stakeholder comments to Question No. 12 in the 2016 Secretarial Letter relate to this section.

Question 12: Should the interplay between CAPs and LIURPs be addressed within the context of LIURP regulations? If so, how?

Stakeholder Comments

OCA submitted that a determination of CAP eligibility should automatically result in LIURP eligibility without

⁵⁵ The provisions of § 58.10 were amended January 2, 1998, effective January 3, 1998. See 28 Pa.B. 25.

any further application, but CAP participation should not be a prerequisite for LIURP. OCA recommended that public utilities notify CAP participants when they are close to the credit ceiling and begin evaluating them for LIURP. OCA Comments at 25—27, 3; OCA RC at 16-17.

PGW asserted that, while there are some limited CAP-related issues that could be addressed in LIURP regulation, CAP issues are best addressed in a CAP rulemaking. PGW submitted that CAP customers should receive priority in receiving LIURP treatment as using CAP eligibility as a baseline reduces administrative burden and costs for both the public utility and participants by eliminating the need for additional eligibility processes. PGW suggested that the prioritization regulations in § 58.10 should be updated to provide greater flexibility in meeting the goals of targeting the highest usage customers. PGW asserted that the existing regulations lack detail about whether customers must be prioritized individually or whether customers can be prioritized in tiers using statistical analysis.⁵⁶ PGW Comments at 6, 12.

EAP submitted that CAP should not be addressed within the framework of LIURP regulations. EAP Comments at 15.

FirstEnergy did not recommend modifying the existing LIURP regulations to address public utilities' CAPs because each program performs a different function. FirstEnergy Comments at 11.

Duquesne submitted that the existing LIURP regulations do not need to incorporate CAP because low-income customers are potentially eligible for LIURP regardless of whether they participate in CAP. Duquesne Comments at 10.

PECO noted that existing regulations do not require CAP participation for LIURP eligibility. Further, PECO contended that the rulemaking should give public utilities the flexibility and autonomy to best achieve LIURP goals. PECO recommended allowing energy burdens (i.e., energy costs as a percentage of income) to be taken into consideration as a key prioritization factor under § 58.10. PECO Comments at 18, 20.

PPL asserted that the most appropriate context to address the link between CAP and LIURP is in a public utility's USECP. PPL submitted that the linkage should not be addressed within the context of the LIURP regulations because each public utility has designed its CAP differently and customer LIURP needs often extend beyond CAP participants. PPL suggested revising the existing LIURP regulations to provide the EDCs with flexibility to serve non-high usage baseload customers. Although PPL agreed that public utilities should target customers with the largest usage and the greatest opportunities for bill reduction, it contended that factors such as the size of the dwelling, the number of occupants, and the end use of public utility service should not play a role in prioritizing services. PPL did not support prioritizing services based on the size of the arrearage or household income. PPL Comments at 9—11; PPL RC at 8.

PA-EEFA recommended addressing the interplay between CAP and LIURP within the existing LIURP regulations. Additionally, PA-EEFA recommended the continued targeting of CAP participants for LIURP services and requiring public utilities to reach out to non-CAP participants for LIURP services and to promote enrollment into CAP. PA-EEFA Comments at 28-29.

⁵⁶ PGW proposed amended language for § 58.10 consistent with these recommendations on page 6 of its Comments.

Proposed Revisions to Section 58.10.

This section is currently titled “Program announcement” which is a duplication of § 58.9. The title is also inconsistent with the substance of the section. We propose to retitle the section as “Prioritization of program services” to eliminate the duplication and to reflect the content of the section more accurately.

The terms in this proposed amendment are updated consistent with the proposed definitions in § 58.2, including replacing “program” with “LIURP” when appropriate.

Section 58.10(a)(1) is amended to include CAP shortfall as one of the factors that a public utility is required to consider when prioritizing eligible customers by usage level and to incorporate a new prioritization factor based on the number of consecutive service months a customer resided at a dwelling. Furthermore, amended § 58.10(a)(1) allows public utilities to consider factors that tend to facilitate utility bill reduction when prioritizing eligible customers by opportunities for utility bill reduction.

With respect to the customers prioritized by usage and opportunity for utility bill reduction, § 58.10(a)(2)(i)-(ii) gives first priority to CAP customers with the largest PPAs and in-program arrearage balances and then to non-CAP customers with the largest unpaid balances. “Largest arrearage relative to household income” is derived as a percentage. Priority is given to CAP customers because energy reductions for CAP households decrease costs for both the CAP customer and the ratepayers from whom CAP shortfall costs are recovered.

In our approvals of various public utility-specific USECPs, we have required that all low-income customers, who otherwise meet eligibility requirements, be allowed to participate in LIURP, especially if they have high usage,⁵⁷ regardless of CAP participation. We propose adding a new § 58.10(d) that clarifies the prohibition of restricting LIURP participation to customers enrolled in CAPs. Furthermore, we propose a new § 58.10(e) that requires a public utility to document its prioritization protocols in its USECP.

We propose to remove § 58.10(c). We propose to incorporate language removed from § 58.10(c) that allows a public utility to spend a percentage of its LIURP budget on special needs customers into proposed § 58.4(a.2) (relating to special needs customers). That percentage would be increased from 20% to 25%.

Section 58.11. Energy survey

This section of the existing regulations⁵⁸ requires a public utility to perform an onsite energy survey to determine if the installation of program measures would be appropriate. This section specifies that a program measure is appropriate if it is not already present or is not performing effectively and when energy savings derived from the installation would result in a payback period of not more than seven or 12 years. There were no Questions in the 2016 Secretarial Letter relative to § 58.11.

Stakeholder Comments

Duquesne recommended reconsideration of the payback periods for LIURP measures under § 58.11. Duquesne

⁵⁷ See Peoples 2015—2018 USECP Final Order, Docket No. M-2014-2432515 (order entered December 17, 2015), at 34—37, which rejected a base rate case settlement provision that relied upon CAP/non-CAP determination as an eligibility requirement for LIURP. See also PGW 2017—2020 USECP Final Order, Docket No. M-2016-2542415 (order entered August 3, 2017), at 38—42, which directed PGW to include all known low-income customers when determining LIURP eligibility, regardless of their enrollment status in PGW's CAP.

⁵⁸ The provisions of § 58.10 were amended January 2, 1998, effective January 3, 1998. See 28 Pa.B. 25.

stated that any modification should include greater flexibility when determining the appropriate lifetime of a measure for LIURP installation, deferring instead to manufacturer recommendations, or to evaluating LIURP jobs on a whole-project basis instead of individually by measure. Duquesne Comments at 11.

EAP contended that codified payback requirements at § 58.11(a) should be based on a whole job basis where each individual measure is evaluated on an industry standard recommended useful life, or some other measurement. EAP recommended that the PUC avoid uniformity and allow USECPs to remain tailored to each service territory. EAP Comments at 15.

FirstEnergy recommended that the PUC create a working group to address and explore the appropriate length of payback periods under § 58.11. It also recommended that the PUC address whether the current seven to 12-year periods remain appropriate given widespread deployment of LIURP measures and technological advancements made since the regulations were adopted. FirstEnergy Comments at 12.

PPL also recommended flexibility for installing LIURP measures and to include regulations to better define fuel switching. PPL specifically asked that installations not fall under fuel switching when an NGDC or EDC installs electric or natural gas heat in a home which had not used its primary heating source for at least two heating seasons. PPL Comments at 12.

PECO recommended that the life measure should be based on the median number of years that the measure is in place and operable. PECO Comments at 20.

PGW contended that using the seven or 12-year payback period set forth in § 58.11 is detrimental as it limits the type of measures that can be installed, and that requiring shorter payback times discourages public utilities from installing comprehensive energy saving measures that will provide the most impact and long-term benefits. However, PGW would not advocate for the use of a Total Resource Cost (TRC) test⁵⁹ in place of the seven or 12-year period as it fails to account for the additional societal benefits. PGW provided proposed amendments to § 58.11 to allow projects to be evaluated for cost-effectiveness based on the total measure package as opposed to individual measures. PGW Comments at 12-13.

PA-EEFA stated that cost effectiveness for measures should be based on the full measure life, not on an arbitrary payback period that artificially biases assessment of cost-effectiveness. PA-EEFA argued that limiting lifetimes for certain measures would unreasonably reduce benefits to low-income ratepayers by excluding cost-effective measures from being installed. They asserted that maximizing benefits to participants at the time they are receiving services decreases the transaction cost per unit of savings. PA-EEFA RC at 7-8.

Proposed Revisions to Section 58.11.

We propose to retitle this section as “Energy audit” (currently “energy survey”) consistent with proposed definitions in § 58.2.

Amendments to § 58.11(a) eliminate the provision requiring program measures installed be based on the result of energy savings derived from a simple payback of seven years or less or a 12-year payback criterion for

more comprehensive program measures. We propose to replace this criterion with a new provision in § 58.11(d)(2).

We propose to remove and reserve § 58.11(b). The provisions are incorporated into a new § 58.11a (relating to fuel switching).

The proposed § 58.11(c) prohibits a public utility from using the same ESP to conduct an energy audit at a dwelling and to install follow-up program measures determined necessary during that energy audit. ESPs should conduct energy audits impartially without a motivation to benefit financially from the installation of follow-up measures proposed in that energy audit.

The proposed § 58.11(d)(1)-(2) sets out parameters for what an energy audit must determine regarding the appropriateness of installing program measures. Proposed § 58.11(d)(1) clarifies that a program measure is appropriate if it is not already present or is not performing effectively. Section 58.11(d)(2) further clarifies that a program measure is determined to be appropriate if its estimated energy savings derived from the installation of all program measures would exceed its costs over its expected lifetime.

The proposed § 58.11(e) provides flexibility in situations where a program measure may be determined necessary for the long-term health, safety, and comfort levels of dwelling occupants. In those situations, program measures may be installed even if there are no estimated energy savings. This proposal is consistent with § 58.1 that identifies improvement to the health, safety, and comfort levels of LIURP recipients as one of the purposes of a LIURP.

The PUC has previously approved temporary waivers of § 58.11(a) to allow a public utility the flexibility to use a cost/benefit calculation to determine what program measures to include in a LIURP job, rather than the seven-year or 12-year simple payback criteria.⁶⁰ Some program measures may reduce a dwelling’s energy usage but do not qualify because their payback periods exceed seven to 12 years. As a result, some households do not experience the potential energy savings when a public utility cannot install all appropriate program measures in one comprehensive LIURP job.

Our proposed change is consistent with recommendations from Duquesne, EAP, PGW, and PA-EEFA that § 58.11 should allow greater flexibility when determining the appropriate program measure for LIURP installations. Duquesne Comments at 11, EAP Comments at 15, PGW Comments at 13, and PA-EEFA RC at 7.

Proposed Section 58.11a. Fuel switching.

We propose a new § 58.11a titled “Fuel switching” that provides requirements related to a public utility using LIURP funds for fuel switching between electric and natural gas. Language moved from the existing § 58.11(b) concerning fuel switching within a dual-fuel public utility is incorporated into this section.

The proposed § 58.11a(a) identifies the conditions under which LIURP funds may be used for program measures involving fuel switching. Proposed § 58.11a(a)(1) allows fuel switching within a dual-fuel public utility. Proposed § 58.11a(a)(2) allows fuel switching if a primary heating source is determined to be inoperable, unrepairable or the cost to repair exceeds the cost of replacement and both public utilities agree in writing that fuel

⁵⁹ Act 129 defines the TRC test as “a standard test that is met if, over the effective life of each plan not to exceed 15 years, the net present value of the avoided monetary cost of supplying electricity is greater than the net present value of the monetary cost of energy efficiency conservation measures.” 66 Pa.C.S. § 2806.1(m).

⁶⁰ See, e.g., FirstEnergy 2015–2018 USECP Final Order, Docket Nos. M-2014-2407729, M-2014-2407730, M-2014-2407731, and M-2014-2407728 (order entered May 19, 2015), at 45–49. See also PGW 2017–2020 USECP Order, Docket No. M-2016-2542415 (order entered August 3, 2017), at 50–52.

switching is appropriate. Proposed § 58.11a(b) requires the public utility to document the conditions necessitating fuel switching.

PPL and PA-EEFA supported revising Chapter 58 to better define and address fuel switching. PPL Comments at 12; PA-EEFA Comments at 16-17.

Section 58.12. Incidental repairs.

This section of the existing regulations sets forth the criteria for performing incidental repairs. Stakeholder comments to Question Nos. 6 and 7 in the 2016 Secretarial Letter relate to this section.

Question 6: How can LIURPs best provide for increased health, safety, and comfort levels for participants?

Stakeholder Comments

OCA submitted that a public utility should be permitted to use a percentage of its LIURP budget for the separate categories of health, safety, and incidental expenditures. OCA further submitted that while incidental repairs are specifically defined in the PUC's regulations, the "health and safety" measures referenced in § 58.1 remain undefined. OCA recommended that the PUC provide more guidance on health and safety measures in the regulations. OCA Comments at 27-28.

PGW asserted that "health and safety" concerns are broad and require different levels of treatment and should be assessed on a case-by-case basis. PGW recommended that the regulations clarify whether health and safety measures could be considered "incidental repairs" in § 58.12 if they would allow establishment of weatherization measures. Further, PGW contended that not all health and safety measures should be included in the cost-effectiveness calculation, as this is not LIURP's core responsibility. PGW Comments at 8.

EAP asserted that the costs of health and safety measures "could be prudently recovered by residential ratepayers through LIURP, provided that overall LIURP budgets do not increase or funds not by mandated to be diverted from primary program purposes, and that health and safety measures are not included in cost effectiveness measurement." EAP stated that any health and safety proposal needs to justify the additional administrative costs required to facilitate the coordination and report on the initiative. EAP Comments at 10-11.

FirstEnergy argued that the need and scope of a health and safety budget should be considered within the USECP proceedings, not as part of the LIURP rulemaking. FirstEnergy RC at 7. Because FirstEnergy allocates up to 50% of its seasonal allowance budgets to health and safety repairs that permit installation of energy savings measures, FirstEnergy supported the sustained flexibility to include health and safety spending within the LIURP budgets, which maximizes LIURP participation. FirstEnergy also recommended that a public utility develop partnerships with other agencies and non-profit organizations that specialize in health and safety measures to work with the public utility during the LIURP installation process. FirstEnergy Comments at 8.

PECO reiterated its belief that LIURP funds should be used almost exclusively for usage reduction. However, PECO supported limited use of LIURP funds to address health and safety issues if three limiting factors are addressed. First, PECO submitted that there must be a material usage reduction measure that can only be implemented upon removal of the health and safety concern. Second, PECO suggested the inclusion of a

limitation, either on an audit-by-audit or overall project basis, on the percentage of LIURP funds that can be used for such health and safety measures. Third, PECO contended that the PUC should permit public utilities to use a limited amount of LIURP funds on remediation of health and safety issues. Due to varying needs, PECO recommended that the PUC allow public utilities to propose health and safety spending to be completed with LIURP funds in USECP proceedings. PECO Comments 11-12.

PA-EEFA argued that a streamlined, integrated program delivery would potentially "free up" funds to address prevalent health and safety issues, such as a reliance on de facto heating, thus improving flexibility and reducing cost burden. Decisions like repairing a furnace should be resolved in the customer's best interest, using a fuel-neutral approach, and premised on providing energy solutions with the lowest life cycle cost. PA-EEFA noted that energy efficiency programs are to help potential participants facing challenges in adopting energy efficient practices. Public utilities are obligated to provide energy efficiency to low-income customers, so public utilities must address health and safety issues. PA-EEFA stated that it is appropriate for public utilities to resolve health and safety concerns necessary for the delivery of critical energy efficiency services to high use low-income customers to provide service on reasonable terms and conditions and to continue universal service programs like LIURP. PA-EEFA RC at 8-9, 17-18.

OCA supported using a portion of the LIURP budget to address health and safety situations. OCA agreed with PECO that there should be a limit on the amount that could be used for issues such as mold or pest remediation, and that the limit should be based on either an audit-by-audit basis or an overall project percentage. OCA questioned PECO's recommendation about providing health and safety measures which only lead to energy savings, as that requirement would eliminate measures like smoke/carbon monoxide detectors. OCA agreed with PA-EEFA that de facto heating needs to be addressed but suggested that it be handled as a standalone issue in the regulations, so it can address specific measures and direct the NGDCs and EDCs to work together on the initiative. OCA RC at 8-9.

Duquesne asserted that LIURP's main goal should remain energy conservation and could be achieved through better coordination with programs like DCED's Crisis Interface Program. However, Duquesne asserted that setting a predetermined limit (i.e., either dollar amount or percentage of job) to complete incidental, safety, or comfort level measures may also address this issue. Duquesne Comments at 7.

PPL supported the installation of necessary cost-effective health and safety measures but did not want to revise the regulations to provide for rehabilitation or remediation that exceeds the scope of LIURP. PPL asserted that allowing for such services would likely result in fewer customers being served. PPL further argued that it would not be cost-effective for LIURP contractors to train people in providing these services as they would not be provided regularly. PPL Comments at 6.

Question 7: How can LIURPs maximize participation and avoid disqualifications of households due to factors such housing stock conditions?

Stakeholder Comments

OCA submitted that when a public utility evaluates a customer for installation of weatherization benefits, the

main analysis is to determine whether the weatherization measures will be cost-effective given the housing stock conditions. OCA suggested that LIURP service providers be permitted sufficient time to make referrals for assistance and have the repairs completed before the public utility disqualifies a housing unit. Additionally, OCA contended that LIURP service providers should maintain internal program lists to refer housing units to when the necessary remediation is not possible to allow LIURP to move forward. Lastly, OCA submitted that the regulations should ensure that the number of housing units disqualified from LIURP services and the circumstances surrounding disqualifications are recorded. OCA Comments at 28-29. OCA submitted that there must be a determination that weatherization measures will be cost-effective given the condition of the house. OCA stated that LIURP is not a housing rehabilitation program, and agreed with EAP, FirstEnergy, Duquesne, PECO, and PPL that referrals should be made to other agencies and housing programs which are designed to address housing stock repairs and rehabilitation. OCA RC at 9-10.

PGW asserted that it is essential to recognize that LIURP is not a housing program and that it is not the program's purpose to remediate all low-income housing stock in a service territory. While PGW stated that it does not automatically disqualify cases for having a health and safety issue, the extra remediation work may make comprehensive treatment cost-ineffective. Thus, PGW recommended that cost-effectiveness tests be developed in a way that provides case-by-case flexibility. PGW Comments at 9.

EAP, PECO, and Duquesne separately claimed that it is not the public utility's role or within LIURP's jurisdictional scope to address housing stock conditions. EAP Comments at 12, PECO Comments at 13, Duquesne Comments at 8. EAP stated that, where possible, public utilities should partner with other community agencies, such as Habitat for Humanity, to comprehensively address issues. However, EAP maintained that state-designated entities are best equipped to help finance the construction and rehabilitation of affordable rental housing. EAP Comments at 12.

PPL noted that LIURP's purpose is to reduce energy usage and not to repair defective housing conditions. PPL recommended the practice of reducing comprehensive services rather than program disqualification where housing stock prevents the installation of certain measures. When homes are disqualified because of housing stock conditions, PPL recommended that the public utility re-enroll and prioritize the customer once the issue has been resolved. PPL Comments at 6.

FirstEnergy submitted that it is not its practice to disqualify eligible LIURP participants based on housing stock conditions. FirstEnergy reported that, where safety issues exist that cannot be remediated, customers can still qualify for baseload measures, including lighting, refrigerator testing and possible replacement, smart power strips, and water heating measures. Further, where significant remediation or renovation is required, FirstEnergy asserted that its practice is to attempt coordination with other agencies to perform this work. FirstEnergy Comments at 8-9.

PA-EEFA recommended that public utilities accept referrals from outside agencies to identify and engage more eligible customers. PA-EEFA suggested that public utilities try community-level customer recruitment as opposed to the traditional individual-level approach, such as partnering with housing authorities and non-profit hous-

ing providers, to facilitate tenant engagement. For multi-family properties, PA-EEFA recommended that LIURPs consider ways to gain access to units to install lighting and water conservation measures that do not necessarily require individual tenants to provide consent. PA-EEFA asserted that integrating natural gas LIURPs, electric LIURPs, and Act 129 will allow program administrators to choose the best-suited funding stream to address the housing stock conditions and reduce disqualifications. PA-EEFA Comments at 19-20.

Duquesne agreed that sometimes repairs must occur for LIURP measures to work appropriately but cautioned against fixing personal property with LIURP funds. Duquesne suggested that this would be a good issue to address in a stakeholder meeting. Duquesne RC at 6-7.

Proposed Revisions to Section 58.12.

We propose to retitle this section as "Incidental repairs and health and safety measures" (currently "incidental repairs") to establish provisions for both incidental repairs and health and safety measures.

The proposed § 58.12(a) requires a public utility to identify in its USECP the criteria used for performing incidental repairs and health and safety measures. Services provided by incidental repairs and health and safety measures would be identified separately in proposed § 58.12(a)(1)-(2).

The proposed § 58.12(b) requires a public utility to set separate allowance limits for incidental repairs and health and safety measures through a USECP proceeding.

The PUC has previously directed public utilities to develop LIURP protocols and allowance limits for incidental repairs and health and safety measures.⁶¹ We recognize that while LIURP is not designed to support major repairs or rehabilitation of dwellings, there are often situations that could justify small repairs or remediation of health hazards to perform more comprehensive weatherization treatments.

The proposed § 58.12(c) establishes requirements under which a public utility may defer a dwelling that does not meet the criteria for incidental repairs or health and safety measures or that exceeds the maximum budget allowance. It also requires a public utility to provide written notification to customers when the dwelling is deferred and require the public utility to track deferred dwellings for a period of at least three years.

The proposed deferral provisions are consistent with DCED's WAP protocols that require agencies to maintain a list of all clients who are deferred, the reason for deferral and the other program they were referred to, if appropriate.⁶² Public utilities are not currently required to report deferrals under Chapter 58, and it is unclear how many Pennsylvania households are being disqualified from LIURP based on health or safety conditions, or both, in a residence (e.g., mold, moisture, or structural issues). Updating Chapter 58 to be consistent with DCED's WAP protocols establishes a uniform approach to identifying and tracking low-income dwellings in need of repairs before weatherization work can be provided.

Section 58.13. Usage reduction education.

This section of the existing regulations sets forth the objectives of applicability, funding levels, pilot programs

⁶¹ See, e.g., PECO 2016—2018 USECP Tentative Order, Docket No. M-2015-2507139 (order entered February 25, 2016), at 21-22.

⁶² See DCED 2022-2023 DOE State Plan—Health & Safety Plan at 1. <https://dced.pa.gov/download/22-23-doe-state-plan-health-safety-plan-final/?wpdmdl=106450&refresh=63f5253bcbf331677010235> (accessed on February 21, 2023).

and program services for public utility energy conservation education. Energy conservation education activities for a public utility are described as a recommendation to include group presentations, workshops, and in-home presentations. Stakeholder comments to Question No. 4 in the 2016 Secretarial Letter relate to this section.

Question 4: What design would better assist/encourage all low-income customers to conserve energy to reduce their residential energy bills and decrease the incidence and risk of payment delinquencies? How does energy education play a role in behavior change?

Stakeholder Comments

PGW recommended updating § 58.13 to encourage greater flexibility and modernization for usage reduction education. PGW asserted that public utilities should be given discretion to determine whether the costs for such education are justified based on a cost-effectiveness review process. PGW Comments at 6.

EAP noted that education leads to behavior changes towards energy conservation. EAP asserted that customer education best practices can be explored among public utilities in future meetings without codifying any specifics in regulation. EAP Comments at 10. FirstEnergy contended that a LIURP design focused on both the installation of cost-effective LIURP measures and strong energy education promotes future energy savings and reduced arrearages among low-income customers. FirstEnergy Comments at 7. Duquesne asserted that the more a customer understands the relationship between usage and bill increase, the more likely they will manage energy usage and avoid payment delinquencies. Duquesne Comments at 6.

PPL suggested that public utilities have “discretion to require participation in energy education as a prerequisite for LIURP, prior to the initial contractor visit.” PPL further suggested that LIURP-funded energy education be offered when a CAP customer has low-usage and/or is an unlikely recipient for direct-install measures. PPL further suggested determining strategies to make educating customers easier and more convenient, such as a video emailed to the customer. PPL supported joint educational and contractor training efforts with weatherization providers when cost-effective. PPL recommended revising § 58.13(d) to include technology as an educational method, leaving room for changes and advancements. PPL Comments at 5, 12. PPL did not support CEO’s recommendations to set aside LIURP funds to create energy education and to require customers to participate in education before, during, and after the LIURP process. Citing CEO Comments at 3. PPL stated that education is a critical component but that the public utilities should have flexibility to develop what works best for their customers. PPL cautioned against requiring public utilities to provide non-English languages outreach materials, as the additional costs might not yield results. PPL pointed out that it uses local CBOs to provide referrals and outreach to engage non-English speakers as an alternative. PPL opined that public utilities should have the flexibility to create educational procedures in their USECPs. PPL RC at 4-5.

PECO suggested that public utilities continue to provide education and outreach about LIURP to all identified low-income customers. PECO further suggested coordination of Act 129 services for low-income customers. PECO Comments at 9.

OCA suggested that energy education spending should be targeted at the “remedial in-home visits” found to be

effective by Penn State. OCA asserted that energy education and timing play an important role in LIURP, as do remedial in-home visits, an approach reinforced by Penn State’s Long-Term Study. OCA supported PPL’s recommendation to provide LIURP education to low usage CAP customers as a means of controlling CAP costs and PECO’s recommendation to provide education and outreach at community events. OCA Comments at 25-26, OCA RC at 7, citing Long-Term Study of Pennsylvania’s Low Income Usage Reduction Program: Analyses and Discussion at 46.

PA-EEFA supported the use of a customized educational approach, whereby the educational information is provided to the customer at the time of measure installation and at a six-month follow-up date, to all household members, in the language used by the household. PA-EEFA Comments at 14-15.

Duquesne agreed with PA-EEFA that education is most effective at the time measures are installed. Duquesne asserted that energy education is an important component, but cautioned that if too burdensome, customers may be dissuaded from using other reduction measures. Duquesne believed that smart meter technology should help behavior change and decrease consumption. Duquesne did not believe any prescriptive mandate was necessary and suggested funds be used to reach more eligible homes for weatherization. Duquesne RC at 5-6.

Proposed Revisions to Section 58.13.

We propose to retitle this section as “Energy conservation education” (currently “usage reduction education”) consistent with the proposed definitions in § 58.2. The terms in this section are updated consistent with the proposed definitions in § 58.2, including replacing “program” with “LIURP” when appropriate.

We propose retitling § 58.13(b) as “LIURP budget” (currently “funding level”). This proposed change is consistent with the proposed clarification in § 58.4 regarding the difference between a LIURP budget and a LIURP funding mechanism. The amendments proposed in § 58.13(b) remove the requirement that an energy conservation program that exceeds \$150 per recipient be “pilot tested for 1 year” and “be measured for the incremental contribution to energy savings that the education produces in addition to the cost effectiveness of that contribution.” Instead, we propose to require that an energy conservation education program that exceeds \$150 per recipient be approved through a USECP proceeding, thus providing the opportunity for stakeholder comments, staff review and revisions. Furthermore, it would appear to be unreasonable to require a public utility to measure energy savings based solely on energy conservation education. Education services may include training and materials such as pamphlets, flyers, and presentations intended to change customer behavior toward energy usage. It may not be possible to measure or ascribe future energy savings based solely on the energy conservation education provided.

We propose to remove and reserve § 58.13(c) (relating to pilot programs). Language from this deleted subsection is incorporated into § 58.13a(a) (relating to LIURP pilot programs).

Section 58.13(d) is amended to require a public utility to provide energy conservation education activities in a language or method of communication appropriate to its target audience, providing all LIURP recipients with an equal opportunity to access energy resources. This proposal is consistent with the customer information provisions in 52 Pa. Code § 56.91(b)(17).

Amendments in this section are consistent with the customized educational approach supported by PA-EEFA, which recommend providing energy conservation education to all household members, in the language used by the household. PA-EEFA Comments at 15.

The proposed amendments in § 58.13(d)(3) replace the current term “occupant or owner” with “owner, landlord, or tenant.”

A new § 58.13(d)(4), titled “Post-installation education,” requires that energy conservation education be provided by phone or in-person to recipients of program measures whose energy usage increased within 12 months post-installation. This provision is consistent with the practices of some public utilities, which provide additional energy conservation education when a customer’s usage remains high or continues to increase after receiving LIURP services.⁶³ Such a practice tends to produce better conservation results.

Proposed Section 58.13a. LIURP pilot programs.

Chapter 58 does not currently provide direction regarding the development and evaluation of LIURP pilot programs. The proposed § 58.13a would provide such directions. These proposed provisions would also codify the long-standing practice of approving proposed LIURP pilot programs through a USECP proceeding.⁶⁴

The proposed § 58.13a, titled “LIURP pilot programs,” explains the approval process, timeframes, and reporting requirements related to LIURP pilot programs. This section incorporates and amends language removed from § 58.13(c) regarding the development and evaluation of proposed pilot programs.

Section 58.13a(a) allows a public utility to propose LIURP pilot programs that offer innovative services. The proposed § 58.13a(a)(1)–(4) expands on the types of pilot programs that public utilities may propose, including proposals related to energy conservation education, renewable energy sources, fuel switching, and air conditioning.

The proposed § 58.13a(b) requires a public utility to attempt to coordinate pilot program-related services among other community resources, including EDC and NGDC universal service programs.

The proposed § 58.13a(c)–(d) require that proposed pilot programs be subject to approval in a USECP proceeding and not exceed a maximum timeframe of five years or the expiration of the public utility’s current USECP, whichever comes later. Public utilities would also be required to seek PUC approval in a USECP proceeding, to discontinue a pilot program earlier than previously approved or to incorporate an approved pilot program as a regular component of LIURP.

Section 58.14. Program measure installation.

This section of the existing regulations requires a public utility to arrange and install LIURP program measures, if appropriate, after a § 58.11 energy survey (or “energy audit” going forward) is performed. It identifies potential program measure installations for space heating, water heating, and baseload jobs. It also sets forth provisions for LIURP budget expenses incurred through work with other public utilities as well as what may or may not be included in inter-utility billing

arrangements. Stakeholder comments to Question No. 9 in the 2016 Secretarial Letter relate to this section.

Question 9: With the additional energy burdens associated with warm weather, what if any changes are necessary to place a greater emphasis on cooling needs?

Stakeholder Comments

PPL, EAP, FirstEnergy, PECO, and Duquesne separately contended that there was no need to address cooling needs in the LIURP regulations. PPL Comments at 8; EAP Comments at 13; FirstEnergy Comments at 9; PECO Comments at 15; Duquesne Comments at 8. EAP cautioned the PUC against making cooling a primary purpose of LIURP, especially since addressing heating needs also provides summer benefits by way of reducing customer energy needs year-round. EAP Comments at 13. FirstEnergy noted that existing LIURP heating measures, such as duct sealing insulation and air sealing, allow for energy usage reductions during the warm weather months as well. FirstEnergy asserted that a working group should develop revised procedures for “inter-utility coordination” under § 58.14(c) that reflect current coordination procedures between EDCs and NGDCs. FirstEnergy Comments at 9, 12.

OCA and PA-EEFA supported addressing cooling needs in the LIURP regulations. OCA suggested that LIURP be modified to allow for a multi-fuel, whole house approach. OCA Comments at 30. PA-EEFA recommended that opportunities associated with cooling needs should be considered and implemented where improvements can cost-effectively reduce energy use. PA-EEFA also supported a cost-benefit analysis based on specific circumstances and suggested that energy education should extend to information on cooling efficiency when cooling measures are installed. PA-EEFA Comments at 22.

Proposed Revisions to Section 58.14.

The amendments to this section clarify and update the existing provisions regarding the installation of program measures for residential space-heating, water-heating and baseload customers. Section 58.14(a)(2) is reformatted to § 58.14(a)(2)(i)–(iii). Rewiring water heaters to permit billing on a time of day or other off-peak rate schedule is removed as a potential program measure for residential water-heating customers; smart meters and newer technologies have made such measures unnecessary. Section 58.14(a)(3) includes repairing and replacing water heaters that are not the primary heating source for the dwelling as applicable baseload program measures. We propose to remove and reserve existing § 58.14(b) and incorporate it into proposed § 58.14(d). Section 58.14(d) is added and require that program measures installed have a minimum of a one-year warranty covering workmanship and materials. The terms in this section are also updated consistent with the proposed definitions in § 58.2.

We propose to remove and reserve § 58.14(c). Language from this deleted subsection is incorporated into proposed § 58.14a (relating to quality control) and § 58.14c (relating to inter-utility coordination).

Proposed Section 58.14a. Quality control.

We propose to add a new § 58.14a titled “Quality control” that incorporates language moved from the existing § 58.14(b) concerning quality control standards for LIURPs. This new section establishes requirements regarding:

(a) Quality control standards for installation of program measures and evaluation of ESP performance.

⁶³ See, e.g., Columbia Gas 2019–2021 USECP, Docket No. M-2018-2645401 (filed on November 25, 2019), at 26. See also FirstEnergy 2019–2021 USECP at 23.

⁶⁴ See, e.g., Petition of NFG—Approval of Low-Consumption LIURP Pilot Program Order, Docket Nos. P-2019-3008559 and M-2016-2573847 (order entered October 24, 2019). This Order approved NFG’s Petition to implement its LC-LIURP Pilot Program.

- (b) Frequency of post-installation inspections.
- (c) Installation of program measures, post-installation inspections, and documentation in a USECP.
- (d) Complaint Process for customers
- (e) Who may not perform a post-installation inspection.
- (f) Investigating increases in consumption post-installation of program measures.
- (g) Documentation required from an ESP.
- (h) Documentation retention.

The proposed § 58.14a(a) requires a public utility to establish quality control standards for the installation of program measures. The proposed § 58.14a(b) requires post-installation inspections on at least 10% of completed heating jobs and at least 5% of completed baseload LIURP jobs. The proposed minimum percentage of post-installation inspections per job type is below or consistent with current Commission-approved public utility standards. For example, Columbia Gas requires post-installation inspection on a minimum of 25% of heating jobs⁶⁵; and PECO performs post-installation inspections on all heating jobs and 5% of all baseload jobs.⁶⁶ This provision is consistent with DCED's WAP protocols that requires agencies to inspect at least 5% of completed jobs.⁶⁷

In addition, the proposed § 58.14a(a) and (c) require a public utility to document in its USECP (1) the quality control standards used to evaluate the work of the ESP and the performance of the program measures; and (2) the procedures used for installing program measures and performing post-installation inspections. PPL supported addressing quality control in a USECP. PPL RC at 9.

The proposed § 58.14a(d) requires a public utility to establish a complaint process to be followed if a customer is not satisfied with the quality of the work, workmanship or serviceability of the ESP and to document its complaint process in its USECP. This proposed provision is consistent with DCED's WAP protocols that requires an agency to develop a customer complaint process.⁶⁸

The proposed § 58.14a(e) prohibits a public utility from allowing an ESP that installed program measures at a dwelling to perform the post-installation inspection of those program measures.⁶⁹ This proposed provision is new to Chapter 58. To ensure post-installation inspections are conducted impartially, a public utility would not be permitted to allow an ESP to conduct the post-installation inspection on its own work at a dwelling. This provision is consistent with DCED's WAP protocols that require post-installation inspections to be conducted by a Quality Control Inspector that had no involvement in the prior installation of program measures at the dwelling.⁷⁰ This provision is also consistent with the current practices of some public utilities. PPL permits its ESPs to conduct post-installation inspections if they did not perform the energy audit or install the program measures for the that same job.⁷¹ Duquesne contracts with a third-party ESP to perform independent post-installation inspections.⁷² The proposed § 58.14a(e) requires that EDCs and NGDCs

follow this practice of separation between the performance of the work and the inspection of the work. The separation would provide greater assurance that a post-installation inspection does not overlook lapses in an ESP's installation work.

The proposed § 58.14a(f)-(g) build on the proposed § 58.14a(a)-(c) to establish requirements for post-installation inspections to validate that installed program measures are working properly.

- Section 58.14a(f) requires a public utility to contact a LIURP recipient whose energy usage increase more than 10% within 12 months post-installation of program measures. A public utility would also be required, if appropriate, to schedule a post-installation inspection to ensure the installed program measures are working properly.

- Section 58.14a(g)(1)-(2) require a public utility to mandate that an ESP documents its post-installation inspection results and its follow up program services, if provided.

- Section 58.14a(h) requires a public utility to retain quality control records for a minimum of four years or until its impact evaluation⁷³ is completed, whichever is later. This would include documentation and records related to post-installation inspection results, follow-up program services and ESP performance evaluations.

The proposed provisions in this section standardize requirements for performing quality control procedures, evaluating ESP performance and retention of quality control records. Chapter 58 does not currently specify requirements for quality control procedures or record retention. The proposed quality control record retention requirements are consistent with Chapter 56 provisions that require public utilities to preserve written or recorded records related to disputes for a minimum of four years. 52 Pa. Code §§ 58.2, 56.202 and 56.432.

Proposed Section 58.14b. Use of an ESP for program services.

We propose to add a new § 58.14b titled "Use of an ESP for program services" that establishes the use of an ESP to perform program services for a public utility LIURP. A public utility must use qualified ESPs. A qualified ESP is one that has, inter alia, demonstrated experience and effectiveness in the provision of energy efficiency and usage reduction services. Language moved from § 58.7(c) is incorporated into this new section to provide greater clarification to a public utility on the selection of qualified ESPs.

The proposed § 58.14b(a) requires a public utility to select outsourced ESPs through a competitive bid process. The proposed § 58.14b(b)(1)-(4) establish minimum qualifications for ESPs. This proposed provision requires ESPs to have obtained certification in program-related services, to carry appropriate insurance, and to provide a minimum of one-year warranty covering workmanship and materials.

The proposed § 58.14b(c) requires a public utility to contract with more than one ESP, if applicable, and to file and serve a justification if selection is limited to one ESP. Furthermore, the proposed § 58.14b(d) allows a public utility to prioritize contracts with CBOs that meet its ESP qualifications. This proposal is consistent with the requirements of 66 Pa.C.S. §§ 2804(9) and 2203(8) that mandate the PUC to encourage the use of CBOs that have the necessary technical and administrative experi-

⁷³ Under 66 Pa.C.S. §§ 2203(8) and 2804(9), independent impact evaluations are due to the PUC every six years.

⁶⁵ See Columbia Gas 2019—2021 USECP at 17.

⁶⁶ See PECO 2019—2024 USECP, Docket No. M-2018-3005795 (filed on August 18, 2022), at 14. PECO's 2019—2024 USECP may be effective through at least 2028, and PECO identifies it as the "2019—2028" USECP.

⁶⁷ See DCED 2022-2023 DOE State Plan—Master File, at 21, 28.

⁶⁸ See DCED 2022-2023 DOE State Plan—Master File at 8, 16.

⁶⁹ The ESP can and should inspect its own work, but that inspection would not suffice as the required post-installation inspection.

⁷⁰ See DCED 2022-2023 DOE State Plan—Master File at 21, 23.

⁷¹ See PPL 2017—2019 USECP, Docket No. M-2016-2554787 (filed on November 6, 2017), at 49.

⁷² See Duquesne 2017—2019 USECP, Docket No. M-2016-2534323 (filed on March 12, 2018), at 24.

ence to be the direct providers of services or programs which reduce energy consumption.

Chapter 58 does not currently specify work quality standards, nor does it require a public utility to establish or to verify credentials for contractors. As other weatherization programs in Pennsylvania move toward higher standards and more consistent work quality and protocols,⁷⁴ we propose that LIURPs do the same.

Proposed Section 58.14c. Inter-utility coordination.

We propose to add a new § 58.14c titled “Inter-utility coordination” that incorporates modified language moved from existing § 58.14(c).

The new § 58.14c(a) ensures that a public utility pursues opportunities to coordinate its LIURP services, trainings, outreach, and resources with other public utility LIURPs and assistance programs. This proposal is consistent with the comments of PPL, which supported the opportunity for inter-utility and coordinated training. PPL Comments at 5.

The new § 58.14c(b) clarifies that a single energy audit and post-installation inspection be coordinated when two public utilities are providing program services. We have encouraged public utilities working on the same dwelling to use a single, coordinated, or combined energy audit and/or post-installation inspection, when appropriate.⁷⁵

Proposed language in § 58.14c(c) outlines the obligation for costs and installation of program measures between coordinating public utilities. The new § 58.14c(d) allows a public utility to use up to 1% of its total LIURP budget on costs associated with inter-utility trainings, coordinated trainings, or outreach, or a combination of these efforts.

Coordinating program services and costs between public utilities and assistance programs can and often does result in cost savings and the ability to install more efficiency measures which can lead to deeper savings. As noted above relative to other sections, OCA also supported strengthening coordination to maximize the cost-effectiveness of LIURPs. OCA Comments at 23.

Section 58.15. Program evaluation.

This section of the existing regulations sets forth the responsibility of a public utility to establish procedures for monitoring and evaluating LIURP program results. There were no Questions in the 2016 Secretarial Letter relative to § 58.15.

Stakeholder Comments

PECO recommended that the program evaluation guidelines set forth in § 58.15 be expanded to allow for the use of weather normalization and a comparison group in reviews. PECO Comments at 21. OCA recommended that the regulation require public utilities to record the number of housing units disqualified from LIURP services and the circumstances surrounding that disqualification. OCA Comments at 29.

Proposed Revisions to Section 58.15.

The goal of amending § 58.15 is to create equal and uniform reporting standards for all public utilities. While these proposals build upon the LIURP reporting requirements in 52 Pa. Code §§ 54.75 and 62.5, these proposed

amendments are not intended to restrict a public utility’s ability to provide additional data or to restrict the PUC from requesting additional information if necessary.

We propose to retitle this section as “LIURP reporting and evaluation” (currently “program evaluation”) to more accurately reflect its content. We propose to update the terms in this section to be consistent with the proposed definitions in § 58.2, including replacing “program” with “LIURP” when appropriate.

The proposed amendments to § 58.15 set forth the requirement that public utilities compile and report LIURP data and evaluation findings to the PUC on an annual basis, including the annual LIURP data required by Chapters 54 and 62. We propose to clarify these requirements by associating specific dates with each reporting requirement, in the proposed § 58.15(1)—(4) to state the requirements for each data set.

The proposed § 58.15(1) requires a public utility to report actual LIURP production and spending data for the recently completed program year and projections for the current program year by February 28. The proposed § 58.15(2) requires a public utility to report universal service program data by April 1. These requirements are consistent with the annual residential collection and universal service and energy conservation program reporting requirements under 52 Pa. Code §§ 54.75 and 54.75(2)(ii)(A)(I)-(II) (relating to annual residential collection universal service and energy conservation program reporting requirements) and 52 Pa. Code §§ 62.5(a) and 62.5(a)(2)(ii)(A)(I)-(II) (relating to annual residential collection and universal service and energy conservation program reporting requirements).

The proposed § 58.15(3) requires a public utility to report the statistical data on LIURP jobs completed in the preceding program year by April 30. The proposed § 58.15(4) requires a public utility to report the evaluation data and analysis of LIURP jobs completed, including periods covering the pre-installation and post-installation of program measures, ending within the previous program year by April 30. These proposed subsections align with existing regulations under 52 Pa. Code §§ 54.75(2)(ii)(A)(I) and 62.5(A)(I) that require a public utility to report LIURP data by April 30.

The proposed § 58.15(3)(i) requires a public utility to compile and report the number of LIURP jobs including the number and type of dwelling, the number of each job type completed, the number of fuel-switching jobs, the number of deferred dwellings, the number of previously deferred dwellings that received program services during the program year, the number of inter-utility coordinated LIURP jobs and the number of LIURP jobs coordinated with other weatherization programs. Currently, it is unclear how many dwellings are disqualified for LIURP services annually because of major health or safety issues that are currently outside the scope of LIURP. This proposed amendment calls for deferral data which in turn helps identify the need for addressing health and safety barriers within LIURP. This proposal is also consistent with OCA’s recommendation that the regulation be amended to require a public utility to record the number of housing units disqualified from LIURP services and the circumstances surrounding that disqualification. OCA Comments at 29.

The proposed § 58.15(3)(ii)—(iv) require a public utility to report:

- Specific costs associated with LIURP (i.e., administrative, inter-utility training, coordinated training and

⁷⁴ For example, DCED’s WAP program implemented the Department of Energy’s Standard Work Specifications (SWS) new requirements for Quality Control Inspections on July 1, 2015. DCED 2022-2023 DOE State Plan—Master File at 20—23. <https://dced.pa.gov/download/22-23-doe-state-plan-master-file-final/?wpdmdl=106451&refresh=63f525989ec701677010328> (accessed on February 23, 2023).

⁷⁵ See, e.g., FirstEnergy 2015—2018 USECP Final Order, Docket Nos. M-2014-2407729, M-2014-2407730, M-2014-2407731, and M-2014-2407728 (order entered May 19, 2015), at 51—53.

outreach, health and safety, incidental repairs, special needs customers, energy conservation education).

- Overall percentage of energy savings and energy savings by job type.
- Total number of CAP households and special needs households served by LIURP.

The proposed § 58.15(3)(v) incorporates uniformed reporting requirements for proposed LIURP pilot programs, expanding upon § 58.13a (relating to LIURP pilot programs). Chapter 58 does not currently provide requirements to assist public utilities in reporting pilot program data. The proposed amendment requires a public utility to report the budget and actual spending for each pilot program, the number of jobs completed, the duration of the pilot, and the pilot program's results and measures.

The proposed § 58.15(3)(vi) requires a public utility to provide an explanation if the public utility underspent its annual LIURP budget by more than 10%. This proposal is intended to identify potential trends in LIURP performance or spending that should be addressed before a public utility's next scheduled USECP proceeding. Further, underspending may indicate a need for the public utility to contract with additional ESPs or that the annual budget is not in alignment with the current needs of customers in its service territory.

The proposed § 58.15(4)(i)—(v) require a public utility to report LIURP evaluation data and analysis to the PUC annually by April 30, in compliance with the reporting requirements provided electronically by BCS, and incorporate modified language removed from the existing § 58.15(2), including additional language requiring data related to household demographics.

Section 58.16. Advisory panels.

This section of the existing regulations sets forth the purpose of a public utility to create and maintain a LIURP advisory panel. It further sets provisions for membership, review and the creation of additional advisory panels. There were no Questions in the 2016 Secretarial Letter relative to § 58.16.

Stakeholder Comments

PPL suggested revising § 58.16 to provide more flexibility in the types of meetings that public utilities hold with stakeholders and the rules governing membership participation, including adding references to "stakeholder meetings" and "collaboratives." PPL also suggested allowing flexibility in how such meetings occur, as technology now allows a variety of communication options for groups to participate in such meetings. PPL Comments at 13.

Proposed Revisions to Section 58.16.

We propose to retitle this section as "LIURP advisory committee" (currently "advisory panels") to more accurately reflect its content. This section is amended to provide greater flexibility for a public utility to collaborate with stakeholders by allowing a public utility to combine the functions of its LIURP advisory committee with its existing USAC. This amended section also requires a public utility to meet with stakeholders at least semiannually to consult and receive advice regarding its LIURP services.

All public utilities currently have some form of USAC that meets on at least a semiannually basis to receive universal service program updates, including LIURP, and provide feedback on proposed program initiatives. The PUC has found that USACs provide an opportunity for a public utility to collaborate with stakeholders on out-

reach, coordination, and implementation issues impacting all universal service programs.⁷⁶

We propose to retitle § 58.16(b) as "Committee participants" (currently "membership"). We propose to remove and reserve the existing §§ 58.16(c)-(d). This change gives a public utility flexibility in establishing membership and responsibilities for its advisory committee. These changes allow for greater collaboration between public utilities and stakeholders when addressing LIURP issues.

We propose to remove and reserve the existing § 58.16(e), regarding the use of existing advisory panels. This provision is addressed by allowing a public utility to use its USAC in place of a LIURP Advisory Committee.

Section 58.17. Regulatory review.

This section of the existing regulations sets forth a requirement that a public utility may not implement or significantly modify a LIURP without PUC approval. There were no Questions in the 2016 Secretarial Letter relative to § 58.17.

Stakeholder Comments

CEO recommended that the regulations be amended to require that a public utility's USECP be submitted to the PUC's Office of Administrative Law Judge for a recommended decision. CEO Comments at 1.

Duquesne, PPL, Peoples, and EAP separately opposed CEO's recommendation and expressed support for maintaining the current USECP review and approval process, which is led by BCS. Duquesne RC at 3-4; PPL RC at 2; Peoples RC at 2; EAP RC at 9-10. Duquesne, PPL, Peoples, and EAP supported the procedure whereby LIURPs are modified through a USECP review process led by the PUC's BCS. Duquesne RC at 3-4; PPL RC at 2; Peoples RC at 2; EAP RC at 9-10.

Proposed Revisions to Section 58.17.

We propose to retitle this section as "Modifications of a LIURP" (currently "regulatory review") to more accurately reflect its content and PUC practice. The existing language in this section provides that a public utility may not implement a LIURP or significantly modify it without "Commission approval." We propose to replace "Commission approval" in the existing regulation with "USECP proceeding" to reflect that a public utility electing to modify its program services or its LIURP budget must do so through a USECP proceeding. This proposed amendment is consistent with our proposed amendments in § 58.4(a.1). We are not proposing to modify the role of BCS in reviewing LIURP or USECP proposals. Duquesne, PPL, Peoples, and EAP supported modifying LIURPs through a USECP review process led by the PUC's BCS. Duquesne RC at 3-4; PPL RC at 2; Peoples RC at 2; EAP RC at 9-10. CEO has not persuaded us that USECP proceedings should be OALJ proceedings.

Section 58.18. Exemptions.

This section of the existing regulations sets forth how a public utility can request LIURP exemptions to the provisions of this Chapter. There were no Questions in the 2016 Secretarial Letter or stakeholder comments received relative to § 58.18.

Proposed Revisions to Section 58.18.

We propose to retitle this section as "Waiver" (currently "exemptions") to refer to provisions under 52 Pa. Code

⁷⁶ See, e.g., NFG 2017—2020 USECP Order, Docket No. M-2016-2573847 (order entered March 1, 2018), at 29, 66; and FirstEnergy 2019—2021 USECP Order, Docket Nos. M-2017-2636969, M-2017-2636973, M-2017-2636976, and M-2017-2636978 (order entered May 23, 2019), at 61, OP No. 11.

§ 1.91 (relating to applications for waiver of formal requirements). An EDC or an NGDC has the burden to establish the merits of making a change in or addition to its LIURP, regardless of whether that change or addition is proposed mid-USECP or in conjunction with a periodic USECP review. If the proposed change requests a deviation from the provisions of Chapter 28, the public utility would need to comply with 52 Pa. Code § 1.91 in making the request for the change. This provision supports the proposed amendments throughout Chapter 58 that replace “Commission approval” with “USECP proceeding.” The terms in this section are updated consistent with the proposed definitions in § 58.2.

Proposed Section 58.19. Temporary suspension of program services.

We propose to add new § 58.19 regarding temporary suspension of program services that establishes notification and reporting requirements if a public utility suspends or plans to suspend its program services. We recognize that it may be reasonable for a public utility to temporarily suspend all or some of its program services for 30 days or longer due to circumstances beyond the public utility’s control. Circumstances may include a public health emergency, such as a natural disaster or a pandemic. Most recently, all public utilities in the Commonwealth suspended in-person program services for several months in 2020 due to the restrictions created by the COVID-19 pandemic.⁷⁷ Public utilities offered limited LIURP services during this timeframe and maintained a suspension of in-person services for varying periods of time. However, some suspensions are not the result of highly publicized events and may only affect one public utility or one portion of a public utility’s service territory. In light of this experience, we find it reasonable to require a public utility to keep the PUC and the public informed when suspension of program services is necessary and provide monthly status updates until these program services are resumed.

2016 Secretarial Letter Questions 13 and 14

Questions Nos. 13 and 14 in the 2016 Secretarial Letter were not specific to or limited to a particular existing section of the LIURP regulations.

Question 13: Are there specific “best practices” that would better serve the LIURP objectives which should be standardized across all the utilities? If so, what are they? For example, is there a more optimal and cost-effective method(s) of procuring energy efficiency services so as to maximize energy savings at lower unit costs?

Stakeholder Comments

PPL, FirstEnergy, and Duquesne separately asserted that the existing LIURP regulations already possess an adequate framework. PPL Comments at 9; FirstEnergy Comments at 11; Duquesne Comments at 10.

PPL opined that best practices ought to be addressed in each public utility’s USECP. PPL Comments at 9. FirstEnergy also supported addressing best practices regarding public utility-specific issues, including the appropriate measures, budget level parameters, outreach efforts, and agency coordination, in the public utilities’ USECP proceedings. FirstEnergy Comments at 11-12. PGW contended that any specific LIURP “best practices”

for one public utility would not necessarily apply to other public utilities because they have very different service territories. PGW supported more flexibility in existing regulations to allow each public utility to address its service territory and any ongoing changes in the weatherization industry. PGW Comments at 12. PECO asserted that evaluating all LIURP practices with the following framework will produce the best results: 1) targeting the highest users, 2) providing installation of major measures when cost-effective opportunities are present, and 3) providing effective quality installations. PECO Comments at 19.

Duquesne recommended that the PUC call for a collaborative meeting of interested stakeholders to identify situations where coordination between public utilities as well as state and federal agencies could result in better outcomes for eligible customers. Duquesne Comments at 10.

PECO asserted that evaluating all LIURP practices with the following framework will produce the best results: 1) targeting the highest users, 2) providing installation of major measures when cost-effective opportunities are present, and 3) providing effective quality installations. PECO Comments at 19.

PA-EEFA recommended shifting program focus to an integrated, whole approach that best serves the needs of low-income households and has the greatest impact on reducing arrearages by saving households the most money on overall energy bills. They contended that this change should be undertaken through improved implementation practices and the adoption of reporting protocols and success metrics that emphasize maximizing savings per household. PA-EEFA noted that revising the existing regulations could allow and encourage a broad range of eligible energy saving measures for renters, including refrigeration and air-cooling appliances. They recommended that the PUC consider procurement of program delivery services in which compensation would be based, to a degree, on performance and outcome. PA-EEFA stated that there is precedent to support this approach in Act 129 where public utilities have linked CSP compensation to performance. PA-EEFA Comments at 30-31.

DCED & DEP jointly suggested that regulatory changes focus on ways to minimize barriers to entry and maximize energy efficiency benefits to low-income consumers by improving the quality of work performed, prioritizing the most cost-effective practices, and expanding targeted educational and outreach efforts. They recommended prioritizing high-energy users and coordinating services as much as possible. DEP & DCED Comments at 2.

OCA recommended that the PUC address the following areas in any LIURP regulation revisions: 1) LIURP funding; 2) both single-family homes and multi-family dwellings needs assessments; 3) partnerships; 4) de facto space heating; 5) program eligibility; and 6) LIURP cost-effectiveness. OCA Comments at 4-5. OCA supported modifying the existing regulations to reflect partnerships and coordination with other programs to encourage a whole-house approach for LIURP services. OCA did not support amending the existing regulations to move toward a performance or outcome-based compensation LIURP structure, as this could potentially increase administrative costs. OCA submitted that energy burdens should be taken into consideration when targeting for LIURP and suggested that special funding should be focused toward customers in the deepest poverty (i.e., below 50% FPIG). OCA noted that targeting CAP custom-

⁷⁷ On March 6, 2020, Governor Tom Wolf issued a Proclamation of Disaster Emergency (Emergency Proclamation) in response to the COVID-19 pandemic. The proclamation, which has since expired, is available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-03/Pennsylvania%2020200306-COVID19-Digital-Proclamation.pdf>. (Accessed on March 14, 2023.)

ers with the highest energy burdens would help reduce the amount of CAP credits used and allow for more affordable bills even if the customer exceeds the maximum CAP credit limit. OCA RC at 17–19.

Proposed Considerations

The PUC welcomes stakeholder input in the form of comments or reply comments on the points raised in response to Question 13.

Question 14: The [PUC] welcomes stakeholder input on other LIURP issues or topics.

Stakeholder Comments

EAP, Duquesne, OCA, Peoples, PPL, PA-EEFA, FirstEnergy, and PECO separately supported stakeholder meetings to discuss the proposed regulations to ensure a collaborative effort. EAP Comments at 16; Duquesne RC at 8-9; OCA RC at 17; Peoples RC at 1; PPL RC at 3; PA-EEFA RC at 10-11; PECO RC at 1; PPL RC at 6; Met Ed RC at 5.

PA-EEFA, PPL, and FirstEnergy separately recommended that the PUC establish a working group to address issues such as coordination, training, and de facto heating. PA-EEFA RC at 10-11; PPL Comments at 3-4; FirstEnergy Comments at 12-13. EAP took no position on de facto heating but noted that the commenters did not address the issues of reconnection fees and outstanding arrearages. EAP RC at 10.

PGW reemphasized the need to give a public utility flexibility in its LIURP implementation and claimed that regulations must allow for the adoption of innovative approaches, cost effectiveness for evaluations, and modern equipment and technologies. PGW submitted that the establishment of a stakeholder meeting or working group would be appropriate to address several issues raised by the 2016 Secretarial Letter before the issuance of any proposed regulations. PGW Comments at 14.

Proposed Considerations

The PUC welcomes stakeholder input in the form of comments or reply comments on the points raised in response to Question 14.

Cost Compliance with the Proposed Amendments and Timelines

Stakeholders are requested to address the following topics regarding the proposed amendments:

- Identify the benefits and adverse effects of the proposed amendments, including costs and cost savings. Explain how you arrived at your estimates.
- Quantify the specific costs, savings, or both, to a public utility anticipated to be associated with compliance with the proposed amendments. Your comments should provide details in terms of administering a LIURP. If you wish to address this in terms of the cost of providing LIURP services, that information must be set out separately from the cost of administration. Explain how you arrived at your estimates.
- Explain the additional legal, accounting, consulting, reporting, recordkeeping, and other work that would be involved in complying with the proposed regulations.

Additional Questions

LIURP services are statutorily mandated universal services for low-income customers. Ratepayers pay the cost of LIURP services; these costs are recoverable and non-bypassable. We have seen over the years that the cost

of providing usage reduction services for low-income customers is more affordable to ratepayers than writing off high debts in the future.

There are households, some above 150% of the FPIG, that currently carry public utility arrearage balances in excess of \$10,000. To the extent that these high arrearages are attributable to conservation issues or health and safety issues, or both, we seek input on potential roles for LIURP in helping to reduce or eliminate further accumulation of arrearages.

With this in mind, we pose the following additional questions for comment in this NOPR:

Question A Has LIURP proven to be an effective means to help customers with extremely high arrearage balances (e.g., \$10,000 or more) maintain utility service and pay down this debt?

Question B Would offering LIURP to customers with high utility account balances and unusually high monthly average bills result in a decrease in the cost of collection efforts and a decrease in uncollectible write-offs? If so, what eligibility criteria may apply?

Question C At what arrearage accumulation point or points should a public utility intervene to assist a customer reduce the household's monthly bill to make the bills more affordable before the customer accumulates a balance of \$10,000 or greater? What criteria could the public utility use to identify customers who could benefit from LIURP treatment to minimize extremely high balances (e.g., amount of arrearage accumulating, age of housing and ability to provide conservation treatment, amount of average monthly bill compared to ability to pay, history of good faith payments, and the like)? Should the accumulation point be based on household income level or FPIG tier? What should the point or points be?

Question D How can coordination with other programs (e.g., Act 129) help customers with high arrearage balances who are income-ineligible for LIURP?

Question E What other avenues should be considered, in combination with or separate from LIURP, to help public utility customers maintain service if they have arrearage balances near or exceeding \$10,000? What programs exist or could be recommended to address the existing arrearage for customers income-eligible for CAPs so as not to burden ratepayers with write-offs of accumulated arrearages in the future?

Conclusion

Having reviewed the comments and reply comments to the 2016 Secretarial Letter, completed another round of periodic USECP proceedings, and revised the PUC's CAP Policy Statement (2020), the PUC has now developed this NOPR to propose revisions to the existing LIURP regulations.

This NOPR will be posted to the PUC's website and served on all parties of record at this proceeding. All interested parties and persons are encouraged to participate in this rulemaking proceeding by filing public comments after this NOPR is published in the *Pennsylvania Bulletin*.

The Law Bureau, with the assistance of the Bureau of Consumer Services, will prepare the requisite supporting documents for the various deliveries of this NOPR pursuant to the Regulatory Review Act. 71 P.S. §§ 745.1–745.14. Thereafter, the Law Bureau will deliver this

NOPR along with the requisite supporting documents to the Office of Attorney General (OAG) and to the Governor's Office of Budget (Budget) for review. Upon receipt of approvals from OAG and from Budget, the Law Bureau will deliver this NOPR along with the requisite supporting documents to the Legislative Standing Committees, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and to the Independent Regulatory Review Commission (IRRC). 71 P.S. § 745.5(a).

Interested parties and persons may file written comments to this NOPR, as it is published in the *Pennsylvania Bulletin*, during the 45-day period following publication in the *Pennsylvania Bulletin*. Reply comments may be filed within the 30-day period following the close of the comment period. Comments and reply comments must reference Docket No. L-2016-2557886. This 75-day period is the "public comment period." The PUC is obligated to forward every filed comment and reply comment received during the public comment period to the Legislative Committees and to IRRC within five days of the PUC's receipt of the timely filed comment or reply comment. 71 P.S. § 745.5(c). Therefore, comments and reply comments filed prior to publication of this NOPR in the *Pennsylvania Bulletin*, that is, before the opening of the public comment period, will be considered premature and must be refiled within the public comment period, that is after publication of the NOPR in the *Pennsylvania Bulletin*.

Accordingly, under sections 501, 1501, 2203, and 2804 of the Public Utility Code (66 Pa.C.S. §§ 501, 1501, 2203, and 2804); section 201 of the act of July 31, 1968, (P.L. 769, No. 240), referred to as the Commonwealth Documents Law (45 P.S. § 1201), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5 (relating to notice of proposed rulemaking required; adoption of regulations; and approval as to legality); section 732-204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)); section 745.5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234 (relating to fiscal note), we are considering adopting proposed changes to existing regulations and proposed new regulations, at 52 Pa. Code §§ 58.1—58.19, as set forth in Annex A, attached hereto;

Therefore,

It Is Ordered That:

1. Upon entry, this Notice of Proposed Rulemaking, consisting of an Order and an Annex A, be posted on the website of the Pennsylvania Public Utility Commission and served on parties of record. The comment period will not open until the Notice of Proposed Rulemaking is published in the *Pennsylvania Bulletin*.

2. The Law Bureau, with the assistance of the Bureau of Consumer Services, shall prepare the requisite supporting documents for the various deliveries of this Notice of Proposed Rulemaking pursuant to the Regulatory Review Act. 71 P.S. §§ 745.1—745.14.

3. The Law Bureau shall deliver this Notice of Proposed Rulemaking along with the requisite supporting documents to the Office of the Attorney General and the Governor's Office of the Budget for review.

4. Upon receipt of approval from the Office of the Attorney General and from the Governor's Office of the Budget, the Law Bureau shall deliver, on a single day, this Notice of Proposed Rulemaking along with the requisite supporting documents to the Legislative Standing Committee, the Legislative Reference Bureau for

publication in the *Pennsylvania Bulletin*, and the Independent Regulatory Review Commission. 71 P.S. § 745.5(a).

5. Interested persons may file written comments to this Notice of Proposed Rulemaking, as published in the *Pennsylvania Bulletin*, during the 45-day period following publication in the *Pennsylvania Bulletin*. Reply comments may be filed within the 30-day period following the close of the comment period. The 75 days constitute the public comment period. Comments and reply comments filed during the public comment period will be forwarded by the Commission to the Legislative Committees and the Independent Regulatory Review Commission.

6. Comments and reply comments may be filed electronically through the Public Utility Commission's efilings system,⁷⁸ in which case no paper copy needs to be filed with the Secretary provided that the filing is less than 250 pages.⁷⁹ If you do not efile, then you are required to mail, preferable by overnight delivery, one original filing, signed and dated, with the Commission's Secretary at: Pennsylvania Public Utility Commission, Commonwealth Keystone Building 2nd Floor, 400 North Street, Harrisburg, PA 17120. Comments and reply comments must reference Docket No. L-2016-2557886. All pages of filed comments and reply comments, with the exception of a cover letter, must be numbered.

7. An electronic copy, in WORD® or WORD®-compatible format, of all filed submissions, comments and reply comments at this docket be provided to Regina Carter, Bureau of Consumer Services, regincarte@pa.gov; Joseph Magee, Bureau of Consumer Services, jmagee@pa.gov; Louise Fink Smith, Esq., Law Bureau, finksmith@pa.gov; Erin Tate, Esq., Law Bureau, etate@pa.gov; Karen Thorne, Regulatory Review Assistant, Law Bureau, kathorne@pa.gov; RA-PCLAW-LIURP@pa.gov; and ra-pcpregrview@pa.gov.

8. The contact persons for this proceeding are Regina Carter, Bureau of Consumer Services, 717-425-5441, regincarte@pa.gov; and Karen Thorne, Regulatory Review Assistant, Law Bureau, kathorne@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 18, 2023

ORDER ENTERED: May 18, 2023

Fiscal Note: 57-340. No fiscal impact; recommends adoption.

(Editor's Note: The footnotes in the Statement of Commissioner Kathryn L. Zerfuss are numbered as 1 and 2 on the Commission's web site at www.puc.pa.gov/pcdocs/1785921.pdf and other web sites associated with this Notice of Proposed Rulemaking.)

Statement of Commissioner Kathryn L. Zerfuss

Before the Commission today is the Notice of Proposed Rulemaking (NOPR) that proposes amendments to our existing Low-Income Usage Reduction Program (LIURP) regulations, 52 Pa. Code §§ 58.1—58.18, and seeks comments on these proposed amendments. As the LIURP regulations have not been amended since 1998, now is the appropriate time to revisit our regulations based on the knowledge and experience this Commission, public utilities, customers, and vested partners have gained over the years. As the Commission staff aptly notes, this update to

⁷⁸ <https://www.puc.pa.gov/efiling/default.aspx>

⁷⁹ If your filing is 250 pages or more, then you are required to mail one copy of the filing to the Secretary.

the regulations is important to keep up with the changing energy landscape and technology improvements, to ensure proper coordination among Commonwealth energy reduction programs, and to ensure the energy usage reductions are fair, effective, and efficient to the benefit of customers and utilities.

For those unfamiliar with LIURP, it is, simply put, a program sponsored by electric and natural gas public utilities that provides weatherization and energy usage reduction services to help low-income customers. The utilities' LIURPs are significant programs, because consumers can see positive impacts in a variety of ways, such as in energy savings, bill reduction, improved health, safety and comfort levels, arrearage reduction, reduced collection activity, improved bill payment behavior, reduced use of supplemental fuels and secondary heating devices, more affordable low-income housing, reduction in homelessness, and less housing abandonment. For their LIURPs, electric utilities completed 14,176 jobs in 2021, and natural gas utilities completed 3,091 jobs in 2021 to assist low-income customers.⁸⁰

I would like to commend the Law Bureau and the Bureau of Consumer Services for their diligent work in creating such a comprehensive regulatory package, as well as the many commenters whose views enriched these proposed amendments. These comprehensive proposed amendments contain numerous customer benefits as well as various coordinated and stream-lined processes that will assist low-income customers in enrolling in energy reduction programs and enhancing the efficiencies of these programs.

I take this opportunity to highlight some of the many beneficial proposed amendments in this NOPR, as follows:

- Requires a public utility's LIURP to be designed to operate in conjunction with the public utility's other universal service programs and public/private programs that provide energy assistance to the community. Consistent with this proposed amendment, a public utility shall directly, or through an assigned third-party, assist LIURP participants in applying for energy assistance programs, such as LIHEAP, based on income eligibility.

- Requires a public utility to coordinate its LIURP services, trainings, outreach, and resources with other public utility LIURPs and with other energy assistance programs. Coordinated program services may include a single energy audit and post-installation inspection when two public utilities are providing program services to the same dwelling.

- Permits public utilities to increase the spending limit for special needs customers⁸¹ to 25% of the LIURP budget to provide flexibility to serve more special needs customers who are ineligible for a utility's customer assistance program but still need help with their utility bills. This proposal also increases the pool of potential LIURP referrals and provides more opportunities for coordination with other weatherization programs.

- Requires a public utility to carry-over unspent LIURP funds to the LIURP budget for the following program

⁸⁰ See 2021 Report on Universal Service and Collections Performance at 54-55, 56.
⁸¹ The NOPR defines a "special needs customer" as follows:

A customer whose household income is between 151% and 200% of the FPIG with one or more household members who meet any of the following criteria:

- Are age 62 and over or age five and under.
- Need medical equipment.
- Have a disability.
- Are under a protection from abuse order.
- Are otherwise defined as a special needs customer under the public utility's approved USECP.

year unless the Commission approves an alternative use of the funds. This will incentivize utilities to use all available LIURP funds each year or seek out more eligible LIURP participants for the following year.

- Requires a public utility to provide targeted outreach and communication about LIURP services and eligibility rules to its customers who appear to be eligible for the program. A public utility shall also consider a wider range of media outlets and platforms, including social media, and shall advertise LIURP in a language or method of communication appropriate to the utility's target audience to ensure potential LIURP recipients have an equal opportunity to access energy resources.

These proposed amendments are consistent with the Commission's recent interests in improving coordination and efficiencies within our public utilities' universal service programs and maximizing the allocated dollars for these programs to the benefit of residential customers.

As part of this proposed rulemaking process, I look forward to receiving comments from all interested parties during the public comment period following publication of this NOPR in the *Pennsylvania Bulletin*. In addition to comments on the proposed amended language in Annex A, the Commission is seeking comments on specific questions, including the ways in which LIURP has helped or can help to reduce or eliminate the accumulation of high public utility arrearage balances (in excess of \$10,000) that some households carry. These comments will aid our consideration in crafting final regulations that continue to assist LIURP participants in decreasing energy usage and utility bills, which, in turn, will create cost savings and reduce uncollectible accounts expenses, as well as improve the health, safety, and comfort levels for recipient households.

Date: May 18, 2023

KATHRYN L. ZERFUSS,
Commissioner

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 58. RESIDENTIAL LOW-INCOME USAGE REDUCTION PROGRAMS

§ 58.1. [Purpose] Statement of purpose.

[This] The purpose of this chapter [requires covered utilities] is to require a public utility, as defined in § 58.2 (relating to definitions), to establish a fair, effective and efficient [energy usage reduction programs] Low-Income Usage Reduction Program (LIURP) for [their low income] its low-income customers and special needs customers. [The programs are] A LIURP that meets the requirements of this chapter is intended to [assist low income customers conserve] decrease a LIURP participant's energy usage and [reduce residential energy] public utility bills or to improve health, safety and comfort levels of household members, or both. [The] A reduction in energy [bills should decrease] usage creates cost savings, which can lessen the incidence and risk of customer payment delinquencies and the attendant public utility costs associated with uncollectible accounts expense, collection costs and ar-

rearrange carrying costs. [The programs are also intended to reduce the residential demand for electricity and gas and the peak demand for electricity so as to reduce costs related to the purchase of fuel or of power and concomitantly reduce demand which could lead to the need to construct new generating capacity. The programs should also result in improved health, safety and comfort levels for program recipients] A reduction in the residential demand for energy can also result in cost reductions related to the purchase of fuel or of power for all customers.

§ 58.2. Definitions.

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

Administrative costs—Expenses not directly related to the provision of program services. The term may include salaries, fringe benefits and related personnel costs for administration, secretarial and clerical support involved in fiscal activities, planning, personnel administration, and the like; office expenses, such as rents, postage, copying and equipment; and other expenses, such as [audit] quality control and evaluation expenses, advertising, training and insurance.

BCS—Bureau of Consumer Services—The Commission bureau with the responsibility to advise the Commission regarding universal service matters including the oversight of the review process of a public utility's universal service programs.

CAP—Customer Assistance Program—A universal service program, as approved by the Commission, that provides payment assistance or pre-program arrearage forgiveness, or both, to a low-income residential customer.

CAP shortfall—The difference between the actual tariff rate for jurisdictional residential energy service and the amount charged on a CAP participant's bill. This term is synonymous with "CAP credits."

CARES—Customer assistance and referral evaluation services—A universal service program, as approved by the Commission, that provides a referral-based approach or a casework approach, or both, to help a payment-troubled customer secure energy assistance funds and other needed services to maximize the customer's ability to pay utility bills.

CBO—Community-based organization—A public or private nonprofit organization that is representative of a community or a significant segment of a community and that works to meet community needs.

CNGDO—City natural gas distribution operation—A collection of real and personal assets used for distributing natural gas to retail gas customers owned by a city or a municipal authority, nonprofit corporation or public corporation formed under 66 Pa.C.S. § 2212(m) (relating to city natural gas distribution operations). Under Section 2212(c), for the purposes of universal service and energy conservation, a CNGDO is subject to the same requirements, policies, and provisions applicable to a NGDC.

Commission—The Pennsylvania Public Utility Commission.

[Covered utility—A jurisdictional electric or gas local distribution utility having sales of natural gas for purposes other than resale exceeding 10 billion cubic feet or sales of electric energy for purposes other than resale exceeding 750 million kilowatt-hours during the preceding calendar year or both.]

De facto heating—Use of a portable heater as the primary heating source when the primary or central heating system is non-functioning or public utility service has been terminated.

Dwelling—A structure being supplied with residential utility service such as a house, apartment, mobile home or single meter multiunit under § 56.2 (relating to definitions).

EDC—Electric distribution company—A public utility providing jurisdictional electric distribution service as defined in 66 Pa.C.S. § 2803 (relating to definitions). This term is synonymous with "electric distribution utility (EDU)," as defined in 66 Pa.C.S. § 1403 (relating to definitions).

ESP—Energy service provider—An organization, contractor, subcontractor or public utility representative responsible for providing program services on behalf of a public utility.

Eligible customer—A [low income or special needs customer who is a residential space heating customer, or a residential water heating customer, or a residential high use electric baseload customer of a covered utility] space-heating, water-heating, or electric baseload low-income or special needs residential customer who meets the usage threshold and other criteria for a public utility's LIURP, as specified in its USECP.

Energy [survey—An onsite inspection of a residential building for the purpose of determining the most appropriate usage reduction measures] audit—An initial assessment of a dwelling performed by an ESP to determine the energy usage and appropriate program services.

Energy conservation education—A presentation, workshop, training or instruction in which energy conservation objectives and techniques are explained or presented to a group or an individual.

FPIG—Federal Poverty Income Guidelines—The income levels published annually in the Federal Register by the United States Department of Health and Human Services. This term is synonymous with "Federal poverty level."

Hardship fund—A universal service program, as approved by the Commission, that provides cash assistance to help eligible customers pay public utility debt, restore public utility service or stop a termination of public utility service.

Health and safety measure—A program measure or repair necessary to maintain and protect the physical well-being and comfort of an occupant of a dwelling or an ESP, or both.

Impact evaluation—An evaluation that focuses on the degree to which a universal service program achieves the continuation of utility service to program participants at a reasonable cost level and otherwise meets program goals.

Incidental repair—Work necessary to permit the installation of a program measure including a repair to an existing measure to make it operate more effectively.

LIHEAP—Low-Income Home Energy Assistance Program—A Federally funded program, administered in this Commonwealth by the Department of Human Services, which provides financial assistance grants to low-income households for home energy bills.

LIURP—Low-Income Usage Reduction Program—A universal service program, as approved by the Commission, that provides energy usage reduction services, health, safety and comfort services, conservation education services or a combination of these services for an eligible customer.

LIURP advisory committee—A committee that provides consultation and advice to a public utility regarding program services.

LIURP budget—The expected cost of providing program services in a given program year, as approved in a USECP proceeding.

LIURP funding mechanism—The process and method by which the public utility recovers its costs of providing approved program services.

LIURP funds—The proceeds recovered through a public utility's LIURP funding mechanism to recover LIURP costs.

LIURP job—The act of providing program services to a dwelling by an ESP, which can include an energy audit, installation or modification of program measures, energy conservation education and testing the dwelling upon completion.

[Low income] Low-income customer—A residential public utility customer [with] whose annual gross household income is at or below 150% of the [Federal poverty guidelines] FPIG.

NGDC—Natural gas distribution company—A public utility providing jurisdictional natural gas distribution service as defined in 66 Pa.C.S. § 2202 (relating to definitions). This term is synonymous with “natural gas distribution utility (NGDU),” as defined in 66 Pa.C.S. § 1403, and includes a regulated CNGDO for universal service and energy conservation purposes under § 2212(c).

Payment-troubled customer—A customer who has an arrearage or has failed to maintain one or more payment arrangements in a 1-year period.

Pilot program—A program [by a covered utility], as approved by the Commission, to operate within the public utility's LIURP, to develop, implement and evaluate new or innovative methods for achieving [usage reduction] the purposes of this chapter.

Post-installation inspection—An assessment performed by an ESP to determine the efficacy of program measures installed at a dwelling.

Program [measures—Installations which are designed to reduce energy consumption] measure—An installation and other work performed on a dwelling under this chapter.

Program [services—Services] service—A service offered or work performed by a [covered] public utility or its [agent] ESP under this chapter.

Program year—The calendar year period beginning January 1 and ending on December 31.

Public utility—

(1) An EDC with at least 60,000 residential customers.

(2) A NGDC with at least 100,000 residential customers.

Residential [high use] electric baseload customer—A residential customer [of a covered utility utilizing the] using electric service [provided by the covered utility for nonspace heating] from the EDC for purposes other than space-heating or [nonwater heating end uses such as lighting and major and minor appliance usage and utilizing greater than 125% of the usage of the covered utility's average residential baseload customer] water-heating.

Residential [space heating] space-heating customer—A residential customer [of the covered utility utilizing] using the electric or natural gas service provided by the [covered] public utility as the primary heating source for the [customer's residence. The term includes customers with gas furnaces that have historically been used for heating but may not currently be operable] dwelling.

Residential [water heating] water-heating customer—A residential customer [of the covered utility utilizing] using the electric or natural gas service provided by the [covered] public utility to provide water-heating as the primary [water] heating source for the [customer's residence] dwelling.

Special needs customer—A customer [having an arrearage with the covered utility and] whose household income is [at or below] between 151% and 200% of the [Federal poverty guidelines] FPIG with one or more household members who meet any of the following criteria:

- Are 62 years of age or older but under 6 years of age.
- Need medical equipment.
- Have a disability.
- Are under a protection from abuse order.
- Are otherwise defined as a special needs customer under the public utility's approved USECP.

USAC—Universal service advisory committee—A group of stakeholders who meet at least semiannually, receive universal service program updates, and provide feedback on proposed public utility USECP initiatives.

USECP—Universal service and energy conservation plan—A documented and Commission-approved plan describing the benefits, policies and procedures related to a public utility's universal service and energy conservation programs.

USECP proceeding—A Commission proceeding to review a proposed public utility USECP or a petition proposing to add or amend provisions within an existing USECP.

Universal service programs—The policies, protections and services that a public utility is required

to offer under 66 Pa.C.S. §§ 2203(8) and 2804(9) (relating to standards for restructuring of natural gas utility industry; and standards for restructuring of electric industry) to help low-income customers maintain public utility service and conserve energy. This term is synonymous with “universal service and energy conservation programs” and includes payment assistance programs, termination of service protections, energy usage reduction programs and consumer education programs. LIURP, CAP, CARES and Hardship fund are the four mandatory universal service program components of a public utility’s USECP; other programs are permissible if approved in a USECP proceeding.

Usage reduction education—A group or individual presentation or workshop in which usage reduction objectives and techniques are explained.]

Weatherization—The process of modifying a dwelling to reduce energy consumption and optimize energy efficiency.

§ 58.3. Establishment and maintenance of a residential [low income usage reduction program] LIURP.

A [covered] public utility shall establish and maintain a [usage reduction program] LIURP for its [low income] low-income customers and special needs customers.

§ 58.4. [Program funding] LIURP budgets.

(a) [*General guidelines for gas utilities.* Annual funding for a covered natural gas utility’s usage reduction program shall be at least .2% of a covered utility’s jurisdictional revenues. Covered gas utilities shall submit annual program budgets to the Commission. A covered gas utility will continue to fund its usage reduction program at this level until the Commission acts upon a petition from the utility for a different funding level, or until the Commission reviews the need for program services and revises the funding level through a Commission order that addresses the recovery of program costs in utility rates. Proposed funding revisions that would involve a reduction in program funding shall include public notice found acceptable by the Commission’s Bureau of Consumer Services, and the opportunity for public input from affected persons or entities] [Reserved].

(a.1) *General.* A public utility shall propose annual LIURP budgets for the term of a proposed USECP that is filed with the Commission for review and approval. Upon approval of the USECP by the Commission, the public utility shall continue providing program services at the budget level approved in the USECP unless the LIURP budget is revised in a future USECP proceeding.

(a.2) *Special needs customers.* A public utility may spend up to 25% of its annual LIURP budget on eligible special needs customers as defined in § 58.2 (relating to definitions).

(b) [*General guidelines for electric utilities.* A target annual funding level for a covered electric utility is computed at the time of the Commission’s initial approval of the utility’s proposed program. A covered electric utility shall continue funding the program at that level until the Commission acts

upon a petition from the utility for a revised funding level, or until the Commission reviews the need for program services and revises the funding level through a Commission order that addresses the recovery of program costs in utility rates. Proposed funding revisions that would involve a reduction in program funding shall have include public notice found acceptable by the Commission’s Bureau of Consumer Services, and the opportunity for public input from affected persons or entities] [Reserved].

(c) [*Guidelines for revising program funding*] *Revisions to a LIURP budget.* A revision to a LIURP budget is accomplished in a USECP proceeding. A revision to a [covered] public utility’s [program funding level is to] LIURP budget must be [computed] based upon factors [listed in this section. These factors are] including all of the following:

(1) The estimated number of customers by FPIG levels 0% through 50%, 51% through 100%, 101% through 150% and 151% through 200%.

(2) The number of confirmed low-income customers by FPIG levels 0% through 50%, 51% through 100%, 101% through 150% and 151% through 200%.

(3) The number of special needs customers.

[(1)] (4) The number of eligible **confirmed low-income** customers that could be provided [**cost-effective usage reduction**] **program** services. The calculation [shall] must take into consideration the number of customer dwellings that have already received, or are not otherwise in need of, [**usage reduction**] **program** services.

(5) **The number of eligible special needs customers that could be provided program services. The calculation must take into consideration the number of customer dwellings that have already received, or are not otherwise in need of, program services.**

[(2)] (6) Expected customer participation rates for eligible customers. Expected participation rates [shall] **must be based on the number of eligible confirmed low-income customers and** historical participation rates [when customers have been solicited through approved personal contact methods].

[(3)] (7) The total expense of providing [**usage reduction**] **program** services, including costs of program measures, **energy** conservation education **and training** expenses and prorated expenses for [**program**] LIURP administration.

[(4)] (8) A plan for providing program services **to eligible customers** within a [**reasonable period of time**] **proposed timeline**, with consideration given to [**the contractor**] ESP capacity necessary for provision of services, **including time and materials**, and the impact on utility rates.

(d) [*Pilot programs.* Covered utilities are encouraged to propose pilot programs for the development and evaluation of conservation education and other innovative technologies for achieving the purposes of residential low income usage reduction] [Reserved].

(d.1) Unspent LIURP funds. A public utility shall annually reallocate unspent LIURP funds to the LIURP budget for the following program year unless an alternate use is approved by the Commission in a USECP proceeding.

(e) Recovery of LIURP costs.

(1) [Program expenses shall] LIURP costs must be allotted among ratepayers. [The precise method of allocation between capital and expense accounts shall be determined in future rate proceedings.]

(2) Recovery of [program expenses shall] LIURP costs will be subject to Commission review of the prudence and effectiveness of a public utility's administration of its [low income residential usage reduction program] LIURP.

(3) The LIURP funding mechanism and the allocation between capital and expense accounts must be determined in a public utility's rate proceeding.

§ 58.5. Administrative costs.

[For programs covered by § 58.4 (relating to program funding),] (a) LIURP administrative costs. A public utility may not spend more than 15% of [a covered utility's] its annual LIURP budget [for its usage reduction program may be spent] on administrative costs, as defined in § 58.2 (relating to definitions). [The costs associated with approved pilot programs are exempt from the 15% cap.]

(b) LIURP pilot program administrative costs. The administrative costs associated with an approved pilot program are exempt from the 15% cap on LIURP administrative costs. A public utility shall track the administrative costs of a pilot program separately from the other costs of the pilot program.

§ 58.6. Consultation.

A [covered] public utility, when [making major modifications in] developing a proposal to modify its [program] LIURP design or developing a pilot program, shall consult with persons and entities with experience in the design or administration of usage reduction, energy efficiency, and weatherization programs. [Consultations may typically be with] Persons and entities consulted may also include a USAC, LIURP advisory committee, past recipients of weatherization services, social service agencies, and community groups[, other utilities with usage reduction programs, and conservation and energy service contractors].

§ 58.7. Integration.

(a) [A covered utility shall coordinate program service with existing resources in the community] [Reserved].

(b) [Mandatory usage reduction programs shall] A LIURP must be designed to operate in conjunction with the [covered] public utility's [consumer services and collection] other universal service programs as defined in § 58.2 (relating to definitions) and [relevant public or private programs so that customers experiencing ability-to-pay problems are

made aware of the covered utility's usage reduction program and hardship funds] other relevant public or private programs that provide energy assistance or similar assistance to the community. The [covered] public utility shall provide direct assistance [to low income usage reduction program] or arrange third-party assistance for LIURP participants [in making application to the Low Income Home Energy Assistance Program] applying for LIHEAP as defined in § 58.2 and other energy assistance programs, based on income-eligibility.

(c) [Mandatory usage reduction programs shall be designed, whenever possible, to provide program services through independent agencies which have demonstrated experience and effectiveness in the administration and provision of program services. In the absence of qualified independent agencies, a covered utility electing not to provide program services directly shall solicit competitive bids for the provision of services by providers of related services, such as construction, architectural or engineering services] [Reserved].

§ 58.8. Tenant household eligibility.

(a) [Program measures] Tenant household. An eligible customer who is a tenant that resides at a dwelling, as defined in § 58.2 (relating to definitions), shall have an equal opportunity to [secure] receive program services [if the landlord has granted written permission to the tenant for the installation of program measures, and the landlord agrees, in writing, that rents will not be raised unless the increase is related to matters other than the installation of the usage reduction measures, and the tenant not evicted for a stated period of time at least 12 months after the installation of the program measures, if the tenant complies with ongoing obligations and responsibilities owed the landlord].

(1) A tenant household may be eligible for the installation of program measures if the landlord has granted permission to the public utility and the public utility documents the landlord's agreement for the ESP to perform work on the dwelling. A public utility shall provide a copy of the landlord's documented agreement to the tenant household.

(2) If the landlord does not grant permission for the installation of program measures, the tenant household remains eligible for baseload measures and energy conservation education.

(b) Landlord contributions. A [covered] public utility may seek voluntary landlord contributions [as long as the]. The lack of landlord contributions [do] may not [prevent] prohibit an eligible [customer] tenant household from receiving program services. [Contributions] Voluntary contributions from landlords [shall] must be used by the public utility [as supplemental] to supplement its approved [Residential Low Income Usage Program] LIURP budget. The public utility shall document the conditions relative to the use of a voluntary contribution in writing.

(c) Optional public utility requirement. A public utility may require a landlord to agree that rent

will not be raised unless the increase is related to matters other than the installation of the program measures or that the tenant household will not be evicted for a stated period of time after the installation of the program measures unless the tenant household fails to comply with ongoing obligations and responsibilities owed the landlord.

§ 58.9. [Program announcement] LIURP outreach.

(a) [A covered utility shall provide notice of program activities as follows:] A public utility shall, at least annually, review its customer records to identify customers who appear to be eligible for LIURP and provide a targeted communication with a description of program services and eligibility rules to each customer identified through this procedure so as to solicit applications for consideration of program services. A copy of this notice must also be sent to publicly and privately funded agencies which assist low-income customers within the public utility's service territory. A public utility shall also consider providing public service announcements regarding its LIURP in media outlet sources, such as print, broadcast and social media platforms. The public utility shall additionally advertise its LIURP in a language other than English when census data indicate that 5% or more of the residents of the public utility's service territory are using the other language.

(1) [The utility shall, at least annually, review its customer records to identify customers who appear to be eligible for low income usage reduction service. The utility shall then provide a targeted mass mailing to each customer identified through this procedure so as to solicit applications for consideration of program services. A copy of this notice shall also be sent to publicly and privately funded agencies which assist low income customers within the covered utility's service territory. A covered utility shall also consider providing public service announcements regarding its low income usage reduction program in local newspapers and on local radio and television] [Reserved].

(2) [If available program resources exceed initial customer response, the targeted mass mailing shall be followed by a personalized letter to customers who did not respond to the mass mailing] [Reserved].

(3) [If available program resources still exceed customer response, personal contact should be made with customers who have not responded to earlier program announcements] [Reserved].

(b) If, after implementing notice requirements of subsection (a), additional funding resources remain, [a covered utility shall send each of its residential customers notice of its usage reduction program along with a description of program services, eligibility rules and how customers may be considered for program services] the public utility shall attempt to make additional contact with eligible customers who have not responded to earlier LIURP outreach announcements.

§ 58.10. [Program announcement] Prioritization of program services.

(a) [Priority for receipt of program services shall be determined as follows:] A public utility shall prioritize the offering of program services to eligible customers in the following order:

(1) Among eligible customers, those with the largest energy usage and greatest opportunities for utility bill reductions relative to the cost of providing program services, including CAP shortfall, shall [receive] be offered services first. When prioritizing eligible customers by usage level, several factors [shall] must be considered when feasible. These factors include: the size of the dwelling, the number of occupants, the number of consecutive service months at the dwelling and the end uses of the utility service. When prioritizing eligible customers by opportunities for utility bill reductions, [utility rate factors which may tend to limit (for example, declining block rates) or facilitate, for example, time-of-day rates or heating rates, bill reductions somewhat independently of absolute usage levels should be considered] a public utility may also consider factors that tend to facilitate utility bill reductions.

(2) Among customers with the same standing with respect to paragraph (1), [those with the greatest arrearages shall receive services first. When feasible,] priority should be given to [customers with the largest arrearage relative to their income; for example, arrearage as a percentage of income] customers in the following sequence:

(i) Customers in CAP with the largest pre-program and in-program arrearage as a percentage of their household income.

(ii) Non-CAP customers with the largest arrearage as a percentage of household income.

(3) Among the customers with the same standing with respect to paragraph (2), those with incomes [which place them farthest below the maximum eligibility level] at the lowest FPIG level shall [receive] be offered program services first.

(b) [Covered electric utilities] An EDC shall use the [guidelines outlined] prioritization provisions in this section to determine the amount of its annual [program funding] LIURP budget to be [budgeted] allocated for [usage reduction] program services available to residential electric [space heating,] space-heating, electric residential [water heating] water-heating customers and residential [high-use] electric baseload customers.

(c) [A covered utility may spend up to 20% of its annual program budget on eligible special needs customers as defined in § 58.2 (relating to definitions)] [Reserved].

(d) A public utility may not restrict participation in LIURP to customers enrolled in a CAP. If a customer is CAP-eligible, participation in CAP must be encouraged but not required to receive program services.

(e) A public utility shall document its prioritization protocols in its USECP.

§ 58.11. Energy [survey] audit.

(a) If [an] a LIURP applicant is eligible to receive program services, the public utility shall arrange for an [onsite] energy [survey shall] audit to be performed by an ESP to determine if the installation of program measures or if the provision of other program services or if both would be appropriate. [The installation of a program measure is considered appropriate if it is not already present and performing effectively and when the energy savings derived from the installation will result in a simple payback of 7 years or less. A 12-year simple payback criterion shall be utilized for the installation of side wall insulation, attic insulation, space heating system replacement, water heater replacements, and refrigerator replacement when the expected lifetime of the measure exceeds the payback period.]

(b) [Program funds may not be used for measures that involve fuel switching between Commission regulated utilities. This stipulation does not apply to fuel switching within a dual-fuel utility] [Reserved].

(c) A public utility may not use the same ESP that performed an energy audit at a dwelling to install the program measures determined appropriate by the energy audit at the same dwelling.

(d) To evaluate whether the installation of program measures on a dwelling are appropriate, the energy audit must determine both:

(1) Whether a program measure is not already present or is not performing effectively.

(2) Whether the total estimated energy savings would exceed the cost of installation of all program measures over the expected lifetime of those program measures.

(e) Notwithstanding subsection (d), a public utility may determine that providing a program measure is necessary for the long-term health, safety and comfort levels for the occupants regardless of the estimated energy savings.

(Editor's Note: Section 58.11a is proposed to be added and is printed in regular type to enhance readability.)

§ 58.11a. Fuel switching.

(a) LIURP funds may be used for program measures that involve fuel switching between electric and natural gas under either of the following conditions:

(1) When the public utility provides both electric and natural gas utility service to the LIURP participant.

(2) If the primary heating source provided by another public utility is determined to be inoperable or unrepairable or if the cost to repair would exceed the cost of replacement and both public utilities agree in writing that fuel switching is appropriate.

(b) The public utility shall document these conditions.

§ 58.12. Incidental repairs and health and safety measures.

[Expenditures on program measures may include incidental repairs to the dwelling necessary to permit proper installation of the program measures or repairs to existing weatherization measures which are needed to make those measures operate effectively.]

(a) Criteria and services. A public utility shall identify in its USECP the criteria used for performing incidental repairs and health and safety measures.

(1) Incidental repairs. Expenditures on program measures may include incidental repairs to the dwelling needed to make those program measures operate effectively.

(2) Health and safety measures. These measures may include installing smoke alarms or carbon monoxide detectors, performing combustion testing and identifying and remediating potential hazards such as knob and tube wiring, mold, asbestos and moisture.

(b) Allowances. Incidental repairs and health and safety measures must have separate allowance limits, approved through a USECP proceeding.

(c) Deferral. A public utility may defer a dwelling due to health, safety and structural problems that either do not meet the criteria or exceed the maximum budget allowances for incidental repairs or health and safety measures.

(1) If deferral is necessary, the public utility shall inform the customer in writing and describe the conditions that must be met for program services to be installed.

(2) A public utility shall track and maintain a list of dwellings deferred within the past 3 years. This information must be reported under § 58.15 (relating to LIURP reporting and evaluation).

§ 58.13. [Usage reduction] Energy conservation education.

(a) Applicability. A [covered] public utility shall provide [usage reduction] energy conservation education services to [program] LIURP recipients so that maximum energy savings can be derived from the installation of program measures and through the modification of energy-related behavior including water consumption. [Usage reduction] Energy conservation education should also address regular utility bill payment behavior and the [covered] public utility shall provide direct assistance to [low income usage reduction program recipients] each customer who receives program services in making application to secure available energy assistance funds.

(b) [Funding level. Expenditures for usage reduction] LIURP Budget. The portion of the LIURP budget allocated for energy conservation education services [shall] must be sufficient to provide these services to each customer who receives other program services. [Usage reduction] Energy conservation education programs that have average costs which exceed \$150 per program recipient household [are to be pilot tested for 1 year during which the program will be measured for the incremental contribution to energy savings that the usage reduction education produces and the cost-effectiveness of that contribution] must be submitted for review and approval through a USECP proceeding.

(c) [Pilot programs. The Commission encourages covered utilities to pilot test and evaluate innovative usage reduction education approaches. Pilot programs are also encouraged that evaluate the

incremental energy savings of usage reduction programs that incorporate an education component as compared to programs that do not incorporate an education component] [Reserved] .

(d) *Program services.* The [**usage reduction**] **energy conservation** education services described in this chapter include activities designed to produce voluntary conservation of energy on the part of eligible customers. **A public utility shall take reasonable steps to provide energy conservation education activities in the language or the method of communication appropriate to its target audience.** The activities [**shall**] **must** include[, **but need not be restricted to,**] **all of** the following:

(1) *Group presentations.* Meetings involving recipients of program measures and other customers at which **energy** conservation objectives are explained and possible [**conservation**] **program** measures are described and, when appropriate, demonstrated.

(2) *Workshops.* Group presentations at which, in addition to receiving explanations of **energy** conservation objectives, recipients of program measures and other customers are taught to install selected program measures.

(3) *In-home presentations.* Consultations held in the dwelling between a person supplying **energy** conservation education services and the [**occupant or owner**] **owner, landlord or tenant** of the dwelling. The presentations may include the explanation of **energy** conservation objectives, the participation of the [**owner or occupant**] **owner, landlord or tenant** in the installation of selected program measures or other activities designed to produce voluntary reductions in energy use [**by the owner or occupant**] .

(4) *Post-installation education.* Energy conservation education must be provided by phone or in-person to recipients of program measures whose energy usage has increased 12 months post-installation.

(Editor's Note: Section 58.13a is proposed to be added and is printed in regular type to enhance readability.)

§ 58.13a. LIURP pilot programs.

(a) Public utilities may propose LIURP pilot programs that offer innovative services that may include any of the following:

- (1) Energy conservation education.
- (2) Renewable energy sources.
- (3) Fuel switching.
- (4) Air conditioning.

(b) A public utility shall attempt to coordinate pilot program-related services among EDC and NGDC universal service programs and other community resources.

(c) A public utility shall seek approval through a USECP proceeding before establishing or changing a pilot program, discontinuing a pilot program early or incorporating the provisions of a pilot program as a regular component of its LIURP.

(d) The duration of a pilot program must not exceed 5 years or continue after the expiration of the public utility's current USECP, whichever comes later.

§ 58.14. Program measure installation.

(a) [*Installation.*] Based on the results of the energy [**survey**] **audit** conducted under § 58.11 (relating to energy [**survey**] **audit**), a [**covered**] **public** utility shall install or arrange for the installation of [**the following**] applicable program measures designed to reduce [**energy**] **utility** bills, usage or demand for [**space heating, water heating**] **space-heating, water-heating** and baseload end uses **which may include any of the following:**

(1) For residential [**space heating**] **space-heating** customers, applicable program measures may include the installation of insulation, furnace replacement or furnace efficiency modifications, [**clock**] **programmable** thermostats, infiltration measures designed to reduce the flow of air through the building envelope or the repair or replacement of chimneys, **windows, exterior doors** and service lines.

(2) For residential [**water heating**] **water-heating** customers, program measures may include [**the installation of control devices on water heaters or other major appliances, rewiring to permit billing on a time of day or other off-peak rate schedule, the installation of water heater and pipe insulation and devices reducing the flow of hot water in showers, faucets or other equipment**] **any of the following:**

(i) Installation of control devices on water heaters or other major appliances.

(ii) Installation, repair, or replacement of water heater insulation and pipe insulation.

(iii) Installation of devices reducing the flow of hot water in showers, faucets or other equipment.

(3) For residential baseload customers, applicable program measures may include lighting efficiency modifications, refrigeration replacements or efficiency improvements, **repairing or replacing water heaters which do not provide primary heating for the dwelling**, air conditioner **installations** or replacements or efficiency improvements and other major appliance replacements, retrofits or efficiency improvements.

(b) [*Quality control.* A covered utility shall establish effective quality control guidelines and procedures for the installation of program measures. When a contractor is utilized, the covered utility shall schedule post-installation inspections and require a warranty covering workmanship] [**Reserved**].

(c) [*Inter-utility coordination.* Customers of covered gas utilities and covered electric utilities shall have coordinated provision of comprehensive program services.

(1) When providing program services a covered gas utility shall address usage of electricity provided by a covered utility through the provision of electric usage reduction education, the installation of efficient lightbulbs, where appropriate, the installation of electric water heater and hot water pipe insulation where the equipment is in unheated areas and the installation of devices to reduce the flow of hot water in showers and faucets.

(2) When providing program services, a covered electric utility shall address usage of gas provided

by a covered utility through the provision of gas usage reduction education, the installation of gas water heater and hot water pipe insulation where the equipment is in unheated areas and the installation of devices to reduce the flow of hot water in showers and faucets.

(3) Covered electric utilities should arrange for the bulk purchase of efficient lightbulbs at their own expense and the distribution of the lightbulbs to covered gas utilities or the gas utilities' program contractors that are providing program services in the electric utility service territory.

(4) A covered utility may choose to absorb in its program budget the labor and materials cost for the water heating treatments they provide under this section. An electric utility choosing not to absorb the costs may choose to bill the covered gas utility for the electric utility's cost of providing gas water heating treatments. Similarly, a gas utility choosing not to absorb the costs may choose to bill the covered electric utility for the gas utility's cost of providing electric water heater treatments. Inter-utility billing arrangements shall be stated in a contract between the two utilities which specifies costs to be covered and measures to be installed.

(5) Conservation education costs incurred as a result of this section are not to be included in inter-utility billing arrangements.

(6) Covered electric utilities shall provide training at their own expense to covered gas utility contractors and inspectors regarding the installation of electric hot water measures and the determination of appropriate installations for efficient lightbulbs. Covered gas utilities shall provide training at their own expense to covered electric utility contractors and inspectors regarding the installation of gas hot water measures.

(7) Covered utilities are not required to track or report energy usage data associated with conservation education provided or measures installed under this section] [Reserved].

(d) A public utility shall warranty program measures installed in a dwelling for a minimum of 1-year covering labor and materials.

(Editor's Note: Sections 54.14a—54.14c are proposed to be added and are printed in regular type to enhance readability.)

§ 58.14a. Quality control.

(a) A public utility shall establish quality control standards for the installation of program measures and shall document in its USECP the quality control standards that it is using to evaluate both the work of the ESP and the performance of the program measures.

(b) A public utility shall schedule post-installation inspections on a minimum of 10% of completed full cost space-heating and water-heating jobs and a minimum of 5% of baseload jobs for each ESP performing such program measures.

(c) A public utility shall establish procedures for the installation of program measures and the post-installation inspections and shall document them in its USECP.

(d) A public utility shall establish a process for a customer to file a complaint about the quality of work,

workmanship or serviceability of the ESP and shall document the complaint process in its USECP.

(e) A public utility may not use the ESP that installs program measures at a dwelling to conduct the post-installation inspection of those program measures.

(f) When energy usage by a recipient of program measures increases by more than 10% within the first 12 months post-installation, the public utility shall contact the recipient to determine the reason for increase in energy usage. If the public utility cannot substantiate the reason for the increase in energy usage, the public utility shall schedule a follow-up inspection to confirm the program measures are working properly.

(g) A public utility shall ensure that an ESP documents each of the following:

- (1) Post-installation inspection results.
- (2) Follow-up program services if provided.

(h) A public utility shall retain quality control documentation for a minimum of 4 years or until the impact evaluation is completed, whichever is later.

§ 58.14b. Use of an ESP for program services.

(a) A public utility electing not to provide program services directly shall use qualified ESPs selected through a competitive bidding process.

(b) Third-party ESP qualifications must include, at least, the following:

(1) Demonstrated experience and effectiveness in the administration and provision of energy efficiency and usage reduction services.

(2) Certification, as appropriate to the program services to be rendered, by an accredited certifying entity.

(3) Proof of appropriate and sufficient insurance, as determined by the public utility.

(4) Attestation that workmanship and materials will be covered under a minimum 1-year warranty.

(c) A public utility which outsources program services shall contract with multiple ESPs if possible and shall file and serve a justification if selection is limited to one ESP.

(d) A public utility may prioritize contracting with CBOs that meet its ESP qualifications.

§ 58.14c. Inter-utility coordination.

(a) A public utility shall pursue coordination of its program-related services, trainings, outreach and resources with other public utilities LIURPs and with other energy assistance programs.

(b) Coordinated program services may include an energy audit and post-installation inspection.

(c) Inter-utility billing arrangements must be stated in a contract between coordinating public utilities. The contract must specify costs to be covered and program measures to be installed under this section. A public utility may choose to absorb in its LIURP budget the labor and materials cost for the coordinated program measures it provides.

(d) Costs associated with inter-utility trainings and coordinated trainings or outreach may not exceed 1% of the public utility's total LIURP budget, annually.

§ 58.15. [Program] LIURP reporting and evaluation.

[A covered utility shall be responsible for the ongoing evaluation of its program. Evaluation shall

include establishing procedures for monitoring program results and evaluating program effectiveness. Procedures shall include the following:

- (1) Compiling statistical data concerning:
 - (i) The number of homes weatherized.
 - (ii) The itemized cost of conservation measures installed.
 - (iii) The total cost per home in terms of materials and labor.
 - (iv) The types of housing structures weatherized
 - (v) Energy consumption.
 - (vi) Program recipient demographics.
 - (vii) Program recipient utility bills and account balances.
 - (viii) Program recipient utility payments.

(2) Evaluating the energy savings and load management impacts of program services; changes in customer bills, payment behavior and account balances; and the overall quality of program services and steps being taken to improve program performance. Utilities should at least annually assess the cost-effectiveness of weatherization contractors utilized in providing program services and incorporate this information into program management decisions.

(3) Reporting annually to the Commission regarding the findings of this evaluation.]

A public utility shall be responsible for the ongoing reporting and evaluation of its LIURP, including compiling and reporting information requested by the Commission on an annual basis. At a minimum, the following data and analyses regarding its LIURP must be provided:

(1) Actual LIURP production and spending data for the recently completed program year and projections for the current program year by February 28, consistent with §§ 54.75 and 62.5 (relating to annual residential collection and universal service and energy conservation program reporting requirements; and annual residential collection and universal service and energy conservation program reporting requirements).

(2) Universal service program data by April 1, consistent with §§ 54.75 and 62.5.

(3) Statistical data on LIURP jobs completed in the preceding program year by April 30, including:

(i) The number of LIURP jobs including the number and type of dwelling, the number of each job type completed, the number of fuel-switching jobs, the number of deferred dwellings, the number of previously deferred dwellings that received program services during the program year, the number of inter-utility coordinated LIURP jobs and the number of LIURP jobs coordinated with other weatherization programs.

(ii) The total LIURP costs including, material and labor costs of measures installed, administrative costs, inter-utility trainings, coordinated trainings and outreach, health and safety, incidental repairs, energy conservation education and cost to serve special needs customers.

(iii) Overall percent of energy usage reduction and energy usage reduction by job type.

(iv) The total number of CAP households and number of special needs households.

(v) The budget and actual spending for each LIURP pilot program, number of jobs by job type, duration of the pilot, results and measures implemented through the pilot.

(vi) An explanation if more than 10% of the annual LIURP budget remains unspent.

(4) Evaluation data and analysis of LIURP jobs by April 30, including periods covering pre-installation and post-installation of program measures, ending in the preceding program year. The evaluation data and analysis must be submitted in compliance with the reporting instructions provided to public utilities electronically by the Commission's Bureau of Consumer Services each year and include all of the following information, broken out by job type:

(i) Energy savings and load management impacts of program services.

(ii) Changes in customer utility bills.

(iii) Payment behavior and account balances.

(iv) Household demographic data at the time program measures were installed.

(v) Assessment of the cost-effectiveness of ESPs used in providing program services and how the ESPs are meeting quality control standards. The public utility shall identify how this information is incorporated into LIURP management decisions.

§ 58.16. [Advisory panels] LIURP advisory committee.

(a) [*Creation.* A covered] A public utility shall create and maintain a [Usage Reduction Program Advisory Panel to provide consultation and advice to the company regarding usage reduction services] LIURP advisory committee or a USAC that meets at least semiannually with stakeholders to consult on program services.

(b) [*Membership.* No more than one representative from an organization or group may serve on a company's advisory panel. Membership] Participants of a public utility's [consumer advisory panel] LIURP advisory committee or USAC may include:

(1) Recipients of program measures and representatives from social service agencies, from community groups and from agencies or companies which administer or install program measures.

(2) Representatives from other groups or agencies which may be able to offer reasonable advice regarding [usage reduction programs and] program services.

(c) [*Review.* The advisory panel shall be provided with usage reduction program plans and proposed changes at least 15 days prior to the submission of plans for approval by the Commission. The panel shall report comments and exceptions to plans to the covered utility which shall provide the reports to the Commission in conjunction with the submission of the proposed plan] [Reserved].

(d) [*Creation of additional advisory panels. A covered utility may create more than one advisory panel when the size of the service territory or other considerations warrant*] [Reserved].

(e) [*Existing advisory panels. A covered utility may use an existing customer advisory panel to satisfy this section when the membership of the panel can reasonably be expected to provide effective consultation and advice regarding usage reduction programs*] [Reserved].

§ 58.17. [Regulatory review] Modifications of a LIURP.

A [covered] public utility [may not implement a required usage reduction program, nor subsequently significantly] shall establish or subsequently modify [a program approved under this chapter until the utility has received Commission approval for the proposal] its program services and LIURP budget through a USECP proceeding.

§ 58.18. [Exemptions] Waiver.

A [covered] public utility alleging special circumstances may petition the Commission [**exempt its required usage reduction program from**] through a USECP proceeding to waive a provision in this chapter, under § 1.91 (relating to applications for waiver of formal requirements).

(*Editor's Note:* Section 58.19 is proposed to be added and is printed in regular type to enhance readability.)

§ 58.19. Temporary suspension of program services.

(a) A public utility shall notify the Commission at its current USECP docket if it needs to suspend all or part of its program services for 30 days or longer. Notice must be filed and served prior to suspension of program services or within 5 days after suspension of program services if prior notice was not possible. The notice must include the reason for suspension and the estimated timeline for resumption of program services.

(b) A public utility that has suspended its program services shall file and serve monthly status updates at its current USECP docket if the suspension of program services exceeds 30 days. The status updates must include an estimated timeline for resumption of program services.

[Pa.B. Doc. No. 23-1679. Filed for public inspection December 1, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

[55 PA. CODE CHS. 1101, 1121, 1141,
1142 AND 1144]

Covered Outpatient Drugs

Statutory Authority

Notice is hereby given that the Department of Human Services (Department) proposes to amend the regulations set forth in Annex A under the authority of sections

201(2) and 403.1(a)(4) of the Human Services Code (62 P.S. §§ 201(2) and 403.1(a)(4)).

Purpose of Regulation

The purpose of this proposed rulemaking is to amend the current regulations in Chapter 1121 (relating to pharmaceutical services), by updating the payment methodology for pharmaceutical services to reflect the payment methodology approved by the Centers for Medicare & Medicaid Services (CMS) to comply with the Final Rule "Medicaid Program; Covered Outpatient Drugs; Final Rule," (Final Rule) published at 81 FR 5169 (February 1, 2016) (amending 42 CFR Part 447 (relating to payments for services)). The Department is also making technical corrections. These technical corrections amend the current regulations in Chapter 1101 (relating to general provisions) to add diabetic supplies, opioid overdose agents and immunizations to the list of services excluded from copayments. This proposed rulemaking also amends Chapters 1121, 1141, 1142 and 1144 to recognize the prescriptive and dispensing authority of certified nurse practitioners (CRNP) and midwives and to specify the payment methodology for pharmaceutical services dispensed by a prescribing provider. Finally, this proposed rulemaking amends Chapter 1121 to reflect advances in information technology that increase administrative and operational efficiencies consistent with industry standards including recognizing electronic prescribing, update the list of noncompensable services, and update the dispensed day supply limits and limits on refills.

Background

Medicaid is a cooperative Federal-state program by which the Federal government provides funds to states to enable those states, "as far as practicable," to make medical assistance, including Medicaid, available to indigent, elderly and disabled individuals. See 42 U.S.C. § 1396. Under Title XIX of the Social Security Act (the Medicaid provisions) (42 U.S.C. §§ 1396—1396w-7), a state is required to submit a State plan to the United States Department of Health and Human Services for approval. See 42 U.S.C. § 1396-1; 42 CFR 430.10 (relating to the State plan). In this Commonwealth, the Department administers the Medical Assistance (MA) Program, which covers Medicaid and State-funded medical services.

As part of the MA Program and its State plan, the Department makes payments to outpatient pharmacies (for example, community pharmacies) that are enrolled as MA providers. The Department makes payments to the enrolled pharmacies for drugs provided to beneficiaries who are enrolled in the MA Fee-for-Service (FFS) Program. The Department receives Federal reimbursement for these eligible drugs, which are also known as "covered outpatient drugs." Covered outpatient drugs are drugs which may be dispensed only upon a prescription, that are approved by the Food and Drug Administration (FDA), and are sold in an outpatient setting. See 42 CFR 447.502 (relating to definitions) regarding the definition of "covered outpatient drug." Prices for these drugs are not set by the pharmacy or pharmacist, as might be the case in a typical retail arrangement. Instead, the Department determines what it will pay enrolled pharmacies for each type of drug using two primary factors: the amount that the pharmacist must pay the drug manufacturer to obtain the drug, and the cost of the pharmacist to provide professional pharmacy services (such as filling a prescription and advising the customer of medication interactions).

Federal law establishes state requirements for how states must determine the payments using those two primary factors, among other things. The Department must follow those Federal requirements to be eligible for reimbursement under the Department's approved state plan. As discussed in the following paragraphs, the Federal government changed the requirements for states' payment methodologies. To maintain Federal funding for covered outpatient drugs, the Department must revise its regulation so that the payments it makes to pharmacy providers meet all of the requirements and limitations set forth in Federal law.

The Final Rule published by CMS revised the requirements for states' payment methodologies to pharmacies for covered outpatient drugs. See 81 FR 5169 (February 1, 2016). As a result of the Final Rule, the Department amended its State Plan, revising the pharmacy provider payment methodology for pharmaceutical services in the MA Program's FFS delivery system. The Department now proposes these amendments to comply with the Federal requirements.

Change to Drug Cost Determination (Ingredient Cost)

Under the Final Rule, the Department is required to use "actual acquisition cost" (AAC), instead of "estimated acquisition cost" (EAC), as the benchmark for drug ingredient cost, which CMS determined is a "better price indicator" than EAC. See 81 FR 5169, 5174 (February 1, 2016). Under the prior version of 42 CFR 447.502, EAC was defined as the "agency's best estimate of the price generally and currently paid by providers for a drug marketed or sold by a particular manufacturer or labeler in the package size of drug most frequently purchased by providers." The Final Rule revises 42 CFR 447.502 and establishes AAC as the basis by which states should determine the pharmacy providers' actual price paid to acquire the drugs for dispensing.

The Final Rule defines the term "actual acquisition cost" (AAC) as "the agency's determination of the pharmacy providers' actual prices paid to acquire drug products marketed or sold by specific manufacturers." See 42 CFR 447.502. The Final Rule does not mandate that states use a specific formula or methodology to establish AAC. Instead, states had the flexibility to establish AAC based on several different benchmarks. Potential benchmarks include developing an AAC model of payment that is derived from a state survey of retail pharmacy providers; using published compendia prices, such as wholesale acquisition cost (WAC); using average manufacturer price-based pricing; or using a National survey, such as the National Average Drug Acquisition Cost (NADAC).

The NADAC, published by CMS, represents the National average invoice price from wholesalers and manufacturers. CMS informed states that they may use the NADAC pricing benchmark to establish their AAC model of payment. See State Health Official (SHO) Letter # 16-001, Affordable Care Act # 37 (February 11, 2016).

The Department considered the various benchmarks to establish payment for ingredient cost at AAC. The Department determined that NADAC would be consistent with efficiency and economy and will continue to assure quality of care and sufficient recipient access in accordance with section 1902(a)(30)(A) of the Social Security Act (42 U.S.C. § 1396a(a)(30)(A)).

CMS advised states in a webinar on "State Pharmacy Reimbursement Requirements," presented on April 28, 2016, that the purpose in establishing the NADAC was to create and publish a National pricing benchmark that

State Medicaid programs could use when determining their payment to pharmacy providers. CMS contracted with Myers and Stauffer LC to conduct surveys of retail community pharmacy prices and to develop the NADAC pricing benchmark. The survey process included both independent and chain retail community pharmacies.

In the preamble to the Final Rule, CMS recognized that there may be instances when a survey price, such as NADAC, is not available for a specific drug product. See 81 FR 5169, 5175 (February 1, 2016). During the April 28, 2016 webinar, CMS reminded states that adopt the NADAC that they must also determine an alternative benchmark equivalent to NADAC for payment for drugs that do not have a NADAC available. CMS did not mandate that states use a specific formula or methodology to determine an alternative benchmark equivalent to NADAC.

The Department's previous pricing methodology used wholesale acquisition cost (WAC) as a benchmark and the Department already had access to the WAC pricing through subscription to a Nationally recognized pricing service. Therefore, the Department decided to continue to use WAC as the benchmark for drugs that do not have a NADAC. States that adopt a benchmark using WAC as the alternative methodology used when a NADAC price is not available, must provide data that demonstrates that the proposed payment methodology is based on AAC. See 81 FR 5169, 5176 (February 1, 2016).

In its discussion of the use of compendia prices listed in Nationally recognized pricing services, such as WAC, to implement the AAC, CMS noted that "the published prices may not reflect the actual prices paid by retail pharmacies" and therefore the Commonwealth was expected to make adjustments to these benchmarks to "reflect discounts and other price concessions that are commonly obtained by retail pharmacies." See SHO Letter # 16-001, Affordable Care Act # 37 (February 11, 2016). Mercer Government Human Services Consulting (Mercer) identified that approximately 83% of drugs and 75% of claims paid by FFS in the MA Program during calendar year 2015 have a NADAC price; 25% of claims did not have a NADAC available. Mercer compared NADAC to WAC for calendar year 2015 and determined that WAC minus 3.3% and WAC minus 50.5% were equivalent to NADAC values for brand name drugs and generic drugs, respectively, for payment for drugs without a published NADAC. The Department will announce any change to WAC rates that equate to NADAC by publication in the *Pennsylvania Bulletin* and notice on the Department's web site.

As previously described, payment for the ingredient cost of brand covered outpatient drugs will be based on NADAC, or an equivalent to NADAC, when a NADAC is not available. For generic drugs, the payment has additional constraints set forth in law. Therefore, payment for generic covered outpatient drugs will be based on NADAC, or an equivalent to NADAC when a NADAC is not available; the Federal Upper Limit (FUL) published by CMS; or the Department's state maximum allowable cost (State MAC) in accordance with 42 U.S.C. § 1396r-8(e).

The Department is continuing its use of a State MAC rate for generic covered outpatient drugs. The Department is also continuing to include the FUL in the lower of payment methodology for generic drugs to remain consistent with the requirement that payment for multiple source drugs must not exceed the aggregate upper limits of payment. See 42 CFR 447.512 (relating to drugs:

aggregate upper limits of payment). This payment methodology for brand and generic covered outpatient drugs also applies to compounded drugs.

Payment for covered outpatient drugs is additionally currently limited by, and will continue to be limited by, the 340B Drug Pricing Program. The 340B Drug Pricing Program, managed by the Health Resources and Services Administration (HRSA), allows certain health care providers (“covered entities”) to obtain discounted prices on drugs from drug manufacturers. State Medicaid programs make payment to covered entities for drugs dispensed to Medicaid recipients but may not claim Federal Drug Rebates on 340B purchased drugs. HRSA calculates a 340B ceiling price for each drug, which represents the maximum price a manufacturer can charge a covered entity for the drug. To prevent Medicaid overpayment for drugs that are purchased through the 340B Drug Program, payment for the ingredient cost for brand and generic covered outpatient drugs is based on the methodology described previously but may not exceed the 340B ceiling price as described in section 340B(a)(1) of the Public Health Service Act (42 U.S.C. § 256b(a)(1)). See SHO # 116-001, Affordable Care Act # 37 (February 11, 2016).

CMS approved the State Plan Amendment, which included the ingredient cost pricing methodology described in this proposed rulemaking, with an approval date of July 30, 2018.

Change to Professional Dispensing Fee

The CMS Final Rule also requires the Department to pay a “professional dispensing fee,” rather than a “reasonable dispensing fee,” that reflects the pharmacist’s professional services and cost to dispense the drug product to a Medicaid FFS recipient. The reasonable dispensing fee is an estimate of the cost for pharmacies to dispense a drug. A professional dispensing fee is determined by a state or National survey of pharmacy providers or other reliable data, and defined as:

[T]he professional fee which: (1) Is incurred at the point of sale or service and pays for costs in excess of the ingredient cost of a covered outpatient drug each time a covered outpatient drug is dispensed; (2) Includes only pharmacy costs associated with ensuring that possession of the appropriate covered outpatient drug is transferred to a Medicaid recipient. Pharmacy costs include, but are not limited to, reasonable costs associated with a pharmacist’s time in checking the computer for information about an individual’s coverage, performing drug utilization review and preferred drug list review activities, measurement or mixing of the covered outpatient drug, filling the container, recipient counseling, physically providing the completed prescription to the Medicaid recipient, delivery, special packaging, and overhead associated with maintaining the facility and equipment necessary to operate the pharmacy; and (3) Does not include administrative costs incurred by the State in the operation of the covered outpatient drug benefit including systems costs for interfacing with pharmacies.

See 42 CFR 447.502; see also Final Rule, 81 FR 5169 (February 1, 2016). CMS did not mandate in the Final Rule that states must use a specific formula or methodology to determine the professional dispensing fee. Rather, CMS explained that states have the flexibility to set their professional dispensing fee by using methods such as a National survey, regional or neighboring state surveys, or

a state-specific survey. See Covered Outpatient Drug Final Rule with Comment (CMS-2345-FC) Frequently Asked Questions (July 6, 2016).

The Department chose to use a State-specific dispensing fee survey to ensure that it adopted a professional dispensing fee that reflected Pennsylvania-specific pharmacy providers’ cost to dispense a drug product to an MA Program FFS recipient. The survey was conducted by Mercer, using a survey that was designed following a review of dispensing fee surveys conducted at the National and state level.

All 3,280 pharmacies enrolled in the MA Program were included in the study population. The final total usable response rate was 51.5% of pharmacies enrolled in the MA Program. Respondents self-reported all the data, and a representative of each pharmacy certified the data as accurate. The data revealed that 81.6% of costs were accounted for by prescription department payroll, 8.9% by prescription department other costs, 6.1% by facility-related costs, and 3.5% by other non-facility administrative (overhead) expenses.

The professional dispensing fee, as defined in the Final Rule at 42 CFR 447.502, was calculated by dividing the total costs by the number of prescriptions dispensed. The survey results reflected \$7 as the cost of professional dispensing for pharmacies dispensing prescriptions to FFS recipients. After discussion with CMS, the Department recalculated the dispensing fee by including some costs that had been excluded from the calculation, as well as taking into consideration the professional dispensing fees of states bordering this Commonwealth. The Department increased the professional dispensing fee to \$10. On July 30, 2018, CMS approved the State Plan Amendment with the \$10 professional dispensing fee and the change was implemented in accordance with the Federal requirement.

The Department is proposing an amendment to § 1121.55 (relating to method of payment) of the Department’s regulations to reflect the professional dispensing fee.

Summary of Revised Payment Methodology for Pharmacy Providers

In summary, the Department will use the professional dispensing fee and the drug cost determinations, as previously described, to determine payments to pharmacies for covered outpatient drugs. The Department will continue to include “usual and customary” in its method of payment. See 42 CFR 447.512. Accordingly, payment for brand drugs will be based on the lower of:

1. NADAC, or an equivalent to NADAC when a NADAC is not available, plus a \$10 professional dispensing fee.

2. The provider’s usual and customary charge to the general public.

See 42 CFR 447.512; see also 55 Pa. Code § 1121.2 (relating to definitions). Payment for generic drugs will be based on the lower of:

1. NADAC, or an equivalent to NADAC when a NADAC is not available; the FUL published by CMS; or the Department’s state maximum allowable cost (State MAC), plus a \$10 professional dispensing fee.

2. The provider’s usual and customary charge to the general public.

See 42 CFR 447.512; see also 55 Pa. Code § 1121.2. The Department is proposing an amendment to § 1121.55,

and proposes to delete § 1121.56 and add § 1121.56a (relating to drug cost determination) to reflect this revised payment methodology.

Technical Amendments

As noted in the Requirements section, the Department also proposes several technical changes to Chapters 1101, 1121, 1141, 1142 and 1144 to promote understanding and application of MA regulations governing the scope of benefits and payment for pharmaceutical services, and to align with the Department's current payment policies. These technical amendments are discussed in §§ 1101.63, 1121.52, 1121.53(c) and (d), 1121.54, 1141.60, 1142.56 and 1144.54.

1. § 1121.52. *Payment conditions for various services.* The addition of "electronic" is proposed to recognize electronic prescriptions, consistent with the act of October 24, 2018 (Act 96 of 2018) (P.L. 662, No. 96) (49 Pa. Code § 27.1 (relating to definitions)).

2. § 1121.53(c). *Limitations on payment.* The Department proposes changes to the limitation on prescriptions from a quantity of 34-day supply or 100 units, whichever is greater to a quantity of 90-day supply or 100 units, whichever is greater. The exception to the 90-day supply limit is systemic contraceptives. Department coverage was approved by CMS and began March 1, 2020, for all MA recipients. The proposed amendment facilitates access to drugs for MA recipients, including those who may have difficulty getting to a pharmacy. The Department proposes the removal of the limits on refills to 6 months or five refill supply, whichever comes first. The proposed amendment allows for prescriptions to be refilled in accordance with 49 Pa. Code § 27.18(h)—(j) (relating to standards of practice).

3. § 1121.53(d). *Limitations on payment.* The Department also proposes the removal of the list of covered prescribed nonlegend drugs and dosage forms. Many of the drugs or dosages listed are obsolete. Advances in information technology have made the process of listing specific drug categories and drugs in regulations outdated, administratively inefficient, and inconsistent with current pharmacy standards. Rather than updating a list through the regulatory process which could be quickly outdated, the Department publishes the Medical Assistance Pharmacy Program FFS Drug Reference File on the Department's web site for public access. See DHS Pharmacy Services Covered Drugs Search Tool. Retrieved from <https://www.humanservices.state.pa.us/CoveredDrugs/CoveredDrugs/Index>.

4. § 1121.54. *Noncompensable services and items.* The Department proposes the removal of prescribed legend and nonlegend cough and cold preparations for recipients 21 years of age or older consistent with Department coverage approved by CMS and which began March 1, 2020. The Department also proposes removing drugs prescribed in conjunction with sex reassignment procedures consistent with the removal from the State Plan of the noncoverage of these drugs. The Department also proposes to remove drugs to treat obesity. State Medicaid agencies have the option to cover drugs to treat obesity that meet the Medicaid requirements for coverage and the Department started covering these drugs on January 1, 2023.

5. § 1141.60. *Payment for medications dispensed or ordered in the course of an office visit.* The Final Rule published by CMS revised the requirements for states' payment methodologies only to pharmacy providers for covered outpatient drugs. See 81 FR 5169 (February 1,

2016). The proposed amendment includes a reference to § 1121.56a(k), outlining the payment methodology for drugs dispensed by prescribing practitioners, including physicians, CRNPs and midwives. This information was not previously included in regulation.

6. § 1142.56. *Payment for medications administered or dispensed in the course of a visit.* The proposed amendment would recognize prescriptive and dispensing authority of midwives in accordance with 49 Pa. Code § 18.6a (relating to prescribing, dispensing and administering drugs).

7. § 1144.54. *Payment for medications administered or dispensed in the course of a visit.* The proposed amendment would recognize the prescriptive and dispensing authority of CRNPs in accordance with 49 Pa. Code § 21.284 (relating to prescribing and dispensing parameters).

Requirements

The following is a summary of the major provisions of this proposed rulemaking.

§ 1101.63. *Payment in full.*

The Department reviewed the list of services and drugs excluded from the copayment requirement for consistency with current Department operations. The proposed amendment to this section adds opioid overdose agents supporting the administration's commitment to improve access to care and use all available resources and funding to address the opioid epidemic. The proposed amendment also adds immunizations to the list of pharmaceutical services exempt from copayment to ensure access to preventative care. Lastly, the proposed amendment adds non-drug diabetic supplies to the list of covered services exempt from copayment to ensure access to all supportive needs for the treatment of diabetes.

In addition, the proposed amendment removes reference to general assistance (GA) recipients as the Department combined several adult benefit packages into one Adult Benefit Package, which includes recipients who were part of the GA program. With the consolidation, GA recipients have the same pharmacy benefits as all other MA recipients.

§ 1121.2. *Definitions.*

This section is proposed to be amended by:

- Deleting the definition of "AWP (average wholesale price)" as this benchmark is not used in the revised payment methodology.
- Deleting the definition of "EAC" because this term is obsolete under the Federal Final Rule. NADAC, or if no NADAC is available, a WAC rate adjusted to equate to NADAC values, will be used to determine ingredient cost.
- Correcting the reference to the Federal regulation in the definition of Federal upper limit, as 42 CFR 447.332 no longer exists.
- Amending the definition of "legend drug" to replace the term "physician" with the term "licensed prescriber." This proposed amendment reflects the current recognition that licensed physicians, midwives, CRNPs, dentists and physician assistants have prescriptive authority.
- Adding a definition of "NADAC—National Average Drug Acquisition Cost," as this benchmark is a component of the payment methodology for ingredient cost. The NADAC, published by CMS, represents the National average invoice price from wholesalers and manufacturers. See Medicaid, Pharmacy Pricing; retrieved from

<https://www.medicaid.gov/medicaid/prescription-drugs/pharmacy-pricing/index.html>. States that adopt NADAC are required to specify an alternative methodology that will be used when a NADAC price is not available for a covered outpatient drug. States that adopt a benchmark using WAC as the alternative methodology used when a NADAC price is not available, must provide data that demonstrates that the proposed payment methodology is based on AAC. See 81 FR 5169, 5176 (February 1, 2016); SHO Letter # 16-001, Affordable Care Act # 37 (February 11, 2016).

- Adding a definition of “Professional dispensing fee” consistent with Federal regulation. See 42 CFR 447.502.
- Amending the definition of “usual and customary charge” to include the initials “U&C.”

Covered and Noncovered Services

§ 1121.11. Types of services covered.

In subsection (b), the word “the” in front of the word “nonlegend” is proposed to be deleted and the word “as” is proposed to be added in front of the word “specified” to improve readability. In addition, the proposed amendment removes reference to GA recipients, as the Department combined several adult benefit packages into one Adult Benefit Package. There is no longer a need to reference the GA recipients, as recipients have the same pharmacy benefit as all other MA recipients.

Provider Participation

§ 1121.42. Ongoing responsibilities of providers.

Proposed amendments include deleting the reference in paragraph (1) to Chapter 1101 for the definition of U&C and adding “this chapter” to clarify the location of the definition of U&C for pharmacy providers; removing the comma between “photocopy” and “or duplicate” to be grammatically correct; deleting the outdated and obsolete phrases in subparagraph (iv) “store, including but not limited to, pricing rolodex, patient profile and pricing codes” and replacing with the term “pharmacy”; deleting all of subparagraph (v) to be consistent with current pharmacy practice standards.

Payment for Pharmaceutical Services

§ 1121.51. General payment policy.

Proposed amendments include the following changes in terminology to be consistent with Medicaid terminology and changes to certain titles: deleting “County Mental Health/Mental Retardation Programs” and adding “County Mental Health/Developmental Services Program.” The proposed rulemaking also deletes “Mental Health and Mental Retardation Act” and adds “Mental Health and Intellectual Disability Act.” In the Federal Final Rule 9070-F, Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction, CMS sought to standardize the language between the Medicare and Medicaid programs, including by replacing the term “mental retardation” with “intellectual disability.”

§ 1121.52. Payment conditions for various services.

In subsection (a), the phrase “the mentally retarded” is proposed to be amended to “individuals with intellectual disabilities.” Also, the addition of “electronic” is proposed to recognize electronic prescriptions, consistent with Act 96 of 2018 and the word “form” is proposed to be deleted in recognition that a prescription may now be a written, electronic or oral order in accordance with 49 Pa. Code § 27.1.

In subsection (a)(8), language is proposed to include the National Provider Identifier on the prescription, which is required by section 1902(a)(kk)(7) of the Social Security Act, instead of the professional license number. The Department is proposing to delete the language in subsection (b) which is outdated and obsolete; coverage of single entity and multiple vitamins is not limited to prenatal use. In subsection (b.1), the Department proposes to add language addressing requirements related to prior authorization of pharmaceutical services, consistent with current procedure.

§ 1121.53. Limitations on payment.

This section is proposed to be amended by adding a reference to the FUL in subsection (b) as both the FUL and the State MAC are limits on the drug cost component for selected multisource drugs. The FUL and the State MAC are separate and distinct components of the drug cost component of payment for generic drugs. The FUL is published by CMS; the State MAC is established by the Department. A multisource drug may have both a FUL and a State MAC. For this reason, the Department is also proposing to delete the reference that the State MAC includes a combination of the CMS multisource drugs and the State MAC drugs.

Subsection (b)(1)(i) proposes to add language recognizing electronic prescribing. Subsection (b)(2) is proposed to be deleted as unnecessary, because the State Board of Pharmacy defines the standards of practice related to oral prescriptions in their regulations. See 49 Pa. Code § 27.18(n) and (o).

Subsection (c) is proposed to be amended by changing the limitation on prescriptions of a quantity of 34-day supply or 100 units, whichever is greater, to a 90-day supply or 100 units, whichever is greater, except that payment for systemic contraceptives may exceed the 90-day supply limit as specified by the Department. This change is consistent with the State Plan, approved by CMS, effective March 1, 2020, which originally ensured access to prescriptions for all MA recipients during the novel coronavirus (COVID-19) pandemic, and now continues. The proposed amendment provides more convenient access to MA recipients with transportation issues and is consistent with current dispensing limits permitted by the MA managed care organizations and private insurers. The exception for systemic contraceptives enables the Department to pay for more than 90 day-supplies in one dispensing in accordance with 49 Pa. Code § 27.18(h)—(j). The limits on refills of 6 months or five refill supply, whichever comes first, from the time of original filling of the prescription is replaced with prescriptions may be refilled “in accordance with 49 Pa. Code § 27.18(h)—(j) (relating to standards of practice)” to ensure consistency with all regulatory provisions. The amendment to the limits on refills are also consistent with the State Board of Pharmacy’s regulations which allow for prescriptions to be refilled up to 12 months. The word “licensed” is proposed to be added to describe and be consistent with the term licensed prescriber.

Subsection (d) is proposed to be amended by adding language indicating that payment for nonlegend drugs is limited to drugs listed on the Department’s web site. The categories of nonlegend drugs listed in subsection (d)(1)—(17) are proposed to be deleted. While there is no change to the Department’s policy for coverage of nonlegend drugs, some of the categories and many of the drugs listed are obsolete. Advances in information technology have made the process of listing the categories and nonlegend drugs in regulations outdated, administratively

inefficient and inconsistent with current industry standards. Rather than updating a list through the regulatory promulgation process which would provide no detail about the covered drug and which could be quickly outdated, the Department posts the Medical Assistance Pharmacy Program FFS Drug Reference File on the Department's web site. The Drug Reference File contains all covered outpatient drugs, including covered nonlegend drugs included in the CMS Drug Product Data File. The CMS File lists the active drugs that have been reported by participating drug manufacturers as of the most recent rebate reporting period under the Medicaid Drug Rebate Program. Any interested party can access the File. The phrase "and dosage forms" is proposed to be deleted as the file on the web site provides detailed data about the drug product that was previously unavailable under the list in subsection (d)(1) through (17).

The language in subsection (e) is proposed to be deleted and reserved as vitamins are not limited to children under 3 years of age and for prenatal use. Proposed subsection (f) will replace the phrase "the mentally retarded" with "individuals with intellectual disabilities."

§ 1121.54. *Noncompensable services and items.*

Paragraph (1) is proposed to be deleted entirely to permit coverage of drugs prescribed for obesity. Obesity is a chronic, progressive, relapsing and treatable multifactorial disease that results in adverse metabolic, biomechanical and psychosocial health consequences. Advances in drug therapies to treat obesity has given the medical community treatment options.

Paragraph (7) references "legend and nonlegend soaps, cleansing agents," and "diluents, ear wax removal agents." These terms are proposed to be deleted as the scope of pharmaceutical services includes these products.

Paragraph (9) is proposed to be amended to include "as compensable pharmaceutical services on the Department's web site as specified in § 1121.53(d)" to be consistent with the proposed change to that subsection.

Paragraph (10) is proposed to be amended to remove "sex reassignment procedures or other" because the Department currently covers drugs prescribed for gender dysphoria without regard to sex reassignment procedures.

Paragraph (11) proposes to delete the phrase "the mentally retarded" and add "individuals with intellectual disabilities"; and delete the reference to "Antacids with simethicone" in subparagraph (iii)(C) as it is duplicative of subparagraph (iii)(B) Antacids.

Paragraph (12) is proposed to be amended by adding a statement that the list of providers precluded from participation will be posted on the Department web site and deleting the statement that the Department will send copies of the list to pharmacies, as this information is more readily accessible and well-maintained on the web site.

Paragraph (13) is proposed to be amended by deleting the outdated reference to "special medical services eligibility cards" for recipients restricted (lock-in) to specific pharmacies and by adding language referencing the Eligibility Verification System (EVS) to verify a recipient restriction, which is how providers verify eligibility and identify if a beneficiary is restricted to a provider.

Paragraph (15) updates the reference to the "county mental health/mental retardation" programs with the "county mental health/developmental services" programs.

Under paragraph (17), the Department proposes to update the reference to the Federal law for accuracy. The

reference to the Department issuing a special list of drug companies is edited to reflect the current procedure of issuing periodic updates to the list of drug companies that participate in the Federal Drug Rebate Program by a remittance advice which is also posted on the Department web site. The pharmacy's responsibility to check the list before filling the prescription is proposed to be deleted as unnecessary. When a pharmacist enters a claim for a prescribed drug, the pharmacist is notified on-line at the point-of-sale if the prescribed drug is not a compensable pharmaceutical service.

Paragraph (18) is proposed to be deleted.

Paragraph (20) adds to the list of noncompensable services "agents used to promote fertility." Paragraph (21) adds to the list of noncompensable services "agents used for cosmetic purposes or hair growth." The addition of paragraphs (20) and (21) are consistent with provisions in the Department's CMS-approved State Plan.

§ 1121.55. *Method of payment.*

The Department proposes to replace "lowest" with "lower" in subsection (a) for grammar and clarity. Subsection (a)(1) is proposed to be amended by deleting the obsolete term EAC and replacing it with a reference to the drug cost determination in § 1121.56a for brand name, generic and compounded drugs. This subsection is also proposed to be amended by replacing the term "dispensing fee" with "professional dispensing fee" and specifying a \$10 professional dispensing fee. Subsection (a)(2) is proposed to be amended by deleting the payment methodology, which is now being delineated in § 1121.56a. The language previously in subsection (a)(3) is now included in amended subsection (a)(2). The language previously in subsection (a)(4) is now included in subsection (a)(3) and is proposed to be amended by deleting the reference to EAC and State MAC. Subsection (b) is proposed to be deleted, as the specific dispensing fee for compounded prescriptions no longer applies and is being replaced by the professional dispensing fee.

§ 1121.56. *Drug cost determination.*

Because of the extensive changes necessary to § 1121.56 to reflect the payment methodology approved by the CMS to comply with the Final Rule, the Department proposes to delete the entire section. The new payment methodology is proposed to be set forth in § 1121.56a.

§ 1121.56a. *Drug cost determination.*

Proposed subsection (a)(1) provides that the payment to enrolled licensed pharmacies for ingredient cost of brand name drugs is the NADAC established by CMS. If no NADAC is available, then a WAC rate adjusted to equate to NADAC values will be used.

Proposed subsection (a)(2) provides that the payment to enrolled licensed pharmacies for ingredient cost of generic drugs is the lower of the following: NADAC, or if no NADAC is available, a WAC rate adjusted to equate to NADAC values, the CMS published FUL, or the State MAC established by the Department.

Proposed subsection (b) provides that the payment for 340B purchased drugs is based on the payment methodology in subsection (a), except that payment cannot exceed the 340B ceiling price.

Proposed subsection (c) provides how the Department will update its reference to NADAC and the frequency of updates to NADAC. The language previously in § 1121.56(c) of the regulation is included in proposed § 1121.56a(f).

Proposed subsection (d) provides for periodic updates to the WAC rates that equate to NADAC, and that updates will be announced by publication of notice in the *Pennsylvania Bulletin*, and made available on the Department's web site. The methodology for determining State MAC rates, previously in § 1121.56(d)(1), is included in proposed § 1121.56a(i). The language proposed to be deleted in § 1121.56(d)(2) and (g) related to disposable insulin syringes, is not being added to § 1121.56a because the disposable insulin syringes are not drugs and Chapter 1121 applies to drugs. Disposal insulin syringes are medical supplies and subject to Chapter 1123 (relating to medical supplies).

Proposed subsection (e) provides the methodology to determine the WAC rates that equate to NADAC values.

Proposed subsection (f), which is based on § 1121.56(c), explains the FUL. The Department proposes to delete the reference to how and when CMS provides the list of drugs with an FUL due to the possibility of changes in the manner in which CMS communicates with the states.

Proposed subsection (g), which is based on § 1121.56(f), describes when the Department will establish a State MAC and does not retain the § 1121.56(f) reference to consultation with the Medical Assistance Advisory Committee (MAAC) as to whether the application of a State MAC is cost effective to the Department for a particular multisource drug. The Department had consulted with the Pharmacy Subcommittee of the MAAC, but this Subcommittee no longer exists. The subcommittees of the MAAC are now organized to reflect service delivery systems rather than provider types.

Proposed subsection (h) describes the frequency of updates to the State MAC. The language previously in § 1121.56(h), which contains the obsolete method for determining product cost based on package size, is not retained here. The product cost is based on the 11-digit NDC, which is a more accurate metric for determining product cost.

Proposed subsection (i), which is based on § 1121.56(d)(1), describes the method to establish the State MAC rates.

Proposed subsection (j) provides that the State MAC does not apply if the conditions are met under § 1121.53(b) (relating to limitations on payment).

Proposed subsection (k) provides for the determination of ingredient cost for licensed prescribers, previously in § 1121.56(a). The determination of ingredient cost for payment to enrolled dispensing prescribers is not subject to the requirements in the Covered Outpatient Drug Final Rule. The proposed language describing the determination of ingredient cost has been simplified to reflect pricing based upon the availability of pricing information from Nationally recognized pricing services. The Department's pricing service, First Databank, stopped publishing AWP as a pricing benchmark. As a result, a comparison of "lowest of" AWP and WAC prices listed in all the Nationally recognized pricing services became ineffectual with WAC defaulting as the prevailing price. The Department continues to rely on a Nationally recognized pricing service to identify WAC when determining ingredient cost for payment to dispensing prescribers and determined that it was impractical to continue to require its claims processing contractor to continue subscribing to all Nationally recognized pricing services.

Proposed subsection (l), which is based on § 1121.56(b), continues to provide for WAC to be updated at least monthly.

Payment for Physicians' Services

§ 1141.60. *Payment for medications dispensed or ordered in the course of an office visit.*

The proposed amendments to this section include changing the title by replacing the term "dispensed or ordered" with "administered or dispensed," and deleting "office" to allow for payment in the course of an office or home visit. The proposed amendments to the language includes replacing "Physicians may be reimbursed for the actual cost of medications" with "Payment is made to physicians for covered brand name and generic drugs as determined by § 1121.56a(k), multiplied by the number of units" in that sentence. The proposed amendment also clarifies that the conditions and limitations in Chapter 1121 apply to pharmaceutical services administered or dispensed by a physician. The Department proposes to replace the term "reimbursement" with "payment made" to improve clarity and consistency regarding the payment for medications.

Payment for Midwives' Services

§ 1142.56. *Payment for medications administered or dispensed in the course of a visit.*

The Department proposes to add this section to recognize the prescribing and dispensing authority of midwives. The proposed amendment also clarifies that the conditions and limitations in Chapter 1121 apply to pharmaceutical services administered or dispensed by a midwife.

Payment for Certified Registered Nurse Practitioner Services

§ 1144.54. *Payment for medications administered or dispensed in the course of a visit.*

The Department proposes to add this section to recognize the prescribing and dispensing authority of CRNPs. The proposed amendment also clarifies that the conditions and limitations in Chapter 1121 apply to pharmaceutical services administered or dispensed by a CRNP.

Affected Individuals and Organizations

Pharmacies enrolled in the MA Program that provide services to FFS recipients will be affected by this proposed rulemaking for the payment methodology for covered outpatient drugs. There are currently 3,572 pharmacy service locations enrolled in the MA Program, representing 1,307 distinct legal entities. Overall pharmacy payment in FFS is estimated to increase by 6.6% based upon the current payment methodology. There is no anticipated access to care issues for MA Program recipients receiving pharmaceutical services in FFS. This change does not impact payments to pharmacies participating with MA managed care organizations. MA Program FFS recipients will not be affected by these changes.

The technical amendments are intended to promote understanding and application of MA regulations governing the scope of benefits and payment for pharmaceutical services.

Accomplishments and Benefits

The proposed amendments to the regulations are needed to make the payment methodology described in regulation consistent with the payment methodology mandated by the Final Rule. Compliance with the revised Federal regulation from the Final Rule will ensure receipt of Federal matching funds (Federal financial participation) for all pharmacy services paid by the Department for MA Program FFS recipients. Outpatient pharmacy

providers enrolled in the MA Program that dispense covered outpatient drugs to FFS recipients will benefit from a 6.6% increase in payments annually.

The Department issued a public notice that announced changes to the FFS payment methodology for outpatient drugs in the MA Program. See 47 Pa.B. 1921 (April 1, 2017). The Department subsequently submitted a State Plan Amendment to CMS. On July 30, 2018, CMS approved the State Plan Amendment, which included the payment methodology described in this proposed rulemaking.

Fiscal Impact

Under the revised payment methodology, FFS payment to outpatient pharmacies is estimated to increase by 6.6%.

Contact Persons

The primary contact person is Lacey Gates, Department of Human Services, Office of Medical Assistance Programs, Bureau of Policy, Analysis and Planning, P.O. Box 2675, Harrisburg, PA 17120, RA-PWMAProgComments@pa.gov. Reference regulation # 14-544 in the subject line.

Persons with a disability who require an auxiliary aid or service may use the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Paperwork Requirements

There are no legal, accounting or consulting procedures or additional reporting, recordkeeping or other paperwork required to comply with this proposed rulemaking.

Effective Date

This proposed rulemaking is effective upon publication as final in the *Pennsylvania Bulletin*.

Public Hearings

The Department is not proposing to conduct public hearings on regulations mandated by the Final Rule. Instead of public hearings, the Department provided stakeholders an opportunity for review and public comment. A pharmacy stakeholder meeting was held on July 26, 2016, to allow for provider input into the professional dispensing fee survey process. The proposed payment methodology was shared at the March 23, 2017, MAAC meeting and a description of the plan was posted on the Department's web site for public comment. The Department also issued a public notice announcing the proposed changes to the payment methodology and provided a comment period. See 47 Pa.B. 1921 (April 1, 2017). The Department issued an update to the previous public notice announcing an additional increase in the professional dispensing fee. See 48 Pa.B. 7589 (December 8, 2018).

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to the Department of Human Services, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Lacey Gates, Room 515, Health and Welfare Building, Harrisburg, PA 17120, within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-544 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 9, 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 Health Committee and the Senate Health and Human Services Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days after 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.

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-544. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund; (2) Implementing Year 2022-23 is \$565,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 is \$634,000; (4) 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000; 2019-20 Program—\$344,107,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

Annex A

**TITLE 55. HUMAN SERVICES
PART III. MEDICAL ASSISTANCE MANUAL
CHAPTER 1101. GENERAL PROVISIONS
FEES AND PAYMENTS**

§ 1101.63. Payment in full.

* * * * *

(b) *Copayments for MA services.*

(1) Recipients receiving services under the MA Program are responsible to pay the provider the applicable copayment amounts set forth in this subsection.

(2) The following services are excluded from the copayment requirement for all categories of recipients:

(i) Services furnished to individuals under 18 years of age.

* * * * *

(xxv) More than one of a series of a specific allergy test provided in a 24-hour period.

(xxvi) Diabetic supplies.

(xxvii) Drugs, including immunizations, that are dispensed by a prescriber.

(xxviii) Specific drugs identified by the Department in the following categories:

(A) Antihypertensive agents.

(B) Antidiabetic agents.

(C) Anticonvulsants.

(D) Cardiovascular preparations.

(E) Antipsychotic agents, except those that are also schedule C-IV antianxiety agents.

(F) Antineoplastic agents.

(G) Antiglaucoma drugs.

(H) Antiparkinson drugs.

(I) Drugs whose only approved indication is the treatment of acquired immunodeficiency syndrome (AIDS).

(J) Opioid overdose agents.

(K) Immunizations.

(3) [The following services are excluded from the copayment requirement for categories of recipients except GA recipients age 21 to 65:

(i) Drugs, including immunizations, dispensed by a physician.

(ii) Specific drugs identified by the Department in the following categories:

(A) Antihypertensive agents.

(B) Antidiabetic agents.

(C) Anticonvulsants.

(D) Cardiovascular preparations.

(E) Antipsychotic agents, except those that are also schedule C-IV antianxiety agents.

(F) Antineoplastic agents.

(G) Antiglaucoma drugs.

(H) Antiparkinson drugs.

(I) Drugs whose only approved indication is the treatment of acquired immunodeficiency syndrome (AIDS)] [Reserved].

* * * * *

CHAPTER 1121. PHARMACEUTICAL SERVICES

GENERAL PROVISIONS

§ 1121.2. Definitions.

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

[**AWP**—The average wholesale price for a drug as found in the Department’s pricing service publication.]

Brand name—A registered trade name commonly used to identify a drug.

CMS—The Centers for Medicare and Medicaid Services.

CMS multisource drug—A multisource drug identified by CMS for which FFP is limited under 42 CFR 447.331—447.333 (relating to drugs: aggregate upper limits of payment; upper limits for multiple source drugs; state plan requirements, findings and assurances).

Compounded prescription—A prescription that is prepared in the pharmacy by combining two or more ingredients and involves the weighing of at least one solid ingredient which shall be a compensable item or a legend drug in a therapeutic amount.

DESI drug—A drug product for which Federal Financial Participation FFP is not available under 42 CFR 441.25 (relating to less than effective drugs).

[**EAC**—**Estimated Acquisition Cost**—As defined in 42 CFR 447.301 (relating to definitions).]

Experimental drug—A drug or product currently being investigated under licensure by the FDA to determine its safety and effectiveness.

FDA—Food and Drug Administration.

FFP—Federal financial participation.

FUL—**Federal Upper Limit**—The per unit amount set for a multisource drug which is established by CMS under [42 CFR 447.332] 42 CFR 447.514 (relating to upper limits for multiple source drugs).

Generic drug—A drug that is “A-rated” by the FDA as therapeutically equivalent to the counterpart brand name drug.

Legend drug—A drug or product that under Federal law or State law can be dispensed only upon the order of a [physician] licensed prescriber.

Licensed prescriber—A person currently licensed under the law of a state to order medication.

Multisource drug—A drug marketed or sold by two or more manufacturers or labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name and without such a name.

NADAC—**National Average Drug Acquisition Cost**—CMS-published drug prices derived from a monthly Nationwide survey of invoice prices for covered outpatient drugs purchased by retail community pharmacies from wholesalers and manufacturers.

Nonlegend drug—A drug or product that can be purchased without a prescription.

OBRA '90—The Omnibus Budget Reconciliation Act of 1990 (Pub.L. No. 101-508, 104 Stat. 1388).

Pricing service—A third-party source that compiles and provides drug-specific information needed to maintain the drug reference file under this chapter.

Professional dispensing fee—As defined at 42 CFR 447.502 (relating to definitions).

State MAC—The maximum allowable cost established for a multisource drug.

U&C—**Usual and customary charge**—The pharmacy’s lowest net charge an MA recipient would pay for a prescription as a non-Medicaid patient at the time of dispensing for the same quantity and strength of a particular drug or product, including applicable discounts, such as special rates to nursing home residents, senior citizens, or other discounts extended to a particular group of patients, including generic drug discount and savings programs. This lowest net price does not apply to special in-store rates or discounts extended to charitable organizations, religious groups, store employees and their families, nonprofit organizations, members of the medical profession or other similar non-Medicaid groups.

WAC—**Wholesale Acquisition Cost**—The manufacturer’s list price for a drug to wholesalers or direct purchasers in the United States as listed in one or more available Nationally recognized pricing services.

COVERED AND NONCOVERED SERVICES

§ 1121.11. Types of services covered.

* * * * *

(b) The MA Program covers [the] nonlegend drugs as specified in § 1121.53(d) (relating to limitations on payment) [, except that for GA recipients, coverage of

nonlegend drugs is limited to insulin and drugs that the Department has identified as the preferred drug in a therapeutic class].

* * * * *

PROVIDER PARTICIPATION

§ 1121.42. Ongoing responsibilities of providers.

In addition to the ongoing responsibilities established in Chapter 1101 (relating to general provisions) pharmacies shall, as a condition of participation, comply with the following requirements:

(1) Permit authorized State and Federal officials or their authorized agents to conduct onsite reviews for the purpose of verification of information furnished as a basis for payment under the MA Program and for establishing the pharmacy's usual and customary charge to the general public as defined in [Chapter 1101] this chapter. During the course of the review, the reviewers shall be allowed access to the dispensing area. The provider shall allow reviewers access to records and documents necessary to determine whether payment for services is or was due under the Program and whether services that have been and are being provided comply with Federal and State law. The reviewer shall be allowed to photocopy[,] or duplicate these records and documents. These records include:

- (i) MA prescriptions on file.
- (ii) Non-MA prescriptions without the reviewer having access to patient identification.
- (iii) Pharmaceutical purchase invoices.
- (iv) The pricing system used by the [store, including but not limited to, pricing rolodex, patient profile and pricing codes] pharmacy.
- (v) [Price lists attached to prescription containers] [Reserved].

(2) Conform to accepted standards of practice and quality of service when dispensing prescriptions to MA recipients. It shall be considered contrary to accepted standards of practice for a pharmacy to differentiate between MA recipients and the general public, as defined in Chapter 1101.

PAYMENT FOR PHARMACEUTICAL SERVICES

§ 1121.51. General payment policy.

Payment is made for covered pharmaceutical services provided by participating pharmacies, subject to the conditions and limitations in this section and §§ 1121.52—[1121.56] 1121.56a and Chapter 1101 (relating to general provisions). Payment will not be made for a compensable pharmaceutical service if payment is available from another public agency or another insurance or health program. This does not apply to MA recipients whose drugs have been prescribed through the [County Mental Health/Mental Retardation Programs] County Mental Health/Developmental Services Programs operated under the [Mental Health and Mental Retardation Act] Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704). In this instance only, providers may bill the MA Program for services as specified in this chapter.

§ 1121.52. Payment conditions for various services.

(a) MA prescriptions, including those for recipients in skilled nursing facilities, intermediate care facilities or

intermediate care facilities for [the mentally retarded] individuals with intellectual disabilities, which [have been] are either written, electronic or verbally ordered by a licensed prescriber shall contain on the prescription [form]:

(1) The name and address of the patient.

* * * * *

(8) The [professional license number] National Provider Identifier (NPI) of the licensed prescriber.

(b) [The following service requires prior authorization as specified in § 1101.67 (relating to prior authorization): Each original prescription for single entity and multiple vitamins when prescribed for prenatal use. The Department will automatically issue a prior authorization for prescriptions indicating a diagnosis of pregnancy for single entity and multiple vitamins] [Reserved].

(b.1) Compensable pharmaceutical services that require prior authorization shall be authorized by publication of notice in the Pennsylvania Bulletin and listed on the Department's web site. Providers must follow the procedures as set forth in § 1101.67 (relating to prior authorization), to ensure appropriate and timely processing of prior authorization requests for compensable pharmaceutical services that require prior authorization.

(c) For payment to be made for filling altered prescriptions, the pharmacy shall certify in writing on the prescription that the change was made by the licensed prescriber. Changes in the nature or brand of a medication, the strength of a medication, directions or quantity dispensed are acceptable only if the consent of the prescriber was obtained before dispensing. The written explanation of the pharmacy on the prescription must state that this was done and give the reasons for the change.

§ 1121.53. Limitations on payment.

* * * * *

(b) [The] CMS establishes a FUL and the Department establishes a State MAC which [sets] set a limit on the drug cost component of the payment formula for selected multisource drugs. The FUL and the State MAC [will include a combination of CMS multisource drugs and the Department's MAC drugs and does] do not apply if the following exist:

(1) The licensed prescriber certifies that a specific brand is medically necessary by doing all of the following:

(i) Writes on the prescription form "Brand Necessary" or "Brand Medically Necessary" in the prescriber's own handwriting or by an electronic alternative means as clarified in § 1121.52a (relating to clarification of the term "written"—statement of policy).

(ii) Receives prior authorization from the Department to use the brand name product.

(2) [In the case of a telephone prescription, the licensed prescriber sends a properly completed prescription, as described in paragraph (1), to the pharmacist within 15 days of the date of service] [Reserved].

(c) Payment for prescriptions is limited to [quantities consistent with the medical needs of the patient not to exceed a 34-day supply or 100 units] no more

than a 90-day supply or 100 units, whichever is greater, except that payment for systemic contraceptives may exceed the 90-day supply limit as specified by the Department. Prescriptions may be refilled [as long as the total authorization does not exceed a 6 months' or five refill supply, whichever comes first, from the time of original filling of the prescription] in accordance with 49 Pa. Code § 27.18(h)—(j) (relating to standards of practice). Refills shall be authorized by the licensed prescriber at the time the prescription is ordered, and the quantity dispensed on the refills may exceed the quantity prescribed on the initial prescription only if noted at the time the licensed prescriber orders the initial prescription.

(d) Payment for prescribed nonlegend drugs shall be limited to drugs [and dosage forms listed in the following categories:

- (1) Analgesics except long acting products.
 - (i) Acetaminophen and acetaminophen combinations in the form of tablets, capsules, suppositories, liquids and drops.
 - (ii) Aspirin and aspirin combinations in the form of tablets, capsules and suppositories.
 - (iii) Salicylates in the form of tablets, capsules and liquids.
 - (iv) Ibuprofen in its available dosage forms.
- (2) Antacids.
 - (3) Antidiarrheals.
 - (i) Kaolin-pectin combinations.
 - (ii) Loperamide in its available dosage forms.
- (4) Antiflatulents.
 - (i) Simethicone.
 - (ii) Simethicone combined with antacid.
- (5) Antinauseants.
 - (i) Concentrated balanced solutions of sugar and orthophosphoric acid.
 - (ii) Cyclizine lactate.
 - (iii) Dimenhydrinate.
 - (iv) Meclizine hydrochloride.
- (6) Bronchodilators.
 - (7) Cough—cold preparations, not including mouthwashes, lozenges, troches, throat sprays or rubs, only when prescribed for MA recipients under 21 years of age.
- (8) Contraceptives.
 - (9) Hematinics, not including long-acting products.
 - (i) Ferrous fumarate.
 - (ii) Ferrous gluconate.
 - (iii) Ferrous sulfate.
 - (10) Insulin and disposable insulin syringes.
 - (11) Laxatives and stool softeners.
 - (12) Nasal preparations.
 - (i) Oxymetazoline.
 - (ii) Phenylephrine.

- (iii) Xylometazoline.
- (iv) Naphazoline.
- (13) Ophthalmic preparations.
 - (i) Ocular lubricants containing polyvinyl alcohol or cellulose derivatives.
 - (ii) Phenylephrine in all ophthalmic forms.
 - (iii) Sodium chloride in strengths of 2% or greater in ophthalmic forms.
- (14) Topical products containing one or more of the following active ingredients.
 - (i) Anesthetics.
 - (A) Benzocaine.
 - (B) Cyclomethycaine.
 - (C) Dibucaine.
 - (D) Lidocaine.
 - (E) Pramoxine.
 - (F) Tetracaine.
 - (ii) Antibacterials.
 - (A) Bacitracin.
 - (B) Neomycin.
 - (C) Polymyxin.
 - (D) Povidone-iodine.
 - (E) Tetracycline.
 - (iii) Dermatological baths.
 - (A) Colloidal oatmeal and combinations.
 - (B) Soya protein complex and combinations.
 - (iv) Fungicidals.
 - (A) Iodochlorhydroxyquin (clioquinol).
 - (B) Miconazole nitrate.
 - (C) Salicylanilide.
 - (D) Salicylic acid.
 - (E) Sodium caprylate.
 - (F) Sodium proprionate.
 - (G) Triacetin (glyceryl triacetate).
 - (H) Tolnaftate.
 - (I) Undecylenic acid, esters and salts.
 - (v) Rectal preparations.
 - (A) Bismuth subgallate.
 - (B) Yeast.
 - (C) Zinc oxide.
 - (vi) Tar preparations, not including soaps and cleansing agents.
 - (vii) Wet dressings.
 - (A) Aluminum acetate.
 - (B) Aluminum sulfate.
 - (C) Calcium sulfate.
 - (D) Zinc sulfate.
- (15) Vitamins and minerals.
 - (i) Single entity and multiple vitamins with or without fluoride for children under 3 years of age.

(ii) **Single entity and multiple vitamins when prescribed for prenatal use.**

(iii) **Nicotinic acid and its amides.**

(iv) **Calcium salts.**

(16) **Diagnostic agents.**

(17) **Quinine] listed on the Department's web site.**

(e) **[Payment for single entity and multiple vitamins is limited to the following:**

(1) **Those prescribed, with or without fluorides, for children under 3 years of age.**

(2) **Those prescribed for prenatal use] [Reserved].**

(f) Payment to a pharmacy for prescriptions dispensed to a recipient in either a skilled nursing facility, an intermediate care facility or an intermediate care facility for **[the mentally retarded] individuals with intellectual disabilities** shall be limited to one dispensing fee for each drug dispensed within a 30-day period.

§ 1121.54. Noncompensable services and items.

Payment will not be made to a pharmacy for the following services and items:

(1) **[Drugs and other items prescribed for obesity, appetite control or other similar or related habit altering tendencies. Drugs which have been cleared for use in the treatment of hyperkinesia in children and primary and secondary narcolepsy due to structural damage of the brain are compensable if the physician indicates the diagnosis on the original prescription] [Reserved].**

(2) Nonlegend drugs in the form of troches, lozenges, throat tablets, cough drops, chewing gum, mouthwashes and similar items.

(3) Pharmaceutical services provided to a hospitalized person.

(4) Drugs and devices classified as experimental by the FDA or whose use is classified as experimental by the FDA.

(5) Drugs and devices not approved by the FDA or whose use is not approved by the FDA.

(6) Placebos.

(7) **[Legend and nonlegend soaps, cleansing agents,] Nonlegend** dentifrices, mouthwashes, douche solutions, **[diluents, ear wax removal agents,]** deodorants, liniments**[, antiseptics, irrigants]** and other personal care and medicine chest items.

(8) Compounded prescriptions when one of the following applies:

(i) Compensable items are used in less than therapeutic quantities.

(ii) Noncompensable items are compounded.

(9) Nonlegend drugs not listed **as compensable pharmaceutical services on the Department's web site as specified** in § 1121.53(d) (relating to limitations on payment).

(10) Drugs prescribed in conjunction with **[sex reassignment procedures or other]** noncompensable procedures.

(11) The following items when prescribed for recipients in a skilled nursing facility, an intermediate care facility or an intermediate care facility for **[the mentally retarded] individuals with intellectual disabilities:**

(i) Intravenous solutions.

(ii) Noncompensable drugs and items as specified in this section.

(iii) The following nonlegend drugs:

(A) Analgesics.

(B) Antacids.

(C) **[Antacids with simethicone] [Reserved].**

(D) Cough-cold preparations.

(E) Contraceptives.

(F) Laxative and stool softeners.

(G) Ophthalmic preparations.

(H) Diagnostic agents.

(iv) Legend laxatives.

(12) Items prescribed or ordered by a prescriber who has been barred or suspended from participation in the MA Program. The **[Department will periodically send pharmacies a list of the names of suspended, terminated or reinstated practitioners and the dates of the various actions] list of providers precluded from participation in the MA Program will be posted on the Department web site.** Pharmacies are responsible for checking this list before filling prescriptions.

(13) Prescriptions or orders filled by a pharmacy other than the one to which a recipient has been restricted under § 1101.91 (relating to recipient misutilization and abuse). **[The Department will issue special medical services eligibility cards to restricted recipients indicating the name of the pharmacy to which the recipient is restricted.]** Pharmacies are responsible for checking the **[recipient's medical services eligibility card] Eligibility Verification System (EVS) to determine if the recipient is restricted to a specific provider** before filling the prescription.

(14) DESI drugs and identical, similar or related products or combinations of these products.

(15) A pharmaceutical service for which payment is available from another public agency or another insurance or health program except for those drugs prescribed through the **[county mental health/mental retardation] county mental health/developmental services** programs as specified in § 1121.51 (relating to general payment policy).

(16) FDA approved pharmaceutical products whose indicated use is not to treat or manage a medical condition, illness or disorder.

(17) Legend and nonlegend pharmaceutical products distributed by a company that has not entered into a National rebate agreement with the Federal government as provided under **[section 4401 of OBRA '90] section 1927 of the Social Security Act (42 U.S.C. § 1396r-8),** except for those specific drug products authorized by the Federal government as essential to the health of an MA recipient. The Department will issue **[a special list comprised] and post on the Department web site**

revisions to the list of those companies that [signed rebate agreements with the Federal government and those products authorized as essential to the health of an MA recipient. Pharmacies are responsible for checking the list before filling the prescription] participate in the Federal Drug Rebate Program.

(18) [Legend and non-legend cough and cold preparations, except when prescribed for MA recipients under 21 years of age] [Reserved].

(19) Erectile dysfunction drugs unless used for an FDA approved indication other than for the treatment of sexual or erectile dysfunction.

(20) Agents when used to promote fertility.

(21) Agents used for cosmetic purposes or hair growth.

§ 1121.55. Method of payment.

(a) The Department will pay a pharmacy for a compensable legend and nonlegend drug (after deducting the applicable copayment amount, as described in § 1101.63(b) (relating to payment in full)), the [lowest] lower of the following amounts:

(1) The [EAC for the] drug cost for brand name and generic drugs, including the ingredients of compounded drugs, as determined by § 1121.56a (relating to drug cost determination), multiplied by the number of units dispensed, plus a [\$2] \$10 professional dispensing fee.

(2) [The State MAC for the drug, multiplied by the number of units dispensed, plus a \$2 dispensing fee] [Reserved].

(3) The provider's usual and customary charge to the general public.

(4) For MA recipients with a pharmacy benefit resource which is a primary third party payer to MA, the [lower of the following amounts:

(i) The EAC for the drug, multiplied by the number of units dispensed, plus a \$0.50 dispensing fee.

(ii) The State MAC, multiplied by the number of units dispensed, plus a \$0.50 dispensing fee] drug cost as determined by § 1121.56a, multiplied by the number of units dispensed, plus a \$0.50 dispensing fee.

(b) [The Department will pay a pharmacy for a compensable compounded prescription at the lower of the cost of all ingredients plus a \$3 dispensing fee or the provider's usual and customary charge to the general public. For MA recipients with a pharmacy benefit resource which is a primary third party payer to MA, the dispensing fee shall be \$0.50] [Reserved].

(c) The provider shall bill the Department at its usual and customary charge to the general public.

§ 1121.56. [Drug cost determination] [Reserved].

[(a) The Department will base its drug cost for compensable legend and nonlegend drugs on the lower of:

(1) The EAC established by the Department.

(i) For brand name drugs, the EAC is established by the Department as one of the following:

(A) The lowest WAC listed for the drug in available Nationally recognized pricing services, plus 3.2%.

(B) If WAC data are not available from a Nationally recognized pricing service, the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 14%.

(C) If both WAC and AWP cost data are available for the drug from a Nationally recognized pricing service, the lower of the two amounts.

(ii) For generic drugs, the EAC is established by the Department as one of the following:

(A) The lowest WAC listed for the drug in available Nationally recognized pricing services.

(B) If WAC data are not available from a Nationally recognized pricing service, the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 25%.

(C) If both WAC and AWP cost data are available for the drug from a Nationally recognized pricing service, the lower of the two amounts.

(2) The State MAC established by the Department.

(b) The Department will update the EAC for individual drugs at least on a monthly basis as it appears in available Nationally recognized pricing services.

(c) CMS establishes lists that identify and set Federal upper limits for CMS multisource drugs and provides the listing of these drugs and revisions to the list to the Department through Medicaid manual transmittals on a periodic basis.

(d) The Department will determine the State MAC by one of the following methods:

(1) For multisource drugs, the Department will set the State MAC at the lower of the following:

(i) The upper payment limit established by the CMS.

(ii) Provided that the generic product is available at the price established by the Department from at least two wholesalers:

(A) If the generic product is available from more than one manufacturer, the base price of 150% of the lowest acquisition cost for the generic product, unless 150% of the lowest acquisition cost is not at least 120% of the second lowest acquisition cost, in which case the base price will be set at 120% of the second lowest acquisition cost.

(B) If the generic product is available from only one manufacturer, the base price is 120% of the acquisition cost for the generic product.

(2) For disposable insulin syringes, the Department will set the State MAC at the amount listed in the MA Program Fee Schedule.

(e) The Department will update the State MAC:

(1) If the State MAC for a multisource drug is set at the Federal upper payment limit established by CMS, the Department will apply the Federal upper limits for CMS multisource drugs to be effective on

the date established by CMS and will describe the update to each pharmacy enrolled in the MA Program when it is available.

(2) The Department will apply the price for all other State MAC multisource drugs every 3 months, and will distribute the update to each pharmacy enrolled in the MA Program.

(f) With the exception of the CMS multisource drugs, the Department will make further additions to the list of State MAC drugs after consultation with the Medical Assistance Advisory Committee as to whether the application of a State MAC is cost effective to the Department for a particular multisource drug. The Department will add the CMS multisource drugs to the State MAC list effective as of the effective date established by CMS.

(g) With the exception of disposable insulin syringes, the State MAC does not apply if the conditions are met as described in § 1121.53(b)(1) and (2) (relating to limitations on payment).

(h) The most common package size for the purposes of determining the product cost is one of the following:

(1) For capsules, tablets and liquids available in breakable package sizes:

(i) The listed package size if only one package size is listed.

(ii) The 100 or pint package size if more than one package size is listed.

(iii) The next smaller package size from the 100 or pint size, excluding a drug company's unit-dose package size, if more than one package size is listed other than the 100 or pint package size.

(iv) The package size closest to the 100 or pint package size, excluding a drug company's unit-dose package size, if the next smaller package is the unit-dose package size.

(2) The listed package size for all dosage forms available for all nonlegend drug products.

(3) The smallest package size for all dosage forms available in nonbreakable packages.]

(*Editor's Note:* Section 1121.56a is proposed to be added and is printed in regular type to enhance readability.)

§ 1121.56a. Drug cost determination.

(a) The Department will base its drug cost for compensable legend and nonlegend drugs for enrolled licensed pharmacies as follows:

(1) For brand name drugs:

(i) The NADAC.

(ii) If no NADAC is available, a WAC rate that equates to NADAC values published by CMS under subsection (c).

(2) For generic drugs, the lowest of:

(i) The NADAC.

(ii) If no NADAC is available, a WAC rate that equates to NADAC values published by CMS under subsection (c).

(iii) The FUL established by CMS.

(iv) The State MAC established by the Department.

(b) The ingredient cost of a 340B purchased drug shall be based on the methodology set forth in subsection (a), except that payment for the drug cost shall not exceed the

340B ceiling price, as described in section 340B(a)(1) of the Public Health Service Act (42 U.S.C. § 256b(a)(1)).

(c) The Department will update the CMS-published NADAC in the Department's claims adjudication system at least monthly.

(d) WAC rates adjusted to equate to NADAC values will be updated periodically, announced by publication of notice in the *Pennsylvania Bulletin* and made available on the Department's web site.

(e) The Department will determine the brand and generic WAC rates that equate to NADAC values by dividing the NADAC unit prices by the WAC unit prices, minus one, expressed as a percentage.

(f) CMS establishes lists that identify and set Federal upper limits for CMS multisource drugs and provides the listing of these drugs and revisions to the list to the Department.

(g) The Department will establish State MAC rates when there are two or more manufacturers of generic alternatives to the brand name product to enable the Department to realize discounts from the brand price.

(h) State MAC rates will be updated quarterly and as needed to account for marketplace price changes and drug shortages.

(i) The State MAC rates will be established by the Department as follows:

(1) *Tier 1:* Greater of 150% of the lowest-cost generic and 120% of the second lowest-cost generic for unit costs ranging from \$0 to \$5.

(2) *Tier 2:* Greater of 130% of the lowest-cost generic and 110% of the second lowest-cost generic for unit costs ranging from \$5.01 to \$20.

(3) *Tier 3:* Greater of 120% of the lowest-cost generic and 110% of the second lowest-cost generic for unit costs greater than \$20.01.

(j) The State MAC does not apply if the conditions are met as described in § 1121.53(b)(1) (relating to limitations on payment).

(k) The Department will base its drug cost for compensable legend and nonlegend drugs for enrolled licensed prescribers on the lower of:

(1) For brand name drugs:

(i) The provider's usual and customary charge.

(ii) The WAC + 3.2%.

(2) For generic drugs:

(i) The provider's usual and customary charge,

(ii) The WAC + 0%,

(iii) The FUL.

(iv) The State MAC.

(l) The Department will update the WAC for individual drugs at least on a monthly basis as it appears in a Nationally recognized pricing service.

CHAPTER 1141. PHYSICIANS' SERVICES

PAYMENT FOR PHYSICIANS' SERVICES

§ 1141.60. Payment for medications **administered or dispensed [or ordered]** in the course of **[an office] a visit.**

[Physicians may be reimbursed for the actual cost of medications] **(a) Payment is made to physicians for covered brand name and generic drugs as determined by § 1121.56a(k) (relating to drug cost determination), multiplied by the number of units administered or dispensed to an eligible recipient in the course of an office or home visit [providing the physician is certified for dispensing by the Office of Medical Assistance, Bureau of Provider Relations]. Payment for these services is subject to the conditions and limitations in Chapter 1121 (relating to pharmaceutical services).** There is no [reimbursement] **payment made** to a physician for medical supplies or equipment dispensed in the course of an office or home visit. Payment for medical supplies and equipment is made only to pharmacies and medical suppliers participating in the Medical Assistance program.

[***Exception:***] **(b)** Physicians may bill the Department for Rho(d) Immune Globulin, intrauterine devices, eyeglasses and for immunizing biologicals and antigens and drugs not provided by the Department of Health.

CHAPTER 1142. MIDWIVES' SERVICES

PAYMENT FOR MIDWIVES' SERVICES

(*Editor's Note:* Section 1142.56 is proposed to be added and is printed in regular type to enhance readability.)

§ 1142.56. Payment for medications administered or dispensed in the course of a visit.

Payment is made to a midwife for covered brand name and generic drugs as determined by § 1121.56a(k) (relating to drug cost determination), multiplied by the number of units administered or dispensed to an eligible recipient in the course of an office or home visit. Payment for these services is subject to the conditions and limitations in Chapter 1121 (relating to pharmaceutical services).

CHAPTER 1144. CERTIFIED REGISTERED NURSE PRACTITIONER SERVICES

PAYMENT FOR CERTIFIED REGISTERED NURSE PRACTITIONER SERVICES

(*Editor's Note:* Section 1144.54 is proposed to be added and is printed in regular type to enhance readability.)

§ 1144.54. Payment for medications administered or dispensed in the course of a visit.

Payment is made to a CRNP for covered brand name and generic drugs as determined by § 1121.56a(k) (relating to drug cost determination), multiplied by the number of units administered or dispensed to an eligible recipient in the course of an office or home visit. Payment for these services is subject to the conditions and limitations in Chapter 1121 (relating to pharmaceutical services).

[Pa.B. Doc. No. 23-1680. Filed for public inspection December 1, 2023, 9:00 a.m.]