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for the Rules and Regulations
and the Proposed Rulemakings

Part I

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Department of Environmental Protection
Department of Health
Department of Human Services
Department of Labor and Industry
Department of Transportation
Executive Board
Game Commission
Insurance Department
Legislative Reference Bureau
Office of the Budget
Pennsylvania Public Utility Commission
State Board of Cosmetology
State Board of Massage Therapy
State Board of Medicine
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 589, December 2023

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2023.

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THE GENERAL ASSEMBLY

THE GENERAL ASSEMBLY

Recent Actions during the 2023 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2023 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2023 General Acts of Regular Session Enacted—Act 020—032					
020	Nov 1	H0156	PN1029	Immediately	Agriculture Code (3 Pa.C.S.)—application of fertilizer to turf
021	Nov 1	H0157	PN1030	60 days	Agriculture Code (3 Pa.C.S.)—omnibus amendments
022	Nov 1	H0735	PN2210	Immediately*	Administrative Code of 1929—scope, Flood Insurance Premium Assistance Task Force, child support enforcement fees and surcharge and fee
023	Nov 1	S0694	PN1114	Immediately	Agriculture Code (3 Pa.C.S.)—sales locations and Attorney General
024	Nov 6	H1094	PN1306	Immediately	Public School Code of 1949—military child advance enrollment
025	Nov 6	H1170	PN1235	60 days	Milk Marketing Law—omnibus amendments and repeals
026	Nov 6	S0084	PN0010	60 days	Public School Code of 1949—repealing religious garb, insignia, etc., prohibited and penalty
027	Nov 6	S0152	PN0124	Immediately	Frozen Dessert Law—repealed
028	Nov 13	H0623	PN1132	Immediately*	Capital Budget Act of 2023-2024—enactment
029	Nov 16	H1556	PN1817	Immediately*	Right-to-Know Law—reporting, contents of report, copies and posting and contracts
030	Nov 21	H0295	PN0251	Immediately	Agriculture Code (3 Pa.C.S.)—registration, inspection fees, tonnage reports and disposition of funds
031	Nov 21	H0507	PN2289	60 days	Medical Care Availability and Reduction of Error (MCARE) Act—informed consent in pelvic, rectal and prostate examinations
032	Nov 21	S0500	PN1175	60 days	Human Services Code—medical assistance coverage for pasteurized donor human milk
2023 Appropriation Acts of Regular Session Enacted—Act 011A					
011A	Nov 16	H1461	PN2288	Immediately	State-related University Nonpreferred Appropriation Act of 2023—enactment

*denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 23-1716. Filed for public inspection December 15, 2023, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 85, 87, 89, 91 AND 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court of Pennsylvania; Order No. 106

By Orders dated July 19, 2023 and July 25, 2023, the Supreme Court of Pennsylvania amended Rules 102, 201, 204, 205, 208, 212, 216, 217, 218, 219, 221, 301, 321, 401, 402, and 403 of the Pennsylvania Rules of Disciplinary Enforcement. By this Order, the Board amends its Board Rules and Procedures.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Executive Director shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

*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 C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.2. Definitions.

* * * * *

Active status—The license status of an attorney who is admitted in Pennsylvania and is registered as active under Enforcement Rule 219 (relating to annual registration and assessment). An attorney

on active status is eligible to practice law in Pennsylvania.

* * * * *

Administrative suspension—The license [Status] status of an attorney, after Court order under Enforcement Rule 219(g), who: failed to pay the annual [fee and/or file the form] assessment and file the form required by subdivisions [(a)] (b) and [(d)] (c) of Enforcement Rule 219; failed to satisfy the requirements of the Pennsylvania Rules for Continuing Legal Education and was reported to the Court by the Pennsylvania Continuing Legal Education Board under Rule 111(b), Pa.R.C.L.E. [, for having failed to satisfy the requirements of the Pennsylvania Rules for Continuing Legal Education] ; failed to pay any [expenses taxed] costs and fees pursuant to Enforcement Rule 208(g); or failed to meet the requirements for maintaining a limited law license as a Limited In-House Corporate Counsel, a foreign legal consultant, an attorney participant in defender or legal services programs, a military attorney, or attorney spouse of an active-duty service member. **An attorney on administrative suspension status is ineligible to practice law in Pennsylvania.**

* * * * *

Attorney participant in defender or legal services programs—An attorney or the license status of an attorney holding a limited admission to practice under Pennsylvania Bar Admission Rule 311 (relating to limited admission of participants in defender or legal services programs).

Attorney Registration Office—The administrative division of the Disciplinary Board which governs the annual registration of every attorney admitted to, or engaging in, the practice of law in this Commonwealth, with the exception of attorneys admitted to practice pro hac vice under [Pa.B.A.R.] **Pennsylvania Bar Admission Rule 301.**

Attorney spouse of an active-duty service member—An attorney or the license status of an attorney holding a limited admission to practice under Pennsylvania Bar Admission Rule 304 (relating to limited admission of spouses of active-duty members of the United States Uniformed Services).

* * * * *

Censure—Public censure by the Supreme Court under Enforcement Rule 204(a)(3) (relating to types of discipline).

* * * * *

Disability inactive status—The license status of an attorney who: has been transferred to this status by order of the Court under Enforcement Rule 301(c) after having been judicially declared incapacitated by another court; has been declared incapacitated by order of the Court under Enforcement Rule 301(d) from continuing the practice of law; is transferred to disability inactive status by order of the Court under Enforcement Rule 301(e) after contending during a pending disciplinary proceeding that he or she is suffering from a disability by reason of physical or mental infirmity or illness that makes it impossible for the attorney to prepare an adequate defense; or has been placed on disability

ity inactive status in another jurisdiction and is transferred to disability inactive status by reciprocal order of the Court under Enforcement Rule 216. The term “disability inactive status” includes any transfer to inactive status based on disability under Rule 216 or 301. An attorney on disability inactive status is ineligible to practice law in Pennsylvania.

Disbarment—A type of discipline in which the Court withdraws the offending attorney’s privilege to practice law for an unspecified period of at least five years with no basis for an expectation to resume the practice of law.

* * * * *

Disciplinary [Rule] Rules—The provisions of the Code of Professional Responsibility, as adopted by the Supreme Court of Pennsylvania on May 20, 1970, 438 Pa. XXV, as amended from time to time by special order of the Court and governing lawyer conduct occurring or beginning on or before March 31, 1988, as well as the provisions of the Rules of Professional Conduct, as adopted by the Supreme Court of Pennsylvania on October 16, 1987, 515 Pa. LXIX, and effective on April 1, 1988, as amended from time to time by special order of the Court. See Chapter 81 (relating to Rules of Professional Conduct).

Emeritus status—The license status of an attorney admitted in Pennsylvania who has elected emeritus status, pursuant to Enforcement Rule 403, in order to provide the type of pro bono services authorized by Enforcement Rule 403 (relating to emeritus status) and is current on all registration requirements under that rule.

* * * * *

Experienced hearing committee member—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has served on at least one hearing committee that has conducted a hearing into formal charges of misconduct by a respondent-attorney or a hearing on a petition for reinstatement from discipline by a petitioner-attorney.

Foreign legal consultant—A person or the license status of a person who holds a current license as a foreign legal consultant issued under Pennsylvania Bar Admission Rule 341 (relating to the licensing of foreign legal consultants).

* * * * *

Formerly admitted attorney—A disbarred, suspended, temporarily suspended, administratively suspended, permanently resigned, retired, [or] inactive, or disability inactive attorney.

* * * * *

Inactive status—The license status of an attorney who is admitted in Pennsylvania and has either elected inactive status under Enforcement Rule 219 (relating to annual registration and assessment) or has sold his or her practice by reason of disability pursuant to Rule 1.17(f) of the Pennsylvania Rules of Professional Conduct. An attorney on inactive status is ineligible to practice law in Pennsylvania.

Informal admonition—[Private informal admonition] A type of private discipline administered by Disciplinary Counsel.

* * * * *

Judge status—The license status of a justice or judge serving on the following Pennsylvania courts of record: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and a justice or judge serving on the following federal courts: Supreme, Court of Appeals, Bankruptcy, and District Court, including full-time and part-time magistrate judges not otherwise engaged in the practice of law. This status includes a justice or judge who served on one of these courts and is granted senior status. An attorney on judge status is exempt from annual registration under Enforcement Rule 219(a)(2).

* * * * *

Limited In-House Corporate Counsel [License]—[A license issued] An attorney or the license status of an attorney holding a limited admission to practice under Pennsylvania Bar Admission Rule 302 (relating to limited admission of in-house corporate counsel [license]).

Military attorney—An attorney or the license status of an attorney holding a limited admission to practice under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys).

* * * * *

Permanent resignation—The license status of an attorney who has elected to permanently resign from the Pennsylvania bar under Enforcement Rule 404. An attorney on permanent resignation status is ineligible to practice law in Pennsylvania.

* * * * *

Private reprimand—[Private reprimand] A type of private discipline imposed by the Board.

* * * * *

Public [Reprimand] reprimand—[Public reprimand] A type of discipline imposed by the Board.

* * * * *

Retired status—The license status of an attorney admitted in Pennsylvania who elects this status after having ceased the practice of law in Pennsylvania. An attorney on retired status is ineligible to practice law in Pennsylvania.

* * * * *

Senior hearing committee member—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has served (i) either as a member of the Board, or (ii) on at least two hearing committees that have conducted hearings into formal charges of misconduct by respondent-attorneys or hearings on petitions for reinstatement from discipline by petitioner-attorneys.

* * * * *

Suspension—A type of discipline in which the Court withdraws the offending attorney’s privilege to practice law for a period not exceeding five

years. A suspended attorney may resume the practice of law only upon the entry of an order of the Court reinstating the attorney to active status.

* * * *

§ 85.3. Jurisdiction.

(a) *General rule.* Enforcement Rule 201(a) provides that the exclusive disciplinary jurisdiction of the Supreme Court and the Board under the Enforcement Rules extends to:

* * * *

(3) Any formerly admitted attorney, with respect to acts prior to suspension, disbarment, **temporary suspension**, administrative suspension, permanent resignation, or transfer to or assumption of retired, **[or]** inactive **or disability inactive** status, or with respect to acts subsequent thereto which amount to the practice of law or constitute the violation of the Disciplinary Rules, the Enforcement Rules or these rules.

(4) Any attorney who is a justice, judge or **magisterial district [justice] judge**, with respect to acts prior to taking office as a justice, judge or **magisterial district [justice] judge**, if the **[Judicial Inquiry and Review Board] Judicial Conduct Board** declines jurisdiction with respect to such acts.

(5) Any attorney who resumes the practice of law, with respect to nonjudicial acts while in office as a justice, judge or **magisterial district [justice] judge**.

§ 85.8. Types of discipline.

* * * *

(c) *Limited In-House Corporate Counsel License.* Enforcement Rule 204(c) provides that a reference in the Enforcement Rules and these rules to disbarment, suspension, temporary suspension, administrative suspension, permanent resignation, or transfer to or assumption of retired, **[or]** inactive **or disability inactive** status shall be deemed to mean, in the case of a respondent-attorney who holds a Limited In-House Corporate Counsel License, expiration of that license; and that a respondent-attorney whose Limited In-House Corporate Counsel License expires for any reason:

(1) shall be deemed to be a formerly admitted attorney for purposes of **[Subchapter 91E] Chapter 91 Subchapter E** (relating to formerly admitted attorneys); and

(2) shall not be entitled to seek reinstatement under **[Subchapter 89F] Chapter 89 Subchapter F** (relating to reinstatement and resumption of practice) or §§ 93.145 (relating to **[reinstatement] administrative change to active status**) or 93.112(c) (relating to reinstatement upon payment of taxed costs) and instead must reapply for a Limited In-House Corporate Counsel License under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license).

§ 85.11. Recusal.

* * * *

(b) *Procedure for recusal.* Enforcement Rule 220(b) provides that a motion to disqualify a member of the Board or a hearing committee member or a special master shall be made in accordance with these rules, but the making of such a motion shall not stay the conduct of the proceedings or disqualify the challenged member or

special master pending disposition of the motion. The procedures applicable to a motion for recusal shall be as follows:

(1) The motion shall be filed and served in accordance with **[Subchapter 89A] Chapter 89 Subchapter A** (relating to preliminary provisions).

* * * *

CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

COMPLAINTS

§ 87.7. Notification to respondent-attorney of complaint and duty to respond; duty to produce Pa.R.P.C. 1.15's required records and effect of failure to produce.

* * * *

(e) *Duty to produce Pa.R.P.C. 1.15's required records and time for production.* Notwithstanding any other provision in this section, if Disciplinary Counsel requests records required to be maintained under Pa.R.P.C. 1.15(c), Enforcement Rule 221(e), and § 91.177(a) (all of which relate to required records) in a Form DB-7 (Request for Statement of Respondent's Position) or Form DB-7A (Supplemental Request for Statement of Respondent's Position), the respondent-attorney shall provide the records to Disciplinary Counsel within ten business days of receipt of the Form DB-7 or Form DB-7A, as the case may be, whether or not the respondent-attorney files the statement of position required to be filed under subsection (b) of this section. The Form DB-7 or Form DB-7A will be considered received for purposes of this subsection if: 1) personal service of the Form DB-7 or Form DB-7A on the respondent-attorney is accomplished; 2) a copy of the Form DB-7 or Form DB-7A is delivered to an employee, agent or other responsible person at the office of the respondent-attorney as determined by the address furnished by the respondent-attorney in the last registration statement filed by the respondent-attorney pursuant to Enforcement Rule **[219(d)] 219(c)** (relating to annual registration of attorneys); or 3) mailed by certified mail with return receipt requested to one or more of the addresses furnished by the respondent-attorney in the last registration statement and delivery is accepted as shown by electronic or paper return receipt containing the name or signature of the respondent-attorney or other person who accepted delivery. The time in which to produce the required records (ten business days) is separate from the time fixed for the filing of the respondent-attorney's statement of position under paragraph (b)(2).

* * * *

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter C. HEARING PROCEDURES

ABBREVIATED PROCEDURE

§ 89.181. Abbreviated procedure.

* * * *

(c) *Procedures.*

* * * *

(9) Where the proceeding is disposed of as provided by **[Paragraph] paragraph** (8)(i), (ii), or (iii), the official reporter shall preserve the untranscribed notes or recording of testimony in the manner and for the duration specified by the Executive Office.

Subchapter D. ACTION BY BOARD AND SUPREME COURT

§ 89.205. Informal admonition, private reprimand or public reprimand following formal hearing.

* * * * *

(c) *Notice to appear.*

* * * * *

(2) In the event that the Board determines that the proceeding should be concluded by private reprimand, the Executive Office shall notify the respondent-attorney and staff counsel by means of Form DB-12(FP) (Notice to Appear for Private Reprimand Following Formal Proceedings) which shall state that Enforcement Rule 203(b)(2) and (c) expressly provides that willful failure to appear before the Board for private reprimand shall be an independent ground for discipline and that the Board is a “tribunal” within the meaning of the Disciplinary Rules (see, e.g., Rules 3.3, 3.4(c), and 3.5).

(3) In the event that the Board determines that the proceeding should be concluded by informal admonition, the Office of Disciplinary Counsel shall notify the respondent-attorney and staff counsel by means of Form DB-12.1(FP) (Notice to Appear for Informal Admonition Following Formal Proceedings), which shall state that Enforcement Rule 203(b)(2) and (c) expressly provides that willful failure to appear before Disciplinary Counsel for informal admonition shall be an independent ground for discipline and that Disciplinary Counsel, when administering informal admonitions, constitutes a “tribunal” within the meaning of the Disciplinary Rules (see, e.g., Rules 3.3, 3.4(c), and 3.5).

* * * * *

(f) *Demand for Supreme Court review.*

* * * * *

(2) A respondent-attorney who objects to an order taxing expenses in connection with a matter concluded by informal admonition, **[or] private reprimand, or public reprimand** may file a petition for review of such order in the Supreme Court under 42 Pa.C.S. §§ 725(5) and 5105(a)(2). See 210 Pa. Code Chapter 15 (relating to judicial review of governmental determinations) with respect to the time limits for seeking review and other applicable procedures.

§ 89.209. Expenses of formal proceedings.

Enforcement Rule 208(g)(1) provides that **unless otherwise directed by the Supreme Court, [in its discretion may direct that] the respondent-attorney shall pay** the necessary expenses incurred in the investigation and prosecution of a proceeding which results in the imposition of discipline **or transfer to disability inactive status [shall be paid by the respondent-attorney]**. All expenses so taxed pursuant to orders of suspension that are not stayed in their entirety or disbarment shall be paid by the respondent-attorney within 30 days after notice transmitted to the respondent-attorney of taxed expenses. In all other cases, expenses taxed under Rule 208(g)(1) shall be paid by the respondent-attorney within 30 days of entry of the order taxing the expenses against the respondent-attorney. Failure to pay such taxed expenses within 30 days after the date of the entry of the order will result in action taken by the Board pursuant to § 93.112 (relating to failure to pay taxed expenses) which will result in the entry of an order placing the respondent-attorney on administrative suspension.

Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

(*Editor’s Note:* Section 89.271 as printed in 204 Pa. Code reads “Official Note” rather than “Note.”)

§ 89.271. Reinstatement only by Court order.

Enforcement Rule 218(a) provides that an attorney may not resume practice until reinstated by order of the Supreme Court after petition pursuant to Rule 218 if the attorney **[was]**:

(1) **[suspended for a period exceeding one year;**

(2) **] is on** retired **status, [on]** inactive status or **[on]** administrative suspension **[if the formerly admitted attorney] and** has not been on active status at any time within the **[past] preceding** three years;

[(3)] (2) [transferred to] assumed inactive status **[as a result of] under Enforcement Rule 219(i)(1) in connection with** the sale of his or her practice pursuant to Rule 1.17(f) of the Pennsylvania Rules of Professional Conduct **(relating to the sale of a law practice by reason of disability); [or]**

(3) was transferred to disability inactive status, except that an attorney who is on disability inactive status under Enforcement Rule 301(c) shall be subject to the provisions of this rule only if the Court so directs;

(4) was suspended for a period exceeding one year; or

[(4)] (5) was disbarred.

Note: Probation under § 89.291 (relating to probation) may be imposed in conjunction with a suspension which may be stayed in whole or in part. If probation is imposed in any particular case in conjunction with a suspension for more than one year that is not stayed and the probation runs for the full period of suspension unless violated, the probation will continue until the termination of any required reinstatement proceedings.

(*Editor’s Note:* Section 89.273 as printed in 204 Pa. Code reads “Official Note” rather than “Note.”)

§ 89.273. Procedures for reinstatement.

(a) Enforcement Rule 218(c) provides that the procedure for petitioning for reinstatement from **disability inactive status**, suspension for a period exceeding one year or disbarment is as follows:

(1) Petitions for reinstatement shall be filed with the Board.

Note: The Board will not treat a petition for reinstatement as properly filed for purposes of commencing the procedures set forth in this section unless and until the petition is accompanied by a completed reinstatement questionnaire as required by § 89.275 (relating to completion of questionnaire by petitioner-attorney).

(2) Within 60 days after the filing of a petition for reinstatement, Disciplinary Counsel shall file a response thereto with the Board and serve a copy on the formerly admitted attorney. Upon receipt of the response, the Board shall refer the petition and response to a hearing committee appointed by the Board Prothonotary pursuant to § 93.81(c) (relating to hearing committees) in the disciplinary district in which the formerly admitted attorney

ney maintained an office at the time of the **transfer to disability inactive status**, disbarment or suspension. If any other formal disciplinary proceedings are then pending [**or have been authorized**] against the formerly admitted attorney **at the time the Board refers the matter to a hearing committee or are authorized after the referral and at any time prior to the hearing**, the reinstatement and disciplinary matters may be heard by the same hearing committee. In such case the combined hearing shall be held not later than 45 days after receipt by the Board of the response to the petition for reinstatement.

Note: If Disciplinary Counsel objects to reinstatement of the formerly admitted attorney, the response to the petition for reinstatement should explain in reasonable detail the reasons for the objection.

(3) The hearing committee shall promptly schedule a hearing at which a disbarred or suspended attorney shall have the burden of demonstrating by clear and convincing evidence that such person has the moral qualifications, competency and learning in law required for admission to practice law in this Commonwealth and that the resumption of the practice of law within the Commonwealth by such person will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. When the petitioner-attorney is seeking reinstatement from disbarment, the threshold inquiry articulated in *Office of Disciplinary Counsel v. Keller*, 509 Pa. 573, 579, 506 A.2d 872, 875 (1986) and its progeny applies. **See § 91.78 for burden of proof applicable to disability inactive attorney seeking reinstatement.**

Note: The requirement that a hearing be scheduled “promptly” means that a hearing should ordinarily be held within 60 days after the petition for reinstatement has been filed with the Board and the response from Disciplinary Counsel has been received, unless the chair of the hearing committee extends that time for good cause shown.

* * * * *

(b) Enforcement Rule 218(d) provides that the procedure for petitioning for reinstatement from retired status for more than three years; inactive status for more than three years; administrative suspension for more than three years; retired status, inactive status or administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years; or after transfer to inactive status as a result of the sale of a law practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, is as follows:

* * * * *

(4) Upon receipt of a response under (b)(2)(i), the Board shall refer the petition and response to a single senior or experienced hearing committee member in the disciplinary district in which the formerly admitted attorney maintained an office at the time of transfer to or assumption of retired or inactive status, or transfer to administrative suspension; the single senior or experienced hearing committee member shall promptly schedule a hearing during which the hearing committee member shall perform the functions of a hearing committee under this subsection (b). If any other formal disciplinary proceedings are then pending [**or have been authorized**] against the formerly admitted attorney **at the time the Board refers the matter to a hearing committee or are authorized after the referral and at any time prior to the hearing**, the reinstatement and disciplinary

matters may be heard by the same hearing committee. In such case the combined hearing shall be held not later than 45 days after receipt by the Board of the response to the petition for reinstatement.

* * * * *

(d) *Attorneys suspended for less than one year.* Enforcement Rule 218(g) provides that:

(1) Upon the expiration of any term of suspension not exceeding one year and upon the filing thereafter by the formerly admitted attorney with the Board of a verified statement showing compliance with all the terms and conditions of the order of suspension and of Chapter 91 Subchapter E (relating to formerly admitted attorneys), along with the payment of a non-refundable filing fee of \$250, the Board shall certify such fact to the Supreme Court, which shall immediately enter an order reinstating the formerly admitted attorney to active status, unless such person is subject to another outstanding order of **temporary suspension**, suspension or disbarment.

(2) Paragraph (1) of this subsection shall not be applicable and a formerly admitted attorney shall be subject instead to the other provisions of this rule requiring the filing of a petition for reinstatement, if:

* * * * *

(iii) the formerly admitted attorney has not been on active status for more than three years due to a combination of retired status, inactive status, administrative suspension, **temporary suspension** and/or a term of suspension not exceeding one year and had not been on active status at any time within the three-year period preceding the entry of the order; or

* * * * *

[(e) *Attorneys on inactive status, retired status or administrative suspension for three years or less.* Enforcement Rule 218(h) provides that attorneys who have been on inactive status, retired status or administrative suspension for three years or less may be reinstated to the roll of those classified as active pursuant to § 93.145 (relating to reinstatement of administratively suspended attorneys), § 93.146 (relating to resumption of active status by retired or inactive attorneys), and § 93.112(c) (relating to reinstatement upon payment of taxed costs), as appropriate. This subsection (e) does not apply to:

(1) a formerly admitted attorney who, on the date of the filing of the request for reinstatement, had not been on active status at any time within the preceding three years; or

(2) an attorney who has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct.]

§ 89.277. Abbreviated reinstatement procedure.

* * * * *

(c) *Procedures.*

* * * * *

(7) Where the proceeding is disposed of as provided by [**Paragraph**] **paragraph** (6)(i) of this subsection, the official reporter shall preserve the untranscribed notes or recording of testimony in the manner and for the duration specified by the Executive Office.

§ 89.278. Expenses of reinstatement proceedings.

Enforcement Rule 218(f)(1) provides that a non-refundable reinstatement filing fee shall be assessed against a petitioner-attorney. A filing fee schedule is set forth in the rule. Enforcement Rule 218(f)(2) provides that unless otherwise directed by the Supreme Court, [in its discretion may direct that] the petitioner-attorney shall pay the necessary expenses incurred in the investigation and processing of the petition for reinstatement [be paid by the petitioner-attorney] and in any proceeding that results in the grant, denial or withdrawal of the petition. [The annual fee required by Enforcement Rule 219(a) for the current year shall be paid to the Attorney Registration Office after the Supreme Court order is entered.] After a Supreme Court order granting reinstatement is entered, the petitioner-attorney shall pay the annual assessment required by Enforcement Rule 219(b).

§ 89.280. Notice of reinstatement.

(a) *Publication of notice.* Enforcement Rule [218(i)] 218(h) provides that the Board may cause a notice of a reinstatement to be published in one or more appropriate legal journals and newspapers of general circulation. The cost of publication shall be assessed against the petitioner-attorney.

(b) *Transmission of notice to local president judge.* Enforcement Rule [218(j)] 218(i) provides that the Board when appropriate shall promptly transmit to the president judge of the court of common pleas in the judicial district in which the formerly admitted attorney practiced a copy of:

(1) [the certification filed with the Court Prothonotary under § 93.145(a)(2) (relating to reinstatement of an attorney who has been administratively suspended for three years or less) or § 93.112(c) (relating to failure to pay taxed expenses)] a notice of any action by the Attorney Registration Office administratively reinstating an attorney to active status under Enforcement Rule 219(h); or

(2) Any other order of reinstatement entered under these rules.

RESUMPTION OF PRACTICE

§ 89.285. Resumption of practice by justices and judges on Judge Status.

(a) [*General rule.* Enforcement Rule 219(n) provides that a former or retired justice or judge who is not the subject of an outstanding order of discipline affecting his or her right to practice law and who wishes to resume the practice of law shall file with the Attorney Registration Office a notice in writing to that effect.] Conclusion of judicial service. Enforcement Rule 219(j)(2) provides that at the conclusion of judicial service, an attorney holding judge status as set forth in Enforcement Rule 219(j)(1) shall:

(1) within 20 days, notify the Attorney Registration Office in writing of the conclusion of judicial service; and

(2) within 60 days, elect either active status or retired status.

(b) [*Notice.* Enforcement Rule 219(n) further provides that the notice shall:

(i) describe:

(A) any discipline imposed within six years before the date of the notice upon the justice or judge by the Court of Judicial Discipline;

(B) any proceeding before the Judicial Conduct Board or the Court of Judicial Discipline settled within six years before the date of the notice on the condition that the justice or judge resign from judicial office or enter a rehabilitation program;

(ii) include a waiver by the justice or judge, if the notice discloses a proceeding described in paragraph (i), of the confidentiality of the record in that proceeding for the limited purpose of making the record available to the Board in any subsequent proceeding under these rules;

(iii) be accompanied by payment of the full annual fee for the registration year in which the notice is filed.] Administrative change to active status within 60 days of conclusion of judicial service. Enforcement Rule 219(j)(3) provides that within 60 days of conclusion of judicial service, a former justice or judge on judge status who seeks to resume active status shall submit to the Attorney Registration Office:

(1) a form available through the Attorney Registration Office;

(2) a notice in writing setting forth:

(i) any discipline imposed within six years before the date of the notice upon the justice or judge by the Court of Judicial Discipline; and

(ii) any proceeding before the Judicial Conduct Board or the Court of Judicial Discipline settled within six years before the date of the notice on the condition that the justice or judge resign from judicial office or enter a rehabilitation program;

(3) a waiver available through the Attorney Registration Office and signed by the former justice or judge of the confidentiality of the record in any proceeding disclosed in the notice provided under paragraph (2), for the limited purpose of making the record available to the Board in any subsequent proceeding under these rules; and

(4) payment of the active annual assessment for the year in which the request for active status is made.

(c) *Administrative Change to retired status within 60 days of conclusion of judicial service.* Enforcement Rule 219(j)(4) provides that within 60 days of conclusion of service, a former justice or judge on judge status shall submit to the Attorney Registration Office a form available through that office.

(d) *Failure to elect status.* Enforcement Rule 219(j)(6) provides that a former justice or judge on judge status who fails to elect a new registration status within 60 days of concluding judicial service shall be placed on retired status by the Attorney Registration Office.

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter A. SERVICE, SUBPOENAS, DEPOSITIONS AND RELATED MATTERS

IN GENERAL

§ 91.1. Substituted service.

Enforcement Rule 212 provides that in the event a respondent-attorney cannot be located and personally served with notices required under the Enforcement Rules and these rules, such notices may be served upon the respondent-attorney by addressing them to the address furnished in the last registration [**statement**] **form** filed by the respondent-attorney in accordance with § [**93.142(b)**] **93.142** (relating to filing of annual [**fee**] **registration** form by attorneys) or, in the case of foreign legal consultant, by serving them pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule [**341(b)(8)**] **341** (relating to licensing of foreign legal consultants).

Subchapter B. ATTORNEYS CONVICTED OF CRIMES

§ 91.35. Institution of formal proceedings upon conviction of a crime.

(a) *General rule.* Enforcement Rule 214(f)(1) provides that upon the filing of a certificate of conviction of an attorney for a crime, Disciplinary Counsel may commence either an informal proceeding under Chapter 87 (relating to investigations and informal proceedings) or a formal proceeding under [**Subchapter 89B**] **Chapter 89 Subchapter B** (relating to institution of formal proceedings), except that Disciplinary Counsel may institute a formal proceeding before a hearing committee or special master by filing a petition for discipline under § 89.52 (relating to petition for discipline) without seeking approval for the prosecution of formal charges under [**Subchapter 87B**] **Chapter 87 Subchapter B** (relating to review of recommended disposition by reviewing hearing committee member). If a petition for discipline is filed, a hearing on the petition shall be deferred until sentencing and all direct appeals from the conviction have been concluded. The sole issue at the hearing shall be the extent of the discipline or, where the Court has temporarily suspended the attorney under § 91.34(c), the final discipline to be imposed.

(b) *Accelerated disposition.* Enforcement Rule 214(f)(2) provides that:

* * * * *

(5) if a petition for discipline is not timely filed or assigned to a hearing committee for accelerated disposition under this subsection (b), the order of temporary suspension shall be automatically dissolved, but without prejudice to any pending or further proceedings under this [**Subchapter 91B**] **Subchapter B**.

* * * * *

§ 91.37. Definition of “crime.”

As Enforcement Rule 214(h) provides and as used in this [**Subchapter 91B**] **Subchapter B**, the term “crime” means an offense that is punishable by imprisonment in the jurisdiction of conviction, whether or not a sentence of imprisonment is actually imposed; and, notwithstanding any other provision of subdivision (h) of Enforcement Rule 214 or this rule, the term “crime” shall include criminal contempt, whether direct or indirect, and without regard to the sentence that may be imposed or that is actually imposed. It does not include parking

violations or summary offenses, both traffic and non-traffic, unless a term of imprisonment is actually imposed.

§ 91.38. Definition of “conviction.”

As Enforcement Rule 214(i) provides and as used in this [**Subchapter 91B**] **Subchapter B**, the term “conviction” means any guilty verdict, whether after trial by judge or jury, or finding of guilt, and any plea of guilty or *nolo contendere* that has been accepted by the court, whether or not sentence has been imposed.

Subchapter C. RECIPROCAL DISCIPLINE AND DISABILITY

§ 91.51. Reciprocal discipline.

Enforcement Rule 216 provides as follows:

(1) Upon receipt of a certified copy of a final adjudication of any court or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or of the District of Columbia, a United States court, or a federal administrative agency or a military tribunal demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension, disbarment, revocation of license or pro hac vice admission, or has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation in another jurisdiction or has been transferred to disability inactive status, the Supreme Court shall forthwith issue a notice (Form DB-19) (Notice of Reciprocal Discipline) directed to the respondent-attorney containing:

(i) A copy of the final adjudication described in subdivision (1).

(ii) An order directing that the respondent-attorney inform the Court within 30 days from service of the notice, of any claim by the respondent-attorney that the imposition of the identical or comparable discipline or disability inactive status in the Commonwealth would be unwarranted, and the reasons therefore. The Executive Office shall cause this notice to be served upon the respondent-attorney by mailing it to the address furnished by the respondent-attorney in the last registration [**statement**] **form** filed by such person in accordance with § [**93.142(b)**] **93.142** (relating to filing of annual [**fee**] **registration** form by attorneys) or, in the case of a foreign legal consultant, by serving it pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule [**341(b)(8)**] **341** (relating to licensing of foreign legal consultants).

* * * * *

Subchapter D. DISABILITY

§ 91.70. Preliminary provisions.

(a) *Definition.* Enforcement Rule 301(k) provides that, as used in this subchapter, the term “disabled attorney” means an attorney transferred to **disability** inactive status under this subchapter.

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§ 91.73. Attorney subject to judicial determination of incapacity.

(a) *Transfer to inactive status.* Enforcement Rule 301(c) provides that where an attorney has been judicially declared incapacitated or involuntarily committed on the grounds of incapacity or severe mental disability, the Supreme Court, upon proper proof of the fact, shall enter

an order transferring such attorney to **disability** inactive status effective immediately and for an indefinite period until the further order of the Court; and that a copy of such order shall be served upon such formerly admitted attorney, the guardian of such person, and/or the director of the institution to which such person has been committed in such manner as the Court may direct.

(b) *Summary reinstatement.* Where an attorney has been transferred to **disability** inactive status by an order in accordance with the provisions of subdivision (a) and, thereafter, in proceedings duly taken, the person is judicially declared to be competent, the Supreme Court upon application may dispense with further evidence that the disability has been removed and may direct reinstatement to active status upon such terms as are deemed proper and advisable.

§ 91.74. Petition by Board for determination of professional competency.

Enforcement Rule 301(d) provides that whenever the Board shall petition the Supreme Court to determine whether an attorney is incapacitated from continuing the practice of law by reason of mental infirmity or illness or because of addiction to drugs or intoxicants, the Court may take or direct such action as it deems necessary or proper to determine whether the attorney is so incapacitated, including the examination of the attorney by such qualified medical experts as the Court shall designate; that if, upon due consideration of the matter, the Court concludes that the attorney is incapacitated from continuing to practice law, it shall enter an order transferring the attorney to **disability** inactive status on the ground of such disability for an indefinite period and until the further order of the Court; that if examination of a respondent-attorney by a qualified medical expert reveals that the respondent lacks the capacity to aid effectively in the preparation of a defense, the Court may order that any pending disciplinary proceeding against the respondent shall be held in abeyance except for the perpetuation of testimony and the preservation of documentary evidence; that the order of abatement may provide for reexaminations of the respondent-attorney at specified intervals or upon motion by Disciplinary Counsel; and that the Court shall provide for such notice to the respondent-attorney of proceedings in the matter as it deems proper and advisable and may appoint counsel to represent the respondent if the respondent is without adequate representation.

§ 91.75. Effect of raising defense of disability in formal and informal proceedings.

(a) *General rule.* Enforcement Rule 301(e) provides that if, during the course of a disciplinary proceeding, the respondent contends that the respondent is suffering from a disability by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, which make it impossible for the respondent to prepare an adequate defense, the respondent shall complete and file with the Court a certificate of admission of disability. The certificate shall:

* * * * *

Upon receipt of the certificate, the Supreme Court thereupon shall enter an order immediately transferring the respondent to **disability** inactive status until a determination is made of the capacity of the respondent to aid effectively in the preparation of a defense or to continue to practice law in a proceeding instituted in accordance with the provisions of § 91.74 (relating to petition by Board for determination of professional competency), unless the Court finds that the certificate does not

comply with the requirements of Enforcement Rule 301(e), in which case the Court may deny the request for transfer to disability inactive status or enter any other appropriate order. Before or after the entry of the order transferring the respondent to **disability** inactive status under Enforcement Rule 301(e), the Court may, upon application by Disciplinary Counsel and for good cause shown, take or direct such action as the Court deems necessary or proper to a determination of whether it is impossible for the respondent to prepare an adequate defense, including a direction for an examination of the respondent by such qualified medical experts as the Court shall designate. In its discretion, the Court may direct that the expense of such an examination shall be paid by the respondent.

* * * * *

§ 91.76. Publication of notice of transfer to disability inactive status.

Enforcement Rule 301(f) provides that the Board shall cause a notice of transfer to **disability** inactive status (Form DB-22) (Notice of Transfer to Inactive Status upon Disability) to be published in the legal journal and a newspaper of general circulation in the county in which the disabled attorney practiced. If there is no such legal journal, the notice shall be published in the legal journal of an adjoining county. Such notice shall be published by the Executive Office within 20 days after the transfer to **disability** inactive status becomes effective and shall be furnished to such courts as may be appropriate.

§ 91.77. Action to protect clients of disabled attorney.

Enforcement Rule 301(g) provides that the Board shall promptly transmit a certified copy of the order of transfer to **disability** inactive status to the president judge of the court of common pleas of the judicial district in which the disabled attorney practiced and shall request such action under the provisions of Subchapter F (relating to protection of the interests of clients) as may be indicated in order to protect the interests of the disabled attorney and the clients of the disabled attorney.

§ 91.78. Procedure for reinstatement.

Enforcement Rule 301(h) provides as follows:

(1) Except as provided in § 91.73(b) (relating to summary reinstatement), a disabled attorney may not resume active status until reinstated by order of the Supreme Court upon petition for reinstatement pursuant to Chapter 89 Subchapter F (relating to reinstatement).

(2) A disabled attorney shall be entitled to apply for reinstatement to active status once a year or at such shorter intervals as the Court may direct in the order transferring the respondent to **disability** inactive status or any modification thereof.

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§ 91.79. Burden of proof.

Enforcement Rule 301(i) provides that in a proceeding seeking a transfer to **disability** inactive status under this subchapter, the burden of proof shall rest with the Board; and that in a proceeding seeking an order of reinstatement to active status under this subchapter, the burden of proof shall rest with the respondent-attorney.

§ 91.80. Waiver of privilege.

Enforcement Rule 301(j) provides that the filing of an application for reinstatement to active status by a for-

merly admitted attorney transferred to **disability** inactive status [**because of disability**] shall be deemed to constitute a waiver of any doctor-patient privilege with respect to any treatment of the formerly admitted attorney during the period of disability; that the formerly admitted attorney shall be required to disclose the name of every psychiatrist, psychologist, physician and hospital or other institution by whom or in which the formerly admitted attorney has been examined or treated since transfer to **disability** inactive status; and that the formerly admitted attorney shall furnish to the Court written consent to each to divulge such information and records as requested by court-appointed medical experts.

Subchapter E. FORMERLY ADMITTED ATTORNEYS

§ 91.91. Notification of clients in nonlitigation matters.

(a) *General rule.* Enforcement Rule 217(a) provides that a formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status and shall advise said clients to seek legal advice elsewhere. Such notices shall be in substantially the language of Form DB-23 (Nonlitigation Notice of Disbarment, Suspension, [**Administrative**] **Temporary** Suspension or Transfer to **Disability** Inactive Status) or Form DB-23(a) (Non-Litigation Notice of Administrative Suspension). The notice required by this subsection (a) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt.

* * * * *

§ 91.92. Notification of clients in litigation matters.

(a) *General rule.* Enforcement Rule 217(b) provides that a formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status. Such rule further provides that the notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney; that in the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw; and that the notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney. Such notices shall be in substantially the language of Form DB-24 (Litigation Notice of Disbarment, Suspension, [**Administrative**] **Temporary** Suspension or Transfer to **Disability** Inac-

tive Status) or Form DB-24(a) (Litigation Notice of Administrative Suspension). The notice required by this subsection (b) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. See Note after subsection (a) of § 91.91 (relating to notification of clients in nonlitigation matters).

* * * * *

§ 91.93. Notification of other persons.

(a) *General rule.* Enforcement Rule 217(c) provides that a formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status:

(1) all persons or their agents or guardians, including but not limited to wards, heirs and beneficiaries, to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status;

* * * * *

(d) *Responsibility to provide notice.* Enforcement Rule 217(c) further provides that the responsibility of the formerly admitted attorney to provide the notice required by this section shall continue for as long as the formerly admitted attorney is disbarred, suspended, **temporarily suspended**, administratively suspended or on **disability** inactive status.

§ 91.94. Effective date of suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status.

(a) *Effective date.* Enforcement Rule 217(d)(1) provides that orders imposing suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status shall be effective 30 days after entry; that the formerly admitted attorney, after entry of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature; but that, during the period from the entry date of the order to its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

* * * * *

§ 91.96. Proof of compliance.

(a) *General rule.* Enforcement Rule 217(e)(1) provides that within ten days after the effective date of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status order, the formerly admitted attorney shall file with the Board Prothonotary a verified statement (Form DB-25) (Statement of Compliance) and serve a copy on Disciplinary Counsel. In the verified statement, the formerly admitted attorney shall:

* * * * *

(4) in cases of disbarment or suspension for a period exceeding one year, aver that he or she has attached his or her attorney registration **license card** or certificate for the current year, certificate of admission, any certificate of good standing issued by the Court Prothonotary, and any other certificate required by subdivision (h) of Enforcement Rule 217 to be surrendered; or, in the alternative, aver that he or she has attached all such

documents within his or her possession, or that he or she is not in possession of any of the certificates required to be surrendered;

* * * * *

§ 91.97. Publication of notice of suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status.

Enforcement Rule 217(f) provides that the Board shall cause a notice of the suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status to be published in the legal journal and a newspaper of general circulation in the county in which the formerly admitted attorney practiced. If there is no such legal journal, the notice shall be published in the legal journal of an adjoining county. Upon entry of an order imposing suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status, such notice shall be published forthwith and shall be transmitted to such courts as may be appropriate. The cost of publication shall be assessed against the formerly admitted attorney.

§ 91.98. Action to protect clients of formerly admitted attorney.

Enforcement Rule 217(g) provides that the Board shall promptly transmit a certified copy of the order of suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status to the president judge of the court of common pleas in the judicial district in which the formerly admitted attorney practiced; and that the president judge shall make such further order as may be necessary to fully protect the rights of the clients of the formerly admitted attorney.

§ 91.99. Maintenance of records.

(a) *General rule.* Enforcement Rule 217(i) provides that a formerly admitted attorney shall keep and maintain records of the various steps taken by such person under the Enforcement Rules so that, upon any subsequent proceeding instituted by or against such person, proof of compliance with the Enforcement Rules and with the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status order will be available; and that proof of compliance with the Enforcement Rules shall be a condition precedent to any petition for reinstatement.

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§ 91.100. Indicia of licensure.

Enforcement Rule 217(h) provides that within ten days after the effective date of an order of disbarment or suspension for a period longer than one year, the formerly admitted attorney shall surrender to the Board the **license card or** certificate issued by the Attorney Registration Office under § 93.143 (relating to issue of certificate as evidence of compliance) for the current year, along with any certificate of good standing issued under Pennsylvania Bar Admission Rule [201(d)] 201(c) (relating to certification of good standing), certificate of admission issued under Pennsylvania Bar Admission Rule 231(d)(3) (relating to action by Court Prothonotary), certificate of licensure issued under Pennsylvania Bar Admission Rule 341(e)(3) (relating to motion for licensure), Limited In-House Corporate Counsel License issued under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license), limited certificate of

admission issued under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys), limited certificate of admission issued under Pennsylvania Bar Admission Rule 304 (relating to limited admission of attorney spouses of active-duty service members), or limited certificate of admission issued under Pennsylvania Bar Admission Rule 311 (relating to attorney participants in defender or legal services programs). The Board may destroy the annual **license card or** certificate issued under § 93.143, but shall retain any other documents surrendered under this subdivision and shall return those documents to the formerly admitted attorney in the event that he or she is subsequently reinstated.

§ 91.101. Law-related activities of formerly admitted attorneys.

* * * * *

(e) *Prohibited activities.* Enforcement Rule 217(j)(4) provides that, without limiting the other restrictions in this section, a formerly admitted attorney is specifically prohibited from engaging in any of the following activities:

(1) performing any law-related activity for a law firm, organization or lawyer if the formerly admitted attorney was associated with that law firm, organization or lawyer on or after the date on which the acts which resulted in the disbarment, [or] suspension **or temporary suspension** occurred, through and including the effective date of disbarment, [or] suspension **or temporary suspension**;

(2) performing any law-related services from an office that is not staffed by a supervising attorney on a [full time] **full-time** basis;

* * * * *

(9) negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction; **and**

* * * * *

Subchapter F. PROTECTION OF THE INTERESTS OF CLIENTS

§ 91.121. Appointment of conservator to protect interests of clients of absent attorney.

(a) *General rule.* Enforcement Rule 321(a) provides that 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:

* * * * *

(2) any of the following applies:

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

* * * * *

Subchapter G. EMERGENCY PROCEEDINGS

§ 91.151. Emergency temporary suspension orders and related relief.

(a) *General rule.* Enforcement Rule 208(f) provides that:

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(2) a copy of the petition shall be personally served upon the respondent-attorney by Disciplinary Counsel. If Disciplinary Counsel cannot make personal service after reasonable efforts to locate and serve the respondent-attorney, Disciplinary Counsel may serve the petition by delivering a copy to a clerk or other responsible person at the office of the respondent-attorney, and if that method of service is unavailable, then by mailing a copy of the petition by regular and certified mail addressed to the addresses furnished by the respondent-attorney in the last registration [**statement**] **form** filed by the respondent-attorney pursuant to Enforcement Rule [**219(d)**] **219(c)**. Service is complete upon delivery or mailing, as the case may be;

* * * * *

(b) *Order of temporary suspension.* Enforcement Rule 208(f)(2) provides that if a rule to show cause has been issued under subsection (a) of this section, and the period for response has passed without a response having been filed, or after consideration of any response, the Court may enter an order requiring temporary suspension of the practice of law by the respondent-attorney pending further definitive action under the Enforcement Rules.

* * * * *

(2) Where the Court enters an order under Enforcement Rule 208(f)(1)(i) or (ii) before the issuance of a rule or before the entry of an order of temporary suspension under paragraph (f)(2), the Court Prothonotary shall serve a certified copy of the Court's order on the respondent-attorney by regular mail addressed to the address furnished by the respondent-attorney in the last registration [**statement**] **form** filed by the respondent-attorney and to an address where the respondent-attorney is located if that address is known.

* * * * *

§ 91.152. Injunctive or other relief.

(a) *General rule.* Enforcement Rule 218(j) provides that if Disciplinary Counsel shall have probable cause to believe that any formerly admitted attorney:

(1) Has failed to comply with such rule or [**Subchapter 91E**] **Chapter 91 Subchapter E** (relating to formerly admitted attorneys), or,

* * * * *

Subchapter H. FUNDS OF CLIENTS AND THIRD PERSONS; MANDATORY OVERDRAFT NOTIFICATION

§ 91.171. Definitions.

The following terms when used in this subchapter shall have the meanings given to them in this section:

Eligible Institution. An Eligible Institution is a Financial Institution which has been approved as a depository of Trust Accounts pursuant to [**section (h), infra**] **§ 91.173(a) (relating to approval and termination of Eligible Institutions)**.

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§ 91.174. Reports of overdrafts.

* * * * *

(f) *Service charge.* Enforcement Rule 221(m) provides that an Eligible Institution shall be free to impose a reasonable service charge upon the attorney in whose name the account is held for the filing of the report required by this section.

§ 91.175. [Fiduciary accounts] Responsibility for Identification of Trust Accounts.

[(a) *Identification.*] Enforcement Rule 221(d) provides that the responsibility for identifying an account as a Trust Account shall be that of the attorney in whose name the account is held.

[(b) *Service charge.* Enforcement Rule 221(m) provides that an Eligible Institution shall be free to impose a reasonable service charge upon the attorney in whose name the account is held for the filing of the report required by this subchapter.]

§ 91.178. Availability of required records and requirement to produce.

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(b) *Request for production by letter.* Enforcement Rule 221(g)(1) provides that upon a request by Disciplinary Counsel under subdivision (g) of that Enforcement Rule, which request may take the form of a letter to the respondent-attorney briefly stating the basis for the request and identifying the type and scope of the records sought to be produced, a respondent-attorney must produce the records within ten business days after personal service of the letter on the respondent-attorney or after the delivery of a copy of the letter to an employee, agent or other responsible person at the office of the respondent-attorney as determined by the address furnished by the respondent-attorney in the last registration [**statement**] **form** filed by the respondent-attorney pursuant to Enforcement Rule [**219(d)**] **219(c)** (relating to annual registration of attorneys), but if the latter method of service is unavailable, within ten business days after the date of mailing a copy of the letter to the last registered address or addresses set forth on the [**statement**] **form**.

* * * * *

§ 91.180. Reporting of Fiduciary and Operating Accounts on Annual Registration Form.

(a) *Terminology.* Enforcement Rule 221(r) provides that for purposes of paragraph (b) of this section, the phrase:

(1) “funds of a client or a third person subject to Pa.R.P.C. 1.15” means funds that belong to a client or third person and that an attorney receives:

(i) in connection with a client-attorney relationship;

(ii) as an escrow agent, settlement agent, representative payee, personal representative, guardian, conservator, receiver, trustee, agent under a durable power of attorney, or other similar fiduciary position;

(iii) as an agent, having been designated as such by a client or having been so selected as a result of a client-attorney relationship or the attorney's status as such;

(iv) in connection with nonlegal services that are not distinct from legal services;

(v) in connection with nonlegal services that are distinct from legal services, and the attorney knows or reasonably should know that the recipient of the

service might believe that the recipient is receiving the protection of a client-attorney relationship; or

(vi) as an owner, controlling party, employee, agent, or as one who is otherwise affiliated with an entity providing nonlegal services and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-attorney relationship;

(2) "funds of a third person" shall not include funds held in:

(i) an attorney's personal account held jointly; or

(ii) a custodial account for a minor or dependent relative unless the source of any account funds is other than the attorney and his or her spouse or spousal equivalent.

(b) *Accounts to be identified.* Enforcement Rule 221(q) provides that an attorney who is required to file the registration form under Enforcement Rule 219(a) (relating to attorneys required to register), with the exception of a person holding a Limited In-House Corporate Counsel License under Pennsylvania Bar Admission Rule 302 or a Foreign Legal Consultant License under Pennsylvania Bar Admission Rule 341, shall identify the financial accounts enumerated in subparagraphs (1)–(3) of this paragraph (b) during the period from May 1 of the previous year to the date of the filing of the registration form. For each account, the attorney shall provide the name of the Financial Institution, as defined in Pa.R.P.C. 1.15(a)(4) or other bank or investment fund as allowed by Pa.R.P.C. 1.15(k) and (l), its location within or outside the Commonwealth, account number, type of account, and whether the account held funds subject to Pa.R.P.C. 1.15. The attorney shall identify:

(1) all accounts in which the attorney held funds of a client or a third person subject to Pa.R.P.C. 1.15;

Note: If an attorney employed by a law firm receives fiduciary funds from or on behalf of a client and deposits or causes the funds to be deposited into a law firm account, the attorney must report the account of deposit pursuant to this subparagraph (1).

(2) every account not reported under subparagraph (1) that held funds of a client or a third person (whether or not subject to Pa.R.P.C. 1.15) over which the attorney had sole or shared signature authority or authorization to transfer funds to or from the account; and

(3) every business operating account maintained or utilized by the attorney in the practice of law.

Note: The type of account shall be identified as an IOLTA Trust Account, see Pa.R.P.C. 1.15(a)(5); Non-IOLTA Trust Account (Interest for Clients), see Pa.R.P.C. 1.15(a)(7), (k), (l); IOLTA-exempt Trust Account (non-interest bearing), see Pa.R.P.C. 1.15(n); other authorized investments or accounts, see Pa.R.P.C. 1.15(k) and (l); or Business/Operating Account, see Pa.R.P.C. 1.15(j).

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter B. THE DISCIPLINARY BOARD

§ 93.23. Powers and duties.

(a) *General rule.* Enforcement Rule 205(c) provides that the Board shall have the power and duty:

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(12) To adopt rules of procedure not inconsistent with the Enforcement Rules. Such rules may provide for the delegation to the Board Chair or the [**Vice Chair**] **Vice-Chair** of the power to act for the Board on administrative and procedural matters.

* * * * *

(17) To authorize the use of electronic means to conduct prehearing conferences and post-hearing proceedings before a hearing committee, special master or the Board, but all adjudicatory proceedings shall be conducted in person unless warranted by extraordinary circumstances. Witness testimony may be presented via **advanced communication technology** (ACT) upon motion for cause shown. All proceedings shall be conducted in accordance with Board Rules, Enforcement Rules and the decisional law of the Court and the Board.

(18) To establish, assess and collect:

(i) the necessary expenses incurred in the investigation and prosecution of a proceeding that results in the imposition of discipline, or the investigation and processing of a petition for reinstatement and in any proceeding resulting therefrom;

(ii) late payment penalties under Enforcement Rule 219(f)(1) for failure to timely complete annual registration; and

(iii) administrative fees for status changes where a petition for reinstatement is not required.

(19) To assess and collect reinstatement filing fees, administrative fees based on the imposition of a type of discipline or transfer to disability inactive status under Enforcement Rule 301(e), and penalties on unpaid taxed expenses and administrative fees.

(20) To establish, charge and collect a collection fee for any payment under paragraphs (18) and (19) that has been returned to the Board unpaid.

[18] (21) To exercise the powers and perform the duties vested in and imposed upon the Board by law.

* * * * *

§ 93.24. Officers.

Chair and [Vice Chair] Vice-Chair. Enforcement Rule 205(a) provides that the Supreme Court shall designate the Board Chair and the Board [**Vice Chair**] **Vice-Chair**. In case of the vacancy in office, absence, disability or other unavailability of the Board Chair, the Board [**Vice Chair**] **Vice-Chair** shall exercise the powers and perform the duties of the Board Chair.

§ 93.26. Meetings of the Board.

* * * * *

(b) *Organization.* The Chair shall preside at meetings of the Board. In the absence of the Chair one of the following persons in the order stated shall preside:

(1) The [**Vice Chair**] **Vice-Chair**;

* * * * *

Subchapter D. OFFICE OF DISCIPLINARY COUNSEL

§ 93.63. Powers and duties of Office of Disciplinary Counsel.

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(b) *Party status of Disciplinary Counsel.* Enforcement Rule 207(c) provides that Disciplinary Counsel:

* * * * *

(4) May within the time and in the manner prescribed by Title 210 (**relating to the Pennsylvania Rules of Appellate Procedure**) petition the Supreme Court for allowance of an appeal from any final determination of the Board to conclude a matter by dismissal, informal admonition, private reprimand, or public reprimand.

Subchapter F. CONFIDENTIALITY

§ 93.102. Access to disciplinary information and confidentiality.

* * * * *

(c) *Exceptions to initial confidentiality.* Enforcement Rule 402(c) provides that, until the proceedings are open under subsection (a) or (b), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential unless:

* * * * *

(4) in matters involving alleged disability, the Supreme Court enters its order transferring the respondent-attorney to **disability** inactive status pursuant to Chapter 91 Subchapter D (relating to disability), or

(5) there is a need to notify another person or organization, including the Lawyers['] Fund for Client Security, in order to protect the public, the administration of justice, or the legal profession.

(d) *Permitted uses of otherwise confidential information.* Enforcement Rules 402(d)(2), (3), (4), (5) and (6) provide that the provisions of subsections (a) and (b) of this section shall not be construed to:

* * * * *

(2) Prevent the Pennsylvania Lawyers['] Fund for Client Security from utilizing information obtained during an investigation to pursue subrogated claims.

* * * * *

(5) Prevent Disciplinary Counsel from making an informal referral of an attorney to Lawyers Concerned for Lawyers of Pennsylvania, Inc. (LCL-PA), if Disciplinary Counsel believes that the attorney may benefit from the services of LCL-PA. Disciplinary Counsel may share with LCL-PA information deemed confidential under these Enforcement Rules as part of the referral. LCL-PA shall not report information about the subject attorney to Disciplinary Counsel or to any staff of the Office of Disciplinary Counsel. The fact that a referral was made and its outcome shall not be relevant for any purpose and may not be considered or disclosed by Disciplinary Counsel in any proceeding under these Rules.

Note: Subsection [(d)(6)] **(d)(5) of this rule** is intended to facilitate mental health and substance use referrals to Pennsylvania's approved lawyers' assistance program while preserving the confidentiality that is essential to that program's success. See Pennsylvania Rules of Professional Conduct, Rule 8.3(c) and Comment (7).

* * * * *

(f) *National Lawyer Regulatory Data Bank.* Enforcement Rule 402(i) provides that the Board shall transmit

notice of all public discipline imposed by the Supreme Court, transfers to or from **disability** inactive status [**for disability**], and reinstatements to the National **Lawyer Regulatory** Data Bank maintained by the American Bar Association.

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§ 93.104. Access by judicial system agencies to confidential information.

(a) *General rule.* Enforcement Rule 402(d)(1) provides that the provisions of § 93.102(a) and (b) (relating to access to disciplinary information and confidentiality) shall not be construed to deny access to relevant information at any point during a proceeding under these rules to:

* * * * *

(6) the Pennsylvania Lawyers['] Fund for Client Security Board investigating a claim for reimbursement arising from conduct by the respondent-attorney.

* * * * *

(d) *Restrictions on available information.* The fact that:

* * * * *

(2) a complaint is pending but undisposed of shall not be deemed relevant for the purposes of this section unless otherwise determined in a specific case by the Office of Disciplinary Counsel with the concurrence of the Chair or [**Vice Chair**] **Vice-Chair** of the Board;

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Subchapter G. FINANCIAL MATTERS

TAXATION OF COSTS

§ 93.111. Determination of reimbursable expenses.

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(b) *Enumeration of expenses.* Taxable expenses under these rules shall include, but not be limited to, the following:

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(7) the cost of publishing notices in the legal journal and a newspaper of general circulation as required by Enforcement Rule 217(f) (relating to publication of a notice of suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status) or § 89.274(b) (relating to publication of a notice of reinstatement hearing).

(c) *Administrative fee.* Enforcement Rule [**208(g)(4)**] **208(g)(3)** provides that in addition to the payment of any expenses under Enforcement Rule 208(g)(1) or (g)(2), a respondent-attorney shall pay upon the final order of discipline an administrative fee, pursuant to the schedule set forth in the rule.

(d) *Assessed Penalties on Unpaid Taxed Expenses and Administrative Fees.*

(1) Failure to pay taxed expenses within thirty days of the assessment becoming final in accordance with subdivisions (g)(1) and (g)(2) of Enforcement Rule 208 and subdivision (f)(3) of Enforcement Rule 218, and/or failure to pay administrative fees assessed in accordance with subdivision [(g)(4)] **(g)(3)** of Enforcement Rule 208 within thirty days of notice transmitted to the respondent-attorney shall result in the assessment of a penalty, levied monthly at the rate of 0.8% of the unpaid principal balance,

or such other rate as established by the Supreme Court of Pennsylvania, from time to time.

* * * * *

(4) The Board shall charge a collection fee for any payment that has been returned to the Board unpaid.

§ 93.112. Failure to pay taxed expenses.

(a) *Action by Board.* **[Enforcement Rule 219(g) and (1) provide that] Enforcement Rule 208(g)(4) provides that where the respondent-attorney fails to pay taxed expenses and administrative fees within 30 days after the date of the entry of the order taxing such expenses in cases other than a suspension that is not stayed in its entirety or disbarment, the Board shall:**

(1) Transmit by certified mail, return receipt requested, to **[every] the** attorney who fails to pay any taxed expenses under § 89.205(b) (relating to taxation of expenses), or § 89.209 (relating to expenses of formal proceedings), addressed to the last known address of the attorney, a notice stating:

* * * * *

(2) Certify to the Supreme Court the name of **[every] the** attorney who has failed to **[respond to a] comply with the** notice issued pursuant to paragraph (a)(1) of this section within the **[30 day] 30-day** period provided therein.

(b) *Action by Supreme Court.* Enforcement Rule 219(g) provides that upon certification to the Supreme Court of the name of any attorney pursuant to paragraph (a)(2) of this section, the Court shall enter an order administratively suspending the attorney~~]; and that the Chief Justice may delegate the processing and entry of orders under this subsection to the Court Prothonotary]~~.

[(c) Reinstatement upon payment of taxed costs. Enforcement Rule 219(m) provides that upon payment of all expenses taxed pursuant to § 89.205(b) and § 89.209 by a formerly admitted attorney on administrative suspension solely for failure to comply with paragraph (a)(1) of this section, the Board shall so certify to the Supreme Court; and that unless such person is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than 3 years, the filing of the certification from the Board with the Court Prothonotary shall operate as an order reinstating the person to active status.]

EXPENSES GENERALLY

§ 93.121. Expenses.

General. Enforcement Rule 401 provides that the salaries of Disciplinary Board employees, their expenses, administrative costs, expenses of the members of the Board and of hearing committees, and expenses and compensation, if any, of special masters shall be paid by the Board out of the funds collected under the provisions of **[§§] § 93.141 [through 93.148] et seq.** (relating to annual registration **[of attorneys] and assessment, administrative suspension, administrative changes in status.**) and §§ 89.205(b), 89.209, and 89.278 (relating to costs and fees).

ANNUAL REGISTRATION [OF ATTORNEYS] AND ASSESSMENT. ADMINISTRATIVE SUSPENSION. ADMINISTRATIVE CHANGES IN STATUS.

(*Editor's Note:* Section 93.141 as printed in 204 Pa. Code reads "Official Note" rather than "Note.")

§ 93.141. Annual registration.

(a) **[General rule] Annual registration period.** Enforcement Rule 219(a) provides that **[every attorney admitted to practice law in this Commonwealth shall pay an annual fee of \$195.00 and electronically file the annual fee form provided for under such rule by July 1; that the fee shall be collected under the supervision of the Attorney Registration Office, which shall make, the annual fee form available for filing through a link on the Board's website (<http://www.padisciplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The fee shall be used to defray the costs of disciplinary administration and enforcement under the Enforcement Rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form. An attorney may apply to the Board for a waiver of the annual fee on the basis of financial hardship by submitting a waiver application and required documentation to the Attorney Registration Office by July 1. Financial hardship shall be determined by reference to the federal poverty guidelines.] the annual registration period shall run from July 1 to June 30. On or before May 15 of each year, the Attorney Registration Office shall transmit an electronic notice to register and pay the annual assessment by July 1. Failure to receive notice shall not excuse the filing of the annual registration form and payment of the annual assessment.**

[Note: Pa.R.P.C. 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Enforcement Rule 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security. The grant of a waiver under this subdivision (a) shall include waiver of the additional annual fees.]

(b) Attorneys required to register. Enforcement Rule 219(a)(1) provides that attorneys on the following license statuses are required to register annually:

(1) Active status.

(2) Attorneys holding the following limited licenses:

(i) Foreign legal consultant;

(ii) Limited In-House Corporate Counsel;

(iii) Attorney participant in defender or legal services programs; and

(iv) Attorney spouse of an active-duty service member.

(3) Inactive status.

[(b)] (c) *Exemptions.* Enforcement Rule [219(b)] 219(a)(2) provides that attorneys on the following license statuses shall be exempt from [the] annual [fee] registration:

(1) [Justices or judges serving in the following Pennsylvania courts of record shall be exempt for such time as they serve in office: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and justices or judges serving an appointment for life on any federal court] Judge status;

(2) [retired attorneys] Retired status;

(3) [permanently resigned attorneys under Enforcement Rule 404] Emeritus status, except that such attorneys shall be governed by the renewal provisions of Enforcement Rule 403(g); and

(4) [military attorneys holding a limited certificate of admission issued under Pa.B.A.R. 303 (relating to admission of military attorneys)] Military attorney status.

[*Note:* The exemption created by subdivision (b)(1) does not include Pittsburgh Municipal Court judges, magisterial district judges, arraignment court magistrates or administrative law judges.]

(d) *Annual assessment.* Enforcement Rule 219(b) provides that all attorneys required to register shall pay an annual assessment as set forth in that rule. Payment of the annual assessment shall be made by credit or debit card or by check or money order drawn on a U.S. financial institution in U.S. dollars using a printable, mail-in voucher. Payment shall not be made using an IOLTA, trust, escrow, or other fiduciary account. The annual assessment is apportioned among the Board, the Pennsylvania Lawyers Fund for Client Security, and the Pennsylvania Interest on Lawyers Trust Accounts Board as directed by the Court.

(e) *Financial hardship waiver.* Enforcement Rule 219(b) provides that an attorney may apply to the Board for a waiver of the annual assessment on the basis of financial hardship by submitting a waiver application and required documentation to the Attorney Registration Office by July 1. Financial hardship shall be determined by reference to the federal poverty guidelines.

Note: The grant of a waiver under this subdivision (e) shall include waiver of the total annual assessment, which includes the amounts apportioned to the Pennsylvania Lawyers Fund for Client Security and the Pennsylvania Interest on Lawyers Trust Accounts Board.

(*Editor's Note:* Section 93.142 as printed in 204 Pa. Code reads "Official Note" rather than "Note.")

§ 93.142. Filing of annual [fee] registration form [by attorneys].

(a) [*Transmission of form.* Enforcement Rule 219(c) provides that on or before May 15 of each year the Attorney Registration Office shall transmit to all attorneys required by the rule to pay an annual fee a notice by e-mail to register electroni-

cally by July 1. Failure to receive notice shall not excuse the filing of the annual fee form or payment of the annual fee.

(b) [*Filing of annual [fee] registration form.* Enforcement Rule [219(d)] 219(c) provides that on or before July 1 of each year all attorneys required by the rule to [pay an annual fee] register shall [file] electronically file with the Attorney Registration Office [an electronically endorsed form prescribed by the Attorney Registration Office] a registration form. [in accordance with the following procedures:] Upon an attorney's written request and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and provide a paper registration form to the attorney for filing.

(1) The [form shall set forth] attorney shall provide the following information on the form:

[(i) The date on which the attorney was admitted to practice, licensed as a foreign legal consultant, granted limited admission as an attorney participant in defender or legal services programs, issued a Limited In-House Corporate Counsel License, or granted limited admission as an attorney spouse of an active-duty service member, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been licensed to practice law, with the current status thereof.

(ii) The current email, residence and office addresses of the attorney, the latter two of which shall be an actual street address or rural route box number. The Attorney Registration Office shall refuse to accept a form that sets forth only a post office box number for either required address. A preferred mailing address different from those addresses may also be provided on the form and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, as well as telephone and fax number will be accessible through the website of the Board (<http://www.padisciplinaryboard.org/>) and by written or oral request to the Board. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed.

Note: The Note to Enforcement Rule 219(d)(1)(ii) explains that public web docket sheets will show the attorney's address as entered on the court docket.

(iii) The name of each Financial Institution as defined in § 91.171 (Definitions), within or outside this Commonwealth in which the attorney, from May 1 of the previous year to the date of the filing of the annual fee form, held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The form shall include the name and account number for each account in which the attorney held such funds, and each IOLTA Account shall be identified as such. The form provided to a person holding a Limited In-House Corporate Counsel License or a Foreign

Legal Consultant License need not request the information required by this subparagraph.

For purposes of this subparagraph, the phrase “funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct” means funds that belong to a client or third person and that an attorney receives:

(A) in connection with a client-lawyer relationship;

(B) as an escrow agent, settlement agent, representative payee, personal representative, guardian, conservator, receiver, trustee, agent under a durable power of attorney, or other similar fiduciary position;

(C) as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such;

(D) in connection with nonlegal services that are not distinct from legal services;

(E) in connection with nonlegal services that are distinct from legal services, and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship; or

(F) as an owner, controlling party, employee, agent, or as one who is otherwise affiliated with an entity providing nonlegal services and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship.

Note: For purposes of subparagraph (iii), “funds of a third person” shall not include funds held in: 1) an attorney's personal account held jointly; or 2) a custodial account for a minor or dependent relative unless the source of any account funds is other than the attorney and his or her spouse.

If an attorney employed by a law firm receives fiduciary funds from or on behalf of a client and deposits or causes the funds to be deposited into a law firm account, the attorney must report the account of deposit under this subparagraph.

(iv) Every account not reported under subparagraph (iii), that held funds of a client or a third person, and over which the attorney had sole or shared signature authority or authorization to transfer funds to or from the account, during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution (whether or not the entity qualifies as a “Financial Institution” under RPC 1.15(a)(4)), location, and account number.

Note: Regarding “funds of a third person,” see Note to § 93.142(b)(1)(iii).

(v) Every business operating account maintained or utilized by the attorney in the practice of law during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution, location and account number.

(vi) A certification reading as follows: “I certify that all Trust Accounts that I maintain are in financial institutions approved by the Supreme

Court of Pennsylvania for the maintenance of such accounts pursuant to Pennsylvania Rule of Disciplinary Enforcement 221 (relating to mandatory overdraft notification) and that each Trust Account has been identified as such to the financial institution in which it is maintained.”

(vii) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

(viii) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

Note: The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its website. The requirement of Rule 219(d)(3) that every attorney who has filed an annual fee form must give written notice to the Attorney Registration Office of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

(ix) Such other information as the Attorney Registration Office may from time to time direct.]

(i) The attorney's current license status in this Commonwealth and all other state, federal, and foreign courts and jurisdictions in which the attorney is or has ever been licensed to practice law.

(ii) The attorney's contact information, which shall specify information accessible to the public. Upon an attorney's written request and for good cause shown, the contact information will not be accessible to the public.

(iii) The financial accounts and information identified in § 91.180(b) (relating to reporting of fiduciary and operating accounts on annual registration form).

(iv) A statement that:

(A) the attorney is familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of clients and others and the maintenance of IOLTA accounts;

(B) the attorney's Trust Accounts comply with Enforcement Rule 221(h) regarding the mandatory reporting of overdrafts on fiduciary accounts; and

(C) the attorney has reported all of the financial accounts and information identified in Enforcement Rule 221(q).

(v) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

(vi) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts set forth in Rule of

Professional Conduct 1.4(c); a covered attorney shall identify the insurance carrier.

(vii) Such other information as the Board may from time to time direct.

(2) [Payment of the annual fee shall be made in one of two ways: a) electronically by credit or debit card at the time of electronic transmission of the form through the online system of the Attorney Registration Office, which payment shall include a nominal fee to process the electronic payment; or b) by check or money order drawn on a U.S. bank, in U.S. dollars using a printable, mail-in voucher. IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted.] Enforcement Rule 219(e) provides that the annual registration requirement is not satisfied if the registration form is incomplete, if the payment is incomplete, or if payment of the annual assessment has been returned to the Board unpaid. If the annual [fee] registration form, voucher or payment is incomplete or if a payment of the annual [fee] assessment has been returned to the Board unpaid, the annual [fee] assessment shall not be deemed to have been paid until a collection fee of \$25 shall also have been paid. [The amount of the collection fee, and one or both of the late payment penalties prescribed in § 93.144(a)(1) and (2) of these rules if assessed, shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for payment returned to the Board unpaid. On or before July 1 of each year the Executive Office shall publish in the *Pennsylvania Bulletin* a notice of the collection fee established by the Board for the coming registration year.] Registration is deemed complete upon receipt of the completed registration form, satisfactory payment of the annual assessment, and payment of any penalties or fees assessed under Enforcement Rule 219(f).

(3) Every attorney who has filed the form shall notify the Attorney Registration Office in writing of any change in the information previously submitted [, including e-mail address] relating to license status in other jurisdictions, contact information, and professional liability insurance, within 30 days after such change, which notice shall be sent by mail or facsimile transmission, provided, however, that any change in the information required by Enforcement Rule [219(d)(1)(iii), (iv) and (v)] 221(q) (collectively) relating to financial account information) that occurs after the filing of the form [required by Enforcement Rule 219(a) and (d)(1)] need only be reported on the next regular annual [fee] registration form due July 1. Failure to timely register and file the next annual [fee] registration form shall not excuse the requirement of reporting changes in financial account information on an annual basis on or before July 1, and failure to make such a report shall constitute a violation of Enforcement Rule 219.

(4) [Upon original admission to the bar of this Commonwealth, licensure as a foreign legal consultant, issuance of a Limited In-House Corporate Counsel License, limited admission as an attorney participant in defender or legal services programs,

or limited admission as an attorney spouse of an active-duty service member, a person shall concurrently file a form under this section for the current registration year, but no annual fee shall be payable for the registration year in which originally admitted or licensed.

(5)] Submission of the annual [fee] registration form through electronic means signifies the attorney's intent to sign the form. By submitting the form electronically, the attorney certifies that the electronic filing is true and correct.

§ 93.143. Issue of certificate as evidence of compliance.

[Enforcement Rule 219(e) provides that upon receipt of a form, or notice of change of information contained therein, filed by an attorney in accordance with the provisions of § 93.142 (relating to filing of annual form by attorneys), and of payment of any required annual fee to practice law in this Commonwealth, receipt thereof shall be acknowledged on a certificate or license.] Enforcement Rule 219(d) provides that the Attorney Registration Office shall issue a license card or certificate to attorneys on active status and to attorneys holding limited licenses under § 93.141(b)(2) as acknowledgement of an attorney's completion of registration and payment of the required annual assessment.

§ 93.144. Administrative suspension [for failure to comply].

(a) [Action by Attorney Registration Office] Failure to comply with annual registration. Subdivisions (f) and (g)(1) of Enforcement Rule 219 (f) provides] provide that when any attorney fails to complete the registration required by §§ 93.141 and 93.142 by July 16, the Attorney Registration Office shall:

(1) automatically assess against the attorney a [non-waivable] \$200 late payment penalty established by the Board that cannot be waived;

(2) automatically add to the delinquent account of any attorney who has failed to complete registration by August 1, a second[, non-waivable] \$200 late payment penalty established by the Board that cannot be waived; and

(3) after August 1, certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of §§ 93.141 and 93.142 of these rules. [; and

(4) upon the Supreme Court's entry of an order of administrative suspension as provided in subsection (b) of this rule, transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.]

For purposes of assessing the late payment penalties prescribed by this section, registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual [fee] registration form and satisfactory payment of the annual [fee]

assessment and of all outstanding collection fees and late payment penalties. If payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under § [93.142(b)(2)] **93.142(a)(2)** of these rules, shall be added to the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

[The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of § 93.145(b) of these rules.]

(b) **Failure to comply with Pennsylvania Rules of Continuing Legal Education requirements.** Pursuant to Enforcement Rule 219(g)(2), and as set forth in Pa.R.C.L.E. 111(b), the Pennsylvania Continuing Legal Education Board shall report to the Court the name of every attorney who has failed to comply with the Pennsylvania Rules for Continuing Legal Education.

(c) **Failure to comply with Enforcement Rule 208(g) (relating to costs and fees).** Pursuant to Enforcement Rule 219(g)(3), the Board shall certify to the Court the name of every attorney who has failed to pay taxed expenses and administrative fees in cases other than a suspension that is not stayed in its entirety or disbarment.

[(b)] (d) **Action by the Supreme Court.** [**Enforcement Rule 219(g) provides that upon**] **Upon** receipt of certification of the name of any attorney pursuant to paragraph [(a)(3)] (a), (b), or (c) of this section, the Supreme Court shall enter an order administratively suspending the attorney[; and that the Chief Justice may delegate the processing and entry of orders under this subsection to the Court Prothonotary] **and directing that the attorney comply with the provisions of Enforcement Rule 217 (relating to formerly admitted attorneys).**

(e) **Action by the Attorney Registration Office.** Upon the Supreme Court's entry of an order of administrative suspension as provided in paragraph (d) of this section, the Attorney Registration Office shall transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys).

§ 93.145. [Reinstatement of administratively suspended attorneys] **Administrative change to active status.**

(a) [**General rule**] **Administrative suspension three years or less.** An attorney who has been administratively suspended pursuant to § 93.144(a) (relating to failure to comply with annual registration), § 93.144(b) [of these rules] (relating to failure to comply with Pennsylvania Rules of Continuing Legal Education requirements), or § 93.144(c) (relating to failure to pay costs under Enforcement Rule 208(g)) for three years or less is not eligible to file the annual [fee] **registration** form electronically. Enforcement Rule [219(h)] **219(h)(1)** provides that the procedure for reinstatement is as follows:

(1) The formerly admitted attorney shall submit to the Attorney Registration Office the form required by § [93.142(b)] **93.142(a)** along with payment **as applicable** of:

(i) the current annual [fee] **assessment for active status;**

(ii) the annual [fee] **assessment** that was due in the year in which the attorney was administratively suspended;

(iii) the late payment penalties required by [subsection (b) of this section] § 93.144(a)(1) and (2);

(iv) any unpaid collection fee; [and]

(v) **payment of any outstanding costs and fees under Enforcement Rule 208(g); and**

(vi) [a reinstatement fee] **an administrative fee** of \$300.00.

(2) Upon receipt of the annual [fee] **registration** form, a verified statement showing compliance with Enforcement Rule 217 (relating to formerly admitted attorneys) **and compliance during the term of administrative suspension, confirmation of compliance with rules and regulations of the Continuing Legal Education Board, if applicable,** and the payments required by paragraph (a)(1) of this section, the Attorney Registration Office shall so certify to the Board Prothonotary and to the Supreme Court; and that unless the formerly admitted attorney is subject to another outstanding order of suspension, **temporary suspension** or disbarment or the order has been in effect for more than three years, the filing of the certification from the Attorney Registration Office with the Court Prothonotary shall operate as an order reinstating the person to active status.

(3) Where payment of the fees and late payment penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under § 93.142[(b)(2)] (a)(2) of these rules, shall also have been paid.

(b) [**Late payment penalties.** Enforcement Rule 219(h)(3) provides that a formerly admitted attorney who is administratively suspended must pay the late payment penalties incurred in the year in which the formerly admitted attorney is transferred to administrative suspension. The amount of the late payment penalties shall be established by the Board annually after giving due regard to such factors as it considers relevant, including the direct and indirect costs incurred by the Board during the preceding year in processing the records of attorneys who fail to timely file the form required by § 93.142(b). On or before July 1 of each year the Executive Office shall publish in the *Pennsylvania Bulletin* a notice of the late payment penalty established by the Board for the coming registration year.] **Inactive Status three years or less.** Enforcement Rule 219(h)(2) provides that the procedure is as follows:

(1) **The formerly admitted attorney shall submit to the Attorney Registration Office:**

(i) **a form available through that Office;**

(ii) payment of any of the following as applicable:

(A) the active annual assessment for the year in which the request for active status is made or the difference between the active annual assessment and the inactive annual assessment previously paid for that year;

(B) late payment penalties;

(C) any unpaid collection fee.

(c) Retired status three years or less. Enforcement Rule 219(h)(3) provides that the procedure is as follows:

(1) The formerly admitted attorney shall submit to the Attorney Registration Office:

(i) a form available through that Office;

(ii) the active annual assessment for the year in which the request for active status is made.

(d) The procedures under paragraph (a), (b) and (c) do not apply to:

(1) a formerly admitted attorney who, on the date of the request for active status, has not been on active status at any time within the preceding three years;

(2) a formerly admitted attorney who has sold his or her law practice by reason of disability and who has been transferred to inactive status pursuant to Enforcement Rule 301 or 219(i)(1), as required by Rule of Professional Conduct 1.17(f) (relating to the sale of a law practice by reason of disability);

(3) a formerly admitted attorney who is subject to an outstanding order of disability inactive status, suspension, temporary suspension, or disbarment;
or

(4) a formerly admitted attorney who, on the date of the request for active status, has an outstanding obligation to the Lawyers Fund for Client Security.

(Editor's Note: Section 93.146 as printed in 204 Pa. Code reads "Official Note" rather than "Note.")

§ 93.146. [Selection of retired or inactive status and resumption of active status] Administrative change to inactive or retired status.

(a) [Retired Status] Active status to inactive status. Enforcement Rule [219(i)] 219(i)(1) provides that[] :

(1) An attorney who has retired must file by mail or deliver in person to the Attorney Registration Office Form DB-27 (Application for Retirement) and payment of any applicable late fees or penalties pursuant to Enforcement Rule 219(f).

(2) Upon the transmission of the application from the Attorney Registration Office to the Supreme Court, the Court shall enter an order transferring the attorney to retired status, and the attorney shall no longer be eligible to practice law.

(3) The retired attorney will be relieved from payment of the annual fee specified in § 93.141 (relating to annual registration).

(4) Chapter 91 Subchapter E (relating to formerly admitted attorneys) shall not be applicable to the

formerly admitted attorney unless ordered by the Supreme Court in connection with the entry of an order of suspension or disbarment under another provision of the Enforcement Rules.

(5) An attorney on retired status for three years or less may be reinstated in the same manner as an inactive attorney, by filing a Form DB-29 (Application for Resumption of Active Status), except that the retired attorney shall pay the annual active fee for the three most recent years or such shorter period in which the attorney was on retired status instead of the amounts required to be paid by an inactive attorney seeking reinstatement.

(6) The Chief Justice may delegate the processing and entry of orders under this subsection to the Court Prothonotary [an attorney on active status seeking to assume inactive status during a time outside the annual attorney registration period shall submit a request for inactive status form to the Attorney Registration Office.

(b) [Inactive Status] Active or inactive status to retired status. Enforcement Rule [219(j)] 219(i)(2) provides that[] :

(1) An attorney who is not engaged in practice in Pennsylvania, has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, or is not required by virtue of his or her practice elsewhere to maintain active licensure in the Commonwealth may request voluntary inactive status or continue that status once assumed. The attorney shall file either the annual form required by § 93.142(b) and request inactive status or file Form DB-28 (Notice of Voluntary Assumption of Inactive Status). The attorney shall be removed from the roll of those classified as active until and unless such inactive attorney makes a request under paragraph (3) of this section for an administrative return to active status and satisfies all conditions precedent to the grant of such request; or files a petition for reinstatement under § 89.273(b) (relating to procedure for reinstatement of an attorney who has been on inactive status for more than three years, or who is on inactive status and had not been on active status at any time within the prior three years) and is granted reinstatement pursuant to the provisions of § 89.273(b) of these rules.

(2) An inactive attorney under this subsection (b) shall continue to file the annual form required by § 93.142(b), and shall file the form through the online system identified in § 93.141(a) and shall pay an annual fee of \$100.00 in the manner provided in § 93.142(b)(2). Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any payment that has been returned to the Board unpaid, and being placed on administrative suspension in accordance with the provisions of § 93.144.

(3) Administrative Change in Status from Inactive Status to Active Status: An attorney on inactive status may request a resumption of active status by filing Form DB-29 (Application for Resumption of Active Status) with the Attorney Registration Office. The form must be filed by mail or delivered in

person to the Attorney Registration Office. Resumption of active status shall be granted unless the inactive attorney is subject to an outstanding order of suspension or disbarment, unless the inactive attorney has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct (see § 89.273(b)), unless the inactive status has been in effect for more than three years, or unless the inactive attorney had not been on active status at any time within the preceding three years (see § 89.273(b)), upon the payment of:

(i) the active fee for the registration year in which the application for resumption of active status is made or the difference between the active fee and the inactive fee that has been paid for that year; and

(ii) any collection fee or late payment penalty that may have been assessed pursuant to § 93.144 of these rules, prior to the inactive attorney's request for resumption of active status.

Where payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to inactive status, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under § 93.142(b)(2), shall also have been paid.

Note: The Note to Enforcement Rule 219(j) explains that § 93.145 (relating to reinstatement of administratively suspended attorneys) and § 93.146 (relating to resumption of active status by retired or inactive attorneys) do not apply if, on the date of the filing of the request for reinstatement, the formerly admitted attorney has not been on active status at any time within the preceding three years. See § 89.273(e)(1) [an attorney on active or inactive status seeking to assume retired status during a time outside the annual attorney registration period shall submit a request for retired status form to the Attorney Registration Office].

(c) Administrative suspension to inactive status. Enforcement Rule 219(i)(3) provides that a formerly admitted attorney seeking to resume inactive status after transfer to administrative suspension from inactive status shall submit to the Attorney Registration Office:

(1) a form available through the Attorney Registration Office;

(2) a verified statement that complies with Enforcement Rule 217(e)(1) and also demonstrates continued compliance with Enforcement Rule 217 during the term of administrative suspension; and

(3) payment of any of the following as applicable:

(i) the inactive annual assessment for the year in which the request for inactive status is made;

(ii) the inactive annual assessment that was due in the year in which the attorney was administratively suspended;

(iii) late payment penalties;

(iv) a collection fee;

(v) payment of any outstanding costs and fees under Enforcement Rule 208(g);

(vi) an administrative fee of \$100.

(d) Administrative suspension to retired status. Enforcement Rule 219(i)(4) provides that a formerly admitted attorney seeking retired status after transfer to administrative suspension shall submit to the Attorney Registration Office:

(1) a form available through the Attorney Registration Office;

(2) a verified statement that complies with Enforcement Rule 217(e)(1) and also demonstrates continued compliance with Enforcement Rule 217 during the term of administrative suspension;

(3) payment of any outstanding costs and fees under Enforcement Rule 208(g); and

(4) an administrative fee of \$100.

A formerly admitted attorney retired under this paragraph (d) who seeks to resume active status where a petition for reinstatement is not required shall pay all outstanding arrears assessed and satisfy all deficiencies in connection with the transfer to administrative suspension.

§ 93.147. [Notification] Public notice of administrative suspension [or inactivation].

[Where administrative suspension is ordered under this Subchapter, the attorney shall comply with the requirements of Chapter 91 Subchapter E (relating to formerly admitted attorneys).] Public notice of such administrative suspension shall clearly state that suspension was ordered for failure to file the required annual registration form and pay the required annual [fee] assessment, [or for failure] to comply with § 93.112 (relating to failure to pay taxed expenses), or to comply with the Rules and Regulations of the Continuing Legal Education Board.

§ 93.148. [Administrative change in status from administrative suspension to inactive status] [Reserved].

[(a) Enforcement Rule 219(k) provides that an inactive attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by § 93.146(b)(2) of these rules, may request an administrative change in status form from the Attorney Registration Office. The form must be filed by mail or delivered in person to the Attorney Registration Office and said Office shall change the status of an attorney eligible for inactive status under this subsection (a) upon receipt of:

(1) the annual form required by § 93.142 of these rules;

(2) payment of the annual fee required by § 93.141 of these rules;

(3) payment of the annual fee that was due in the year in which the attorney was administratively suspended;

(4) payment of all collection fees and late payment penalties assessed under § 93.142(b)(2) and § 93.144 of these rules; and

(5) payment of an administrative processing fee of \$100.00.

Where payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney

to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under § 93.142(b)(2), shall also have been paid.

(b) **Enforcement Rule 219(k)** provides that an active attorney who has been administratively suspended for failure to file the annual form required by § 93.142 and pay the annual fee required by § 93.141 must comply with § 93.145 (relating to reinstatement of administratively suspended attorneys) before becoming eligible to register as inactive or retired.]

§ 93.149. [Reserved].

[Pa.B. Doc. No. 23-1717. Filed for public inspection December 15, 2023, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 5 AND 10]

**Order Amending Rules 540, 547, and 1003 of the
Pennsylvania Rules of Criminal Procedure; No.
551 Criminal Procedural Rules Docket**

Order

Per Curiam

And Now, this 30th day of November, 2023, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 540, 547, and 1003 of the Pennsylvania Rules of Criminal Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective immediately.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 540. Preliminary Arraignment.

* * * * *

Comment:

* * * * *

See Chapter 5, Part H, Rules 595, 596, 597, and 598, for the procedures governing requests for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

For when an arresting officer is required to provide the name and contact information of the victim

to the magisterial district court conducting the preliminary arraignment, see 18 P.S. § 11.201(2)(iii)(A).

* * * * *

Rule 547. Return of Transcript and Original Papers.

* * * * *

Comment:

* * * * *

When arrest warrant information has been sealed pursuant to Rule 513.1, the arrest warrant information already will have been filed with the clerk of courts. When the case is transmitted to the court of common pleas, the clerk of courts should associate the transcript and other documents transmitted by the issuing authority with the original file created for the sealing procedure.

For when the magisterial district court or the Philadelphia Municipal Court is required to transmit the contact information of the victim to the court of common pleas, see 18 P.S. § 11.201(2)(iii)(B).

* * * * *

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

PART A. Philadelphia Municipal Court Procedures

Rule 1003. Procedure in Non-Summary Municipal Court Cases.

* * * * *

Comment:

* * * * *

Paragraphs (D)(3)(d)(iii) and (E) make it clear that, with some exceptions, the procedures in Municipal Court for both preliminary hearings and cases in which the defendant fails to appear for the preliminary hearing are the same as the procedures in the other judicial districts.

For when an arresting officer is required to provide the name and contact information of the victim to the Philadelphia Municipal Court conducting the preliminary arraignment, see 18 P.S. § 11.201(2)(iii)(A).

* * * * *

SUPREME COURT OF PENNSYLVANIA CRIMINAL PROCEDURAL RULES COMMITTEE ADOPTION REPORT

Amendment of Pa.R.Crim.P. 540, 547, and 1003

On November 30, 2023, the Supreme Court amended Pennsylvania Rules of Criminal Procedure 540, 547, and 1003. The Criminal Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Background

The Act of July 11, 2022, P.L. 758, No. 71 amended the Crime Victims Act to require an arresting officer to “provide the name and contact information of the victim to the magisterial district court or the Philadelphia Municipal Court conducting the preliminary arraignment so that the victim may receive notice of any proceedings to modify bail conditions and exercise the opportunity to appear in accordance with paragraph (2.1)(iii).” 18 P.S. § 11.201(2)(iii)(A). As amended, paragraph (2)(iii) also requires that the magisterial district court or the Phila-

delphia Municipal Court transmit this information with the transcript of the proceedings to the court of common pleas at the conclusion of the preliminary hearing.

Amendments

As these statutory provisions are self-executing, only the Comments to Pa.R.Crim.P. 540, 547, and 1003 have been amended. The Comments to Pa.R.Crim.P. 540 and 1003 have been amended to include the following commentary: "For when an arresting officer is required to provide the name and contact information of the victim to the [court] conducting the preliminary arraignment, see 18 P.S. § 11.201(2)(iii)(A)." The Comment to Pa.R.Crim.P. 547 has been amended to advise: "For when the magisterial district court or the Philadelphia Municipal Court is required to transmit the contact information of the victim to the court of common pleas, see 18 P.S. § 11.201(2)(iii)(B)."

This proposal was not published for comment as the amended commentary only directs the reader to the relevant statute.

These amendments are effective immediately.

[Pa.B. Doc. No. 23-1718. Filed for public inspection December 15, 2023, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 300]

Proposed Amendment of Pa.R.Civ.P.M.D.J. 301, 302, 321, 350, 381 and Rescission of Pa.R.Civ.P.M.D.J. 351

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 301, 302, 321, 350, 381 and the rescission of Pa.R.Civ.P.M.D.J. 351. The proposal is intended to reflect amendments to 75 Pa.C.S. § 3345.1, pertaining to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546
minorrules@pacourts.us

All communications in reference to the proposal should be received by January 16, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee

HONORABLE DANIEL E. BUTLER,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 300. CIVIL ACTION

(Editor's Note: The Explanatory Comment as follows is not currently codified in Rule 301.)

Rule 301. Definition; Scope.

* * * * *

Comment:

* * * * *

Except as otherwise provided in [**Rules 350 and 351**] **Pa.R.Civ.P.M.D.J. 350**, the rules in this chapter apply to [: (1)] *de novo* appeals filed pursuant to 75 Pa.C.S. § 3369(j)(4), relating to automated work zone speed enforcement violations [;], and [**(2) actions filed pursuant to**] 75 Pa.C.S. § 3345.1(i.1), relating to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.

Statutes authorizing a civil fine or penalty include 53 P.S. §§ 10617.1 and 10817-A relating to violations of zoning and joint municipal zoning ordinances.

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

EXPLANATORY COMMENT—1992

As a result of the computerization of the District Justice offices throughout the Unified Judicial System, the Civil Action Hearing Notice form has been promulgated by Judicial Computer Services (Statewide Automation). Rule 301 recognizes the adoption of the Civil Action Hearing Notice form.

Rule 302. Venue.

* * * * *

Comment:

This rule combines, with some minor changes, the Pennsylvania Rules of Civil Procedure relating to venue. See:

- (1) Individuals: Pa.R.Civ.P. 1006(a).
- (2) Partnerships: Pa.R.Civ.P. 2130(a).
- (3) Corporations: Pa.R.Civ.P. 2179(a).
- (4) Insurance Policies: Pa.R.Civ.P. 2179(b).
- (5) Unincorporated Associations: Pa.R.Civ.P. 2156(a).
- (6) Political Subdivisions: Pa.R.Civ.P. 2103(b).

This rule is not intended to repeal special statutory venue provisions, such as the: (1) venue provisions for actions involving installment sales of goods and services, 12 Pa.C.S. § 6307; (2) venue provisions of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692i, pertaining to actions brought by debt collectors against consumers; **and**

(3) venue provisions for appeals from automated work zone speed enforcement violations, 75 Pa.C.S. § 3369(j)(4)[;] and [(4) **venue provisions for actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to**] **from** civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm, **75 Pa.C.S. § 3345.1(i.1)**. See Pa.R.Civ.P.M.D.J. 382(1) (pertaining to Acts of Assembly providing for special venue provisions that are not suspended).

* * * * *

Rule 321. Hearings and Evidence.

The magisterial district judge shall be bound by the rules of evidence, except that a bill, estimate, receipt, or statement of account that appears to have been made in the regular course of business may be introduced in evidence by any party without affidavit or other evidence of its truth, accuracy, or authenticity.

Comment:

The exception to the rules of evidence provided by this rule was inserted because the Pennsylvania statutes making certain business entries admissible in evidence apparently do not apply to bills, receipts, and the like that are made in the regular course of business but are not made as “records.” See 42 Pa.C.S. § 6108. The fact that this exception permits the introduction of these items of evidence without affidavit or other evidence of their truth, accuracy, or authenticity does not, of course, preclude the introduction of evidence contradicting them. The exception was deemed necessary because the items of evidence made admissible thereby are probably the proofs most commonly used in minor judiciary proceedings. See [**Rules 350D(2) and 351(d)**] **Pa.R.Civ.P.M.D.J. 350(d)(2)** for additional exceptions applicable to appeals from automated work zone speed enforcement violations and [**actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to**] **from** civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.

SATISFACTION OF MONEY JUDGMENTS

Rule 350. [**Automated Work Zone Speed Enforcement Violation**] Appeals **from Civil Traffic Violations**.

[**A.**] (a) As used in this rule:

(1) “Appellant” means the owner of a vehicle who has requested the appeal of a determination by a hearing officer pursuant to 75 Pa.C.S. § 3369(j)(4), **pertaining to automated work zone speed enforcement violations, or 75 Pa.C.S. § 3345.1(i.4)(4), pertaining to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm**.

(2) “Appellee” means:

(i) **in matters brought pursuant to 75 Pa.C.S. § 3369(j)(4)**, the Pennsylvania Department of Transportation, the Pennsylvania Turnpike Commission, or the system administrator designated by those agencies pursuant to 75 Pa.C.S. § 3369(h)(3)(i) [.]; or

(ii) **in matters brought pursuant to 75 Pa.C.S. § 3345.1(i.4)(4), a school entity, as defined in 75 Pa.C.S. § 3345.1(m), or a system administrator that has entered into an agreement with the school entity pursuant to 75 Pa.C.S. § 3345.1(g).**

[**B.**] (b) *Venue*. An appeal filed pursuant to this rule shall only be filed in the magisterial district court in the magisterial district where the violation of 75 Pa.C.S. § 3369(c) **or 75 Pa.C.S. § 3345.1(a.1)(1)** occurred.

[**C.**] (c) *Notice of Appeal*.

(1) An appellant may appeal a determination of a hearing officer pursuant to 75 Pa.C.S. § 3369(j)(4) **or 75 Pa.C.S. 3345.1(i.4)(4)** by filing a notice of appeal on a form prescribed by the State Court Administrator together with a copy of the hearing officer’s determination **within 30 days after the date of its issuance**.

(2) The appellant shall pay all costs for filing and service of the notice of appeal at the time of filing or, if without the financial resources to pay the costs of litigation, the appellant shall file a petition to proceed *in forma pauperis* pursuant to [**Rule 206E**] **Pa.R.Civ.P.M.D.J. 206E**.

(3) After setting the hearing date pursuant to [**Rule 305**] **Pa.R.Civ.P.M.D.J. 305**, the magisterial district judge shall serve the notice of appeal on the appellee by mailing a copy to the appellee at the address listed on the hearing officer’s determination by certified mail or comparable delivery method resulting in a return receipt in paper or electronic form. The return receipt shall show that the notice of appeal was received by the appellee.

[**D.**] (d) *Hearing; Evidence*.

(1) The proceeding shall be conducted *de novo* in accordance with these rules as if the action was initially commenced in a magisterial district court with the appellee having the burden of proof.

(2) The hearing is subject to the standards of evidence set forth in [**Rule 321**] **Pa.R.Civ.P.M.D.J. 321**, except that photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation may also be entered as evidence by any party without affidavit or other evidence of their truth, accuracy, or authenticity.

Comment:

75 Pa.C.S. § 3369 established a program to provide for automated speed enforcement systems in active work zones on certain highways under the jurisdiction of the Pennsylvania Department of Transportation and the Pennsylvania Turnpike Commission. **Similarly, 75 Pa.C.S. § 3345.1 established a program to provide for automated side stop signal arm enforcement systems for failing to stop for a school bus with flashing red lights and an activated side stop signal arm.** This rule [**was adopted**] **is intended** to address [**the**] **statutory** provisions [**of the statute that permits**] **permitting** a *de novo* appeal to a magisterial district court from a determination of a hearing officer following an administrative hearing to contest an alleged violation of 75 Pa.C.S. § 3369(c) **or 75 Pa.C.S. § 3345.1(a.1)(1)**. Because these actions are *de novo* appeals, they shall proceed as any other civil action commenced in a magisterial district court except as provided by this rule.

Insofar as other procedures under these rules may be applicable, the appellant shall be deemed the “defendant” and the appellee shall be deemed the “plaintiff.”

The initiating document in an appeal filed pursuant to [**Rule 350**] **this rule** is the notice of appeal, which shall be used in lieu of a complaint.

Photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation were added to the existing business record exceptions in [**Rule 321**] **Pa.R.Civ.P.M.D.J. 321** because they are the proofs most likely to be used to support the permitted defenses to 75 Pa.C.S. § 3369(c) **and 75 Pa.C.S. § 3345.1(f)**.

The appellant shall pay civil fines incurred pursuant to 75 Pa.C.S. § 3369(e) **or 75 Pa.C.S. § 3345.1(c)** to the appellee and not to the magisterial district court. See Pa.R.Civ.P.M.D.J. 323, cmt. (clarifying that payments are made to the prevailing party and not the magisterial district court). If the magisterial district judge enters judgment in favor of the appellant, *i.e.*, the vehicle owner, the appellant is entitled to recover taxable costs from the appellee. See Pa.R.Civ.P.M.D.J. 206B (“[T]he prevailing party in magisterial district court proceedings shall be entitled to recover taxable costs from the unsuccessful party. Such costs shall consist of all filing, personal service, witness, and execution costs authorized by Act of Assembly or general rule and paid by the prevailing party.”) Procedures for enforcement of judgments, including judgments in favor of the appellant for taxable costs from the appellee, are set forth in [**Rules 401 et seq.**] **Pa.R.Civ.P.M.D.J. 401 et seq.** See **75 Pa.C.S. § 3345.1(i.4)(4) for limits on the judgment in school bus enforcement cases.**

See [**Rules 1001 et seq.**] **Pa.R.Civ.P.M.D.J. 1001 et seq.** for procedures to appeal a judgment rendered by a magisterial district judge or to file a *praecipe* for a writ of *certiorari* in civil actions, including actions brought pursuant to this rule.

The rule text and comment are deleted in their entirety and the comment is replaced with new text.

Rule 351. Action to Contest Civil Liability for Passing a School Bus with Flashing Red Lights and an Activated Side Stop Signal Arm; Failure to Respond to a Notice of Violation.

[(a) As used in this rule:

(1) “Vehicle owner” means the owner of a vehicle alleged to have violated 75 Pa.C.S. § 3345, relating to enforcement of failure to stop for a school bus with flashing red lights and an activated side stop signal arm, brought pursuant to 75 Pa.C.S. § 3345.1.

(2) “Police department” means the police department issuing the notice of violation of 75 Pa.C.S. § 3345, relating to enforcement of failure to stop for a school bus with flashing red lights and an activated side stop signal arm, brought pursuant to 75 Pa.C.S. § 3345.1.

(b) *Venue*. An action filed pursuant to this rule shall only be filed in the magisterial district court in the magisterial district where the alleged violation of 75 Pa.C.S. § 3345 occurred.

(c) *Proceedings*.

(1) *Vehicle Owner Request to Contest Liability*.

(i) A vehicle owner may contest the liability alleged in the notice of violation within 30 days of the mailing of the notice of violation by filing a hearing request form prescribed by the State Court Administrator together with a copy of the notice of violation.

(ii) The vehicle owner shall pay all costs for filing and service of the hearing request form at the time of filing or, if without the financial resources to pay the costs of litigation, the vehicle owner shall file a petition to proceed *in forma pauperis* pursuant to Rule 206E.

(iii) After setting the hearing date pursuant to Rule 305, the magisterial district judge shall serve the hearing request on the police department by mailing a copy to the police department at the address listed on the notice of violation by certified mail or comparable delivery method resulting in a return receipt in paper or electronic form. The return receipt shall show that the hearing request was received by the police department.

(2) *Vehicle Owner Fails to Respond to Notice of Violation*. If the vehicle owner fails to respond to the notice of violation within 30 days of the original notice by either paying the fine as indicated on the notice of violation or contesting liability as provided in subdivision (c)(1), the police department may file a civil complaint against the vehicle owner pursuant to Rule 303.

(d) *Evidence*. The hearing is subject to the standards of evidence set forth in Rule 321, except that photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation may also be entered as evidence by any party without affidavit or other evidence of their truth, accuracy, or authenticity.

Comment:

75 Pa.C.S. § 3345.1 provides for automated side stop signal arm enforcement systems to identify and civilly fine the owners of vehicles failing to stop for a school bus with flashing red lights and an activated side stop signal arm. This rule was adopted to address the provisions of the statute that (1) allow a vehicle owner to contest liability for a notice of violation and (2) establishes a mechanism for a police department to file a complaint when a vehicle owner has failed to respond to a notice of violation.

Insofar as other procedures under these rules may be applicable, the vehicle owner shall be deemed the “defendant” and the police department shall be deemed the “plaintiff.”

A vehicle owner issued a notice of violation under 75 Pa.C.S. § 3345.1 may contest liability by requesting a hearing with the magisterial district judge in the magisterial district where the violation occurred. The initiating document in an action filed by a vehicle owner to contest liability is the hearing request form, which shall be used in lieu of a complaint.

If the magisterial district judge finds the vehicle owner liable for the violation, the vehicle owner shall pay civil fines incurred pursuant to 75 Pa.C.S. § 3345.1(c) to the police department and not to the magisterial district court. See Rule 3.10(A)(2) of the Rules Governing Standards of Conduct of Magisterial District Judges (prohibiting a magisterial district judge from engaging in any activity related to the collection of a claim or judgment for money); see also Pa.R.Civ.P.M.D.J. 323, Comment (“The payments are to be made to the plaintiff and not to the magisterial district judge”).

If the magisterial district judge enters judgment in favor of the vehicle owner, the vehicle owner is entitled to recover taxable costs from the police department. *See* Pa.R.Civ.P.M.D.J. 206B (“The prevailing party in magisterial district court proceedings shall be entitled to recover taxable costs from the unsuccessful party. Such costs shall consist of all filing, personal service, witness, and execution costs authorized by Act of Assembly or general rule and paid by the prevailing party.”). Procedures for enforcement of judgments, including judgments in favor of the plaintiff for taxable costs from the defendant, are set forth in Rules 401 *et seq.*

If the vehicle owner fails to respond to the notice of violation within 30 days of the original notice by either paying the fine as indicated on the notice of violation or contesting liability as provided in subdivision (c)(1), the police department may file a civil complaint against the vehicle owner in the magisterial district where the violation occurred pursuant to Rule 303. *See* 75 Pa.C.S. § 3345.1(i.1)(2)(iii). A complaint filed by a police department to enforce a notice of violation when the vehicle owner failed to respond will proceed as any other civil action filed pursuant to Rule 303 except as otherwise provided in this Rule. *See also* Pa.R.Civ.P.M.D.J. 206 (pertaining to costs).

Photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation were added to the existing business record exceptions in Rule 321 because they are the proofs most likely to be used to support the permitted defenses to 75 Pa.C.S. § 3345.1(c).

See Rules 1001 *et seq.* for procedures to appeal a judgment rendered by a magisterial district judge or to file a *praecipe* for a writ of *certiorari* in civil actions, including actions brought pursuant to this rule.]

Comment:

Provisions of former Pa.R.Civ.P.M.D.J. 351 were incorporated in Pa.R.Civ.P.M.D.J. 350.

Rule 381. Acts of Assembly Suspended.

(a) **General Rule.** All Acts of Assembly or parts thereof inconsistent with the rules governing the civil action are suspended to the extent of such inconsistency.

(b) **The Act of October 23, 2023, P.L. 134, No. 19, 75 Pa.C.S. § 3345.1(i.4)(4), which provides, *inter alia*, for a 45-day appeal period of a hearing officer’s determination following an administrative hearing to contest liability for the civil violation of passing a stopped school bus with flashing red signal lights and an activated side stop signal arm, is suspended only insofar as the Act is inconsistent with the 30-day appeal period set forth in Pa.R.Civ.P.M.D.J. 350(c)(1).**

SUPREME COURT OF PENNSYLVANIA MINOR COURT RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P.M.D.J. 301, 302, 321, 350, 381 and Rescission of Pa.R.Civ.P.M.D.J. 351

The Minor Court Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 301, 302, 321, 350, 381 and the rescission of Pa.R.Civ.P.M.D.J. 351 pertaining to civil enforcement of traffic violations.

Two legislative enactments created civil enforcement mechanisms for certain traffic violations. Act 86 of 2018 authorized the use of automated work zone speed enforcement systems in active work zones along the Pennsylvania Turnpike and “[f]ederal aid highways only under the jurisdiction of [PennDOT].” *See* 75 Pa.C.S. § 3369(a). Act 38 of 2020 authorized the use of automated enforcement systems on school buses to identify and issue violations to the owners of vehicles passing a stopped school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated. *See* 75 Pa.C.S. § 3345.1(a), (c). Both Acts included appeals of violations to magisterial district courts, which necessitated rule-making to accommodate these new civil appeals.

Variations in the Acts necessitated the promulgation of distinct procedural rules relating to appeal procedures. *See* Pa.R.Civ.P.M.D.J. 350-351 (rules pertaining to automated work zone violation appeals and school bus violation appeals, respectively). For example, challenges to work zone violations are initiated by a filing a request for an administrative hearing before a hearing officer with a subsequent *de novo* appeal available before a magisterial district judge. *See* 75 Pa.C.S. § 3369(j). In contrast, appeals from school bus violations could be filed directly with the magisterial district court. *See* 75 Pa.C.S. § 3345.1(i.1)(3)(i) (effective through December 21, 2023). Section 3345.1 also contained a unique provision permitting the “the police department [to] turn the matter over to the magisterial district judge where the violation occurred” when the vehicle owner did not pay the fine or contest liability. 75 Pa.C.S. § 3345.1(i.1)(2)(iii).

Act 19 of 2023, adopted on October 23, 2023, reconciled differences in the appeal processes of the two enforcement schemes. It amends § 3345.1 to require a vehicle owner appeal a school bus violation to an administrative hearing officer before filing a *de novo* appeal with the magisterial district court. *See* 75 Pa.C.S. § 3345.1(i.4). It also eliminated the action before the magisterial district judge to collect unpaid fines.

With § 3369 and § 3345.1 now nearly identical, the Committee proposes rescinding Rule 351 and incorporating provisions relating to school bus violation appeals into Rule 350. By doing so, the Committee intends to create a single rule to address appeal procedures in civil traffic enforcement matters that can accommodate new programs in the future.

However, one matter in which § 3369 and § 3345.1 do not align is the timeframe for appealing a hearing officer’s determination to a magisterial district judge. Section 3369 is silent on the appeal period, while § 3345.1(i.4)(4) provides for a 45-day appeal period. The Committee believes appeals from hearing officer determinations in both work zone and school bus violation cases should be uniform and proposes a 30-day appeal period for both actions. Establishing a uniform time frame would require the Court to suspend § 3345.1(i.4)(4) to the extent it is inconsistent with Pa.R.Civ.P.M.D.J. 350.

* * * * *

The Committee welcomes all comments, concerns, and suggestions regarding this proposal.

[Pa.B. Doc. No. 23-1719. Filed for public inspection December 15, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES**MONTGOMERY COUNTY****Fees of Clerk of Orphans' Court**

And Now, this 1st day of December, 2023, the following bill of costs is established effective January 1, 2024 to be chargeable to parties and to estates, before said Court for settlement, for the services of the Clerk of said Court and in the transaction of the business of said Court.

ACCOUNTS —Filing, advertising, recording, setting up printed copies of advertising of accounts of trustees and guardians of minors and incapacitated, including adjudication and certificate of the Clerk in estate not exceeding in value of	
not exceeding in value of \$1,000	47.00
Over 1,001 and not exceeding 5,000	102.00
Over 5,001 and not exceeding 10,000	131.00
Over 10,001 and not exceeding 25,000	146.00
Over 25,001 and not exceeding 50,000	183.00
Over 50,001 and not exceeding 100,000	219.00
Over 100,001 and not exceeding 250,000	291.00
Over 250,001 and not exceeding 500,000	396.00
Over 500,001 and not exceeding 1,000,000	476.00
Each succeeding \$500,000 or fraction thereof	232.00
In addition to the above fees for filing there will be	
a fee for recording, per page	1.00
Supplemental or Amended Accounts (fee per page)	1.00
TECHNOLOGY FEE —For Accounts	10.00
DECREE and CERTIFICATE of ADOPTION	110.00
Report of intent to adopt (Fee of \$33.00 plus Counseling Fund Fee Act 34—75.00)	108.00
Abandonment, petition for finding and Transcript	44.00
Foreign Decree Registration Filing	44.00
Petition for release of Identifying Information	255.00
Petition for release of Non Identifying Information	74.00
AMENDED PETITIONS	38.00
ANSWER	24.00
APPEAL to Supreme or Superior Court, certificate of record and bond and transmission costs	110.00
APPEAL, INHERITANCE TAX	110.00
AWARD OF REAL ESTATE Petition 1 description	30.00
AWARD OF REAL ESTATE , certification of excerpt from	
Schedule of Distribution, 1 description	24.00
Each Additional description	5.00
BIRTH RECORD , certified copy of	34.00
BOND , filing, approval of, and recording	9.00
CERTIFICATE and seal	34.00
CITATION , Petition for, and order (one name) (Includes issuance and proof of service)	77.00
Each Additional Name	5.00
Riders (Over 10 Names) Additional Fee	5.00
CLAIM , filing of	24.00
COPIES OF DECREES , adjudication, etc., per page	1.00
DEED , execution of by clerk	30.00
DEED OF TRUST , filing of, per page	1.00
DISCLAIMER	24.00

ELECTION , to take under or against will filing of	24.00
EXCEPTIONS , to adjudication, schedule of distribution, etc. filing	39.00
JUDICIAL COMPUTER FEE , all first time filings	40.25
CHILD CARE FUND , all first time filings	5.00
EXEMPLIFICATION of record, per page	1.00
Certificate	47.00
FAMILY EXEMPTION , filing claim for and recording;	
Personal Estate	24.00
Real Estate, on description	24.00
Each additional description	5.00
SETTLEMENT AGREEMENT	39.00
Additional Name	5.00
GUARDIAN'S REPORT Person and/or Estate (each)	24.00
PETITION FOR APPOINTMENT OF GUARDIAN	47.00
PETITION FOR MINOR'S COMPROMISE	77.00
Each Additional Minor (One Petition)	5.00
PETITION for ADJUDICATION of INCAPACITY	77.00
PETITION for EMERGENCY & PERMANENT GUARDIAN	77.00
EXPERT REPORT , Incapacity	20.00
INVENTORY, GUARDIAN of ESTATE	24.00
NON-JUDICIAL SETTLEMENT AGREEMENTS	39.00
Each Additional Name(s)	5.00
NON-PETITION FILING	16.00
OBJECTIONS & PRELIMINARY OBJECTIONS	47.00
PETITIONS (W/Existing Estate Number)	77.00
PETITIONS (No Existing Estate Number)	132.25
POWER OF ATTORNEY	24.00
RECEIPT and RELEASE Filing and Recording (one name)	39.00
EACH ADDITIONAL NAME	5.00
RENUNCIATION	5.00
SALE —Receive Proceeds, Petition to, Amount of Additional Bond and Certificate	77.00
Order of Public Sale and Return (one description)	62.00
Each Additional Description	5.00
SATISFACTION OF AWARDS —Each Name	5.00
SCHEDULE OF DISTRIBUTION , first ten pages	47.00
Or Fraction thereof—Double Space	24.00
SHORT CERTIFICATE , guardian and trustee	14.00
STIPULATION	39.00
SUBPOENA	14.00
MARRIAGE LICENSE	39.50
STATE tax	.50
CHILDREN'S FUND/DOMESTIC VIOLENCE	20.00
TOTAL ML FEE	\$60.00
Appointment of Guardian—Issuance of ML	29.00
Petition for and ORDER (under 16 Years of Age)	
CONSENT FORM (16 to 18 Years of Age)	17.00
WAIVER (3 Day Waiting Period) (MILITARY WAIVER N/C)	22.00
CERTIFIED DUPLICATE	
CERTIFICATE or APPLICATION	17.00

COMBINATION—APPLICATION/CERTIFICATE RE: Immigration, Apostille, Adoptions etc.	34.00
UNCERTIFIED COPY MARRIAGE RECORD	1.00
RE-ISSUE MARRIAGE LICENSE	64.00
LICENSE ISSUE	36.00
NEW APPLICATION	36.00
SINGLE STATUS LETTER	74.00
NO RECORD LETTER	17.00
MARRIAGE LICENSE CLEARANCE (MARYLAND & other STATE Requirements)	17.00
OUTSIDE MARRIAGE APPLICATION Travel Fee	100.00
(Plus Marriage License Fee \$60.00 plus \$17.00 Electronic Certified Document) TOTAL \$177.00	

RETURNED CHECK FEE 39.00

1. The word “page” means a single page of brief or typewriter (sized 8 1/2 by 11 inches) or printed paper, including each page stored electronically and printed on 8 1/2 by 11-inch paper.

2. If a fee is not specifically provided for in this schedule, it shall be the same fee as for a similar service.

3. All prior Orders made establishing bills of costs for the services of the Clerk of the Orphans’ Court of this County are hereby revoked.

By the Court

CAROLYN TORNETTA CARLUCCIO,
President Judge

[Pa.B. Doc. No. 23-1720. Filed for public inspection December 15, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY Fees of Register of Wills

And Now, this 1st day of December, 2023 the following bill of costs is established effective January 1, 2024 to be chargeable to parties and to estates for the probate of Wills and Testaments, and granting of Letters Testamentary and of Administration, and for all services of the Register of Wills of this County, in the transaction of the business of said office.

ACCOUNTS—ACCOUNTS are ACCEPTED by the CLERK OF THE ORPHANS’ COURT

ADMINISTRATION , Letters of, including filing and entering Bond and tax due commonwealth in estates. . .	
Not exceeding in value of \$250.00	14.00
Over 251 and not exceeding 1,000	38.00
Over 1,001 and not exceeding 5,000	58.00
Over 5,001 and not exceeding 10,000	88.00
Over 10,001 and not exceeding 25,000	110.00
Over 25,001 and not exceeding 50,000	146.00
Over 50,001 and not exceeding 100,000	183.00
Over 100,001 and not exceeding 200,000	219.00
Over 200,001 and not exceeding 300,000	255.00
Over 300,001 and not exceeding 400,000	317.00
Over 400,001 and not exceeding 500,000	357.00
Over 500,001 and not exceeding 600,000	396.00
Over 600,001 and not exceeding 700,000	436.00
Over 700,001 and not exceeding 800,000	476.00
Over 800,001 and not exceeding 900,000	516.00

Over 900,001 and not exceeding One Million	555.00
First Million	555.00
Each Million above	396.00
Each succeeding \$100,000 or fraction thereof	38.00
Judicial Computer Fee	40.25
Child Care Fund	5.00
Technology Fee	10.00

LETTERS TESTAMENTARY , including probate, filing and entering bond and tax due Commonwealth in estates	
Not exceeding in value of \$250.00	14.00
Over 251 and not exceeding 1,000	38.00
Over 1,001 and not exceeding 5,000	58.00
Over 5,001 and not exceeding 10,000	88.00
Over 10,001 and not exceeding 25,000	110.00
Over 25,001 and not exceeding 50,000	146.00
Over 50,001 and not exceeding 100,000	183.00
Over 100,001 and not exceeding 200,000	219.00
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Over 600,001 and not exceeding 700,000	436.00
Over 700,001 and not exceeding 800,000	476.00
Over 800,001 and not exceeding 900,000	516.00
Over 900,001 and not exceeding One Million	555.00
First Million	555.00
Each Million above	396.00
Each succeeding \$100,000 or fraction thereof	38.00
Judicial Computer Fee	40.25
Child Care Fund	5.00
Technology Fee	10.00
For each page of Will, per page	1.00

ADDING CODICIL TO PROBATE	24.00
AFFIDAVIT —filing of	9.00
APPEAL —filing and certifying to Orphans’ Court	110.00
ANSWER	24.00
SECOND , copy of, including seal and certificate	9.00
Filing and entering where additional security/bond is required	9.00
BRIEFS , filing relating to hearing, etc.	39.00
CAVEAT , filing informal	39.00
CAVEAT , filing formal with bond	116.00
Cancellation & Rescheduling of hearing	39.00
CERTIFICATE and seal	17.00
CERTIFICATE and seal of real estate (Tax Clearance)	17.00
CHILD CARE FUND —all first time filings	5.00
CITATION or attachment. Petition for (one name)	77.00
Each additional name (Over ten names an add. fee)	5.00
COMMISSIONS to Register of PA to take testimony	54.00
COMMISSIONS from Register of PA, execution of	24.00
COPIES of account, will, inventory, etc. per page	1.00
EXEMPLIFICATION of:	
Will, (including first page)	47.00
Additional pages (per page)	1.00
Miscellaneous Records (including first page)	17.00
Miscellaneous Filings	17.00
OBJECTIONS	39.00
RECORDING —exemplified copies of administration from other States	
where letters are not required to be issued	39.00

Exemplified copies of wills from other states where letters are not required to be issued.	
One page and affidavits	39.00
Each additional page	1.00
RENUNCIATION , filing each	6.00
RETURNED CHECK Fee	39.00
SHORT CERTIFICATE	14.00
Up-dating (One time only)	7.00
SUBPOENA	14.00
SUCCEEDING APPOINTMENT	24.00
SUGGESTION OF DEATH	17.00
SPECIAL SERVICE	
Probate of Will outside of Office	116.00
Affidavit of Witness	116.00
TECHNOLOGY FEE	10.00
INVENTORY & APPRAISEMENT—TAX PAPERS—(Double Space)	24.00
SEARCH FEE (ANY SEARCH)	40.00
Non Probate—Inheritance Tax Fees	72.25
Tax Forms	17.00
Judicial Computer Fee	40.25
Child Care Fund	5.00
Technology Fee	10.00

1. The word “page” means a single page of brief or typewriter (sized 8 1/2 by 11 inches) or printed paper, including each page stored electronically and printed on 8 1/2 by 11-inch paper.

2. If a fee is not specifically provided for in this schedule, it shall be the same fee as for a similar service.

3. All prior Orders made establishing bills of costs for the services of the Register of Wills of this County in the transaction of the business of said office are hereby revoked.

By the Court

CAROLYN TORNETTA CARLUCCIO,
President Judge

[Pa.B. Doc. No. 23-1721. Filed for public inspection December 15, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

YORK COUNTY

Increasing the Schedule of Fees for the Prothonotary, a Third Class County; 2023-MI-000386 Misc. Civil

Administrative Order and Approval

And Now, To Wit, This 30th day of November 2023, *The Court* pursuant to Act # 98-164 of the Pennsylvania Legislature, hereby approves the increase of fees effective January 1, 2024.

The Prothonotary of York County shall provide a certified copy of this order to the York County District Court Administrator, all Common Pleas Judges, and the York County Bar Association for distribution to the members of the Bar. They shall also keep a copy constantly available for public inspection and copying. Upon request and payment of reasonable fees for production and mailing, the Prothonotary shall furnish a copy to any person requesting one.

The York County District Administrator shall publish this order as may be required.

By the Court

MARIA MUSTI COOK,
President Judge

ACKNOWLEDGMENT OF SHERIFF DEED \$14.00

ADD OR SUBSTITUTE A PARTY* \$21.00

APPEALS

Commonwealth and Superior Court Appeals

If filed to FC #: 2 separate checks required

Prothonotary Fee \$103.00

Appellate Court Fee \$90.25

If filed to SU #* \$198.25

District Justice \$238.00

ARBITRATION*

Appointment of Arbitrator* \$55.00

Arbitration Appeal*

Less than \$10,000 in controversy* \$445.00

\$10,000 to/including \$25,000 in controversy* . . . \$545.00

Greater than \$25,000 in controversy* \$745.00

ASSIGNMENTS* \$21.00

BENCH WARRANTS \$27.00

CERTIFICATION \$8.00

CHECKS RETURNED AS NON-NEGOTIABLE/
NSF \$35.00

COMMENCEMENT OF NEW CIVIL ACTION* . . . \$258.00

COMPLAINT—CIVIL* \$258.00

COMPLAINT—CUSTODY \$235.50

When filed with a divorce action \$10.00

COMPLAINT—DIVORCE \$317.00

(ADD \$40.25 MORE FOR EACH ADDITIONAL
COUNT AND \$50.25 FOR CUSTODY COUNT)

CONCILIATOR APPOINTMENT \$155.00

COPIES

Public printer, per page \$0.25

Staff printer, per page \$1.00

CUSTODY

Discontinuance or withdrawal \$16.00

Reactivation of Custody Case made inactive
per Rule 230.3 \$27.00

Register out-of-state custody order \$25.00

DIVORCE DECREE CERTIFIED COPY \$15.00

DIVORCE

Appointment of Hearing Officer

For Fault divorce, Equitable Distribution or
Alimony (first 12 hours) \$350.00

Modification of Alimony (first 8 hours) \$250.00

Interim Relief (first 4 hours) \$150.00

Additional proceedings (each block up to
6 hours) \$250.00

Discontinuance or withdrawal \$16.00

EXECUTIONS

Attachment proceedings (each garnishee)*	\$1.00
Reissuance or Amendments*	\$20.00
Interrogatories and Answers*	\$15.00
Attachment Dissolution*	\$21.00
Sheriff's Determination of Ownership	\$13.00

EXEMPLIFIED RECORDS

Incoming Exemplified Records*	\$65.00
Outgoing Exemplified Records	\$34.00
(Specify in-state or out-of-state)	

EXHIBITS—oversize (documents larger than 11" x 17") Per page	\$3.75
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INTENTION TO PROCEED

If filed to an FC #	\$16.00
If filed to an SU #*	\$21.00

JUDGMENTS*

Amended*	\$23.00
Broker's Lien*	\$65.00
Bond Forfeiture*	\$65.00
By Transcript (District Justice)*	\$65.00
Complaint with Confession*	\$75.00
Default*	\$37.00
Deficiency*	\$37.00
Marked to the use of*	\$21.00

LICENSE SUSPENSION APPEAL	\$238.00
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LIENS*

Commonwealth*, Federal*, Municipal*	\$63.00
Mechanics*	
Claim (commencement of new action)*	\$258.00
Stipulation or Waiver*	\$49.00

MISCELLANEOUS FILING	\$25.00
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MORTGAGE FORECLOSURE*	\$258.00
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MOTION TO STAY EXECUTION*	\$15.00
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NAME CHANGE

Resume maiden name after divorce	\$20.00
Not divorce related	\$104.00

NOTARY PUBLIC

Acknowledgment/Registration of Signature	\$5.50
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PATERNITY ACTION	\$238.00
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PETITION TO ENFORCE DIVORCE AFTER 2 YRS	\$238.00
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PETITION TO OPEN OR STRIKE JUDGMENTS

If filed to an NO #*	\$15.00
If filed to an SU #*	NO FEE

PETITION TO REASSESS DAMAGES*	\$21.00
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PLEADINGS FILED TO AN NO OR MT CASE*	\$15.00
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POWERS OF ATTORNEY

Registration of first name	\$6.00
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PRAECIPE TO OPEN TERMINATED CIVIL CASE*	\$258.00
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PRAECIPE TO SATISFY, DISCONTINUE, WITHDRAW CASE

If case filed prior to 1/2/97*	\$21.00
If case filed on or after 1/2/97*	NO FEE
Satisfy less than all parties or judgment only*	\$21.00
Commonwealth Satisfaction (filed prior to 1997)*	\$16.00

PROTECTION FROM ABUSE

Crossfiling	\$207.00
Refiling of expired PFA over 2 years	\$252.00
Refiling of expired PFA under 2 years	\$207.00
Full hearing held (state surcharge)	\$100.00
Issuance of a Bench Warrant	\$27.00
Modification of PFA	\$30.00

RELEASE, POSTPONEMENT, SUBORDINATION*

	\$21.00
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REPORTS

	\$10.00
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REVIVALS*

Adverse Proceedings*	\$83.00
Amicable Proceedings*	\$63.00
Commonwealth Tax Lien*	\$63.00

SUBPOENAS*—must be completed before submitted for signature and seal

If filed to an FC #	\$5.50
If filed to an SU, NO, MT, ML #*	\$10.50

TAX UPSET/JUDICIAL SALE

Objections/exception.	\$25.00
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TRANSFER OR REMOVAL OF RECORD TO ANOTHER COURT

	\$43.00
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WRIT OF ATTACHMENT*

Notice of intent to attach wages*	\$15.00
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WRIT OF EXECUTION*

	\$54.00
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WRIT OF EXECUTION—REISSUE*

	\$20.00
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WRIT OF SCIRE FACIAS*

	\$83.00
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WRIT OF SUMMONS (New case)*

	\$258.00
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Anything with an ASTERISK must be filed electronically

For more information about electronic filing and for forms visit: www.yorkcountypa.gov/prothonotary

"The Prothonotary shall not be required to enter on the docket any suit or action nor order of court or enter any judgment thereon or perform any services whatsoever for any person or political subdivision of the Commonwealth until the requisite fee is paid." Prothonotary Fee Law, Section 3.(b)

Payment should be made by cash, money order, credit and debit card, certified bank check or business check. Personal checks are not accepted.

Failure to provide all required paperwork may result in returned filings.

All filings should be one-sided.

Judgments must be accompanied by the Rule 236 notice. Envelopes do not need to be included. The Prothonotary assumes the expense for envelopes and postage for service of judgments.

A self-addressed, stamped envelope must be included with any documents to be returned.

The York County Court Self-Help and Law Resource Center is located at
45 N George Street
4th Floor
York, PA 17401
Courtselfhelp@yorkcountypa.gov

Looking for an attorney?
Contact York Attorney Connection
www.yorkbar.com
717-854-8755

THE OFFICE OF THE PROTHONOTARY
YORK COUNTY

FEE SCHEDULE

FEES EFFECTIVE JANUARY 1, 2024

OFFICE OF THE PROTHONOTARY
YORK COUNTY JUDICIAL CENTER

45 N. GEORGE STREET

YORK, PA 17401

717-771-9611

www.yorkcountypa.gov/prothonotary

[Pa.B. Doc. No. 23-1722. Filed for public inspection December 15, 2023, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

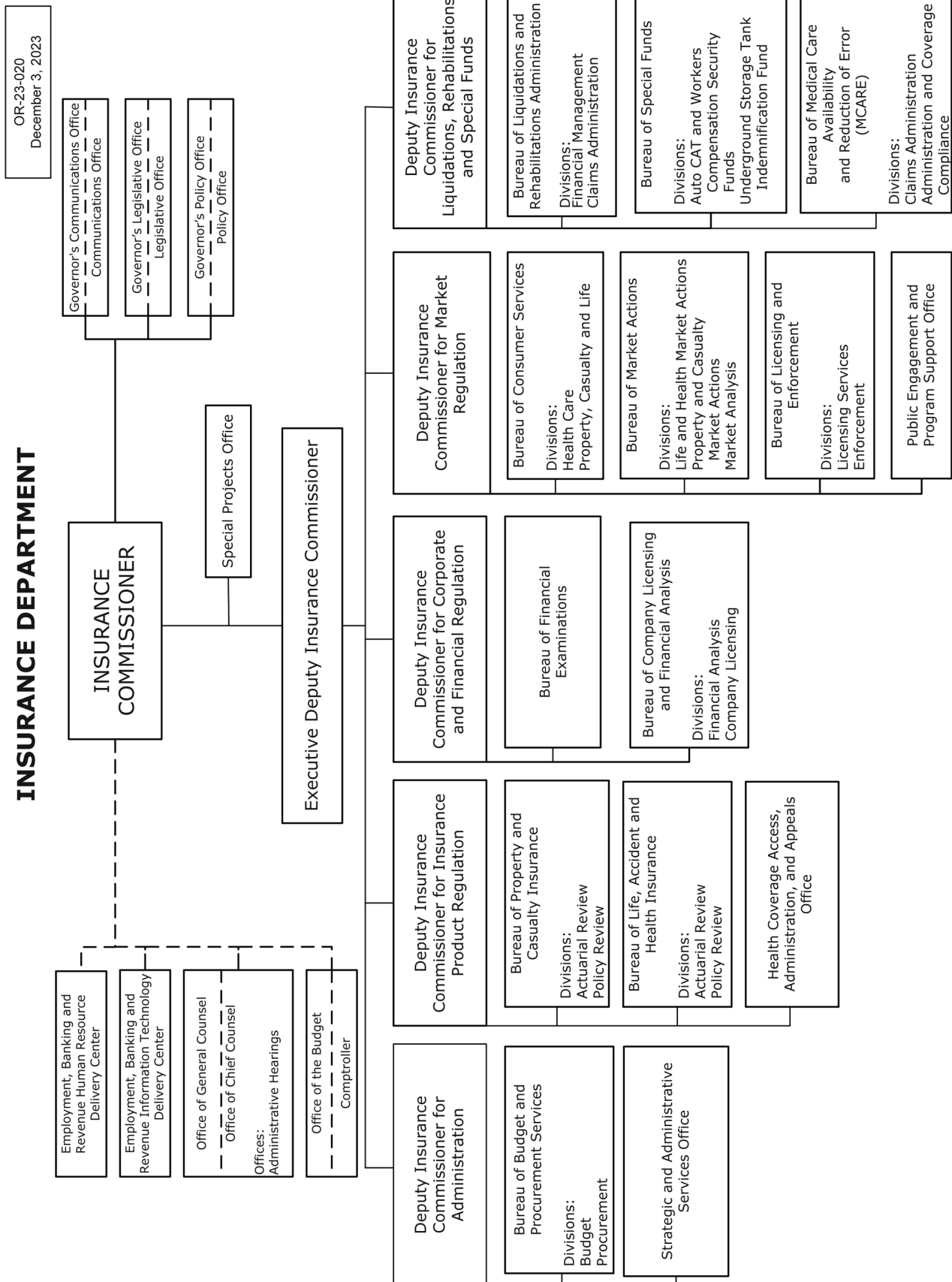
Reorganization of the Insurance Department

The Executive Board approved a reorganization of the Insurance Department effective December 3, 2023.

The organization chart at 53 Pa.B. 7735 (December 16, 2023) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 23-1723. Filed for public inspection December 15, 2023, 9:00 a.m.]



NOTICES

DEPARTMENT OF AGRICULTURE

General Quarantine Order; Highly Pathogenic Avian Influenza Samplers

Recitals

A. Avian influenza, "...an infectious disease of poultry cause by Type A. influenza virus," including highly pathogenic avian influenza (HPAI), is designated as a "dangerous transmissible disease" of animals under the provisions of the Domestic Animal Law (3 Pa.C.S.A. §§ 2301—2389), at 3 Pa.C.S.A. § 2321(a)(6).

B. The Pennsylvania Department of Agriculture (Department), under the edicts established at section 2327 of the Domestic Animal Law (3 Pa.C.S.A. § 2327) (related to disease surveillance and detection) has the authority and duty to carry out disease surveillance and detection and more specifically to regularly monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases or contamination by hazardous substances.

C. The Department, under the provisions set forth at section 2329 of the Domestic Animal Law (3 Pa.C.S.A. § 2329) (related to quarantine) has the authority to establish three different types of quarantine orders—Interstate and International, General and Special. The Department may establish a Quarantine Order, "Whenever a dangerous transmissible disease...exists anywhere within or outside of this Commonwealth, or whenever it is deemed advisable to test or treat any domestic animal upon the reasonable suspicion that it has contracted or been exposed to a dangerous transmissible disease...or whenever the testing or treatment of a domestic animal indicates that the domestic animal has been exposed to a dangerous transmissible disease...so as to render future accurate testing for recent exposure of that domestic animal to that dangerous transmissible disease...impractical or impossible, the department shall have the power to establish and enforce quarantines of any such infected, exposed, contaminated, suspected or susceptible domestic animal..." (3 Pa.C.S.A. § 2329(a)).

D. The Department may establish and enforce a general quarantine order within the Commonwealth for any of the reasons set forth in section 2329(a) of the Domestic Animal Law, and provided in paragraph C above, "...to prevent a dangerous transmissible disease...from being carried into, within, from or out of the area or locality that is subject to the quarantine..."

E. Section 2321 (related to dangerous transmissible diseases) of the Domestic Animal Law sets forth, at subsection (a), dangerous transmissible diseases (3 Pa.C.S.A. § 2321(a)). Section 2321(d) (related to designation of additional dangerous transmissible diseases through temporary order) allows the Department to designate additional transmissible diseases determined to, "...present a danger to public health, to domestic animal health, to the safety or quality of the food supply or to the economic well-being of the domestic animal industries..." as dangerous transmissible diseases through the issuance of a temporary order (3 Pa.C.S.A. § 2321(d)).

F. The dangerous transmissible diseases listed at section 2321(a) of the Domestic Animal Law and those designated by the Department through a temporary order are known to exist within or outside of this Common-

wealth and have been determined to pose a danger to public health, domestic animal health, the safety or quality of the food supply or to the economic well-being of the domestic animal industries.

G. HPAI and other dangerous transmissible diseases of poultry are of concern to the entire Pennsylvania poultry industry and may severely limit the market for Pennsylvania poultry products or cause production losses or death in poultry flocks within and outside of the Commonwealth if not detected and controlled.

H. HPAI, in particular, has caused significant loss in the past to the Pennsylvania poultry industry and to the poultry industry in other states and as a whole.

I. Regulatory requirements for testing surveillance of poultry to determine the existence or spread of a dangerous transmissible disease in the Commonwealth exist to maintain, or to obtain, a disease-free status in the Commonwealth and the United States.

J. Regulatory surveillance for movement of poultry may be required for intrastate, interstate, and international commerce, and for entry into exhibitions or markets.

K. When HPAI has been identified in a Commonwealth flock, a Control Area (approximately a 10 kilometer radius around the infected premises), or a Surveillance Zone (approximately a 10 kilometer radius around the Control Area), or both may be placed by the Department to determine if additional flocks have been infected and to control the spread of disease.

L. Other areas may be designated for surveillance testing by the Department by a general quarantine order.

M. Surveillance testing of poultry flocks in a Control Area, Surveillance Zone or other area designated by a general quarantine order is required for surveillance purposes and, in a Control Area, for movement purposes.

N. Additional testing requirements may be placed for flocks being moved into other states by the state of destination when HPAI is identified in the Commonwealth.

O. Due to biosecurity concerns, it is preferable to reduce human and vehicular traffic onto and off a poultry premises located within a Control Area or Surveillance Zone. Additionally, Certified Poultry Technicians or poultry veterinarians who routinely sample these flocks may be unavailable to collect samples and swabs due to biosecurity concerns associated with going from one poultry premises to another.

P. Due to additional testing requirements mandated during a dangerous transmissible disease outbreak, there may be an inadequate number of Certified Poultry Technicians and poultry veterinarians available to collect samples and swabs necessary for surveillance and movement purposes.

Q. Poultry flocks located in poultry-dense areas of the Commonwealth may pose a high risk to the poultry industry and additional surveillance and testing requirements, as determined by the Department, may be implemented through an Interstate and International Quarantine Order, General Quarantine Order, or Special Quarantine Order.

R. This "General Quarantine Order; Highly Pathogenic Avian Influenza Samplers" establishes training and test-

ing requirements necessary for poultry producers or their employees, or both, to be certified by the Department as HPAI Samplers to collect swab samples from poultry on Department-prescribed premises for testing for HPAI during a Declared Disease Outbreak (HPAI) in the Commonwealth.

S. Only persons trained and certified in accordance with the provisions set forth in this "General Quarantine Order; Highly Pathogenic Avian Influenza Samplers" may act as HPAI Samplers for the collection of swab samples for testing for HPAI for regulatory purposes in prescribed locations and during a Declared Disease Outbreak (HPAI), as determined by the Department.

Order

The Department hereby establishes this "General Quarantine Order; Highly Pathogenic Avian Influenza Samplers" (Order), incorporating the foregoing recitals. This Order is entered under authority of the Domestic Animal Law (at 3 Pa.C.S.A. § 2329) and § 1702 of the Administrative Code of 1929 (71 P.S. § 442), and establishes the following quarantine restrictions and standards with respect to training and testing of persons to become certified as HPAI Samplers, and provides standards for the collection of swab samples for testing for HPAI for regulatory purposes only in Department-prescribed locations and during a Declared Disease Outbreak (HPAI) as determined by the Department.

1. General.

For purposes of this Order, the term "poultry" includes all domesticated fowl, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat, or as otherwise defined under subpart A of the current version of Title 9 of the *Code of Federal Regulations* (CFR)—National Poultry Improvement Plan (NPIP).

2. Purpose.

This Order allows for qualified persons to become certified as HPAI Samplers for the collection of samples and swabbing of poultry for the surveillance and detection of HPAI, during a Declared Disease Outbreak (HPAI), on Department-prescribed poultry premises, and provides standards for the collection of swabs samples for testing for the detection of HPAI. Certified HPAI Samplers will enhance the Department's ability to surveil for and detect dangerous transmissible diseases in accordance with the Domestic Animal Law. This Order allows for a more proactive and preventative approach to quick detection and eradication of current and future dangerous transmissible diseases of poultry through surveillance, monitoring, and testing by the poultry industry. Such an approach furthers the legislative mandate of section 2327 of the Domestic Animal Law¹ (related to disease surveillance and detection) and provides greater protection to the poultry population and industry in this Commonwealth. This Order delineates education and testing criteria that will allow for and require the certification of private sector individuals to carry out domestic poultry sampling and thereby enhance monitoring, detection, and containment of dangerous transmissible diseases of poultry.

3. Scope of certification.

This Order allows persons certified as HPAI Samplers in the Commonwealth of Pennsylvania to perform the duties of a HPAI Sampler on Department-prescribed

premises only within the Commonwealth of Pennsylvania and only within a Control Area, Surveillance Zone, or other area as designated by a general quarantine order and only during a Declared Disease Outbreak (HPAI). Final certification shall be obtained prior to any person undertaking any sampling or other activity requiring certification under this Order.

4. Qualifications for certification.

(a) A Certified HPAI Sampler may carry out the duties established in this Order during a Declared Disease Outbreak (HPAI) and in any Control Area, Surveillance Zone or other area designated by a general quarantine order.

(b) Persons certified by the Department as HPAI Samplers may continue to carry out the duties and functions bestowed upon them under this Order so long as their certification remains valid and until such time as the Department has rescinded the quarantine order creating the Control Area, Surveillance Zone, or other area in which the HPAI Sampler is working.

(c) Nothing in this Order may or shall supplant the provisions of the Veterinary Medical Practice Act² or its attendant regulations regarding the practice of veterinary medicine. Persons certified as HPAI Samplers may only carry out those practices that would not rise to the level of veterinary medical practice as defined under the Veterinary Medicine Practice Act.

(d) Certification of a HPAI Sampler shall only last until the date on which the Department has rescinded the Declared Disease Outbreak (HPAI). After such rescission the authority of a Certified HPAI Sampler to carry out the duties assigned under this Order shall terminate. A person may continue to renew their annual HPAI Sampler certification, as set forth in section 9. Of this Order but, may not carry out any of the duties of a Certified HPAI Sampler until such time as the Department issues a new Declared Disease Outbreak (HPAI).

(i) If a new Declared Disease Outbreak (HPAI) occurs within 12 months after the Department's rescission of the previous Declared Disease Outbreak (HPAI) the HPAI Sampler may resume their duties as a HPAI Sampler for the remainder of the calendar year in which the new Declared Disease Outbreak (HPAI) was issued, but must then meet the renewal standards established in section 9. of this Order unless an extension is granted by the Department due to an extended disease outbreak. Stakeholders shall be notified by the Department of any extensions.

(ii) A Declared Disease Outbreak (HPAI) occurring more than 12 months after the Department's pronouncement of the rescission of the previous Declared Disease Outbreak (HPAI) shall require persons that have not maintained their certified status under section 9. of this Order to be recertified and meet the certification requirements of this Order prior to resuming duties and functions as a Certified HPAI Sampler.

5. General Certification Requirements.

(a) To be certified as a HPAI Sampler, a poultry producer or their employee, or both, shall:

(i) Complete the required and appropriate certification course established by this Order, including review of the current training materials provided by the Department;

¹ 3 Pa.C.S.A. § 2327.

² Veterinary Medicine Practice Act (Act of December 27, 1974, P.L. 995, No. 326, as amended) (63 P.S. § 485.1 et seq.).

(ii) Fully and accurately complete a High Path Avian Influenza PCR Submission Form; and

(iii) Demonstrate to the satisfaction of the Approved Trainer as defined in section 6.(b) of this Order proficiency in oropharyngeal swabbing (including swabbing of the choanal slit) for gallinaceous species of poultry, or cloacal swabbing of waterfowl, or both, depending on which species the HPAI Sampler will be sampling.

(b) All applicants to be certified as HPAI Samplers who will sample birds destined for a live bird market shall fully and accurately complete a live bird market HPAI poultry inspection certificate (PIC) as part of their training.

(c) Swabbing proficiency must be demonstrated within two weeks after completion of the certification course using the training materials provided by the Department as described in sections 5(a)(i), (ii), and (iii), and section 5(b) has been successfully completed.

6. Certification Training.

(a) *General.* The Department has developed the HPAI Sampler certification course in accordance with the standards established in this Order. The Department may administer the course or may approve vendors to provide training.

(b) *Approved Trainers.* All certification courses shall be conducted by a person (trainer) approved by the Department. An approved trainer shall be either a Department veterinarian or inspector, a United States Department of Agriculture veterinarian or inspector, a Certified Poultry Technician, a licensed private veterinarian with poultry experience, a Pennsylvania State University or University of Pennsylvania veterinarian or poultry specialist, or other designee of the Department. Approved trainers shall be responsible for the certification training of all HPAI Samplers.

(c) Approved trainers shall provide the trainee name, address, and contact information to the Department for each trainee, to include a working phone number for the trainee; and if available an email address for the trainee or associated contact. This information shall be provided to the Department using a Department-approved spreadsheet format.

(d) *Integrators.* For producers employed by an integrator, and their employees, on a Department-prescribed poultry premises, the integrator shall be responsible for the certification training for HPAI Samplers and shall utilize the entities designated in section 6(b) above to carry out the training using current training materials provided by the Department.

(e) *Independent Producers.* For independent producers and their employees, the training shall be conducted by the entities designated in section 6(b) above. Independent producers and their employees may be trained by the entities designated in section 6(b) above who are employed by service companies which routinely provide consultation services for the flocks for which the independent producers and their employees are seeking certification to sample.

(f) *HPAI Sampler Certification.* After receipt of the completed training log the Department will create an active HPAI Sampler account for each person who successfully completed the training. Persons wishing to act as HPAI Samplers must have an active status as a Certified HPAI Sampler with the Department before collecting swab samples for regulatory testing. The Department will provide a certificate with an expiration date for each HPAI Sampler.

(g) *Course content.* At a minimum the course content shall include information and training necessary to meet the criteria established in section 8 of this Order, including training related to applicable provisions of the Domestic Animal Law and its attendant regulations, Department Orders regarding poultry, and identification of transmissible and reportable diseases of poultry (HPAI).

7. Access to Training.

(a) *General.* Current training materials will be provided by the Department to any person designated by the Department as an approved trainer, as set forth in paragraph 6(b) of this Order. Current training materials will be provided to approved trainers on at least an annual basis, or as amendments are made to the training materials, whichever occurs first.

(i) Revisions to sampling protocols will be provided to approved trainers as they become available.

(ii) Approved trainers shall provide certified HPAI Samplers trained by them with any Department updates to training or protocol materials throughout the year in a timely manner.

(b) *Training Courses.* In-person training will be offered by the Department or designee at least once per calendar year if deemed necessary by the Department. Training courses will be offered at various locations across the Commonwealth in a manner that will assure reasonable coverage and access, especially in poultry-dense areas.

(c) *Approved Trainer Suspension.* The Department may suspend an individual trainer's privileges to provide training at the Department's discretion if there are ongoing violations from certified HPAI Samplers trained by them.

8. Certification Criteria.

(a) At a minimum, the successful completion of the training course, completion of form(s), and demonstration of swabbing of poultry, as established in sections 5 and 6 of this Order, will demonstrate an applicant's understanding of and technical knowledge and proficiency relating to the duties set forth in this Order.

(b) The certification course and training requirements for a HPAI Sampler shall, at a minimum, address proper methods for the following:

(i) The collection of swab samples of sufficient quantity and quality for regulatory testing from poultry in accordance with applicable statutory and regulatory standards, and orders of the Department.

(ii) Handling, packaging, labeling, and timely submission of samples in accordance with applicable statutory and regulatory standards, and orders of the Department, and in a biosecure manner.

(iii) Comprehensive, timely and accurate completion of sample submission forms and all other forms required by the Department or the United States Department of Agriculture.

(iv) Reporting of any flock suspected to be infected with HPAI to the Department.

(v) Understanding of basic on-farm biosecurity principles.

(c) *Criteria.* The following establish the criteria related to certification and maintaining certification under this Order:

(i) A person seeking to act as a HPAI Sampler shall complete the certification training and courses required

by this Order, including course work, swab sample collection training and demonstration of sampling competency; successful completion of a HPAI PCR Submission Form; and successful completion of a HPAI Poultry Inspection Certificate if they will be sampling birds destined for a live bird market.

(ii) A certified HPAI Sampler shall maintain certification during the Declared Disease Outbreak (HPAI) in accordance with the requirements set forth in this Order.

(iii) A certified HPAI Sampler shall conduct such sampling and other related activities in accordance with the requirements of this Order and any order issued by the Department.

9. *Renewal for HPAI Sampler certification.*

(a) The authority to continue to carry out the duties of a Certified HPAI Sampler shall end as of the date the Department rescinds the Declared Disease Outbreak (HPAI). After that date, the authority of a Certified HPAI Sampler to carry out the duties assigned under this Order shall terminate. A person may however continue to renew their annual HPAI Sampler certification, as set forth in this section but, may not carry out any of the duties of a Certified HPAI Sampler until such time as the Department issues a new Declared Disease Outbreak (HPAI).

(b) Certification as a HPAI Sampler shall expire on September 1 of each calendar year, and training as described in sections 4, 5, 6, and 8 of this Order is required for recertification or continued certification. A training log in a Department-approved format for the HPAI Sampler shall be submitted to the Department prior to September 1 of the same calendar year for the HPAI Sampler to remain active.

(b) Failure of a HPAI Sampler to be properly trained and certified and included in a training log in a Department-approved format submitted to the Department prior to September 1 of each calendar year will result in the following:

(i) The person's certification shall lapse, and the person will no longer be approved to act as a Certified HPAI Sampler.

(ii) The person may not continue to act or hold themselves out as a Certified HPAI Sampler.

(iii) Continuing to act or hold oneself out as a Certified HPAI Sampler shall be a violation of this Order and shall subject the person to the penalties provided for at sections 2383 (related to enforcement and penalties) and 2386 (related to civil remedy) of the Domestic Animal Law (3 Pa.C.S.A. §§ 2383 and 2386).

(iv) The person shall be required to successfully complete the certification training required under this Order to act as a Certified HPAI Sampler.

10. *Duties and Limitations.*

(a) Any person certified as a HPAI Sampler may engage in carrying out the duties and procedures within the scope of their certification as outlined under the provisions of this Order.

(b) A Certified HPAI Sampler may carry out the following:

(i) The collection of swab samples of sufficient quantity and quality for regulatory testing from poultry in accordance with applicable statutory and regulatory standards, and orders of the Department;

(ii) Handling, packaging, labeling, and timely submission of samples in accordance with applicable statutory and regulatory standards, and orders of the Department, and in a biosecure manner;

(iii) Comprehensive, timely and accurate completion of sample submission forms and all other forms required by the Department or USDA; and

(iv) Collect samples from the flock(s) within a Control Area, Surveillance Zone, or other area as designated by a general quarantine order, and during a Declared Disease Outbreak (HPAI).

(v) Collect samples from a flock(s) under their care on a Department-prescribed premises.

(c) Certified HPAI Samplers may only collect samples for regulatory purposes if the flock which they are sampling is located in a Control Area or Surveillance Zone in place for control of a dangerous transmissible disease and designated by the Department, or in an area otherwise designated by the Department by a general quarantine order, and during a Declared Disease Outbreak (HPAI).

(d) A Certified HPAI Sampler may only collect the type of swab sample for which they are certified.

(e) A Certified HPAI Sampler shall immediately report suspected transmissible and reportable diseases in accordance with applicable statutory and regulatory standards, and orders of the Department.

(f) Being certified as a HPAI Sampler shall not entitle the person to perform any action or function for which a veterinary license, a certification as a veterinary technician, or a certification as a Certified Poultry Technician³ is required.

(g) If contact information changes for a HPAI Sampler at any time during the calendar year, updated contact information shall be provided to the Department within 10 business days.

11. *Department oversight.* The Department may observe a Certified HPAI Sampler performing the duties of a HPAI Sampler to assure compliance with the provisions of the Domestic Animal Law and this Order, and to assure proper procedures and protocols are being instituted and followed, and may conduct sampling and testing of its own to verify and assure the accuracy of the sampling being conducted by a HPAI Sampler.

12. *Comprehension.* If the applicant fails any part of the certification training, including failure to comprehend the training materials, to demonstrate adequate skills in collecting swab samples, or to properly complete the HPAI PCR Submission Form or the HPAI PIC (if applicable), the name of that applicant shall not be submitted to the Department for certification as a HPAI Sampler.

13. *Duty to report.* Consistent with the purpose of the Domestic Animal Law and the provisions established at section 2327 (related to disease surveillance and detection) (3 Pa.C.S.A. § 2327(b)), a Certified HPAI Sampler shall, immediately upon receiving information thereof or observing clinical signs consistent with a transmissible disease or reportable foreign animal disease, report to the Department each case of any transmissible disease, dangerous transmissible disease or foreign animal disease. Failure to report shall be considered a violation of this Order.

³ Veterinary Medicine Practice Act (Act of December 27, 1974, P.L. 995, No. 326, as amended) (63 P.S. § 485.1 et seq.), General Quarantine Order; Certified Poultry Technicians (49 Pa.B. 3088) (Saturday, June 15, 2019).

14. *Violations and Penalties.*

(a) *Denial, suspension and revocation of certification.* The Department may, after written notice, including a statement of the reasons therefore, deny, suspend, or revoke the certification of a HPAI Sampler for any of the following:

(i) A violation of the Domestic Animal Law, this Order or any order issued by the Department.

(ii) Failure of a Certified HPAI Sampler to meet the requirements of certification.

(iii) Inconsistency and demonstration of a lack of knowledge in the skills and techniques necessary to carry out the duties of a Certified HPAI Sampler.

(iv) Deficiencies in sample collection, sample handling, and sample submission requirements and criteria established by the Department.

(v) Failure to complete certification training, or renew certification in the established timeframe.

(vi) Being unwilling or unable to carry out the duties of a Certified HPAI Sampler

(vii) Falsifying information, including on applications, reports, records or correspondence with the Department.

(viii) A violation of any provision of the Domestic Animal Law, or its attendant regulations, an order of the Department or any requirement of certification, record keeping or other provision of this Order.

(ix) It shall be unlawful for any person to impede, hinder or interfere with the Department entering upon a premises or elsewhere in the performance of duties imposed under a quarantine order or for the sampling or testing of a domestic animal or to refuse to confine a domestic animal so as to allow testing without undue burden on the official conducting the test or to fail to present the person's domestic animals for testing by the Department under authority of this Order after reasonable notice of the proposed testing has been given.

(x) It shall be unlawful for any person who has knowledge that a domestic animal is infected with a dangerous transmissible disease or has been exposed to a dangerous transmissible disease or has been contaminated by a hazardous substance to conceal or attempt to conceal such a domestic animal or knowledge of such a domestic animal from the Department.

(b) *Appeal and request for a hearing.* A Certified HPAI Sampler may request a hearing, in writing, within fifteen (15) days of receipt of the Department's written notice of the proposed denial, suspension or revocation of their HPAI Sampler certification or any proposed civil penalties to be assessed by the Department, as allowed under section 2383(b) of the Domestic Animal Law (3 Pa.C.S.A. § 2383(b)). The written request shall be sent to the

Bureau of Animal Health and Diagnostic Services, Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110. The written request for a hearing must clearly set forth the basis of any appeal, and clearly identify the relevant issues or objections to be resolved. If you deny or challenge any averment in the Department's proposed order of denial, revocation or suspension, the written appeal notice must identify that averment by number and describe the general basis for your denial or challenge. The scope of any subsequent administrative hearings or proceedings would be limited to those issues and objections set forth in the written appeal notice. No suspension, denial or revocation of certification or civil penalty issued shall become effective until the time to appeal the proposed action has expired and the proposed order has thus become final or, where a hearing is requested, a hearing in the matter has been completed and a final order of the Department has been issued.

(c) *Suspended certification.* Upon final suspension, a Certified HPAI Sampler whose certification has been suspended may not operate as a HPAI Sampler until that person has successfully completed the required certification requirements and other standards set forth in the final suspension adjudication.

(d) *Denied or Revoked certification.* A Certified HPAI Sampler whose certification has been denied or revoked may not operate as a HPAI Sampler until that person has completed the required certification requirements and any other standards established in the final order issued by the Department.

15. *Criminal and civil penalties.* The Department may impose those criminal and civil penalties specifically established at section 2383 of the Domestic Animal Law (3 Pa.C.S.A. § 2383) for any violation of the Domestic Animal Law or any rule regulation or order established thereunder.

16. *Civil remedy.* In addition to any other action or remedy sought, the Department may seek any civil remedy, as specifically established at section 2386 of the Domestic Animal Law (3 Pa.C.S.A. § 2386).

18. *Continuing authority.* This Order shall not be construed as limiting the Department's authority to establish additional requirements for initial or continued certification of HPAI Samplers or to limit any authority the Department possesses under the Domestic Animal Law or any other Act or Law administered by the Department.

19. *Effective date.* This Order is effective upon publication in the *Pennsylvania Bulletin*.

RUSSELL REDDING,
Secretary

[Pa.B. Doc. No. 23-1724. Filed for public inspection December 15, 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 December 5, 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-bntrustrsuprvsninq@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

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
11-30-2023	LINKBANK Camp Hill Cumberland County Merger of The Bank of Delmarva, Seaford, DE and Virginia Partners Bank, Fredericksburg, VA, with and into LINKBANK, Camp Hill, PA. Branch offices of The Bank of Delmarva and Virginia Partners Bank, Fredericksburg, VA, will become branch offices of LINKBANK including the former main office of The Bank of Delmarva and Virginia Partners Bank located at: 910 Norman Eskridge Highway Seaford Sussex County, DE 410 William Street Fredericksburg Spotsylvania County, VA	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
11-20-2023	1st Summit Bank Johnstown Cambria County	5150 Route 30 Greensburg Westmoreland County	Opened
12-01-2023	Somerset Trust Company Somerset Somerset County	1301 South Main Street Greensburg Westmoreland County	Accepted

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
11-28-2023	Tompkins Community Bank Ithaca Tompkins County, NY	1 Reading Drive Wernersville Berks County	Closed
11-30-2023	Republic First Bank Philadelphia Philadelphia County	8764 Frankford Avenue Philadelphia Philadelphia County	Closed
12-01-2023	Tompkins Community Bank Ithaca Tompkins County, NY	One Belmont Avenue Bala Cynwyd Montgomery County	Closed
12-01-2023	Tompkins Community Bank Ithaca Tompkins County, NY	100 Plaza Drive Blandon Berks County	Closed

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. 23-1725. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2024

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of January 2024, is 7 1/4%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate

limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 4.67 to which was added 2.50 percentage points for a total of 7.17 that by law is rounded off to the nearest quarter at 7 1/4%.

WENDY S. SPICHER,
Secretary

[Pa.B. Doc. No. 23-1726. Filed for public inspection December 15, 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>
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|-----|--|
| I | Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received |
| II | Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs |
| III | Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity |

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

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.

- General Chapter 92a NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.

- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits, excluding PAG-01 and PAG-02, are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

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

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>
5723801	Joint DEP/PFBC Pesticides Permit	New	Ganoga Lake Homeowners Assoc 114 Yale Avenue Swarthmore, PA 19081-2021	Colley Township Sullivan County	NCRO
0417201	Major Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Shell Chemicals Appalachia LLC 300 Frankfort Road Monaca, PA 15061-2210	Potter Township Beaver County	SWRO
PA0026506	Major Sewage Facility ≥ 1 MGD and < 5 MGD Individual NPDES Permit	Amendment Minor	W Mifflin Sanitary Sewer Municipal Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
PA0026522	Major Sewage Facility ≥ 1 MGD and < 5 MGD Individual NPDES Permit	Amendment Minor	W Mifflin Sanitary Sewer Municipal Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
0201402	Major Sewage Treatment Facility Individual WQM Permit	Amendment	W Mifflin Sanitary Sewer Municipal Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
0216402	Major Sewage Treatment Facility Individual WQM Permit	Amendment	W Mifflin Sanitary Sewer Municipal Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
PA0238988	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Greene Meadows Septic Association 2130 Deer Run Trail Erie, PA 16509-5600	Greene Township Erie County	NWRO
0523402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	New	Everett Borough Area Municipal Authority 100 Mechanic Street Everett, PA 15537-1177	Everett Borough Bedford County	SCRO
2503414	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Greene Meadows Septic Association 2130 Deer Run Trail Erie, PA 16509-5600	Greene Township Erie County	NWRO
NOEXNE018	No Exposure Certification	Renewal	USPS Scranton Vehicle Maintenance Facility 2800 Stafford Avenue Scranton, PA 18505-9603	Scranton City Lackawanna County	NERO
NOEXSC316	No Exposure Certification	Renewal	Bedford Reinforced Plastics Inc. 2 Corporate Drive Bedford, PA 15522-7946	Bedford Township Bedford County	SCRO
NOEXSC333	No Exposure Certification	Renewal	Hershey Co. 19 East Chocolate Avenue Hershey, PA 17033-0819	Derry Township Dauphin County	SCRO
PAG034997	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Simsmetal East LLC 1 Linden Avenue Jersey City, NJ 07305	Madison Township Columbia County	NCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG038582	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Freeport Terminal Inc. P.O. Box 72 700 Riverside Drive Freeport, PA 16229-0072	Freeport Borough Armstrong County	NWRO
PAG041236	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Susan & Tom Brown 19557 Irish Road Edinboro, PA 16412-4847	Cussewago Township Crawford County	NWRO
PAG041237	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Orelski Darrell 10850 Wattsburg Road Erie, PA 16509-7404	Venango Township Erie County	NWRO
PAG041239	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	May Mandy 479 East Jamestown Road Greenville, PA 16125	Greene Township Mercer County	NWRO
PAG048982	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Jones William D 5154 Jackson Run Road Warren, PA 16365-8635	Conewango Township Warren County	NWRO
PAG049121	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Gazdak Angela 15500 Route 6 Warren, PA 16365-9670	Pleasant Township Warren County	NWRO
PAG049310	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Martin Miler & Patty Delcamp 21355 Route 957 Columbus, PA 16405	Columbus Township Warren County	NWRO
PAG123609	PAG-12 NPDES General Permit for CAFOs	Renewal	L & W Farms LLC 4251 Fletcher Drive Greencastle, PA 17225	Antrim Township Franklin County	SCRO
PAG123611	PAG-12 NPDES General Permit for CAFOs	Renewal	Petre Daniel L 3409 Smoketown Road Spring Grove, PA 17362-8317	Manheim Township York County	SCRO
PAG123736	PAG-12 NPDES General Permit for CAFOs	Renewal	King Mervin F 637 Gault Road Gap, PA 17527-9754	Greenwood Township Perry County	SCRO
PAG123740	PAG-12 NPDES General Permit for CAFOs	Renewal	Belview Valley Farms LLC 458 Gemmill Road Delta, PA 17314-8866	Peach Bottom Township York County	SCRO
PAG123805	PAG-12 NPDES General Permit for CAFOs	Renewal	Star Rock Dairy Inc. 175 Chestnut Grove Road Conestoga, PA 17516-9317	Manor Township Lancaster County	SCRO
PAG123946	PAG-12 NPDES General Permit for CAFOs	New	Bleacher Farms LLC 1206 Breneman Road Conestoga, PA 17516-9309	Manor Township Lancaster County	SCRO
PAG152202	PAG-15 NPDES General Permit for Pesticides	Renewal	PA American Water Co. 2699 Stafford Avenue Scranton, PA 18505-3608	Dallas Township Luzerne County	NERO
4509406	Sewer Extensions Individual WQM Permit	Amendment	Stroudsburg Borough 700 Sarah Street Stroudsburg, PA 18360-2122	Stroudsburg Borough Monroe County	NERO
PA0291463	Single Residence STP Individual NPDES Permit	Transfer	Hedlund Cortney 2464 W Washington Street Bradford, PA 16701-2415	Corydon Township McKean County	NWRO
4217405	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Aloi Douglas 1318 South Avenue Bradford, PA 16701-3839	Bradford Township McKean County	NWRO

<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>
4222409	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Hedlund Cortney 2464 W Washington Street Bradford, PA 16701-2415	Corydon Township McKean County	NWRO
4323417	Single Residence Sewage Treatment Plant Individual WQM Permit	New	May Mandy 479 East Jamestown Road Greenville, PA 16125	Greene Township Mercer County	NWRO
6204405	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Jones William D 5154 Jackson Run Road Warren, PA 16365-8635	Conewango Township Warren County	NWRO
WQG018328	WQG-01 WQM General Permit	Transfer	Gazdak Angela 15500 Route 6 Warren, PA 16365-9670	Pleasant Township Warren County	NWRO
WQG018516	WQG-01 WQM General Permit	Transfer	Martin Miler & Patty Delcamp 21355 Route 957 Columbus, PA 16405	Columbus Township Warren County	NWRO
WQG018647	WQG-01 WQM General Permit	Amendment	Marx Thomas 129 Dutch Road Harmony, PA 16037-9215	Jackson Township Butler County	NWRO

II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

Northcentral Regional Office

PA0024759, Sewage, SIC Code 4952, **Curwensville Municipal Authority**, 314 South Street, Curwensville, PA 16833-1237. Facility Name: Curwensville Municipal Authority Wastewater Treatment Plant. This existing facility is located in Curwensville Borough, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 8-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	104	167	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent	125	188	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	XXX	XXX	Report
May 1 - Sep 30	XXX	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX

<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>	
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Copper, Total	0.4	0.63 Daily Max	XXX	0.096	0.15 Daily Max	0.24
Zinc, Total	3.44	5.37 Daily Max	XXX	0.83	1.29 Daily Max	2.06

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) (lbs)	XXX	13,698 Total Annual	XXX	XXX	XXX	XXX
Effluent Net						
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	1,826 Total Annual	XXX	XXX	XXX	XXX
Effluent Net						

* 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.

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

The EPA Waiver is not in effect.

Northwest Regional Office

PA0028371, Sewage, SIC Code 4952, **Youngsville Borough**, 40 Railroad Street, Youngsville, PA 16371-1427. Facility Name: Youngsville Borough STP. This existing facility is located in Youngsville Borough, **Warren 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), Brokenstraw Creek, is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.624 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	4.0 Daily Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	130	195	XXX	25.0	37.5	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	156	234	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
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		
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .624 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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

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

PA0032026, Sewage, SIC Code 4952, 7033, **Family Affair Campground LLC**, 1135 Tamarack Road, Waterford, PA 16441. Facility Name: Family Affair Campground. This existing facility is located at 9640 Findley Lake Road, North East, PA 16428-5330 located in North East Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary of Sixteenmile Creek (CWF, MF), is located in State Water Plan watershed 15-A 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 .025 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 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	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		
Ammonia-Nitrogen	XXX	XXX	XXX	19.5	XXX	39
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	6.5	XXX	13

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	Avg Qrtly 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

PA0046418, Sewage, SIC Code 4952, **Middleboro Municipal Authority, Erie County**, P.O. Box 189, McKean, PA 16426-0189. Facility Name: Middleboro STP. This existing facility is located in McKean Borough, **Erie 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 is Elk Creek, located in State Water Plan watershed 15-A and classified for Warm Water 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 .112 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.3	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	18.7	28.0	XXX	20.0	30.0	40.0
Nov 1-Apr 30						
May 1-Oct 31	9.0	14.0	XXX	10.0	15.0	20.0
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	28.0	42.1	XXX	30.0	45.0	60.0
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		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	7.0	XXX	XXX	7.5	XXX	15.0
Nov 1-Apr 30						
May 1-Oct 31	2.3	XXX	XXX	2.5	XXX	5.0
Total Phosphorus	0.9	XXX	XXX	1.0	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

PA0222909, Sewage, SIC Code 4952, **Kinzua Warren Joint Authority**, 119 Mead Boulevard, Clarendon, PA 16313-1119. Facility Name: Kinzua Warren County WWTP. This existing facility is located at 509 Kinzua Road, Warren, PA 16365 located in Mead Township, **Warren 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), Allegheny River (CWF), is located in State Water Plan watershed 16-B 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 .3125 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .3125 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	4.0 Daily Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	65	104	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	78	117	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Report Daily Max	XXX	XXX
UV Intensity (µw/cm ²)	XXX	XXX	XXX	6.6	XXX	13.2
Ammonia-Nitrogen	17	XXX	XXX	2.2	XXX	4.4
Nov 1 - Apr 30	5.7	XXX	XXX	XXX	XXX	Report
May 1 - Oct 31	XXX	XXX	XXX	XXX	XXX	Report
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

PA0271535, Sewage, SIC Code 8800, **James Felmlee**, 241 Stickney Trail, Bradford, PA 16701. Facility Name: James Felmlee SRSTP. This existing facility is located in Corydon Township, **McKean 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 Libby 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 (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
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

PA0082651, Sewage, SIC Code 4952, **Landisburg Municipal Authority, Perry County**, 77 W High Street, Landisburg, PA 17040-8000. Facility Name: Landisburg STP. This existing facility is located in Tyrone Township, **Perry 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), Montour Creek (CWF), is located in State Water Plan watershed 7-A 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 .03 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	6.3	10	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	7.5	11	XXX	30	45	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
Ammonia-Nitrogen	3.3	XXX	XXX	Geo Mean 13.5	XXX	27

The proposed effluent limits for Outfall 001 are based on a design flow of .03 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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Ann'l Avg	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Ann'l Avg	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Ann'l Avg	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Ann'l Avg	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Ann'l Avg	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Ann'l Avg	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Ann'l Avg	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Ann'l Avg	XXX	XXX	XXX	XXX	XXX

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0026085, Sewage, SIC Code 4952, **Upper Merion Sanitary and Stormwater Authority**, 175 W Valley Forge Road, King of Prussia, PA 19406-1851. Facility Name: U Merion-Matsunk STP. This existing facility is located in Upper Merion Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-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 002 are based on a design flow of 5.5 MGD and Maximum Monthly Flow of 6.88 MGD.—Interim 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>	
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 5.5 MGD and Maximum Monthly Flow of 6.88 MGD.—Final 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>	
Copper, Total	2.05	2.71 Daily Max	XXX	0.045	0.059 Daily Max	0.112

The proposed effluent limits for Outfall 002 are based on a design flow of 5.5 MGD and Maximum Monthly Flow of 6.88 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>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,434	2,180	XXX	25.0	38.0 Wkly Avg	50
Nov 1 - Apr 30	1,033	1,549	XXX	18.0	27.0	36
May 1 - Oct 31	1,033	1,549	XXX	18.0	27.0	36
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent	1,721	2,582	XXX	30.0	45.0	60
Total Suspended Solids	1,721	2,582	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	1,033	XXX	XXX	18.0	XXX	36
Nov 1 - Apr 30	1,033	XXX	XXX	18.0	XXX	36
May 1 - Oct 31	344	XXX	XXX	6.0	XXX	12
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 5.5 MGD and Maximum Monthly Flow of 6.88 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>Daily Maximum</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 5.5 MGD and Maximum Monthly Flow of 6.88 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>Daily Maximum</i>	
Total Dissolved Solids	Report	XXX	XXX	1,000.0	XXX	XXX
	Avg Qrtly			Avg Qrtly		
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 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>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:

- Optimization of Chlorine dosages
- Notification of designation of responsible operator
- Implementation of O&M plan
- Hauled-in waste restriction
- Seasonal fecal coliform
- POTW Pretreatment program implementation
- Solids management for non-lagoon system
- WQBELs for Toxic Pollutants
- WETT requirements without limits
- Requirements applicable to stormwater outfalls
- Schuylkill River PCB PMP implementation

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

PA0026131, Sewage, SIC Code 4952, **Upper Merion Sanitary and Stormwater Authority**, 175 W Valley Forge Road, King of Prussia, PA 19406-1851. Facility Name: Upper Merion Municipal Authority Sewer System & STP Trout Run. This existing facility is located in Upper Merion Township, **Montgomery County**.

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

The receiving stream(s), Schuylkill River (WWF, MF) and Trout Creek (WWF, MF), is located in State Water Plan watershed 3-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 002 are based on a design flow of 6 MGD.—Interim 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>	
Copper, Total	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	

The proposed effluent limits for Outfall 002 are based on a design flow of 6 MGD.—Final 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 Daily</i>	
Copper, Total	1.33	1.56	XXX	0.0266	0.0312	0.0312
		Daily Max			Daily Max	

The proposed effluent limits for Outfall 002 are based on a design flow of 6 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>Daily Maximum</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 6 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>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,251	2,000	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	Wkly Avg XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	1,500	2,250	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	Wkly Avg XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 20.0	XXX	40
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	1,000	XXX	XXX	20.0	XXX	40
Nov 1 - Apr 30						
May 1 - Oct 31	750	XXX	XXX	15.0	XXX	30
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 6 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>Daily Maximum</i>	
Total Dissolved Solids	Report	XXX	XXX	1,000.0	XXX	XXX
	Avg Qrtly			Avg Qrtly		
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 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>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

<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>	
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:

- Optimization of Chlorine dosages
- Notification of designation of responsible operator
- Implementation of O&M Plan
- Hauled-in waste restriction
- Seasonal fecal coliform
- POTW pretreatment program implementation
- Solids management for non-lagoon system
- WQBELs for Toxic Pollutants
- WETT
- Requirements applicable to stormwater outfalls
- Schuylkill River PCB PMP implementation

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

PA0036200, Sewage, SIC Code 6514, **Radley Run Mews Sewer Assoc**, P.O. Box 84, Pocopson, PA 19366-0084. Facility Name: Radley Run Mews STP. This existing facility is located in Birmingham Township, **Chester 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), Plum Run (WWF, MF), is located in State Water Plan watershed 3-H 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 .032 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 3.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	6.7	XXX	XXX	25	XXX	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	8.0	XXX	XXX	30	XXX	60
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	8.0	XXX	XXX	30.0	XXX	60
Ammonia-Nitrogen	4.0	XXX	XXX	15.0	XXX	30
Nov 1 - Apr 30						
May 1 - Oct 31	1.3	XXX	XXX	5.0	XXX	10
Total Phosphorus	0.53	XXX	XXX	2.0	XXX	4

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

- A. No Stormwater to Sewer
- B. Necessary Property Rights

- C. Proper Sludge Disposal
- D. Abandon STP when Public Sewer Become Available
- E. Chlorine Minimization
- F. Notification of the Designation of Responsible Operator
- G. Small Stream Discharge
- H. Remedial Measures if Public Nuisance
- I. Twice per Month Sampling

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

PA0058505, Sewage, SIC Code 4952, **Kilcar House Inc.**, 199 Union Road, Quakertown, PA 18951. Facility Name: Casey's Tavern STP. This existing facility is located in Richland Township, **Bucks County**.

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

The receiving stream(s), Tohickon Creek (TSF, MF), is located in State Water Plan watershed 2-D and is classified for Trout Stocking 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 0.0014 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>	
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 0.0014 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 (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	0.0058	XXX	XXX	20	XXX	40
				0.5	XXX	1

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

- The permittee shall submit AMR by June 30 of each year
- The permittee shall optimize chlorine dosages used for disinfection
- No stormwater shall be admitted to sanitary sewer
- Permittee shall acquire necessary property rights
- Proper disposal of screenings, slurries and sludges
- Seasonal effluent limits for Fecal Coliform

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0245101, Sewage, SIC Code 8811, **Price Jeffery P**, 709 Forest Grove Road, Wycombe, PA 18980. Facility Name: Price SRSTP. This existing facility is located in Buckingham Township, **Bucks 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), Mill 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 .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	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Ann'l Avg XXX	XXX	6.0 Inst Min XXX	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	200.0	XXX	1,000.0

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

- Sludge use and disposal description and location(s): Septic tanks cleaned out by pump and hauler.

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

PA0218502, Industrial, SIC Code 3273, **USACE Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. Facility Name: Left Bank Concrete Batch Plant. This existing facility is located in Charleroi Borough, **Washington 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), Monongahela River (WWF), is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .15 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	XXX	XXX	Report
Sulfate, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for IMP 101.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	50
Total Dissolved Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Aluminum, Total	XXX	XXX	XXX	4.0	XXX	8.0
Iron, Total	XXX	XXX	XXX	2.0	XXX	4.0
Manganese, Total	XXX	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 002 are based on a design flow of .0014 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	XXX	90.0
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	Report
Aluminum, Total	XXX	XXX	XXX	5.0	XXX	10.0
Iron, Total	XXX	XXX	XXX	3.0	XXX	7.0
Manganese, Total	XXX	XXX	XXX	2.0	XXX	5.0
Sulfate, Total	XXX	XXX	XXX	Report	XXX	Report

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0217395, Storm Water, SIC Code 2435, **Danzer Veneer Americas Inc.**, 119 Aid Drive, Darlington, PA 16115-1637. Facility Name: Danzer Veneer Americas Darlington Plant. This existing facility is located in Darlington Township, **Beaver 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), North Fork Little Beaver Creek (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:

<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
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002:

<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
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.

Northeast Regional Office

Applicant: **PPL Electric Utilities Corporation**

Applicant Address: 827 Hausman Road, Allentown, PA 18104-9392

Application Number: **PA640003D**

Application Type: New

Municipality/County: Lackawaxen Township, Palmyra Township, Honesdale Borough, Berlin Township, and Dyberry Township, **Wayne County** and **Pike County**

Project Site Name: Blooming Grove—West Damascus 69kV Line Project

Total Earth Disturbance Area (acres): 131.0 acres

Surface Waters Receiving Stormwater Discharges: UNTs to Carley Brook (HQ-CWF, MF), Carley Brook (HQ-CWF, MF), Dyberry Creek (HQ-CWF, MF), Holbert Creek (HQ-CWF, MF), Indian Orchard Brook (HQ-CWF, MF), UNTs to Indian Orchard Brook (HQ-CWF, MF), Lackawaxen River (HQ-CWF, MF), Rattlesnake Creek (HQ-CWF, MF), UNTs to Swamp Brook (HQ-CWF, MF), Swamp Brook (HQ-CWF, MF), UNTs to Tinkwig Brook (HQ-CWF, MF) and Tinkwig Brook (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 the West Damascus 69kV Line Project involving installation of approximately 15 miles of fiber and guy wires, maintenance of existing access roads, temporary access roads and temporary construction pads in Wayne and Pike County.

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: **UGI Utilities, Inc.**

Applicant Address: 1 UGI Drive, Denver, PA 17517-9039

Application Number: **PAD480188**

Application Type: New

Municipality/County: Palmer Township, Lower Nazareth Township, and Stockertown Borough, **Northampton County**

Project Site Name: Buzzi Unicem Stockertown Gas Main

Total Earth Disturbance Area (acres): 14.68 acres

Surface Waters Receiving Stormwater Discharges: Shoeneck Creek (WWF, MF), 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 project includes the installation of approximately 15,560 feet of 8" steel high-pressure gas main. It will be supplying the existing US Cement Manufacturer Buzzi Unicem, via main extension from existing UGI 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.

Southeast Regional Office

Applicant: **Faith Christian Academy**

Applicant Address: 2255 Allentown Road, Quakertown, PA 18951-2129

Application Number: **PAD090076 A-2**

Application Type: Major Amendment

Municipality/County: Milford Township, **Bucks County**

Project Site Name: Faith Christian Academy: Phase 3

Total Earth Disturbance Area (acres): 10.79 acres

Surface Waters Receiving Stormwater Discharges: Unami Creek (HQ-TSF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This major amendment is for the construction of a stormwater management BMP and grading two athletic fields and paving the minor modification parking lot. The stormwater management BMP in conjunction with the existing stormwater management BMPs will control the increase in runoff from the previous constructed impervious areas. All other areas within the limits of disturbance are considered as site restoration area.

Special Conditions: N/A

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

Northwest Regional Office

Applicant: **Brookville Area School District**

Applicant Address: 96 Jenks Street, Brookville, PA 15825

Application Number: **PAD330010**

Application Type: New

Municipality/County: Brookville Borough, **Jefferson County**

Project Site Name: Brookville High School Football Field

Total Earth Disturbance Area (acres): 3.34 acres

Surface Waters Receiving Stormwater Discharges: UNT North Fork Redbank 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: Installation of artificial turf field and associated drainage at existing high school football field.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 814-332-6078.

Northwest Regional Office

Applicant: **Kokosing Construction Company Inc.**

Applicant Address: 6235 Westerville Road, Waterville, OH 43081

Application Number: **PAD160008**

Application Type: New

Municipality/County: Beaver Township, **Clarion County**

Project Site Name: I80 Canoe Creek Bridges Waste Site

Total Earth Disturbance Area (acres): 9.98 acres

Surface Waters Receiving Stormwater Discharges: UNT 49383 and UNT 49379 to Canoe 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: As primary contractor to construct the I-80 Canoe Creek Bridges Project (PAD160003), Kokosing Construction Company will need to transport approximately 250,000 cubic yards of clean fill to an off-site waste area. Access to the waste site area will be via the Good Tire Service property, south of the Canoe Ripple Road exit.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 814-332-6078.

Southwest Regional Office

Applicant: **Peoples Natural Gas Company LLC**

Applicant Address: 375 North Shore Drive, Suite 600, Pittsburgh, PA 15212

Application Number: **PA630009D**

Application Type: New

Municipality/County: Amwell Township, North Bethlehem Township and West Bethlehem Township, **Washington County**

Project Site Name: Goodwin Tombaugh Phase 2 Areas 20—22

Total Earth Disturbance Area (acres): 48 acres

Surface Waters Receiving Stormwater Discharges: Receiving Stormwater Discharges: Daniels Run, Hainers Run, Horne Run, Little Daniels Run, Little Tenmile Creek, Montgomery Run, Pine Run, South Branch Pigeon Creek, Tenmile Creek (TSF, WWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The Project consists of the installation of 15 miles of new 2-inch, 4-inch, and 8-inch plastic gas pipeline in Amwell, North Bethlehem and West Bethlehem Townships, Washington County, PA. PNG intends to complete a portion of the Project using Horizontal Directional Drilling (HDD) to reduce earth disturbance and limit environmental impacts. The remainder of the Project will be installed via trenching methods. Use of the existing pipeline will be abandoned. The pipeline will remain in place except for sections of exposed pipeline within streams and wetlands, which will be removed. Additionally, the abandoned pipeline will either be removed or capped at all stream and wetland crossings in accordance with PA DEP requirements. In-lieu of grouting the abandoned line at resource crossings, PNG shall maintain liability of the abandoned line. If there are any environmental concerns or any issues identified due to the

abandoned pipe, PNG will be responsible to correct the issue. The Project will be restored to re-construction conditions and no new permanent impervious areas are proposed.

Special Conditions: N/A

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

STATE CONSERVATION COMMISSION

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

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

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

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

Individuals in need of accommodations should contact the SCC through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ACT 38

NUTRIENT MANAGEMENT PLANS

CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Cedar Pine Farm LLC 21561 Great Cove Rd McConnellsburg, PA 17233	Fulton County	1,756.1	1,947.97	Dairy Cows	NA	New

PUBLIC WATER SUPPLY PERMITS

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

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

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

The permit application and related documents are on file at the office listed before the application and available

for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

SAFE DRINKING WATER

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

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

Application No. 7220859, NCWSA Construction, Public Water Supply.

Applicant	East Hanover Township Dauphin County
Address	8848 Jonestown Rd Grantville, PA 17028

Municipality East Hanover Township
 County **Dauphin County**
 Responsible Official Bryan Ziegler
 Public Works Director
 8848 Jonestown Road
 Grantville, PA 17028

Consulting Engineer Herbert, Rowland, and Grubic,
 Inc.
 369 E Park Drive
 Harrisburg, PA 17111

Application Received November 20, 2023

Description This application is for a new noncommunity water system located at 8848 Jonestown Rd, Grantville, PA 17028. The proposed water system consists of a new groundwater well, cartridge filter, ultraviolet light disinfection system, pressure tank, and appurtenances.

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, NJ 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. 1523524, Construction, Public Water Supply.

Applicant **Aqua PA, Inc. (Lloyd Ave)**
 Address 762 Lancaster Avenue
 Bryn Mawr, PA 19010

Municipality Bryn Athyn Borough
 Caln Township and
 Downingtown Borough

County **Chester County**
 Responsible Official Michael Fili
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010

Consulting Engineer GHD, Inc.
 225 Grandview Avenue
 Suite 403
 Camp Hill, PA 17011

Application Received November 20, 2023

Description Lloyd Avenue Water Main and Rock Raymond Booster Station modifications.

Application No. 0923516, Construction, Public Water Supply.

Applicant **Aqua Pa (Chalfont)**
 Address 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010-3402

Municipality Chalfant Borough
 County **Bucks County**
 Responsible Official Michael Fili
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010-3402

Consulting Engineer Mott McDonald
 111 Wood Avenue
 South Iselin, NJ 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. 0923515, Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc. (Edgely)**
 Address 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010-3402

Municipality Bristol Township
 County **Bucks County**
 Responsible Official Mott McDonald
 111 Wood Avenue
 Bryn Mawr, PA 19010-3402

Consulting Engineer Mark A. Tompeck
 111 Wood Avenue
 Iselin, NJ 08830-4112

Application Received September 25, 2023

Description Project involved the addition of an AIX resin filter system at the Edgely.

Application No. 1523525, Construction, Public Water Supply.

Applicant **Willowdale Town Center**
 Address 629 Unionville Road
 Kennett Square, PA 19348

Municipality East Marlborough Township
 County **Chester County**
 Responsible Official Morris W. Stroud
 629 Unionville Road
 Kennett Square, PA 19348

Consulting Engineer Earthres Group
 6912 Old Easton Road
 P.O. Box 468
 Pipersville, PA 18947-9765

Application Received December 4, 2023

Description Modify the PH adjustment chemical used in the existing PWS serving Willowdale.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epswwd@pa.gov.

Application No. 0423518, Construction, Public Water Supply.

Applicant	Moguls Industries, LLC
Address	466 Rochester Road Zelienople, PA 16063
Municipality	New Sewickley Township
County	Beaver County
Responsible Official	Gary Fennell 466 Rochester Road Zelienople, PA 16063
Consulting Engineer	Key Environmental, Inc. 200 Third Avenue Carnegie, PA 15106
Application Received	November 22, 2023
Description	Modification to existing Rumors Tavern water system to include 4-log treatment.

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, 484-250-5887.

WA-09-775B, Water Allocations. **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976, Warrington Township, **Bucks County**. Water Allocation Permit. Application received: November 29, 2023.

WA-15-1005A, Water Allocations. **Oxford Borough**, P.O. Box 380, 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.

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.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Shaw (05-272) Well Pad, Primary Facility ID # **863846**, 1750 Gage Road, Lawton, PA 18828, Rush Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801 on behalf of Repsol Oil and Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, submitted a Notice of Intent to Remediate. Soil was contaminated a release of production fluid (brine). The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on June 28, 2023. Application received: December 1, 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.

Knapp Elementary School, Primary Facility ID # **618272**, 698 Knapp Road, Lansdale, PA 19446, Lansdale Borough, **Montgomery County**. Michael Gable, PE, LVL Engineering Group, 559 Main Street, Suite 230, Bethlehem, PA 18018 on behalf of Morgan Evans, JMT Environmental Technologies, P.O. Box 22044, Lehigh Valley, PA 18002, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with fuel oil No. 2, which has contaminated the soil on the site. The proposed cleanup standard for the site is the site-specific standard. The proposed future use of the property will be residential for school use. The Notice of Intent to Remediate was published in the *Reporter* on October 16, 2023. Application received: October 12, 2023.

National Construction Rental, Inc., Primary Facility ID # **829825**, 6401 West Passyunk Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Shian Knouse, TTI Environmental, Inc., 1253 North Church Street, Moorestown, NJ 08053 on behalf of Bill Baker, National Construction Rentals, Inc., 6416 Lakeview Road, Charlotte, NC 28269, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with benzene, naphthalene, and lead in soil and groundwater. The proposed future use of the property will remain a storage area for rental construction materials. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in the *South Philly Review* on August 30, 2023. Application received: September 28, 2023.

1420-1432 Point Breeze Avenue, Primary Facility ID # **780698**, 1420-1432 Point Breeze Avenue, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. Michael Potts, Terraphase Engineering, Inc., 100 Canal Pointe Boulevard, Suite 110, Princeton, NJ 08540 on behalf of Greg Karamitopoulo, 1422 Point Breeze LLC, 6950 Norwitch Drive, Philadelphia, PA 19153, submitted a Notice of Intent to Remediate. The site formerly operated as a drycleaner and has been found to be contaminated with VOCs, specifically trichloroethene and tetrachloroethene, in soil and groundwater. The proposed future use of the property will remain residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *Metro Philadelphia* on October 16, 2023. Application received: October 23, 2023.

Booth Station, Primary Facility ID # **870690**, 3398 Garnet Mine Road, Boothwyn, PA 19060, Bethel Township, **Delaware County**. Gregory Rosenzweig, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Zachary Stopay, Buckeye Partners, LP, 6161 Hamilton Boulevard, Allentown, PA 18106, submitted a Notice of Intent to Remediate. Soil and groundwater contamination related to organic compounds has been discovered during a subsurface site investigation. The proposed future use of the property will continue to be a nonresidential active bulk petroleum storage and distribution facility. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Delco Times* on September 16, 2023. Application received: November 1, 2023.

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 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.

WMGM049. New Castle Sanitation Authority, 102 East Washington Street, New Castle, PA 16101, City of New Castle, **Lawrence County**. Permit authorizes the beneficial use of reclaimed water as non-contact cooling and/or process water at natural gas-fired combined cycle electric generating facilities. Application received: July 28, 2023. Deemed administratively complete: July 28, 2023.

Comments or 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. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: John Oren, Waste Management Permits Section Chief, 717-705-4907.

1100910. Berks Waste and Rail Transfer, LLC, 25 Service Caster Way, Birdsboro, PA 19508, Cumru Township, **Berks County**. Berks Waste and Rail Transfer, LLC has submitted an application for a new municipal waste transfer facility in Cumru Township, Berks County. Application received: November 9, 2023. Deemed administratively complete: November 28, 2023.

Comments or questions concerning the application should be directed to John Oren, Waste Management Permits Section Chief, (717-705-4907), Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Contact: Regional Solid Waste Manager, 717-705-4706.

100113. Republic Services of Pennsylvania, LLC d.b.a. Modern Landfill, 4400 Mt. Pisgah Road, York, PA 17406, Windsor and Lower Windsor Townships, **York**

County. This application is to renew the Municipal Solid Waste Management Operating permit for Modern Land-fill. The current operating permit will expire on December 24, 2024. DEP will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time DEP is reviewing the permit renewal application. Application received: November 14, 2023. Deemed administratively complete: November 29, 2023.

Comments or questions concerning the application should be directed to John Oren, Permitting Section Chief, 717-705-4706, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

The DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

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

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

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

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

PLAN APPROVALS

Application(s) Received for Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B That May Have Special Public Interest. These Plan Approval Applications are in Review and No Decision on Disposition Has Been Reached.

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

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

25-00066L: Accuride Erie LP, 1015 East 12th Street, Erie, PA 16503, City of Erie, **Erie County**. Application received: October 11, 2023. For the modification of two existing scrubber control devices at their facility in the City of Erie, Erie County.

Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These Actions May Include the Administrative Amendments of an Associated Operating Permit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-03013A: Georgia-Pacific Corrugated LLC, 25 Walnut Street, Mt. Wolf, PA 17347, Mount Wolf Borough, **York County**. Application received: August 24, 2023. To construct and operate a new corrugator line to replace the existing corrugator at the Mt. Wolf Container facility. Potential emissions from the facility are estimated at 9.73 tpy NO_x, 27.54 tpy CO, 18.89 tpy PM₁₀, 0.40 tpy SO_x, 15.53 tpy VOC, and 5.10 tpy HAPs. The plan approval will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52b (Control of VOC emissions from paper, film and foil surface coating processes) and 25 Pa. Code § 129.77 (Control of emissions from the use or application of adhesives, sealants, primers and solvents). The facility is

a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and other applicable requirements. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

22-03102B: Derry Township Municipal Authority, 670 Clearwater Road, Hershey, PA 17033, Derry Township, **Dauphin County.** Application received: May 18, 2023. For the installation of an Ecoremedy gasifier and dryer system to produce syngas (that will be combusted for process heat) and Class A biosolids. The proposed process will treat solids downstream of the existing anaerobic digester. The gasification process will convert organic solids into syngas and ash residuals. The process will be controlled by a multiclone, venturi wet scrubber, packed bed scrubber, finish burner and plume abatement heat exchanger at the municipal waste facility. The expected increases in facility potential emissions as a result of the changes proposed are: NO_x 8.76 tpy, CO 23.87 tpy, SO_x 9.55 tpy, PM 21.02 tpy, VOC 4.47 tpy and HAPs 2.14 tpy. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 61 Subpart E—National Emission Standards for Mercury. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

36-03195A: Mount Joy Wire Corporation, 1000 East Main Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County.** Application received: September 21, 2023. For the reactivation of the facility's Combined Heat & Power (CHP) generation unit that had been previous idled at the Lancaster Plant. The potential-to-emit for the CHP generation unit after the use of controls is about 14.5 tons per year (tpy) of NO_x, 7.24 tpy of CO, and 5.79 tpy of VOCs. DEP's review of the information submitted by the applicant indicates that the air contamination source when reactivated will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the DEP proposes to issue a plan approval for the proposed reactivation of the source. If, after the project

has been implemented, the DEP determines that the source is reactivated and operating in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into the facility's State-Only Operating Permit in accordance with 25 Pa. Code § 127.450(5).

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

PA-65-01140A: Pennsylvania Turnpike Commission, 2200 North Center Avenue, New Stanton, PA 15672, New Stanton Borough, **Westmoreland County.** Application received: August 22, 2023.

In accordance with 25 Pa. Code §§ 127.44 and 127.45, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval (PA-65-01140A) to Pennsylvania Turnpike Commission (PATC) to authorize installation and operation of an electric generating station rated at 1.242 MW, located at the Western Regional Office (WRO) facility at 2200 N Center Ave, New Stanton, in New Stanton Borough, Westmoreland County, PA 15672. The station includes one (1) natural gas fired Jenbacher JGS 416 engine, rated at 1,721 bhp, VHP Series 5 unit equipped with an oxidation catalyst. The facility will also contain three (3) storage tanks to store lube oil (79-gallon), lube oil daily (265-gallon) and waste lube oil (265-gallon).

In addition to the engine, the PATC will also install a 2.0 MW Solar Array facility to provide electricity to areas of the turnpike and WRO when the sun provides enough energy. The microgrid facility consisting of solar and natural gas generator will generate electricity through the combustion of natural gas in a spark ignition RICE for use at the facility and to provide excess electricity to the electric grid. The engine will be housed in an outside enclosure and will exhaust to the outdoor atmosphere.

Upon authorization of this plan approval the PATC facility's potential to emit will not exceed 5.5 tons VOC, 9.0 tons NO_x, 4.5 tons CO, 0.5 ton SO_x, 0.10 ton PM₁₀, and 6.0 tons HAPs. The PATC facility is subject to the best available technology (BAT). The emission limit restrictions, performance testing, monitoring, recordkeeping, reporting, and work standards practice conditions of the proposed plan approval have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 and 40 CFR Part 60 Subpart JJJJ and 40 CFR Part 63 Subpart ZZZZ.

The Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Plan Approval for this project, a person may contact Jesse Parihar at jparihar@pa.gov or 412.442.4030.

A person may oppose the proposed Plan Approval by filing a written protest with the Department through Jesse Parihar via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront

Drive, Pittsburgh, PA 15222; email to jparihar@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-65-01140A) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication.

PA-63-00549C: Arden Landfill Inc., 200 Rangos Lane, Washington, PA 15301, Chartiers Township, **Washington County**. Application received: May 26, 2020. To adjust the sulfur dioxide emissions limits in the plan approval, incorporation of 40 CFR Part 62, Subpart OOO, and RACT III requirements.

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.

14-00025, Restek Corporation, 110 Benner Circle, Bellefonte, PA 16823, Bellefonte Borough, **Centre County**. Application received: January 19, 2023. To issue a renewal State Only Operating Permit for their Bellefonte facility. The facility has potential emissions of 1.77 TPY of CO; 2.10 TPY of NO_x; 0.02 TPY of SO_x; 0.16 TPY of PM/PM₁₀; 5.29 TPY of VOCs; and 5.29 TPY hazardous air pollutants. 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. 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.

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

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

40-00048, H & K Group, Inc., P.O. Box 196, 2052 Lucon Rd, Skippack, PA 19474, Lehman Township, **Luzerne County**. Application received: October 20, 2023. The Department intends to issue a renewal State-Only Operating Permit for the operation of sources at their rock crushing facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

45-00030, United Envelope Holdings, LLC, P.O. Box 37, Mount Pocono, PA 18344, Coolbaugh Township, **Monroe County**. Application received: November 3, 2023. The

Department intends to issue a renewal State-Only Operating Permit for the operation of sources at their envelope manufacturing facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

48-00062, H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, Lower Mount Bethel Township, **Northampton County**. Application received: October 20, 2023. The Department intends to issue a renewal State-Only Operating Permit for the operation of sources at their rock crushing facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

52-00002, Eureka Stone Quarry, Inc., P.O. Box 249, Chalfont, PA 18914, Milford Borough, **Pike County**. Application received: October 26, 2023. The Department intends to issue a renewal State-Only Operating Permit for the operation of sources at their rock crushing facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00104, Brdaric Excavating, Inc., 500 Main Street, Swoyersville, PA 18704-1254, Kingston Township, **Luzerne County**. Application received: November 8, 2023. The Department intends to issue a renewal State-Only Operating Permit for their CI engines, jaw crusher, cone crusher, triple deck screen, double deck screen, and conveyors. This also includes a CO oxidation catalyst and crusher, cone crusher, triple deck screen, chieftain, and conveyor water sprays used as a control device(s). The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00025, Energy Transfer Mkt & Term LP, 60 South Wyoming Ave, Edwardsville, PA 18704-3102, Edwardsville Borough, **Luzerne County**. Application received: November 2, 2023. The Department intends to issue a renewal State-Only Operating Permit (synthetic minor) for sources such as their gasoline truck loading rack, distillate fuel truck loading rack, tanks (with internal floating and fixed roofs), pump, valve and flange VOC losses, and an oil/water separator tank (with horizontal fixed roof). This permit also includes their vapor destruction and recovery units. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

39-00022, Energy Transfer Mkt & Term LP, 2480 Main St, Whitehall, PA 18052, Whitehall Township, **Lehigh County**. Application received: November 2, 2023. The Department intends to issue a renewal State-Only Operating Permit (synthetic minor) for sources such as their gasoline truck loading rack, transmix truck loading rack, distillate truck loading rack, tanks (with internal floating and fixed roofs), a tank with 210,000-gallon capacity-Ethanol-GP2, pump, valve and flange VOC losses, and an oil/water separator tank (with horizontal

fixed roof). This permit also includes their vapor destruction and recovery units. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

43-00289, Spang Power Electronics, 5421 Lake St, Sandy Lake, PA 16145, Sandy Lake Township, **Mercer County**. Application received: December 22, 2022. The Department intends to issue the renewal of the State-Only Operating Permit to a facility that manufactures transformers, and industrial power systems and controls. Permitted sources at the facility include two dip tanks for surface coating, each with an oven for curing; chemical potting operations; an emergency generator; and space heaters. The larger dip tank and the associated oven are subject to a combined VOC restriction of 16 tons during any consecutive 12-month period. The two dip tanks are subject to 25 Pa. Code § 129.52 (Surface coating processes) and/or § 129.52d (Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings). The facility is Natural Minor for permitting purposes.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-03189, RH Sheppard Co Inc., 101 Philadelphia Street, Hanover, PA 17331, Hanover Borough, **York County**. Application received: June 26, 2023. To issue an initial State Only Operating Permit for the metal treatment/coating facility. Potential air emissions from the facility are estimated to be 15.75 tpy NO_x, 9.14 tpy CO, 1.84 tpy PM₁₀, 45.38 tpy VOCs, < 1 tpy SO_x and < 1 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for Federal 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines; 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines; 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources; 25 Pa. Code § 129.52—Surface coating processes; 25 Pa. Code § 129.52b—Control of VOC emissions from paper, film and foil surface coating processes; and 25 Pa. Code § 129.63—Degreasing operations.

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

06-03097, Kore Mart, Limited, 7 Hill Drive, Hamburg, PA 19526, Tilden Township, **Berks County**. Application received: December 29, 2022. For operation of their foundry mold and core manufacturing facility. The facility's potential emissions are estimated at 13.71 tpy of particulate matter, 0.55 tpy of NO_x, 0.33 tpy of VOC, 0.47 tpy of CO, and 0.03 tpy of 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.

36-05155, Federal Metal Co., 500 N 2nd St., Columbia, PA 17512, Columbia Borough, **Lancaster County**. Application received: July 31, 2023. For operation of a non-ferrous metal processing facility. The facility actual emissions for 2022 are 4.27 tons of CO, 2.19 tons of NO_x, 3.59 tons of PM, 0.01 ton of SO_x, 7.10 tons of VOC, 0.03 ton of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 40 CFR Part 60, Subpart M—Standards of Performance for Secondary Brass and Bronze Production Plants, 40 CFR Part 63, Subpart TTTT—National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

36-05152, Kellogg USA Inc., 2050 State Road, Lancaster, PA 17604, East Hempfield Township, **Lancaster County**. Application received: September 5, 2023. To issue a State Only Operating Permit for the breakfast food processing facility. The estimated actual emissions from the facility in 2022 year are estimated at 28.18 tpy of NO_x, 24.56 tpy of CO, 38.35 tpy of PM₁₀, 0.64 tpy of SO_x, 8.50 tpy of VOC and 0.34 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

15-00161, G and A Clanton, Inc., 350 Lake Rd, Avondale, PA 19311, London Grove Township, **Chester County**. Application received: November 2, 2023. This action is for an initial State Only Operating Permit for an existing portable non-metallic mineral processing plant consisting of crushers, screens, and conveyors powered by diesel engines. The facility, located in London Grove Township, Chester County, is a non-Title V facility. The facility is a source of particulate matter (PM) and based on potential emissions, the facility is classified as a natural minor. A wet suppression system is used to minimize fugitive particulate matter (PM) emissions. Facility-wide emissions of PM are estimated at 2.80 tons per year. The Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within these emission rates and all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (DEP). A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's

newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must also contain a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Applications

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 11130201. NPDES No. PA0269280. Ebensburg Power Company, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, Richland and Paint Townships, **Cambria** and **Somerset Counties**. Permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine affecting 63.6 acres. Receiving stream: Paint Creek, classified for the following use: TSF. Application received: November 28, 2023.

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

Contact: Tracy Norbert, 724-925-5500 or RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 26130102. PA0252344. Valhalla Mining Company, LLC, 170 Yasenosky Road, Smithfield, PA 15478, Dunbar Township, **Fayette County**. Renewal application for reclamation only to an existing bituminous surface mine site, affecting 61.6 acres. Receiving streams: Unnamed tributaries to Gist Run. Application received: December 1, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54980102. Blaschak Anthracite Corp., P.O. Box 12, Mahanoy City, PA 17948, Blythe Township, **Schuylkill County**. Transfer and renewal of an anthracite surface mine operation affecting 144.6 acres. Receiving stream: Silver Creek, classified for the following uses: CWF, MF. Application received: November 30, 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.

Table 2

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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

Mining Permit No. 7574SM1. NPDES No. PA05934300. Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, Silver Spring Township, **Cumberland County**. NPDES Renewal on a Large Noncoal Industrial Mineral permit. Permit acres are 153.09 acres. Receiving streams: Conodoguinet Creek, classified for the following uses: WWF. Application received: November 28, 2023.

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

Contact: Tracy Norbert, 724-925-5500 or RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 03142001. Holcim-MAR, Inc., 6401 Golden Triangle Drive, Suite 400, Greenbelt, MD 20770-3202, South Bend Township, **Armstrong County**. Revision to water handling plan at an existing underground noncoal mine, affecting 101.2 surface acres and 161.5 underground acres. Receiving streams: unnamed tributary "A" to Crooked Creek, Crooked Creek to Allegheny River; classified for the following use: WWF. Application received: December 4, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 5278SM4. Pocono Sand & Stone, LLC, 540 South Sterling Road, South Sterling, PA 18460, Greene Township, **Pike County**. Correction to a quarry operation to include mine reclamation fill for reclamation affecting 67.0 acres. Receiving stream: Wallenpaupack Creek, classified for the following uses: HQ—CWF, MF. Application received: November 16, 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. PA0236195. Mining Permit No. 30121301. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township, **Greene County**. Application received: May 18, 2023. Accepted: July 5, 2023.

A revision to the permit and related NPDES permit for installation of bleeder facility and one (1) new NPDES discharge point, affecting 437.75 surface acres and 19,762.0 underground acres. Receiving stream(s): Unnamed Tributary to Browns Creek, classified for the following use: HQ-WWF. Monongahela River Watershed TMDL. Application received: May 18, 2023. Application accepted: July 5, 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 proposed effluent limits for Outfall 007 discharging to UNT to Browns Creek 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.

NPDES No. PA0236195. Mining Permit No. 30121301. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township, **Greene County**. Application received: July 6, 2022. Accepted: September 7, 2022.

A revision to the permit and related NPDES permit for the installation of an airshaft and two (2) new NPDES discharge points affecting 455.35 surface acres and 11,904.0 underground acres. Receiving stream(s): Unnamed Tributary 40691 to Grays Fork, classified for the following use: HQ-WWF. Monongahela River Watershed TMDL. Application received: July 6, 2022. Application accepted: September 7, 2022.

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

The proposed effluent limits for Outfall 005 discharging to UNT 40691 to Grays Fork 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 proposed effluent limits for Outfall 006 discharging to UNT 40691 to Grays Fork 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.

NPDES No. PA0235610. Mining Permit No. 30031301. Dana Mining Company of PA, LLC, 966 Crafts Run Road, Maidsville, WV 26541, Dunkard, Perry and Whiteley Townships, **Greene County**. Application received: October 28, 2019. Accepted: October 28, 2019.

A renewal to the NPDES permit, affecting 84.1 surface acres and 6,658.6 underground acres. Receiving stream(s): Dunkard Creek, Unnamed Tributary of Meadow Run and Watkins Run, classified for the following use: WWF. Dunkard Creek TMDL. Application received: October 28, 2019. Application accepted: October 28, 2019.

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 001 discharging to Dunkard Creek 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)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	0.75
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	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 003 discharging to Unnamed Tributary to Meadow 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)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	0.75
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	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 005 discharging to Watkins 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)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	1.71	3.43	3.43
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	-	-	-
Osmotic Pressure	(mOs/kg)	-	131	262	328
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

NPDES No. PA0214469. Mining Permit No. 56831602. Reitz Coal Company, LLC, 509 15th Street, Windber, PA 15963, Shade Township, **Somerset County**. Application received: June 19, 2017. Accepted: January 19, 2018.

A renewal to the NPDES permit, affecting 3.9 surface acres. Receiving stream(s): Dark Shade Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. Application received: June 19, 2017. Application accepted: January 19, 2018.

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 001 discharging to Dark Shade Creek 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)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
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	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	100	100
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Specific Conductance	(umho)	-	-	-	Report

The EPA Waiver is not in effect.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2.

NPDES No. PA0270059. Mining Permit No. 17230101. RES Coal LLC, 51 Airport Road, Clearfield, PA 16830, Chest Township, Ferguson Township, and Jordan Township, **Clearfield County**. Application received: October 10, 2023.

New NPDES permit for discharge of water resulting from Bituminous Coal Surface Mining permit affecting 438 acres. Receiving stream(s): tributaries to/and Wilson Run and North Witmer Run, classified for the following use(s): CWF. North Witmer Run is included in the Clearfield Creek Watershed TMDL. Wilson Run and its tributaries are included in the Chest Creek TMDL.

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

The following outfalls discharge to Wilson Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	New	Treatment Pond	Intermittent (Pumped)
004	New	Sediment Pond	Precipitation Induced
005	New	Sediment Pond	Precipitation Induced
006	New	Sediment Pond	Precipitation Induced

The following outfalls discharge to an unnamed tributary to Wilson Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	New	Treatment Pond	Intermittent (Pumped)
003	New	Treatment Pond	Intermittent (Pumped)
007	New	Sediment Pond	Precipitation Induced
008	New	Sediment Pond	Precipitation Induced
009	New	Sediment Pond	Precipitation Induced
010	New	Sediment Pond	Precipitation Induced

The following outfall discharges to North Witmer Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
011	New	Sediment Pond	Precipitation Induced

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

<i>Outfalls: 001—003 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

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

<i>Outfalls: 004—006 (Discharges during Dry Weather)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 004—006</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>(Discharges after ≤10-yr/24-hr Precip. Event)</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
<i>Parameter</i>			
Iron (mg/L)	N/A	N/A	7.0
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Outfalls: 004—006
(Discharges after >10-yr/24-hr Precip. Event)
 pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
 Alkalinity must exceed acidity at all times.

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

<i>Outfalls: 007 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	3.2	6.4	8.0
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	

<i>Outfalls: 007 (All Discharges)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

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

<i>Outfalls: 008—010 (All Discharges)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.6	5.2	6.5
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

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

<i>Outfalls: 011 (All Discharges)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	1.4	2.8	3.5
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Noncoal NPDES Draft 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.

PA0259454. Mining Permit No. 20910303. Don & Randy Ferris, Inc., 23733 Mackey Hill Road, Cambridge Springs, PA 16403, Rockdale Township, **Crawford County**. Renewal of an NPDES permit. Application received: October 10, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0224855. Mining Permit No. 58100302. William M. Ruark, P.O. Box 127, Meshoppen, PA 18630, Dimock Township, **Susquehanna County**. Application received: June 23, 2023.

Renew NPDES permit affecting 64.4 acres. Receiving stream: UNT to Elk Lake, classified for the following uses: CWF, MF.

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

The following treated wastewater outfalls discharge to UNT to Elk Lake:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate:</i>
001	Existing	Treatment Facility Outfall	0.30 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant</i> <i>Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Discharge (MGD)		0.30	0.70	
Total Iron (mg/L)		3.0	6.0	7.0
Total Manganese (mg/L)		2.0	4.0	5.0
Total Dissolved Solids (mg/L)			Monitor And Report	
Sulfates (mg/L)			Monitor And Report	
Chloride (mg/L)			Monitor And Report	

ⁱThis Parameter is applicable at all times.

NPDES Permit No. PA0226033. Mining Permit No. 52970301 & 5278SM4. Pocono Sand & Stone, LLC, P.O. Box 540, Newfoundland, PA 18445, Greene Township, Pike County. Application received: June 20, 2023.

Transfer of NPDES permit affecting 172.56 acres. Receiving stream: Wallenpaupack Creek, classified for the following uses: HQ-CWF, MF.

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

The following treated wastewater outfalls discharge to Wallenpaupack Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate:</i>
001	Existing	Stormwater	Variable

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Total Settleable Solids (ml/L)				0.5
Turbidity (NTU)				40.0

ⁱThis Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at

(800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

Contact: Jake Carson, Project Manager, 570-327-3565.

E1404123-003. PA DOT Engineering District 3-0, 70 PennDot Drive, Clearfield, PA 16830, Boggs Township, Marion Twp and Spring Twp, Centre County. U.S. Army Corps of Engineers Baltimore District. Application received: July 27, 2023.

PA DOT propose a new high-speed interchange between SR-80 and I-99 at the existing SR 0026 Bellefonte on and off ramp location. The new high-speed interchange will include relocation of SR 0026, four high-speed ramps. Two ramps will be flyover type over SR 80. The project includes new bridges for the interchange, rehabilitation of existing box culverts and extensions of existing pipes. Three retaining walls will be constructed between SR 80 and Nittany Creek to avoid cutting into potentially acid bearing rock. The project will temporarily impact approximately 1.07 acres and permanently impact approximately 6.5 acres of jurisdictional wetlands. The project will

temporarily impact approximately 1.09 acres and permanently impact approximately 1.02 acres of stream. The project will temporarily impact approximately 5.78 acres and permanently impact approximately 31.89 acres of floodway. The project stream and wetland impacts will be mitigated through mitigation banking agreement. The Unnamed Tributaries to Nittany Creek and Nittany Creek are designated as High-Quality Cold Water Fisheries by 25 Pa. Code Chapter 93 Water Quality Standards and a Wild Trout Stream by PA Fish and Boat Commission. Latitude: 40° 56' 42", Longitude: -77° 43' 21".

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.

E5202223-002. Lucy Stewart, P.O. Box 565, Millrift, PA 18349, Shohola Township, **Pike County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 20, 2023.

To construct and maintain a driveway crossing of Sap Brook (HQ-CWF) and adjacent wetlands consisting of a 20.0-foot long precast concrete box culvert having a 6.0-foot span and a 4.5-foot underclearance with concrete headwalls and wingwalls. The project includes 0.01-acre impact to PEM/PSS EV wetlands. The project is located approximately 500 feet West of the intersection of Woodtown Road and Smokey Joe Wood Road in Shohola Twp., Pike County (Shohola, PA Quadrangle, Latitude: 41.406253, Longitude: -74.893280).

E4802223-009. Kay Mitman, LLC, 5930 Hamilton Blvd., Suite 101, Allentown, PA 18106, Forks Township, **Northampton County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 17, 2023.

To construct and maintain an outfall structure in the floodway of Bushkill Creek (HQ-CWF, MF) consisting of a 36-inch HDPE pipe with a concrete headwall and rip rap apron. The project is located on the left of Bushkill Drive approximately 1.7 miles west after the intersection with Detrich Road (SR-690) (Easton, PA Quadrangle Latitude: 40° 42' 18", Longitude: -75° 14' 27") in Forks Township, Northampton County. Latitude: 40° 42' 18", Longitude: -75° 14' 27".

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E4306223-004. Jackson Center Solar LLC, 110 Edison Place, Suite 312, Newark, NJ 07102, Jackson Township, **Mercer County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: October 12, 2023.

To permanently impact 0.04 acre of wetland (PEM) and temporarily impact 4.54 acres of wetland (PEM) for construction of a solar electric generation facility located on Henderson Road approximately 0.85 mile east of the intersection of SR 62 and Henderson Road. Latitude: 41.285185°, Longitude: -80.108727°.

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

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

EA4601223-003, WV4601223-004. Lower Merion Township, 75 East Lancaster Avenue, Ardmore, PA 19003, Lower Merion Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 2, 2023.

Lower Merion Township is proposing to restore the banks of the existing stream along Glanraffan Creek (WWF). The work includes, but is not limited to, erosion and sediment control measures, protecting the mature tree canopy, excavation and regrading areas to create a vegetated food plain bench where possible, expand the vegetated riparian buffer where possible, armor the toe of the bank with coir logs (biodegradable fiber rolls), installation of rifles to help remove fine sediments and oxygenate the stream, new plantings using low-maintenance, native species to stabilize the grounds, and placement of boulders to protect existing sanitary sewer. The project limit starts along the Glanraffan Creek near 1500 Centennial Road to the exiting culvert at Mary Water Ford Road near the intersection of Centennial Road and Woodbine Avenue (Germantown, PA USGS) in Lower Merion Township, Montgomery County. Latitude: 40.029845°, Longitude: -75.240338°.

ENVIRONMENTAL ASSESSMENTS

Wilkes-Barre District Mining Office: Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18701, 570-826-2371.

Contact: Kim Snyder, P.E., Environmental Program Manager.

EA54-2-23-001. Bureau of Abandoned Mine Reclamation, 2 Public Square, Wilkes-Barre, PA 18701, Kline Township, **Schuylkill County**, Hazle Township, **Schuylkill County**. U.S. Army Corps of Engineers Baltimore District. Application received: November 29, 2023.

The applicant proposes to backfill and reclaim 211 acres of abandoned surface mined land. The project will also fill in 0.23 acre of wetland and 1.08 acres of open water. Also, reconstruct 6,520 feet of perennial stream channel (Conyngham Quadrangle 40.90813° N, -76.01795° W) Latitude: 40.90813° N, Longitude: -76.01795° W.

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.

D22-126EA. Anthea Stebbins, Dauphin County Commissioners, Parks and Recreation, 2 South Second Street, Harrisburg, PA 17101, Middle Paxton Township, **Dauphin County**. Applicant proposes to remove the Detweiler Park Dam to eliminate a threat to public safety and to restore approximately 350 feet of stream channel to a free-flowing condition. The proposed restoration project includes installation of valley grade control and cross vanes. The project is located across a tributary to Clark Creek (HQ-CWF, MF) (Halifax, PA Quadrangle, Latitude: 40.3915, Longitude: -76.9377), Latitude: 40.3915°, Longitude: -76.9377°. Application received: November 22, 2023.

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, Dep’t of Env’tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep’t. of Env’tl. Prot.*, 1577 C.D. 2019 WL 2420667

(Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA630006D	Chapter 102 Individual NPDES Permit	Issued	Peoples Natural Gas Co. LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212-5866	Somerset Township Washington County	SWRO
PAD060071	Chapter 102 Individual NPDES Permit	Issued	Melissa and James Gerhardt 36 Timothy Drive Mertztown, PA 19539-9617	Longswamp Township Berks County	SCRO
PAD070032	Chapter 102 Individual NPDES Permit	Issued	Terry L Long Excav Inc. 132 Dirt Pushing Drive Martinsburg, PA 16662-8153	North Woodbury Township Blair County	SCRO
PAD090092	Chapter 102 Individual NPDES Permit	Issued	Quakertown Borough Bucks County 35 N Third Street Quakertown, PA 18951	Richland Township Bucks County	SERO
PAD150127	Chapter 102 Individual NPDES Permit	Issued	Immaculata University 1145 W King Road Immaculata, PA 19345	East Whiteland Township Chester County	SERO
PAD150258	Chapter 102 Individual NPDES Permit	Issued	Bentley Rene 100 Morningside Drive Elverson, PA 19520	West Brandywine Township Chester County	SERO
PAD150295	Chapter 102 Individual NPDES Permit	Issued	Dr Horton Inc. 2060 Detwiler Road Suite 103 Harleysville, PA 19438-2934	West Caln Township Chester County	SERO
PAD150297	Chapter 102 Individual NPDES Permit	Issued	Scenic Valley Bldr LLC 5259 Diem Road New Holland, PA 17557-9577	West Brandywine Township Chester County	SERO
PAD210099	Chapter 102 Individual NPDES Permit	Issued	DE & JB Lutz P.O. Box 810 Carlisle, PA 17013-0810	Middlesex Township Cumberland County	SCRO
PAD230073	Chapter 102 Individual NPDES Permit	Issued	MB Homebuilders 530 Old Forge Road Media, PA 19063-5513	Middletown Township Delaware County	SERO
PAD420011	Chapter 102 Individual NPDES Permit	Issued	PA American Water Co. 203 Sycamore Street Punxsutawney, PA 15767	Kane Borough McKean County	NWRO
PAD450072	Chapter 102 Individual NPDES Permit	Issued	Schuchman Ken P.O. Box 404 Marshalls Creek, PA 18335-0404	Smithfield Township Monroe County	NERO
PAD480194	Chapter 102 Individual NPDES Permit	Issued	One More Tumble Creek LLC 4511 Falmer Drive Bethlehem, PA 18020-9796	Williams Township Northampton County	NERO
PA0013021	Industrial Stormwater Individual NPDES Permit	Issued	PQ LLC 1201 W Front Street Chester, PA 19013-3436	Chester City Delaware County	SERO
PA0233391	Industrial Stormwater Individual NPDES Permit	Issued	Patterson Lumber Co. Inc. 101 West Avenue Wellsboro, PA 16901-1358	West Branch Township Potter County	NCRO
PA0294209	Industrial Stormwater Individual NPDES Permit	Issued	DHL Supply Chain 954 Centerville Road Newville, PA 17241-9586	Penn Township Cumberland County	SCRO

<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>
PA0294209	Industrial Stormwater Individual NPDES Permit	Issued	Unilever Distribution Center 954 Centerville Road Newville, PA 17241-9586	Penn Township Cumberland County	SCRO
PA0294209	Industrial Stormwater Individual NPDES Permit	Issued	Unilever Distribution Center 954 Centerville Road Newville, PA 17241-9586	Penn Township Cumberland County	SCRO
2613800	Joint DEP/PFBC Pesticides Permit	Issued	Nemacolin Woodlands Inc. 1001 Lafayette Drive Farmington, PA 15437-9754	Wharton Township Fayette County	SWRO
1506407	Land Application and Reuse of Sewage Individual WQM Permit	Issued	East Brandywine Township Municipal Authority 1214 Horseshoe Pike Downingtown, PA 19335-1132	East Brandywine Township Chester County	SERO
PAI133541	MS4 Individual NPDES Permit	Issued	Brecknock Township 1026 Dry Tavern Road Denver, PA 17517-9741	Brecknock Township Lancaster County	SCRO
2013201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Apple Shamrock Dairy Farms LLC 32821 Guys Mills Road Townville, PA 16360-3009	Steuben Township Crawford County	NWRO
3612202	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Star Rock Farms LLC 175 Chestnut Grove Road Conestoga, PA 17516-9317	Manor Township Lancaster County	SCRO
PA0046019	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Pilot Travel Center LLC 5508 Lonas Drive Knoxville, TN 37909-3221	South Huntingdon Township Westmoreland County	SWRO
PA0265110	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Stoneboro Borough 59 Lake Street P.O. Box 337 Stoneboro, PA 16153-9807	Stoneboro Borough Mercer County	NWRO
PA0034380	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Quadland Corp 7041 Truck World Boulevard Hubbard, OH 44425-3254	Scrubgrass Township Venango County	NWRO
PA0039233	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Blair Enterprises LLC 5639 Emlenton Clintonville Road Emlenton, PA 16373-6813	Cranberry Township Venango County	NWRO
PA0080284	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	New Oxford MHC LLC 524 Meadow Avenue Loop Banner Elk, NC 28604	Mount Pleasant Township Adams County	SCRO
PA0081221	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Shover Inv Group LLC 225 Pink Hill Road Landisburg, PA 17040	Miller Township Perry County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0083569	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Riverview Homeowners Association 656 Excavating Drive Roaring Spring, PA 16673-8538	West Providence Township Bedford County	SCRO
PA0093378	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Assoc Ceramics & Tech Inc. 400 N Pike Road Sarver, PA 16055-1109	Winfield Township Butler County	NWRO
PA0093718	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Karns City Area School District 1446 Kittanning Pike Karns City, PA 16041-1818	Sugarcreek Township Armstrong County	NWRO
PA0045004	Minor Sewage Facility ≥ 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Lake Meade Municipal Authority 59 Curtis Drive East Berlin, PA 17316-9220	Reading Township Adams County	SCRO
PA0209996	Minor Sewage Facility ≥ 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Salvation Army 700 North Bell Avenue P.O. Box 742 Carnegie, PA 15106	Wayne Township Lawrence County	NWRO
PA0218103	Minor Sewage Facility ≥ 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Worthington W Franklin Joint Municipal Authority 102 West Main Street Worthington, PA 16262	West Franklin Township Armstrong County	NWRO
1793411	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Country Place MHC P.O. Box 275 Lake Hiawatha, NJ 07034-0275	Sandy Township Clearfield County	NCRO
367S016	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Blair Enterprises LLC 5639 Emlenton Clintonville Road Emlenton, PA 16373-6813	Cranberry Township Venango County	NWRO
NOEX07802	No Exposure Certification	Issued	Westrock Hazleton 33 N Powell Drive Hazleton, PA 18201-7360	Hazleton City Luzerne County	NERO
NOEXNW072	No Exposure Certification	Issued	Lord Corp 124 Grant Street Cambridge Springs, PA 16403-1014	Cambridge Springs Borough Crawford County	NWRO
NOEXNW081	No Exposure Certification	Issued	Essentra Plastics LLC d/b/a Essentra Components 3123 Station Road Erie, PA 16510-6501	Erie City Erie County	NWRO
NOEXSC289	No Exposure Certification	Denied	DHL Supply Chain 954 Centerville Road Newville, PA 17241-9586	Penn Township Cumberland County	SCRO
NOEXSC316	No Exposure Certification	Issued	Bedford Reinforced Plastics Inc. 2 Corporate Drive Bedford, PA 15522-7946	Bedford Township Bedford County	SCRO

<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>
NOEXSC333	No Exposure Certification	Issued	Hershey Co. 19 East Chocolate Avenue Hershey, PA 17033-0819	Derry Township Dauphin County	SCRO
NOEXSE310	No Exposure Certification	Issued	CP Flexible Packaging 181 Rittenhouse Circle Bristol, PA 19007-1617	Bristol Township Bucks County	SERO
NOEXSE358	No Exposure Certification	Issued	DMR Graphics Inc. 6 Union Hill Road # B Conshohocken, PA 19428	West Conshohocken Borough Montgomery County	SERO
NOEXSW239	No Exposure Certification	Issued	Versatex Bldg Products LLC 400 Steel Street Aliquippa, PA 15001-5420	Aliquippa City Beaver County	SWRO
NOEXSW246	No Exposure Certification	Issued	Wilbert Funeral Service Inc. 1029 McCartney Street Pittsburgh, PA 15220-5406	Pittsburgh City Allegheny County	SWRO
PAG030043	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Consolidated Rail Corp 330 Fellowship Road Mt. Laurel, NJ 08054	Trainer Borough Delaware County	SERO
PAG030044	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Consolidated Rail Corp 330 Fellowship Road Mt. Laurel, NJ 08054	Philadelphia City Philadelphia County	SERO
PAG030046	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Consolidated Rail Corp 330 Fellowship Road Mt. Laurel, NJ 08054	Philadelphia City Philadelphia County	SERO
PAG030135	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Milton Roy LLC 201 Ivyland Road Warminster, PA 18974-1706	Ivyland Borough Bucks County	SERO
PAG030194	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Silgan Plastics Corp 121 Wheeler Court Langhorne, PA 19047-1701	Middletown Township Bucks County	SERO
PAG030204	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lehigh Valley Dairy Farms 880 Allentown Road Lansdale, PA 19446	Upper Gwynedd Township Montgomery County	SERO
PAG030212	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Metallurgical Products Co. 810 Lincoln Avenue West Chester, PA 19380	West Goshen Township Chester County	SERO
PAG030229	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Oldcastle Infrastructure 200 Keystone Drive Telford, PA 18969	West Rockhill Township Bucks County	SERO
PAG030232	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Total Distr Service Inc. 301 West Bay Street J980 Jacksonville, FL 32202	Upper Chichester Township Delaware County	SERO
PAG030234	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	BFI Waste Service of PA LLC 1 Briar Drive West Grove, PA 19390-9455	Penn Township Chester County	SERO
PAG030243	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Simsmetal East LLC 300 South Steel Road Morrisville, PA 19067	South Coatesville Borough Chester County	SERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG030248	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Republic Service of PA LLC 4100 Church Road Mount Laurel, NJ 08054-2221	Philadelphia City Philadelphia County	SERO
PAG030267	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Americold Logistics LLC 2525 Bergey Road Hatfield, PA 19440-1703	Hatfield Township Montgomery County	SERO
PAG032361	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Johns Manville Corp 600 Jaycee Drive Hazle Township, PA 18202-1154	Hazle Township Luzerne County	NERO
PAG033511	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Greiner Ind Inc. 1650 Steel Way Mount Joy, PA 17552-9515	Mount Joy Township Lancaster County	SCRO
PAG033536	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Zeager Bros Inc. 4000 E Harrisburg Pike Middletown, PA 17057-4651	Londonderry Township Dauphin County	SCRO
PAG033549	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Tait Towers Manu LLC 401 W Lincoln Avenue Lititz, PA 17543-8701	Lititz Borough Lancaster County	SCRO
PAG033573	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: Amazon Com NA Env Dept Seattle, WA 98108-0842	Fairview Township York County	SCRO
PAG033580	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Monarch Products Co. Inc. 385 Sipe Road York Haven, PA 17370-9219	Conewago Township York County	SCRO
PAG033602	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	BWI 299 Mulberry Drive Mechanicsburg, PA 17050	Mechanicsburg Borough Cumberland County	SCRO
PAG033625	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Moses B Glick LLC 58 Hartz Road Fleetwood, PA 19522	Alsace Township Berks County	SCRO
PAG033645	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	GVM Inc. 374 Heidlersburg Road P.O. Box 358 Biglerville, PA 17307-9256	Butler Township Adams County	SCRO
PAG033692	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	The Shyft Group USA Inc. 601 Stony Battery Road Landisville, PA 17538-1401	Manor Township Lancaster County	SCRO
PAG033702	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	G & R Excav & Demolition Inc. 900 Pennsylvania Avenue Tyrone, PA 16686-1512	Snyder Township Blair County	SCRO
PAG033753	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ward Trucking LLC P.O. Box 1553 Altoona, PA 16603-1553	Lower Allen Township Cumberland County	SCRO
PAG033775	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	E & H Recycling Co. Inc. P.O. Box 1630 Zephyrhills, FL 33539-1630	York City York County	SCRO

<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>
PAG033794	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lancaster County SWMA 1299 Harrisburg Avenue Lancaster, PA 17603-2515	Manheim Township Lancaster County	SCRO
PAG033820	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Kabar Products LLC 98 E Main Street Leola, PA 17540-1940	Upper Leacock Township Lancaster County	SCRO
PAG033821	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Pitt Ohio Express LLC 15 27th Street Pittsburgh, PA 15222-4729	Swatara Township Dauphin County	SCRO
PAG033844	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	SKF USA Inc. 20 Industrial Drive Hanover, PA 17331-9531	Penn Township York County	SCRO
PAG033846	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hershey Co. 925 Reese Avenue Hershey, PA 17033-2271	Derry Township Dauphin County	SCRO
PAG033849	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	IWM International LLC 500 E Middle Street Hanover, PA 17331-2027	Spring Garden Township York County	SCRO
PAG033854	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	IWM International LLC 500 E Middle Street Hanover, PA 17331-2027	Hanover Borough York County	SCRO
PAG033877	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	JLG Ind Inc. 1 JLG Drive McConnellsburg, PA 17233	Antrim Township Franklin County	SCRO
PAG033884	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Simsmetal East LLC 300 South Steel Road Morrisville, PA 19067	Windsor Township York County	SCRO
PAG033886	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lancaster County SWMA 1299 Harrisburg Avenue Lancaster, PA 17603-2515	Harrisburg City Dauphin County	SCRO
PAG033913	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Simsmetal East LLC 1 Linden Avenue Jersey City, NJ 07305	Lower Windsor Township York County	SCRO
PAG033960	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lancaster County SWMA 1299 Harrisburg Avenue Lancaster, PA 17603-2515	Manor Township Lancaster County	SCRO
PAG034866	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Falcon Flowback LLC 1635 Se 29th Street Oklahoma City, OK 73129-7619	Asylum Township Bradford County	NCRO
PAG034876	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cameron International Corp 5386 US Route 220 Hughesville, PA 17737-8903	Hughesville Borough Lycoming County	NCRO
PAG034966	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Keystone Filler & Manufacturing Co. 214 Railroad Street Muncy, PA 17756-1422	Muncy Creek Township Lycoming County	NCRO

NOTICES

7785

<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>
PAG034968	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	H Rockwell & Son P.O. Box 197 Canton, PA 17724-0197	Canton Borough Bradford County	NCRO
PAG034974	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Glenn O Hawbaker Inc. 711 E College Avenue Pleasant Gap, PA 16823-6854	Patton Township Centre County	NCRO
PAG036136	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Giant Eagle Inc. 101 Kappa Drive Pittsburgh, PA 15238-2809	Pittsburgh City Allegheny County	SWRO
PAG036141	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Giant Eagle Inc. 101 Kappa Drive Pittsburgh, PA 15238-2809	Pittsburgh City Allegheny County	SWRO
PAG036227	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Dyno Nobel Inc. 1320 Galiffa Drive Donora, PA 15033	Donora Borough Washington County	SWRO
PAG036447	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	First Student Inc. 110 Perimter Prk Suite E Knoxville, TN 37922-2200	Ellwood City Borough Beaver County	SWRO
PAG036451	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	M T S Truck Repair 5 Main Street P.O. Box 78 Smithfield, PA 15478-8942	Smithfield Borough Fayette County	SWRO
PAG038568	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lipinski Logging & Lumber Inc. 1026 Industrial Park Titusville, PA 16354-1010	Titusville City Crawford County	NWRO
PAG053607	PAG-05 NPDES General Permit for Groundwater Cleanup	Issued	522 Park Pit Stop LLC 29459 Great Cove Road Fort Littleton, PA 17223-9637	Dublin Township Fulton County	SCRO
PAG053608	PAG-05 NPDES General Permit for Groundwater Cleanup	Issued	Mallows Service Center Inc. 311 E 25th Avenue Altoona, PA 16601-4027	Altoona City Blair County	SCRO
4623403	Pump Stations Individual WQM Permit	Issued	Breyer Master Association 8360 Old York Road Elkins Park, PA 19027-1576	Cheltenham Township Montgomery County	SERO
PA0238741	Single Residence STP Individual NPDES Permit	Issued	Neff Don W 111 Beach Road Chicora, PA 16025-4101	Concord Township Butler County	NWRO
PA0261611	Single Residence STP Individual NPDES Permit	Issued	Plank Robert E 477 Herrs Ridge Road Gettysburg, PA 17325-8821	Cumberland Township Adams County	SCRO
PA0266792	Single Residence STP Individual NPDES Permit	Issued	Alexandra Creany and Richard Davis 179 Atlas Drive Hollidaysburg, PA 16648	Frankstown Township Blair County	SCRO
PA0266825	Single Residence STP Individual NPDES Permit	Issued	Broad Top Township Bedford County 124 Hitchens Road P.O. Box 57 Defiance, PA 16633-9002	Broad Top Township Bedford County	SCRO

<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>
PA0052451	Small Flow Treatment Facility Individual NPDES Permit	Issued	Landenberg Living LP 1200 E High Street 202 Pottstown, PA 19464-4954	New Garden 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>
PAC390208	PAG-02 General Permit	Issued	Washington Prime Group Jordin Horan 180 East Broad Street Columbus, OH 43215	Whitehall Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104-5728 610-391-9583 RA-EPWW-NERO@pa.gov
PAC390207	PAG-02 General Permit	Issued	Valley Wide Homes LLC Keenan Miler 4678 S. Mountain Drive Emmaus, PA 18049	North Whitehall Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104-5728 610-391-9583 RA-EPWW-NERO@pa.gov
PAC390205	PAG-02 General Permit	Issued	Greenleaf Fields at Parkland, LLC Phillip Malitsch 4511 Falmer Drive Bethlehem, PA 18020	North Whitehall Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104-5728 610-391-9583 RA-EPWW-NERO@pa.gov
PAC390202	PAG-02 General Permit	Issued	Exeter 1112 American Land, LLC Thomas Allman 5 Radnor Corporate Center 100 Matsonford Rd. St 250 Radnor, PA 19087	Hanover Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104-5728 610-391-9583 RA-EPWW-NERO@pa.gov
PAC390035	PAG-02 General Permit	Issued	Upper Saucon Township Thomas Beil 5500 Camp Meeting Road Center Valley, PA 18034	Upper Saucon Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104-5728 610-391-9583 RA-EPWW-NERO@pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC230098	PAG-02 General Permit	Issued	Redwood—ERC Concord, LLC 701 Maiden Choice Lane Baltimore, MD 21228-5968	Concord Township Delaware County	Delaware County Conservation District 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC350166	PAG-02 General Permit	Issued	Birney 1LP 921 Drinker Turnpike Covington Township, PA 18444	Moosic Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Rd. South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@ pa.gov
PAC150114	PAG-02 General Permit	Issued	Basciani Mushroom Farms 8876 Gap Newport Pike Avondale, PA 19311	New Garden Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150109	PAG-02 General Permit	Issued	Longwood Gardens 1001 Longwood Road Kennett Square, PA 19348	Kennett Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC510277	PAG-02 General Permit	Issued	Mastery Charter Schools 5700 Wayne Avenue Philadelphia, PA 19144	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC230062	PAG-02 General Permit	Issued	Concord Ventures, L.P. 120 W. Germantown Pike Ste. 120 Plymouth Meeting, PA 19462	Concord Township Delaware County	Delaware County Conservation District 1521 N. Providence Road Media, PA 19603 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC400290	PAG-01 General Permit	Issued	Wyoming Valley Sanitary Authority 1000 Wilkes-Barre Street Wilkes-Barre, PA 18703	Wyoming Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov
PAC400286	PAG-02 General Permit	Issued	City of Wilkes-Barre Charles D. McCormick 40 East Market Street Wilkes-Barre, PA 18701	City of Wilkes-Barre Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC390215	PAG-02 General Permit	Issued	Mukesh Patel 3609 Evening Star Terrace Allentown, PA 18104-4547	South Whitehall Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104-5728 610-391-9583 RA-EPWW-NERO@pa.gov
PAC400298	PAG-02 General Permit	Issued	Eagle Rock Community Association Jim Sebia 1 Country Club Drive Hazle Township, PA 18202	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov
PAC100167A1	PAG-02 General Permit	Issued	America First Enterprises LLP 1768 N Main Street Suite 4 Butler, PA 16001	Jackson Township Forward Township Evans City Borough Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC030054	PAG-02 General Permit	Issued	Coral Reef Partners 34 Northeast Drive Hershey, PA 17033	Gilpin Township Armstrong County	Armstrong County Conservation District 120 South Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC090637	PAG-02 General Permit	Issued	Foxlane Homes at Silo Hill, LLC 500 Office Center Drive Suite 200 Fort Washington, PA 19034-3219	Plumstead Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@pa.gov
PAC090004	PAG-01 General Permit	Issued	Triumph Building Group 2324 Second Street Pike Suite 20 Newtown, PA 18940	Wrightstown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@pa.gov
PAC370071	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	Neshannock Township New Castle City Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC140159	PAG-02 General Permit	Issued	Crossman Enterprises, LLC 711 Blanchard Street Bellefonte, PA 16823	Spring Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 814-355-6817

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC410039	PAG-02 General Permit	Issued	Sand Hills Partners LP 10 Alexander Drive Muncy, PA 17756	Loyalsock Township Lycoming County	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 570 433-3003
PAC470042	PAG-02 General Permit	Issued	Danville Hospital OPCO, LLC 6100 Tower Circle Suite 1000 Franklin, TN 37067	Mahoning Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821 570-271-1140
PAC600080	PAG-02 General Permit	Issued	JM Industrial Realty, LLC 17935 Russell Road Allenwood, PA 17810	Gregg Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860
PAC360869	PAG-02 General Permit	Issued	PPL Electric Utilities Corporation 1639 Church Road Allentown, PA 18104	East Donegal Township Rapho Township West Hempfield Township and Columbia Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360876	PAG-02 General Permit	Issued	Lancaster County Redevelopment Authority 28 Penn Square Suite 200 Lancaster, PA 17603	City of Lancaster Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC560082	PAG-02 General Permit	Issued	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	Brothersvalley Township Somerset County	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652
PAC630291	PAG-02 General Permit	Issued	West Penn Power (A First Energy Company) 1500 Pennsylvania West Avenue Warren, PA 16365	South Strabane Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC560083	PAG-02 General Permit	Issued	Peoples Natural Gas Company LLC 3115 Elton Road Johnstown, PA 15904	Jenner Township Lincoln Township Somerset County	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652
PAC400278	PAG-02 General Permit	Issued	NEPA 424 Building, LLC Jon Fisher 5050 W. Tilghman Street Suite 435 Allentown, PA 18104	City of Hazleton Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov
PAC400283	PAG-02 General Permit	Issued	Edgewood at Sand Springs, LLC Phillip Malitsch 4511 Falmer Drive Bethlehem, PA 18020	Butler Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC400284	PAG-02 General Permit	Issued	Wyoming Valley Sanitary Authority Jeff Colella P.O. Box 33A Wilkes-Barre, PA 18703-1333	Forty Fort Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at 717-787-3483 for more information.

NUTRIENT MANAGEMENT PLAN CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Kim Schlappich 1345 Main St Mohrsville, PA 19541	Berks County	9.2	89.19	Ducks	NA	Approved
Jeff Rohrer 165 Phillips Ln Mohrsville, PA 19541	Berks County	40.9	1,396.07	Swine Poultry	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. 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).

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

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

Operation Permit No. 0521508 MA, Public Water Supply.

Applicant	Evitts Creek Water Company
Address	57 North Liberty Street Cumberland, MD 21502
Municipality	Cumberland Valley Township
County	Bedford County
Consulting Engineer	CDM Smith 280 Granite Run Drive Suite 160 Lancaster, PA 17601
Application Received	November 15, 2023
Permit Issued	November 17, 2023
Description	Media replacement and cleaning of the air scour piping in Filters No. 13—18.

Construction/Operation Permit No. 0523504 MA, Public Water Supply.

Applicant	Hyndman Borough
Address	243 Clarence Street Hyndman, PA 15545
Municipality	Londonderry Township
County	Bedford County
Application Received	October 25, 2023
Permit Issued	November 21, 2023
Description	Replacement of the raw, individual filter, and combined filter effluent turbidimeters.

Operation Permit No. 7360988, Public Water Supply.

Applicant	Dutchland Farms, LLC
Address	101 West Harrisburg Avenue Rheems, PA 17570
Municipality	Rapho Township
County	Lancaster County
Application Received	August 24, 2023
Permit Issued	November 30, 2023
Description	Transfer of all public water supply permits for PWS ID 7360988 from Esbenshade, Inc. to Dutchland Farms, LLC

Construction Permit No. 3623539 MA, Public Water Supply.

Applicant	Penn Manor School District
Address	P.O. Box 1001 Millersville, PA 17551

Municipality
County
Consulting Engineer

Application Received
Permit Issued
Description

Contact: Joseph M. Mattucci, Program Manager, 717-705-4708.

Construction Permit No. 3123513 MA, Minor Amendment, Public Water Supply.

Applicant	Dudley Carbon Coalmont Joint MA
Address	P.O. Box 276 Dudley, PA 16634
Municipality	Carbon Township
County	Huntingdon County
Consulting Engineer	Kevin J. Hartman, P.E. GHD 225 Grandview Avenue Suite 403 Camp Hill, PA 17011

Application Received
Permit Issued
Description

Martic Township
Lancaster County
Steckbeck Engineering & Surveying, Inc.
279 North Zinns Mill
Suite A
Lebanon, PA 17042
September 18, 2023
November 30, 2023
Installation of online pH analyzers and alarms.

August 21, 2023
November 21, 2023
Construction Permit for the restoration of the existing 0.10 MG finished water tank.

Operation Permit No. 3060574, Public Water Supply.

Applicant	Rich Maiden Golf Course
Address	234 Rich Maiden Road Fleetwood, PA 19522
Municipality	Maidencreek Township
County	Berks County
Consulting Engineer	Charles Kehew, II, P.E. James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401

Application Received
Permit Issued
Description

October 4, 2023
November 1, 2023
Operation permit for the approval to use the new contact tanks.

Operation Permit No. 3060059, Public Water Supply.

Applicant	Reading Area Water Authority
Address	1801 Kutztown Road Reading, PA 19604
Municipality	Ontelaunee Township
County	Berks County

Consulting Engineer Brian Hassinger, P.E.
SSM, Inc.
1047 N Park Road
Reading, PA 19610

Application Received October 30, 2023

Permit Issued November 1, 2023

Description Comprehensive Operation
Permit for the approval to use
Filter No. 3.

Construction Permit No. 0622517 MA, Minor
Amendment, Public Water Supply.

Applicant **Reading Area Water
Authority**

Address 1801 Kutztown Road
Reading, PA 19604

Municipality Ontelaunee Township

County **Berks County**

Consulting Engineer Brian Hassinger, P.E.
SSM, Inc.
1047 N Park Road
Reading, PA 19610

Application Received July 31, 2023

Permit Issued October 11, 2023

Description Reissued Construction Permit for
the redesign of the filter to waste
backflow prevention.

Operation Permit No. 4310051, Public Water Supply.

Applicant **Emily Estates**

Address 1916 Hileman Road
Tyrone, PA 16686

Municipality Morris Township

County **Huntingdon County**

Consulting Engineer Brian D. Shura P.E.
Stiffler, McGraw and Associates
Inc.
1731 North Juniata Street
Hollidaysburg, PA 16648

Application Received September 29, 2023

Permit Issued October 11, 2023

Description Comprehensive Operation
Permit for the approval to use
the new well pump and softening
system for hardness removal.

Construction Permit No. 0623519 MA, Minor
Amendment, Public Water Supply.

Applicant **Country View MHP**

Address 3426 Faye Drive
Orefield, PA 18069

Municipality Longswamp Township

County **Berks County**

Consulting Engineer Angelica Forndran, PE
Cowan Associates, Inc.
120 Penn-Am Drive
P.O. Box 949
Quakertown, PA 18951

Application Received August 24, 2023

Permit Issued November 30, 2023

Description Construction permit for the
approval to install disinfection
contact piping and partially
buried finished water storage
tanks.

Contact: Joseph Mattucci, Program Manager, 717-705-4931.

Operation Permit No. 6723515 MA, Minor Amend-
ment, Public Water Supply.

Applicant **Dillsburg Area Authority**

Address 98 West Church Street
Dillsburg, PA 17019

Municipality Franklin Township

County **York County**

Consulting Engineer Joel Kostelac, P.E.
225 Grandview Avenue
Camp Hill, PA 17011

Application Received October 25, 2023

Permit Issued November 30, 2023

Description This permit approves the
abandonment of Well No. 1 as a
source of supply for the Dillsburg
Area Authority.

Construction Permit No. 3623538 MA, Minor
Amendment, Public Water Supply.

Applicant **Manheim Area Water and
Sewer Authority**

Address 18 East High Street
Manheim Borough, PA 17545

Municipality Manheim Borough

County **Lancaster County**

Consulting Engineer Jason G. Saylor, P.E.
1230 Peachtree Street, NE
Suite 1100
11th Floor
Atlanta, GA 30309

Application Received September 28, 2023

Permit Issued December 4, 2023

Description Manheim Area Water and Sewer
Authority is a community water
system and this permit gives
permission to install a mixer in
each of its two finished water
storage tanks, Small Tank (one
million gallons) and Big Tank
(two million gallons).

Transfer Permit No. 7500037, Public Water Supply.

Applicant **NJR Group, LLC**

Address 160 South Progress Avenue
Suite 1C
Harrisburg, PA 17109

Municipality Watts Township

County **Perry County**

Consulting Engineer Rani Rammouni
160 S Progress Avenue
Suite 1C
Harrisburg, PA 17109

Application Received October 20, 2023

Permit Issued December 4, 2023
 Description This comprehensive operation permit is for the transfer of ownership of Arbor Manor Apartments from KJS Arbor Manor, LLC to NJR Group, LLC

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 4410011. PWSID No. **4410011.** **Rosedale Investors LLC**, 498 Sierra Lane, State College, PA 16801, Loyalsock Township, **Lycoming County**. Application received: July 18, 2023. Permit Issued: November 30, 2023. The permit has been transferred to Rosedale Investors, LLC from BCS Solutions, LLC.

Operation Permit 4920503. PWSID No. **4490020.** **Herndon Borough Jackson Township Joint Municipal Authority**, P.O. Box 381, Herndon, PA 17830, Herndon Borough, **Northumberland County**. Application received: September 21, 2023. Permit Issued: December 4, 2023. This permit authorizes the operation of the change in chlorination method from gas chlorine to liquid chlorine using sodium hypochlorite solution, consolidation of all chlorine applications to one location, increase of permitted flow of finished water from 30 gpm to 200 gpm, retain the existing permitted corrosion control system but run a 2" HDPE pipe from the entry point to provide finished water for the corrosion control system and SCADA changes to compute the daily max flow through the entry point based on reservoir levels.

Operation Permit 5521503. PWSID No. **4550009.** **Aqua PA Monroe Township**, 204 E Sunbury Street, Shamokin, PA 17872, Monroe Township, **Snyder County**. Application received: November 28, 2023. Permit Issued: December 5, 2023. This permit authorizes the permittee to operate the new Colonial Acres Booster Pumping Station that was constructed to accommodate a new road being placed by PennDot.

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 2823511 MA. PWSID No. **7210043.** **Shippensburg Borough Authority**, 111 North Fayette Street, Shippensburg, PA 17257, Lurgan Township, **Franklin County**. Application received: November 28, 2023. Permit Issued: November 30, 2023. Operation of filter No. 1 and filter No. 2 at the Gunter Valley Water Treatment Plant following replacement of the media and underdrains in both filters.

NCWSA Construction Permit 7380432. PWSID No. **7380432.** **AROD Entities, LLC**, 1720 Mineral Spring Rd, Reading, PA 19602, Jackson Township, **Lebanon County**. Application received: July 31, 2023. Permit Issued: November 30, 2023. This approval is issued for a new transient noncommunity water system located at 291 W. Lincoln Ave., Myerstown, PA 17067. The system will consist of a new groundwater well, pressure tank, cartridge filter, cation exchange softening unit, second cartridge filter, and ultraviolet (UV) light disinfection unit.

NCWSA Operation Permit 7360530. PWSID No. **7360530.** **Linden Coffee, LLC**, 14 N Whisper Ln, New

Holland, PA 17557, Leacock Township, **Lancaster County**. Application received: November 17, 2023. Permit Issued: December 4, 2023. This authorization is for the operation of a new noncommunity water system located at 2916 Old Philadelphia Pike, Bird-In-Hand, PA 17505. Construction of this system was authorized under a previous NCWS approval.

Contact: Thomas Filip, Environmental Engineer, 717-705-4708.

Operation Permit 2222506. PWSID No. **7220036.** **Pennsylvania American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055, Steelton Borough, **Dauphin County**. Application received: November 21, 2023. Permit Issued: November 30, 2023. Installation of a zinc orthophosphate feed system for corrosion control.

Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.

NCWSA Operation Permit 7210864. PWSID No. **7210864.** **Midway Bowling Center**, 1561 Holly Pike, Carlisle, PA 17015, South Middleton Township, **Cumberland County**. Application received: October 24, 2023. Permit Issued: November 30, 2023. Approval to operate for two (2) 80-gallon contact tanks.

Operation Permit 2123511 MA. PWSID No. **7210041.** **Newville Borough Water and Sewer Authority**, 4 West Street, Newville, PA 17241, Newville Borough, **Cumberland County**. Application received: September 21, 2023. Permit Issued: November 30, 2023. Operation permit for combined filter effluent flow weighted average calculation using individual filter effluent turbidimeters.

Operation Permit 3066589. PWSID No. **3066589.** **Crossroads Beverage Group, LLC**, 1055 Crossroads Blvd, Reading, PA 19605, Muhlenberg Township, **Berks County**. Application received: October 12, 2023. Permit Issued: December 4, 2023. Comprehensive operation permit for a 25,000 gallon raw water tank for Pine Valley Spring No. 1.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epswwd@pa.gov.

Construction Permit 1123513. PWSID No. **4110009.** **Ebensburg Municipal Authority**, 300 West High Street, Ebensburg, PA 15931, Jackson Township and Ebensburg Borough, **Cambria County**. Application received: September 13, 2023. Permit Issued: December 1, 2023. Installation of a THM removal system (floating spray nozzle, blower/ventilation system, and submersible tank mixer) and replacement chemical feed system at the Ogden Tank and improvements to the Ebensburg Municipal Authority Water Treatment Plant (meter replacement, check valve installation, etc.).

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

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

Contact: Carrie Wilt, Sewage Planning Specialist II, 717-705-4755.

Plan Location:

Municipality	Address	County
Cumberland Township	1370 Fairfield Road Gettysburg, PA 17325	Adams County

Plan Description:

BR Smith Properties, LLC—Boyd's Bears Tract, A3-01911-340-2/3. Approval of a revision to the official plan of Cumberland Township, **Adams County**. The project is known as BR Smith Properties, LLC—Boyd's Bears Tract. The plan provides for the redevelopment of a 223.55-acres commercial lot containing existing facilities with total proposed sewage flows of 36,600 gpd tributary to a temporary holding tank. The holding tank will be eliminated in December 2025, when sewage flows will be diverted to a proposed on-site wastewater treatment plant. The wastewater treatment plant will be sized for 150,000 gpd in order to accommodate these flows, as well as possible future development, and it will discharge to Marsh Creek (CWF). The proposed development is located at 75 Cunningham Road in Cumberland Township, Adams County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-01911-340-2/3 and the APS ID is 1096241. Permits for the sewage disposal system must be obtained in the name of the property owner.

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.

Shaw (05-272) Well Pad, Primary Facility ID # **863846**, 1750 Gage Road, Lawton, PA 18828, Rush Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Repsol Oil and Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, 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: Chris, 724-598-2206.

Trinity Ind Plt 102 N RR Cars MFG, Primary Facility ID # **731745**, 60 Union Street, Greenville, PA 16125, Greenville Borough, **Mercer County**. WSP USA Inc., 10 Lake Center Drive, Marlton, NJ 08053 on behalf of Trinity Industries Inc., 14221 North Dallas Parkway, Suite 1100, Dallas, TX 75254, submitted a Final Report concerning remediation of soil contaminated with Tetrachloroethene, Trichloroethene, and Vinyl Chloride. The Final Report is intended to document remediation of the site to meet the Statewide health 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.

Epting Tract, Primary Facility ID # **860572**, 24 Loose Lane, Leesport, PA 19533, Leesport Borough and Ontelaunee Township, **Berks County**. Environmental Maintenance Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Metropolitan Development Group, 2001 State Hill Road, Suite 205, Wyomissing, PA 19610, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with Arsenic. The Remedial Investigation Report/Risk Assessment Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific 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.

9345 Andover Road Transformer Oil Spill, Primary Facility ID # **869884**, 9345 Andover Road, Philadelphia, PA 19114, City of Philadelphia, **Philadelphia County**. Chris Zeliznak, PG, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of George Horvat, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Valenza Residence, Primary Facility ID # **870614**, 2314 Muskrat Road, Sellersville, PA 18960, East Rockhill

Township, **Bucks County**. Andrew Markoski, Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464, on behalf of Rachel Magargal, Bucks Run Oil, LLC, 2632 Wassergrass Road, Hellertown, PA 18055, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Inorex Chemical Company, Primary Facility ID # **619750**, 2101 South Swanson Street, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. David Farrington, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of David Newman, NDA Swanson, LLC, 601 Gates Road, Suite 1, Vestal, NY 13850, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with PFAS. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the 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.

M. Abbott Pad 1, Primary Facility ID # **861864**, 524 Williams Pond Road, New Milford, PA 18834, Bridgewater 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 compressor oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: December 1, 2023.

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

Contact: Nick, 814-332-6978.

McElhinny Well Pad Expansion and Tank Pad Project, Primary Facility ID # **868199**, 762 Brownsdale Road, Evans City, PA 16033, Foster Township, **Butler County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of PennEnergy Resources, LLC, 3000 Westinghouse Drive, Suite 300, Cranberry, PA 16066, submitted a Final Report concerning remediation of soil contaminated with Chloride, Aluminum, Barium, Boron, Zinc, Lithium, Manganese, Selenium, Strontium, and Iron. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 30, 2023.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Simms Residence, Primary Facility ID # **820174**, 535 Barts Church Road, Hanover, PA 17331, Union Township, **Adams County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Mr. Doug Simms, 535 Barts Church Road, Hanover, PA 17331, submitted a Remedial Investigation Report/Final Report concerning remediation of soil and groundwater contaminated with VOCs. The Report demonstrated attainment of the Statewide health and site-specific standards. Approved: November 30, 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.

Fairless Landfill Eastern Expansion Area, Primary Facility ID # **867047**, South Port Road, Morrisville, PA 19067, Falls Township, **Bucks County**. Francis T.

Adams, PE, WSP, 10 Lake Center Drive, Suite 205, Marlton, NJ 08053, on behalf of Brian Bolvin, PE, Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067, submitted a Risk Assessment/Remedial Investigation/Final Report concerning remediation of soil contaminated with VOCs, SVOCs, PCBs vanadium and metals. The Final Report demonstrated attainment of the Statewide health and site-specific standards. Approved: November 21, 2023.

355 West Market Street, Primary Facility ID # **867-47**, 355 West Market Street, West Chester, PA 19382, West Chester Borough, **Chester County**. Stephen Huxta, PG, Huxta Environmental, 461 Merlin Road, Phoenixville, PA 19460, on behalf of Gary Toll, 355 West Market Associates, LLC, 120 Pennsylvania Avenue, Malvern, PA 19355, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with metals and PAHs. The Report demonstrated attainment of the site-specific standards. Approved: November 29, 2022.

10 West College Avenue, Primary Facility ID # **854263**, 10 West College Avenue, Yardley, PA 19067, Yardley Borough, **Bucks County**. David Farrington, PG, ARM Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Charles Athey, Yardley Products, LLC, 1 Dixon Square, Chestertown, MD 21260, submitted a Final Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, total xylenes, cumene, MTBE, naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene in soil, and Trichloroethylene, cis-1,2-Dichloroethene, and vinyl chloride in groundwater. The Final Report demonstrated attainment of the Statewide health and site-specific standards. Approved: November 29, 2023.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Waste Management Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Mohamad Mazid, Chief, Technical Services, E-Mail Address: RA-EPWM-SERO-PERMITs@pa.gov.

101680. Waste Management Disposal Services of Pennsylvania, Inc., 100 Brandywine Blvd., Suite 300, Newtown, PA 18940, Falls Township, **Bucks County**. This major permit modification approves several revisions to the Closure/Post-Closure Plan for the GROWS North (GROWS North) Landfill. The GROWS North Landfill is a closed municipal waste landfill located in Falls Township, Bucks County. Application received: February 24, 2023. Issued: November 29, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMITs@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) Usage Authorized Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to Construct, Modify, Reactivate or Operate Air Contamination Sources and Associated Air Cleaning Devices.

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

AP5-41-00006B: Pennsylvania General Energy Co., 120 Market St., Warren, PA 16365, Cummings Township, **Lycoming County**. For the continued operation of six 1,775 bhp Caterpillar model # G3606 LE, natural gas-fired compressor engines, each equipped with a Power-therm catalytic oxidizer; five 268.2 bhp Capstone # C200, natural gas-fired microturbines; one 1.77 MMBtu/hr, natural gas fired gun barrel heater; two 60 MMscfd Frederick Logan Co. TEG dehydration units each equipped with condenser controls and a 2.31 MMBtu/hr natural gas-fired reboiler; seven storage tanks for ethylene glycol, lube oil, waste oil and produced water; various fugitive emissions, pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at the Tract 729 Compressor Station. Application received: November 15, 2023. Issued: December 4, 2023.

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

Contact: Shailesh R Patel, P.E., New Source Review Chief, 570-826-2357.

GP3-58-086: L&D Stoneworks, Inc., 2774 Stone Street, Montrose, PA 18801, Middletown Township, **Susquehanna County**. To construct and operate a Portable Crushing Operation with water sprays at 1316 Garden Lane. Application received: June 21, 2023. Issued: July 26, 2023.

GP9-58-086: L&D Stoneworks, Inc., 2774 Stone Street, Montrose, PA 18801, Middletown Township, **Susquehanna County**. To install and operate three (3) Diesel I/C engines at 1316 Garden Lane. Application received: June 21, 2023. Issued: July 26, 2023.

AG5-66-00002B: UGI Energy Services, LLC, 835 Knitting Mills Way, Wyomissing, PA 19601, Northmoreland Township, **Wyoming County**. To operate four (4) IC Engines, one (1) fuel gas heater, and one (1) condensate tanks at the Northmoreland Compressor Station. Application received: July 3, 2023. Issued: July 31, 2023.

AG5-58-00004B: Susquehanna Gathering Company I, LLC, 1429 Oliver Road, New Milford, PA 18834, Jackson Township, **Susquehanna County**. To operate twelve (12) IC Engines, one (1) emergency generator, one (1) dehydrator with reboiler and flash separator, one (1) fuel gas heater, three (3) condensate tanks, and thirty-two (32) storage tanks at the CDP No. 3 Compressor Station. Application received: July 10, 2023. Issued: August 16, 2023.

AG5-66-00003B: Regency Marcellus Gas Gathering, LLC, 101 West Third Street, Third Floor, Williamsport, PA 17701, Washington Township, **Wyoming County**. To operate three (3) IC Engines, two (2) dehydrators with

reboiler and flash separator, and two (2) condensate tanks at the Mehoopany Compressor Station. Application received: August 2, 2023. Issued: September 1, 2023.

AG5A-58-00055A: Coterra Energy Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, Auburn Township, **Susquehanna County**. For the construction and operation of one (1) 1340 bhp Caterpillar G3516TALE PLUS natural gas-fired compressor engine controlled by OXCAT pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Piggings Stations (BAQ-GPA/GP-5A) located at Powers M. Pad 1. Application received: June 22, 2023. Issued: July 28, 2023.

AG5A-58-00064A: Coterra Energy Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, Springville Township, **Susquehanna County**. For the construction and operation of one (1) 690 bhp Caterpillar G3580 natural gas-fired compressor engine controlled by OXCAT pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Piggings Stations (BAQ-GPA/GP-5A) located at Flower, T. Pad 1. Application received: September 21, 2023. Issued: October 25, 2023.

GP13-40-003: New Enterprise Stone and Lime Co. Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Plains Township, **Luzerne County**. To operate a hot mix asphalt plant at 215 East Saylor Ave. Application received: September 7, 2023. Issued: October 17, 2023.

AG5A-58-00069A: Coterra Energy Inc., 2000 Park Lane, Ste 300, Pittsburgh, PA 15275, Rush Township, **Susquehanna County**. To operate one (1) 1340 BHP Caterpillar G3516 IC Engine with OXCAT at the Griffiths, J. Pad 1 well pad site. Application received: October 21, 2023. Issued: November 27, 2023.

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

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

GP1-10-00238D: Seneca Valley School District, 124 Seneca School Road, Harmony, PA 16037, Jackson Township, **Butler County**. Issued a GP-1 permit allow continued operation of existing 14.5 MMBtu/hr Natural Gas Fired Boilers at the facility. This expires November 30, 2028. Application received: October 11, 2023. Issued: December 1, 2023.

GP5-20-00257E (AG5-20-00003B): OWS Energy, LLC, 6321 Pettis Road, Cochran, PA 16314, East Fairfield Township, **Crawford County**. Issued a GP-5 renewal for existing sources (including a Caterpillar G342TA engine) at the Lippert Natural Gas Compressor Station. Expiration date is November 30, 2028. Application received: September 15, 2023. Issued: December 4, 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.

GP1-46-0112: GlaxoSmithKline, LLC/Upper Merion East, 709 Swedeland Rd, King of Prussia, PA 19406-2711, Upper Merion Township, **Montgomery County**. This action is for the issuance of a General Plan Approval for the installation of a new No. 2 fuel oil-fired boiler to be

located at the applicant's Upper Merion East Campus. Application received: November 21, 2023. Issued: November 28, 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.

GP1-04-00740A: Shell Chemical Appalachia, LLC, 300 Frankfort Road, Monaca, PA 15061, Potter and Center Townships, **Beaver County**. Installation of three (3) 99.94 MMBtu/hr temporary natural gas-fired boilers. Anticipated temporary operation is nine months and less than a year. Application received: November 15, 2023. Authorized: December 1, 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.

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

Contact: Shailesh R Patel, P.E., New Source Review Chief, 570-826-2357.

48-00105B: Reeb Millwork Corporation, 1000 Maloney Circle, Bethlehem, PA 18015, City of Bethlehem, **Northampton County**. For the installation and operation of four (4) paint spray booths. Application received: January 24, 2023. Issued: August 9, 2023.

35-00080A: SVP Aggregates, LLC, 101 Power Boulevard, Archbald, PA 18403, Archbald Borough, **Lackawanna County**. For the construction and operation of Hot Mix Asphalt (HMA) plant fueled by natural gas and using a Recycled Asphalt Pavement (RAP) system which includes one (1) inertial collector and one (1) baghouse as an air pollution control device(s). Application received: May 18, 2023. Issued: August 28, 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.

09-0244: MM Metals, 53 Middle Dr, Morrisville, PA 19067, Falls Township, **Bucks County**. This plan approval extension is for the temporary shakedown and continued operation of a low-carbon ferrochrome alloy manufacturing facility. Application received: November 17, 2023. Issued: November 28, 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-04-00445E: Veka, Inc., 100 Veka Drive, Fombell, PA 16123, Marion Township, **Beaver County**. Air Quality plan approval issued to authorize the construction and temporary operation of three (3) additional vinyl extrusion lamination lines (Lines 4—6) at the VEKA, Inc. Fombell Plant. The plan approval also authorizes the relocation of lamination operations to the adjoining building, reconfiguration of the local exhaust ventilation (LEV) system, relocation and installation of a larger exhaust stack, and installation of a higher capacity roof-mounted exhaust fan. Application received: June 15, 2023. Issued: November 21, 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.

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.

41-00084: Hamilton Patriot, LLC, 50 Patriot Lane, Montgomery, PA 17752, Clinton Township, **Lycoming County**. The Department issued a Title V Operating Permit renewal for operation of the Hamilton Patriot Generation Plant facility. All applicable Federal and State regulatory requirements, including appropriate testing, monitoring, recordkeeping, reporting, and work practice are included in the renewal Operating Permit to ensure compliance with the permit conditions. Application received: November 7, 2022. Renewal issued: December 5, 2023. New expiration date: December 4, 2028.

41-00084: Hamilton Patriot, LLC, 50 Patriot Lane, Montgomery, PA 17752, Clinton Township, **Lycoming County**. The Department issued a Title IV Acid Rain Operating Permit for operation of the Hamilton Patriot Generation Plant facility. Application received: November 7, 2022. Renewal issued: December 5, 2023. New expiration date: December 4, 2028.

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

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

54-00022: Hydro Extrusion USA, LLC, 53 Pottsville St, Cressona, PA 17929, Cressona Borough, **Schuylkill County**. The Department issued a renewal Title V Operating Permit for the operation of sources at their secondary aluminum manufacturing facility. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: July 27, 2022. Accepted: August 2, 2022. Issued: November 20, 2023.

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.

06-05065: Glen Gery Corp., 423 South Pottsville Pike, Shoemakersville, PA 19555-9742, Perry Township, **Berks County**. For the brick manufacturing facility. The Title V permit was renewed. Application received: November 21, 2022. Issued: November 30, 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.

08-00046: Urban Personalization Center, LLC, 225 South Main Street, Athens, PA 18810, Athens Borough, **Bradford County**. The Department issued a renewal

State Only (Natural Minor) Operating Permit for the company's human crematory. The emission limits, work practice standards, monitoring, and recordkeeping requirements included in the Operating Permit will ensure the facility complies with all applicable Federal and State air quality regulations. Application received: May 15, 2023. Renewal issued: December 5, 2023. New expiration date: December 4, 2028.

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

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

40-00034: Schott North American, Inc., 2 International Dr., Ste 105, Rye Brook, NY 10573, Duryea Borough, **Luzerne County**. The Department issued a renewal State-Only Operating Permit for the operation of sources at their ophthalmic and optical glass ceramics manufacturing facility. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: December 12, 2022. Accepted: December 21, 2022. Issued: November 8, 2023.

48-00072: Versalift East, Inc., 2706 Brodhead Rd., Bethlehem, PA 18020, Bethlehem Township, **Northampton County**. The Department issued a renewal State-Only Operating Permit for the operation of sources at their automobile and light duty motor vehicle manufacturing facility. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: April 6, 2023. Accepted: April 12, 2023. Issued: November 20, 2023.

66-00007: Airport Sand & Gravel Co. Inc., 500 Swetland Ln, West Wyoming, PA 18644, Nicholson Township, **Wyoming County**. The Department issued a renewal State-Only Operating Permit for the operation of sources at their rock crushing facility. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: April 6, 2022. Accepted: April 12, 2022. Issued: November 8, 2023.

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.

06-05156: Century Cabinetry of Leesport, Inc., 130 East Wall Street, Leesport, PA 19533, Leesport Borough, **Berks County**. For the operation of the wood furniture surface coating facility. Application received: January 13, 2023. Issued: December 4, 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.

09-00083: Hop Energy, LLC/Brinker's Fuels, 445 N West St, Doylestown, PA 18901-2538, Doylestown Township, **Bucks County**. This action is for the renewal of the State Only (Natural Minor) Operating Permit for the operation of a bulk gasoline plant, underground gasoline

storage tanks, and aboveground storage tanks for the storage of home heating oil, on-road diesel fuel, and off-road diesel fuel. Application received: April 4, 2023. Issued: November 28, 2023.

09-00019: Naceville Materials/Rushland Quarry, 887 Mill Creek Rd, Rushland, PA 18956-0461, Wrightstown Township, **Bucks County**. This action is for the renewal of a Synthetic Minor Operating Permit for a batch hot mix asphalt (HMA) plant and a reclaimed asphalt pavement (RAP) plant. Application received: July 15, 2022. Issued: November 29, 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.

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.

06-05094: Reading Alloys, Inc., 220 Old West Penn Avenue, P.O. Box 53, Robeson, PA 19551-0053, South Heidelberg Township, **Berks County**. For the specialty alloy manufacturing facility. The State-Only permit underwent a significant modification to 1.) revise Section E, Group SG01, Conditions 007, 008 and 010 to update the minimum pressure differential and water flow rates of the venturi scrubber systems for Source IDs 101–103, and 2.) change the owner name, as well as the permit contact and responsible official information, and 3.) update the EPA address and DEP contact information in Section E. Application received: September 7, 2023. Issued: December 4, 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.

15-00060: SECCRA Landfill, 219 Street Rd, West Grove, PA 19390-9230, London Grove Township, **Chester County**. In accordance with 25 Pa. Code §§ 127.462 and 127.463, the Operating Permit was modified to update and incorporate new applicable provisions of 40 CFR Part 63, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (Subpart AAAA) that became effective on September 27, 2021. In addition, the previously applicable provisions under 40 CFR Part 60, Subpart WWW—“Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014” (Subpart WWW) have been removed from the Operating Permit since the provisions no longer apply. SECCRA became subject to 40 CFR Part 62, Subpart OOO, which superseded Subpart WWW, on June 21, 2021. SECCRA has elected to streamline the Operating Permit by complying with Subpart AAAA provisions instead of the provisions of Subpart OOO as allowed under Subpart OOO. The Operating Permit revisions will not result in any physical changes to the operations at SECCRA or changes to source-specific emissions limits. Application received: October 28, 2022. Issued: November 28, 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

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 63091301. NPDES No. PA0236004. Tunnel Ridge, LLC, 184 Schoolhouse Lane, Valley Grove, WV 26060, Donegal, West Finley and East Finley Townships, **Washington County**. To revise the permit and related NPDES permit. This permit revision does not add acreage to the underground permit area, subsidence control plan, or surface activity site area but revises a portion (1155.75 acres) of existing underground and subsidence control plan areas from development mine only to longwall mining. Application received: May 27, 2022. Accepted: August 2, 2022. Issued: November 28, 2023.

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. 20072801. R. Hunter, Inc., 15428 Sheets Road, Guys Mills, PA 16327, Steuben Township, **Crawford County**. Final bond release for a small noncoal mining operation. Application received: June 29, 2023. Issued: December 5, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54061302. NPDES Permit No. PA0224341. Rausch Creek Land, LP, 978 Gap Street, Valley View, PA 17983, Porter Township, **Schuylkill County**. Renew an underground mine operation and NPDES Permit affecting 61.3 acres. Receiving stream: UNT to Wiconisco Creek. Application received: August 8, 2022. Renewal issued: December 1, 2023.

Noncoal Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 21020301. NPDES No. PA0224251. Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, Penn Township, **Cumberland County**. Renewal of NPDES Permit. Receiving streams: unnamed intermittent tributary to Mt. Rock Spring Creek to Conodoguinet Creek to Susquehanna River classified for the following uses: WWF. Application received: August 1, 2023. Renewal issued: November 29, 2023.

Mining Permit No. 28110301. NPDES No. PA0263176. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17202, Antrim Township, **Franklin County**. Renewal of NPDES permit affecting 116.0 acres. Receiving stream: unnamed tributaries to East Branch of the Conococheague Creek classified for the following use: WWF. Application received: August 3, 2022. Permit issued: December 5, 2023.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 14950801. NPDES No. PA0269832. James W. Confer, 153 Confer Lane, Spring Mills, PA 16875, Potter Township, Centre County. Renewal of an NPDES permit for management of water on a small noncoal (industrial minerals) permit affecting 5.0 acres. Receiving stream(s): unnamed tributary to Muddy Run, classified for the following use(s): HQ—CWF, MF. There are no permitted NPDES outfalls, all water must be contained on site. Application received: July 7, 2023. Issued: November 30, 2023.

Mining Permit No. 08970302 & Mining Permit No. 08120302. NPDES No. PA0237868. Bishop Brothers Construction Company, Inc., 1376 Leisure Drive, Towanda, PA 18848, Sheshequin Township, **Bradford County**. Renewal of an NPDES permit associated with small noncoal (industrial minerals) mining sites affecting 261 acres. Receiving stream(s): Susquehanna River classified for the following use(s): WWF, MF. Application received: June 12, 2023. Issued: November 29, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 48980301. NPDES Permit No. PA0223875. Chrin Brothers, Inc., 1225 Industrial Drive, Easton, PA 18042, Williams Township, **Northampton County**. Renew NPDES Permit on a quarry operation. Receiving stream: Lehigh River and UNT to Lehigh River. Application received: April 26, 2023. Renewal issued: November 29, 2023.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 39870302. NPDES Permit No. PA0594326. H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, South Whitehall Township, **Lehigh County**. Renew NPDES Permit on a quarry operation. Receiving stream: Jordan Creek. Application received: May 3, 2023. Renewal issued: November 29, 2023.

Mining Permit No. 5878SM3. NPDES Permit No. PA0595691. H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, Penn Forest Township, **Carbon County**. Re-

new NPDES Permit on a quarry operation. Receiving stream: Stony Creek. Application received: May 8, 2023. Renewal issued: November 29, 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. 51234101. Ed Wean Drilling & Blasting, Inc., 112 Ravin Road, Stewardsville, NJ 08886, City of Philadelphia, **Philadelphia County**. Construction blasting for St. Joseph's University Residence Hall. Application received: November 9, 2023. Permit issued: November 28, 2023. Expiration date: December 30, 2024.

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 52234105. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Blooming Grove Township, **Pike County**. Construction blasting for a foundation at 802 Saddlebrook Spur. Application received: November 20, 2023. Permit issued: November 30, 2023. Expiration date: November 20, 2024.

Permit No. 46234106. American Rock Mechanics, LLC, 7531 Chestnut Street, Zionsville, PA 18092, Towamencin Township, **Montgomery County**. Construction blasting for Delp Drive Warehouse. Application received: November 29, 2023. Permit issued: December 1, 2023. Expiration date: November 29, 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.

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.

E4002222-013. Heather Bower, 500 Long Run Road, Drums, PA 18222, Harveys Lake Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To remove an existing dock/boathouse structure and to construct and maintain a 2,522 ft², pile-supported dock/boathouse structure within normal pool elevation of Harveys Lake (HQ—CWF, MF). The project is located at 2437 Lakeside Drive (SR 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 56"; Longitude: -76° 2' 54") in Harveys Lake Borough, Luzerne County. Latitude: 41° 21' 56", Longitude: -76° 2' 54". Application received: September 27, 2022. Issued: December 1, 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.

E4601221-018. Montgomery County, One Montgomery Plaza, P.O. Box 311, Norristown, PA 19404, Pottstown Borough, North Coventry Township, Montgomery County, **Chester County**. U.S. Army Corps of Engineers Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Keim Street Bridge Replacement Project (Montgomery County Bridge No. 190, Chester County Bridge No. 220) over the Schuylkill River (WWF-MF): To remove an existing 749-foot-long, 29-foot-wide, 8-span Warren Steel Pony Truss Bridge over the Schuylkill River (WWF-MF) and in its place, construct and maintain a 750-foot-long, 40.083-foot-wide, 5-span Prestressed Bulb Tee Beam Bridge. This activity also includes the construction and maintenance of three (3) 18-inch outfalls with grading and placement of riprap rock aprons, four (4) new piers and bridge abutments with scour protection, the placement of fill for

approach roadway embankment within a UNT to Schuylkill River (WWF-MF) and roadway reconstruction, plus three (3) red belly turtlebasking areas. These activities will result in a total of 9,722 square feet (0.223 acre) of permanent watercourse impact, 82,074 square feet (1.884 acres) of temporary watercourse impact, 3,228 square feet (0.0741 acre) of temporary wetland impact, 13,151 square feet (0.302 acre) of permanent floodway impact, and 53,213 square feet (1.222 acres) of temporary floodway impact with 29,791 square feet (0.683 acre) of permanent floodplain impact and 78,491 square feet (1.802 acres) of temporary floodplain impact. Temporary watercourse and floodway impacts include the construction and maintenance of two (2) temporary causeways to facilitate the removal of existing piers and construction of new bridge piers. The bridge replacement project is located at Keim Street between SR 0422 West Ramp and Industrial Highway in Pottstown Borough and North Coventry Township in Montgomery and Chester Counties (USGS PA Pottstown Quadrangle). Latitude: 40.234993°, Longitude: -75.634091°. Application received: November 8, 2021. Issued: December 4, 2023.

E4601222-021. Whitpain Township, 960 Wentz Road, Blue Bell, PA 19422, Whitpain Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

To Whitpain Township, associated with Cedar Brook Country Club, Wissahickon Creek Stream Stabilization & Enhancement project, proposes the following-listed water obstruction and encroachment activities associated with the rehabilitation, construction, and maintain approximately 3,150 LF of the streambank of Wissahickon Creek (TSF, MF) impacting approximately 2.35 acres of the existing floodway for the purpose of reducing flooding concerns at Cedar Brook Country Club. The proposed work will utilize bioengineering stream stabilization and enhancement methods, including the installation of jute fabric, geotextile soil wrap, rock vanes, biologs, longitudinal peaked stone toe protection (LPSTP), and streambank planting. The site is located at Cedarbrook Country Club at 180 Penllyn Pike (Ambler, PA USGS Map) in Whitpain Township, Montgomery County. Latitude: 40.164805°, Longitude: -75.245240°. Application received: September 9, 2022. Permit issued: November 30, 2023.

E4601223-028. Upper Providence Township, 1286 Black Rock Road, Phoenixville, PA 19460, Upper Providence Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

To demolish and remove the existing houses, accessory structure, foundations, pads, and other site improvements and maintain as an open lawn ground with native trees and vegetation along the floodplain of the Schuylkill River (WWF-MF) associated with the Floodplain Management Site Restoration. The site is located at 205, 227, 249, 253 Canal Street, and 115 Store Street, Mont Clare (Collegeville PA, USGS Quadrangle, Latitude 40.129226, Longitude -75.495785, and Latitude 40.128522, Longitude -75.494011) in Upper Providence Township, Montgomery County. Latitude: 40.129226°, Longitude: -75.495785°. Application received: September 12, 2023. Permit issued: November 30, 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 **ESG294123020-00**
 Applicant Name **PA General Energy Co, LLC**
 Contact Person Nathan Harris
 Address 120 Market Street
 City, State, Zip Warren, PA 16365
 Township(s) McHenry Township
 County **Lycoming County**
 Receiving Stream(s) and Classification(s) Left Fork Otter Run (CWF, MF), Right Fork Otter Run (CWF, MF)
 Application received: October 9, 2023
 Issued: December 1, 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 **ESG083323001-00**
 Applicant Name **XTO ENERGY Inc.**
 Contact Person Melissa Breitenbach
 Address 190 Thorn Hill Rd
 City, State, Zip Warrendale, PA 15086
 Township(s) Oliver Township
 County **Jefferson County**
 Receiving Stream(s) and Classification(s) Little Sandy Creek (CWF); Middle Branch (CWF); UNT to Little Sandy Creek (CWF)
 Application received: October 17, 2023
 Approved: November 28, 2023

ESCGP # 3 **ESG081023007-00/Halterlein 2064**
 Applicant Name **Anegada Energy LLC**
 Contact Person Mike Weaver
 Address P.O. Box 400
 City, State, Zip Canonsburg, PA 15317
 Township(s) Mercer Township
 County **Butler County**
 Receiving Stream(s) and Classification(s) UNT Wolf Creek

CWF UNT Wolf Creek CWF UNT Wolf Creek CWF
 Application received: September 5, 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 **ESG076323016-00**
 Applicant Name **Range Resources—Appalachia, LLC—**
 Day Jon Access Road
 Contact Person Karl Matz, (724) 873-3090
 kmatz@rangeresources.com
 Address 2294 South Main Street Extension
 City, State, Zip Washington, PA 15301
 Township(s) Amwell Township
 County **Washington County**
 Receiving Stream(s) and Classification(s) 001. Lat 40.11910, Long -80.22090, UNT to Little Tenmile Creek, Ch 93 Class. TSF
 Application received: October 18, 2023
 Issued: November 30, 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 characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511

Contact: Eric Supey, Environmental Program Manager

Clarks Summit, Storage Tank Facility ID # **35-20610**, 101 North State Street, Clarks Summit, PA 18411, Clarks Summit Borough, **Lackawanna County**. CT Consultants, 1915 North 12th Street, Toledo, OH 43604, on behalf of CVS, One CVS Drive, Woonsocket, RI 02895, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting site-specific standards.

Williams Bus Lines, Storage Tank Facility ID # **40-14533**, 532 Blackman Street, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Williams Bus Lines, 532 Blackman Street, Wilkes-Barre, PA 18702, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel. The plan is intended to document the remedial actions for meeting Statewide health standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

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 Borough, **Montgomery County**. RMS Environmental, 1000 East Walnut Street, 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 unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Contact: Robin L. Yerger, LPG, 717-705-4705.

Rutter's Farm Store No. 34, Storage Tank Facility ID # **67-26966**, 2210 Old Trail Road, Newberrytown, PA 17319, Newberry Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, Suite C, York, PA 17404, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Carlisle Pike Exxon, Storage Tank Facility ID # **21-62169**, 4600 Carlisle Pike, Mechanicsburg, PA 17050, Hampden Township, **Cumberland County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Sukhvinder Longia, 10 Hidden Meadow Drive, Mechanicsburg, PA 17050, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

CIF Hanover, Storage Tank Facility ID # **67-60540**, 1049 Carlisle Street, Hanover, PA 17331, Hampden Township, **York County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Mr. Harinderpal Sawhney, 24 John Randolph Drive, New Freedom, PA 17349, submitted a Remedial Action Plan concerning

remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document the remedial actions for meeting nonresidential 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.

51st Street Term, Storage Tank Facility ID # **51-10420**, 1630 S. 51 St., Philadelphia, PA 19143, City of Philadelphia, **Philadelphia County**. Arcadis U.S., Inc., 1 Harvard Way, Suite 5, Hillsborough, NJ 08844, on behalf of Alliance 51st Street LLC, 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

9853 Bustleton Avenue Partners, Storage Tank Facility ID # **51-43012**, 9853 Bustleton Ave., Philadelphia, PA 19115, City of Philadelphia, **Philadelphia County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Z Brothers Sunoco, 9853 Bustleton Ave., Philadelphia, PA 19115, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document the remedial actions for meeting residential and nonresidential Statewide health and site-specific standards.

Lukoil 69210, Storage Tank Facility ID # **23-42596**, 729 Highland Avenue, Chester, PA 19013, City of Chester, **Delaware 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 residential Statewide health and site-specific standards.

Hertz Rent a Car, Storage Tank Facility ID # **51-38096**, 8201 Bartram Ave., Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. EnviroTrac, Ltd., 6 Terri Lane, Suite # 350, Burlington, NJ 08016, on behalf of The Hertz Corporation, 8501 Williams Road, Estero, FL 33928, 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 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 construc-

tion 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 listed above 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.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Robin L. Yerger, LPG, 717-705-4705.

Rutter's Farm Store No. 34, Storage Tank Facility ID # **67-26966**, 2210 Old Trail Road, Newberrytown, PA 17319, Newberry Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, Suite C, York, PA 17404, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report nonresidential did not demonstrate attainment of the Statewide health standards and was disapproved by DEP on November 20, 2023.

Carlisle Pike Exxon, Storage Tank Facility ID # **21-62169**, 4600 Carlisle Pike, Mechanicsburg, PA 17050, Hampden Township, **Cumberland County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Sukhvinder Longia, 10 Hidden Meadow Drive, Mechanicsburg, PA 17050, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report nonresidential did not demonstrate attainment of the Statewide health standards and was disapproved by DEP on November 20, 2023.

CIF Hanover, Storage Tank Facility ID # **67-60540**, 1049 Carlisle Street, Hanover, PA 17331, Hanover Township, **York County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Mr. Harinderpal Sawhney, 24 John Randolph Drive, New Freedom, PA 17349, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan nonresidential did not demonstrate attainment of the site-specific standards and was disapproved by DEP on November 21, 2023.

SPECIAL NOTICES

WASTE, AIR, RADIATION AND REMEDIATION

Covered Device Prohibited from Sale under Sections 302 and 507 of the Covered Device Recycling Act, Act 108 of 2010.

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) hereby announces that a certain manufacturer of covered devices is not included on the Department's list of registered manufacturers, maintained by the Department under sections 302 and 507 of the Covered Device Recycling Act (CDRA). Accordingly, under Section 302 of the CDRA, no retailer may offer these manufacturers' products for sale within the Commonwealth.

Manufacturers of new covered devices—such as televisions, laptop and desktop computers, tablets, etc.—offered for sale in Pennsylvania are required to register with the Department prior to commencing sales per Section 304 of the CDRA. Manufacturers must also pay an annual registration fee and submit a recycling plan and annual report. Section 302 of the CDRA prohibits the sale of covered devices in the Commonwealth by unregistered manufacturers.

The Department is required to maintain a list of registered manufacturers per Section 302(b) of the CDRA. The list can be accessed by visiting dep.pa.gov.

The following manufacturer is not included on the Department's list and are therefore considered out of compliance:

Wiltronic Corp. (IVIEW)

Due to its non-compliant status and non-inclusion on the list of registered manufacturers, the Department is notifying the public, in cooperation with covered device retailers, that the CDRA prohibits the sale of devices manufactured by Wiltronic Corp. (IVIEW) within the Commonwealth, and that the sale of such devices would constitute unlawful conduct under the CDRA. Non-compliant manufacturers may once again be included on the Department's list of registered manufacturers, and their devices offered for sale in the Commonwealth, if the manufacturers return to compliance with all the applicable provisions of the CDRA.

Inquiries regarding this notification can be directed to Jordan Hoover, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at jorhoover@pa.gov or (717) 783-8973.

[Pa.B. Doc. No. 23-1727. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Board and Committee Meeting Schedules for 2024

The following is a list of 2024 advisory board and committee meetings associated with the Department of Environmental Protection (Department). Meetings will

have an in-person as well as a remote participation option. These schedules and an agenda for each meeting, including meeting materials and details about in-person and remote participation options, will be available on the Department's web site at www.dep.pa.gov through the Public Participation tab. Prior to each meeting, the Department encourages individuals to visit the web site to confirm meeting date, time, location and remote participation options.

Persons in need of accommodations, as provided for in the Americans with Disabilities Act of 1990, should contact the individual listed for each board or committee, or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Aggregate Advisory Board

The Aggregate Advisory Board will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, unless otherwise noted. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

February 21, 2024

May 1, 2024

August 28, 2024—field trip (location to be determined and published in a future issue of the *Pennsylvania Bulletin*.)

November 6, 2024

Contact: Daniel E. Snowden, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101 at dsnowden@pa.gov or (717) 783-8846.

Agricultural Advisory Board

The Agricultural Advisory Board will meet at 9 a.m. in Susquehanna Conference Rooms A and B, Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

February 21, 2024

April 17, 2024

June 18, 2024

August 21, 2024

October 16, 2024

December 18, 2024

Contact: Bob Haines, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at robhaines@pa.gov or (717) 787-7565.

Air Quality Technical Advisory Committee

The Air Quality Technical Advisory Committee will meet at 9:15 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

January 11, 2024

April 4, 2024

July 11, 2024

October 10, 2024

Contact: Joseph Martini, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101 at martjos@pa.gov or (717) 772-5619.

Board of Coal Mine Safety

The Board of Coal Mine Safety will meet at 10 a.m. in Conference Rooms A and B, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Individuals may attend the meetings in person or by remote participation. The meeting dates are as follows:

March 6, 2024

June 5, 2024

September 4, 2024

December 4, 2024

Contact: Peggy Scheloske, Bureau of Mine Safety, 131 Broadview Road, New Stanton, PA 15672 at mscheloske@pa.gov or (724) 404-3143.

Citizens Advisory Council

The Citizens Advisory Council will meet at 12:30 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

January 9, 2024

February 13, 2024

March 12, 2024

April 9, 2024

May 14, 2024

June 11, 2024

July 9, 2024

September 10, 2024

October 8, 2024

November 12, 2024—a portion of this meeting will be held with the Environmental Justice Advisory Board

Contact: Ian Irvin, Citizens Advisory Council, P.O. Box 8459, Harrisburg, PA 17105-8459 at iirvin@pa.gov or (717) 787-8171.

Cleanup Standards Scientific Advisory Board

The Cleanup Standards Scientific Advisory Board will meet at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

March 13, 2024

June 18, 2024

October 30, 2024

Contact: Brie Sterling, Bureau of Environmental Cleanup and Brownfields, 400 Market Street, Harrisburg, PA 17101 at bsterling@pa.gov or (717) 783-9469.

Climate Change Advisory Committee

The Climate Change Advisory Committee will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

February 20, 2024
 April 23, 2024
 June 25, 2024
 August 20, 2024
 October 22, 2024
 December 17, 2024

Contact: Lindsay Byron, Energy Programs Office, 400 Market Street, Harrisburg, PA 17101 at lbyron@pa.gov or (717) 772-8951.

Coal and Clay Mine Subsidence Insurance Fund Board

The Coal and Clay Mine Subsidence Insurance Fund Board will meet at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meeting in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of the meeting by contacting the person listed as follows. The meeting date is as follows:

January 17, 2024

Contact: James Charowsky, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101 at jcharowsky@pa.gov or (717) 787-7007.

Coastal Zone Advisory Committee

The Coastal Zone Advisory Committee will meet at 9:30 a.m. in the Rachel Carson State Office Building, 400 Market Street, Harrisburg PA 17101, in the conference rooms listed as follows. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

January 10, 2024 10th Floor Conference Room
 June 12, 2024 12th Floor Conference Room

Contact: Joseph Sieber, Bureau of Safe Drinking Water, Coastal Resources Management Program, 400 Market Street, Harrisburg, PA 17101 at josieber@pa.gov or (717) 787-4726.

Environmental Justice Advisory Board

The Environmental Justice Advisory Board will meet at 9 a.m. in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, unless otherwise noted. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

February 21, 2024
 May 14, 2024

August 13, 2024—meeting will begin at 1 p.m. (location to be determined and published in a future issue of the *Pennsylvania Bulletin*.)

November 12, 2024

Contact: Jennifer McLuckie, Office of Environmental Justice, 400 Market Street, Harrisburg, PA 17101 at jmluckie@pa.gov or (717) 772-5633.

Environmental Quality Board

The Environmental Quality Board will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Meetings will only be held when there is a sufficient number of agenda items

for consideration. Individuals may attend the meetings in person or by remote participation. The meeting dates are as follows:

January 9, 2024
 February 13, 2024
 March 12, 2024
 April 9, 2024
 May 14, 2024
 June 11, 2024
 July 9, 2024
 August 13, 2024
 September 10, 2024
 October 8, 2024
 November 12, 2024
 December 10, 2024

Contact: Laura Griffin, Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 at laurgriffi@pa.gov or (717) 772-3277.

Laboratory Accreditation Advisory Committee

The Laboratory Accreditation Advisory Committee has not yet scheduled meetings for 2024. Notices for upcoming meetings will be published in a future issue of the *Pennsylvania Bulletin*.

Contact: Annmarie Beach, Bureau of Laboratories, 2575 Interstate Drive, Harrisburg, PA 17110 at anbeach@pa.gov or (717) 346-8212.

Low-Level Radioactive Waste Advisory Committee

The Low-Level Radioactive Waste Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meeting in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of the meeting by contacting the person listed as follows. The meeting date is as follows:

September 27, 2024

Contact: Molly Adams, Bureau of Radiation Protection, 400 Market Street, Harrisburg, PA 17101 at moadams@pa.gov or (717) 787-2480.

Mine Families First Response and Communications Advisory Council

The Mine Families First Response and Communications Advisory Council will meet at the New Stanton District Office at 10 a.m. on the following day:

October 2, 2024

Contact: Peggy Scheloske, Bureau of Mine Safety, 131 Broadview Road, New Stanton, PA 15672 at mscheloske@pa.gov or (724) 404-3143.

Mining and Reclamation Advisory Board

The Mining and Reclamation Advisory Board will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, unless otherwise noted. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

January 4, 2024
 April 25, 2024
 July 25, 2024

October 23 and 24, 2024—field trip (location to be determined and published in a future issue of the *Pennsylvania Bulletin*.)

Contact: Daniel E. Snowden, Bureau of Mining Programs, Harrisburg, PA 17101 at dsnowden@pa.gov or (717) 783-8846.

Oil and Gas Technical Advisory Committee

The Oil and Gas Technical Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

March 19, 2024
June 13, 2024
September 5, 2024
December 5, 2024

Contact: Todd M. Wallace, Office of Oil and Gas Management, 400 Market Street, Harrisburg, PA 17101 at twallace@pa.gov or (717) 783-6395.

Pennsylvania Energy Development Authority Board

The Pennsylvania Energy Development Authority Board will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. The meeting dates are as follows:

February 22, 2024
May 9, 2024
August 22, 2024
November 7, 2024

Contact: Laura Rigge, Pennsylvania Energy Development Authority, 400 Market Street, Harrisburg, PA 17101 at lrigge@pa.gov or (717) 772-5159.

Public Water System Technical Assistance Center Board

The Public Water System Technical Assistance Center Board will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

February 14, 2024
May 23, 2024
August 14, 2024
November 14, 2024

Contact: Dawn Hissner, Bureau of Safe Drinking Water, 400 Market Street, Harrisburg, PA, dhissner@pa.gov or (717) 772-2189.

Radiation Protection Advisory Committee

The Radiation Protection Advisory Committee will meet at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meeting in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of the meeting by contacting the person listed as follows. The meeting dates are as follows:

April 17, 2024
October 16, 2024

Contact: John Chipppo, Bureau of Radiation Protection, 400 Market Street, Harrisburg, PA 17101 at jchipppo@pa.gov or (717) 783-9730.

Recycling Fund Advisory Committee

The Recycling Fund Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals interested in providing public comments are encouraged to sign up in advance of the meeting by contacting the person listed as follows. Individuals may attend the meeting in person or by remote participation. The meeting date is as follows:

October 9, 2024 (joint meeting with Solid Waste Advisory Committee)

Contact: Laura Henry, Bureau of Waste Management, 400 Market Street, Harrisburg, PA 17101 at lahenry@pa.gov or (717) 772-5713.

Sewage Advisory Committee

The Sewage Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. Individuals may attend the meetings in person or by remote participation. The meeting dates are as follows:

March 20, 2024
September 18, 2024

Contact: Janice Vollero, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at jvollero@pa.gov or (717) 772-5157.

Small Business Compliance Advisory Committee

The Small Business Compliance Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101 unless otherwise noted. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. Individuals may attend the meetings in person or by remote participation. The meeting dates are as follows:

January 17, 2024
April 17, 2024
July 24, 2024—this meeting will be held in the 12th Floor Conference Room
October 23, 2024

Contact: Lucas Hershey, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101 at luchershey@pa.gov or (717) 787-7019.

Solid Waste Advisory Committee

The Solid Waste Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. Individuals may attend the meetings in person or by remote participation. The meeting dates are as follows:

February 28, 2024
June 26, 2024
October 9, 2024 (joint meeting with Recycling Fund Advisory Committee)

Contact: Laura Henry, Bureau of Waste Management, 400 Market Street, Harrisburg, PA 17101 at lahenry@pa.gov or (717) 772-5713.

State Board for Certification of Sewage Enforcement Officers

The State Board for Certification of Sewage Enforcement Officers will meet at 10 a.m. in the 12th Floor

Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

April 24, 2024
June 26, 2024
September 11, 2024
November 6, 2024

Contact: Chloe Wilson, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at RA-seotrng@pa.gov or (717) 772-2186.

State Board for Certification of Water and Wastewater Systems Operators

The State Board for Certification of Water and Wastewater Systems Operators will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. Individuals may attend the meetings in person or by remote participation. The meeting dates are as follows:

February 7, 2024
April 3, 2024
June 12, 2024
August 7, 2024
October 2, 2024
December 11, 2024

Contact: Laura Chambers, Bureau of Safe Drinking Water, 400 Market Street, Harrisburg, PA 17101 at lchambers@pa.gov or (717) 772-5158.

State Water Plan—Regional Water Resource Committees

Delaware Regional Water Resources Committee

The Delaware Regional Water Resources Committee will meet at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

April 9, 2024
October 8, 2024

Contact: James Horton, Interstate Water Resources Management, 400 Market Street, Harrisburg, PA 17101 at RA-Statewaterplan@pa.gov or (717) 772-1100.

Great Lakes Regional Water Resources Committee

The Great Lakes Regional Water Resources Committee will meet at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

April 24, 2024
October 23, 2024

Contact: James Horton, Interstate Water Resources Management, 400 Market Street, Harrisburg, PA 17101 at RA-Statewaterplan@pa.gov or (717) 772-1100.

Lower Susquehanna Regional Water Resources Committee

The Lower Susquehanna Regional Water Resources Committee will meet at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

April 10, 2024
October 9, 2024

Contact: James Horton, Interstate Water Resources Management, 400 Market Street, Harrisburg, PA 17101 at RA-Statewaterplan@pa.gov or (717) 772-1100.

Ohio Regional Water Resources Committee

The Ohio Regional Water Resources Committee will meet at 1 p.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

April 23, 2024
October 22, 2024

Contact: James Horton, Interstate Water Resources Management, 400 Market Street, Harrisburg, PA 17101 at RA-Statewaterplan@pa.gov or (717) 772-1100.

Potomac Regional Water Resources Committee

The Potomac Regional Water Resources Committee will meet at 1 p.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

April 11, 2024
October 10, 2024

Contact: James Horton, Interstate Water Resources Management, 400 Market Street, Harrisburg, PA 17101 at RA-Statewaterplan@pa.gov or (717) 772-1100.

Upper/Middle Susquehanna Regional Water Resources Committee

The Upper/Middle Susquehanna Regional Water Resources Committee will meet at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

April 25, 2024
October 24, 2024

Contact: James Horton, Interstate Water Resources Management, 400 Market Street, Harrisburg, PA 17101 at RA-Statewaterplan@pa.gov or (717) 772-1100.

Statewide Water Resources Committee

The Statewide Water Resources Committee will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals

may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

April 16, 2024
October 29, 2024

Contact: James Horton, Interstate Water Resources Management, 400 Market Street, Harrisburg, PA 17101 at RA-Statewaterplan@pa.gov or (717) 772-1100.

Storage Tank Advisory Committee

The Storage Tank Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

March 6, 2024
June 5, 2024
September 4, 2024
December 4, 2024

Contact: Randy D. Martin, Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, 400 Market Street, Harrisburg, PA 17101 at ramartin@pa.gov or (717) 772-5828.

Technical Advisory Committee on Diesel-Powered Equipment

The Technical Advisory Committee on Diesel-Powered Equipment will meet at 10 a.m. in the Westmoreland Room, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672. Individuals may attend the meetings

in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

January 10, 2024
April 10, 2024
July 10, 2024
October 9, 2024

Contact: Peggy Scheloske, Bureau of Mine Safety, 131 Broadview Road, New Stanton, PA 15672 at mscheloske@pa.gov or (724) 404-3143.

Water Resources Advisory Committee

The Water Resources Advisory Committee will meet at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meetings in person or by remote participation. Individuals interested in providing public comments are encouraged to sign up in advance of each meeting by contacting the person listed as follows. The meeting dates are as follows:

January 18, 2024
March 21, 2024
May 16, 2024
July 18, 2024
September 19, 2024
November 21, 2024

Contact: Bob Haines, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at robhaines@pa.gov or (717) 787-7565.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1728. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Planning Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grant to Huntingdon County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. The grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at mvottero@pa.gov or (717) 772-5719.

Act 101, Section 901 Planning Grant

Region	County	Applicant	Project	Grant
Southcentral	Huntingdon	Huntingdon County	Plan Revision	\$13,089

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1729. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

State Board for Certification of Sewage Enforcement Officers; Examination Schedule for 2024

The State Board for Certification of Sewage Enforcement Officers (Board) has scheduled the certification examination dates for 2024.

To qualify to sit for the certification examination, all Sewage Enforcement Officer (SEO) candidates must successfully complete the Pre-Certification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct, by close of business on the dates indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the required information will be returned and will not be considered eligible for the examination. The examination schedule for 2024 is as follows:

<i>Examination Date:</i>	Friday, April 12, 2024 (12:30 p.m. registration, exam 1 p.m. to 4:30 p.m.)
<i>Examination Application Deadline:</i>	Friday, March 29, 2024
<i>Location:</i>	York County 4-H Center 771 Stoverstown Road York, PA 17408
<i>Examination Date:</i>	Friday, June 14, 2024 (12:30 p.m. registration, exam 1 p.m. to 4:30 p.m.)
<i>Examination Application Deadline:</i>	Friday, May 31, 2024
<i>Location:</i>	College Township Municipal Building 1481 East College Avenue State College, PA 16801
<i>Examination Date:</i>	Friday, August 30, 2024 (12:30 p.m. registration, exam 1 p.m. to 4:30 p.m.)
<i>Examination Application Deadline:</i>	Friday, August 16, 2024
<i>Location:</i>	Chester County Government Center 601 Westtown Road, Room 351E West Chester, PA 19382
<i>Examination Date:</i>	Friday, October 25, 2024 (12:30 p.m. registration, exam 1 p.m. to 4:30 p.m.)
<i>Examination Application Deadline:</i>	Friday, October 11, 2024
<i>Location:</i>	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001

Additional examination dates will be posted as scheduled.

Individuals are encouraged to visit the Board's webpage to confirm date, time and location prior to each examination.

The SEO written examination contains 100 multiple-choice questions covering planning requirements, administration and enforcement of the permitting program and technical criteria for soils and disposal systems with a 3 1/2-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book examination. Applicants are not permitted to bring their own materials. Necessary reference materials will be provided at the test site.

Examination applications may be obtained by contacting the Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8774, Harrisburg, PA 17105-8774, ra-seotrng@pa.gov or (717) 772-2186.

Applicants will receive a confirmation e-mail from the Board prior to the date of the SEO examination.

Persons who anticipate the need for a testing accommodation due to a disability should contact the Board at (717) 772-2186 or through the Pennsylvania Hamilton Relay Service at (800) 654- 5984 (TDD users) or (800) 654-5988 (voice users) to discuss their request. This request must be submitted with the application form.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1730. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to

regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551—571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Children's Dental Surgery	28 Pa. Code § 551.22(3)(ii) (relating to criteria for performance of ambulatory surgery on pediatric patient)
Huntingdon Valley Surgery Center	28 Pa. Code § 553.31(a) (relating to administrative responsibilities)
Interventional and Surgical Suites of Wilkes-Barre, LLC	28 Pa. Code § 569.35(7) (relating to general safety precautions)
Valley Pain Center	28 Pa. Code § 553.31(a)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1731. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition* or the *Guidelines for Design and Construction of Hospitals—2022 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2022 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr^{1,2}</i>
The Hospital of the University of Pennsylvania	2.2-3.2.2.6 patient toilet room	18-O
UPMC Presbyterian Shadyside	2.2-3.5.2.2(1)(b)(i) space requirements	22

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

² 2022 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1732. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Addition of Interprofessional Consultation Services to the Medicaid State Plan and Medical Assistance Program Fee Schedule

The Department of Human Services (Department) announces the addition of interprofessional consultation services to the Medical Assistance (MA) Program Fee Schedule. These changes are effective for dates of service on and after January 1, 2024.

Discussion

On January 5, 2023, the Centers for Medicare & Medicaid Services (CMS) issued State Health Official Letter # 23-001 "Coverage and Payment of Interprofessional Consultation in Medicaid and the Children's Health Insurance Program." In this letter, CMS issued guidance to allow for coverage and payment of interprofessional consultation services when the beneficiary is not present, and the consultation is for the direct benefit of the beneficiary. CMS' previous policy prohibited coverage and payment of provider-to-provider consultation as a distinct service.

In response to CMS' change in policy, the Department will provide coverage and payment for interprofessional consultation services in the MA Program. In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department announces the addition of the following interprofessional consultation service procedure codes to the MA Program Fee Schedule, effective January 1, 2024.

<i>Procedure Code</i>	<i>National Code Description</i>	<i>MA Fee</i>
99446	Interprofessional telephone/Internet/electronic health record assessment and management service provided by a consultative physician or other qualified health care professional, including a verbal and written report to the patient's treating/requesting physician or other qualified health care professional; 5—10 minutes of medical consultative discussion and review	\$14.01
99447	Interprofessional telephone/Internet/electronic health record assessment and management service provided by a consultative physician or other qualified health care professional, including a verbal and written report to the patient's treating/requesting physician or other qualified health care professional; 11—20 minutes of medical consultative discussion and review	\$27.78
99448	Interprofessional telephone/Internet/electronic health record assessment and management service provided by a consultative physician or other qualified health care professional, including a verbal and written report to the patient's treating/requesting physician or other qualified health care professional; 21—30 minutes of medical consultative discussion and review	\$42.30
99449	Interprofessional telephone/Internet/electronic health record assessment and management service provided by a consultative physician or other qualified health care professional, including a verbal and written report to the patient's treating/requesting physician or other qualified health care professional; 31 minutes or more of medical consultative discussion and review	\$42.30
99451	Interprofessional telephone/Internet/electronic health record assessment and management service provided by a consultative physician or other qualified health care professional, including a written report to the patient's treating/requesting physician or other qualified health care professional, 5 minutes or more of medical consultative discussion and review	\$42.30
99452	Interprofessional telephone/Internet/electronic health record referral service(s) provided by a treating/requesting physician or other qualified health care professional, 30 minutes	\$26.03

The Department will issue an MA Bulletin to inform providers enrolled in the MA Program of the addition of the procedure codes for interprofessional consultation services.

Fiscal Impact

There is minimal fiscal impact associated with the addition of these procedure codes.

Public Comment

Interested persons are invited to submit written comments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120 or at RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1603. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-1733. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 2023, the maximum compensation payable under Article 1, sections 105.1 and 105.2 of the Workers' Compensation Act (77 P.S. §§ 25.1 and 25.2) shall be \$1,325 per week for injuries occurring on and after January 1, 2024. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 2024, the percentage increase in the Statewide Average Weekly Wage is 4.0%.

NANCY WALKER,
Secretary

[Pa.B. Doc. No. 23-1734. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Solicitation of Public Comment on the Pennsylvania Workforce Innovation and Opportunity Act Combined State Plan for 2024—2028

The Department of Labor and Industry (Department), Pennsylvania Workforce Development Board announces a period of public comment beginning December 16, 2023, for the Commonwealth's proposed Federal fiscal year 2024 Workforce Innovation and Opportunity Act (WIOA) Combined State Plan (Plan) for 2024—2028. The Plan is the blueprint for the provision of workforce development services in this Commonwealth. This notice is provided under the WIOA of 2014.

The WIOA requires the governor of each state to submit a 4-year unified or combined state plan outlining the state's workforce development strategy and modify that plan after 2 years. The Commonwealth plans to submit a Plan to include the six core programs (Adult, Dislocated Worker, Youth, Wagner-Peyser, Adult Basic Education and Vocational Rehabilitation), as well as the following optional programs:

- Career and Technical Education
- Temporary Assistance for Needy Families
- Supplemental Nutrition Assistance Program
- Trade Adjustment Assistance for Workers
- Jobs for Veterans State Grants
- Senior Community Service Employment

- Community Services Block Grant
- Reintegration of Ex-Offenders
- Unemployment Insurance

This comment period provides individuals, advocates and other interested parties or organizations, or both, opportunities to present their views and recommendations regarding workforce development services in this Commonwealth.

Written comments may be submitted by mail to the Pennsylvania Workforce Development Board, 651 Boas Street, Room 514, Harrisburg, PA 17121 or by e-mail to RA-LI-PAWDB@pa.gov.

Written comments must be received no later than 5 p.m. Tuesday, January 16, 2024.

To obtain a copy of the proposed 2024—2028 WIOA Plan visit the Department's web site at <https://www.dli.pa.gov/Businesses/Workforce-Development/Pages/WIOA.aspx> and click on "2024 Draft WIOA Combined State Plan."

NANCY WALKER,
Secretary

[Pa.B. Doc. No. 23-1735. Filed for public inspection December 15, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Findings

Under section 2002 of The Administrative Code of 1929 (71 P.S. § 512) establishing the Department of Transportation (Department), the Director of the Bureau of Design and Delivery, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning the following projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed projects identified below, and all reasonable steps have been taken to minimize the effects.

• SR 2005, Section A01—Gregg Township, Centre County.

Project Description: The project is the replacement of the existing bridge that carries SR 2005 over Sinking Creek.

Environmental Documents: CE BRPA Evaluation approved on July 20, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on June 30, 2023.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.10-acre of right-of-way (ROW) will be required from the Penns Valley Brush Valley Rural Historic District, which was determined eligible for listing on the National Register of Historic Places (NRHP).

• **SR 0044, Section 064—Jersey Shore Borough, Lycoming County.**

Project Description: The project is the replacement of the bridge that carries SR 0044 over an unnamed tributary to the West Branch of the Susquehanna River.

Environmental Documents: ED BRPA Reevaluation approved on August 3, 2023, and Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved September 16, 2022.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.092-acre of ROW will be required from the Jersey Shore Historic District, which is listed on the NRHP.

• **SR 0220, Section 122—Piatt and Woodward Township, Lycoming County.**

Project Description: The project involves safety improvements along the SR 220 Corridor.

Environmental Documents: CE 1b Reevaluation approved on August 2, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on April 16, 2019.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.38-acre of ROW will be required from the Woodward Township Elementary School, which was determined eligible for listing on the NRHP.

• **SR 9900, Section LBR—Moreland Township, Lycoming County.**

Project Description: The project is the replacement of the existing structure that carries Tome Road (T-665) over German Run.

Environmental Documents: CE BRPA Evaluation approved on July 17, 2023, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on July 7, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.5-acre of ROW will be required from the Richard B. Farm, which was determined eligible for listing on the NRHP.

• **SR 0011, Section 357—Hunlock Township, Luzerne County.**

Project Description: The project is the replacement of the superstructure that carries SR 0011 over the Hunlock Creek.

Environmental Documents: CE BRPA Reevaluation approved on August 16, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on May 16, 2022.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.011-acre of ROW will be required from the Delaware, Lackawanna and Western Railroad, which was determined eligible for listing on the NRHP.

• **SR 0367, Section 550—Auburn Township, Susquehanna County.**

Project Description: The project is the replacement of the existing structure that carries SR 0367 over the unnamed tributary to Tuscarora Creek.

Environmental Documents: CE BRPA Reevaluation approved on July 31, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved July 24, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.062-acre of ROW will be required from the Leroy B. Lacey House, which was determined eligible for listing on the NRHP.

• **SR 7302, Section ELM—City of Scranton, Lackawanna County.**

Project Description: The project is the replacement of the existing structure that carries Elm Street (SR 7302) over the Lackawanna River.

Environmental Documents: CE BRPA Reevaluation approved on September 25, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on November 30, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.0074-acre of ROW will be required from the Elm Street trailhead, which is part of the Lackawanna River Heritage Trail, which qualifies as a Section 4(f)/2002 resource.

• **SR 0061, Section 14M—Saint Clair and Frackville Boroughs, and New Castle, Blythe, Ryan and West Mahanoy Townships, Schuylkill County.**

Project Description: The project includes approximately 4.5 miles of roadway reconstruction on SR 0061.

Environmental Documents: CE 2 Reevaluation approved on July 18, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on July 7, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 3.41-acres of ROW will be required from the approximately 2,690.60-acres State Game Lands No. 326, which qualifies as a Section 4(f)/2002 resource.

• **SR 0078, Section 13B—Hamburg Borough and Tilden Township, Berks County.**

Project Description: The project is the widening of SR 0078 from Exit 29 (SR 0061 Interchange) to Exit 30 (North 4th Street/Hamburg), and the widening of the existing bridge over the Schuylkill River and the Reading Blue Mountain and Northern Railroad.

Environmental Documents: CE 2 Reevaluation approved on July 20, 2023, five Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on April 5, 2023, and two Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on April 5, 2023.

Proposed Use of Section 4(f)/2002 Resources: The Schuylkill River is a Fish and Boat Commission designated public recreational water trail and is included in the Department of Conservation and Natural Resources' Scenic Rivers Programs in the Commonwealth. The

Schuylkill River qualifies as a Section 4(f)/2002 resource, and approximately 0.12-acre of ROW and 0.23-acre of aerial easement will be required from the resource.

The Schuylkill River Desilting Project, Impounding Basin No. 1 (Kernsville Basin) was determined to be eligible for listing on the NRHP. The Kernsville Basin is located within the Kernsville Dam Recreation Area (KDRA). The KDRA is a 252-acre day use park and conservation area, which qualifies as a Section 4(f)/2002 resource. Approximately 0.009-acre of ROW and 0.77-acre of permanent aerial easement will be required from the two resources.

Approximately 0.008-acre of permanent aerial easement will be required from the Therman Madiera Switchback Trail, which is part of the Schuylkill River Trail, which qualifies as a Section 4(f)/2002 resource. Approximately 0.02-acre of ROW, 0.09-acre of aerial easement, 0.08-acre drainage easement and 0.01-acre of slope easement will be required from the 22.61-acre Hamburg Community Park, which qualifies as a Section 4(f)/2002 resource. The Hamburg Community Park is also known as the Etchberger Memorial Park. Approximately 0.01-acre of slope easement and 0.04-acre drainage easement will be required from the Schuylkill Navigation Company Canal (Port Carbon to Philadelphia), which was determined eligible for listing in the NRHP.

• **SR 0422, Section 29M—Wyomissing and West Reading Borough, City of Reading, and Exeter and Cumru Township, Berks County.**

Project Description: The project is the reconstruction of a 5-mile corridor of SR 422 including bridge replacements.

Environmental Documents: CE 2 Evaluation approved on August 31, 2023, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 22, 2023, two Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on August 22, 2023, and five Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on August 22, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 1.12-acres of ROW will be required from the Schuylkill River Desilting Project, which was determined to be eligible for listing on the NRHP. Approximately 0.14-acre of ROW will be required from the Schuylkill Navigation Company Canal, which was determined eligible for listing on the NRHP. Approximately 0.26-acre of ROW will be required from the Lower Tulpehocken Creek Historic District, which was determined eligible for listing on the NRHP. Approximately 0.03-acre permanent will be required from the Neversink Connector Trail, owned by the City of Reading, which qualifies as a Section 4(f)/2002 resource. Approximately 0.11-acre permanent will be required from the 24.34-acre Schlegel Park, owned by the City of Reading, which qualifies as a Section 4(f)/2002 resource. Approximately 0.24-acre permanent impact will be required from the Schuylkill River Water Trail, which qualifies as a Section 4(f)/2002 resource. Bingaman Street Bridge and Buttonwood Street Bridge were determined eligible for listing on the NRHP.

• **SR 0611, Section WCW—Williams Township, Northampton County.**

Project Description: The project is the replacement of the retaining wall supporting SR 0611 alongside the Delaware Canal.

Environmental Documents: CE 2 Evaluation approved on August 23, 2023, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 16, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on August 16, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.08-acre of ROW will be required from the Delaware Division of the Pennsylvania Canal, which is listed on the NRHP and from the approximately 830-acres Delaware Canal State Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 0011, Section 127—Carlisle Borough, Cumberland County.**

Project Description: The project includes roadway reconstruction and sidewalk improvements to SR 0011 (North Hanover Street) and SR 0034 (Carlisle Springs Road).

Environmental Documents: CE 1b Reevaluation approved on August 17, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on May 2, 2022.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.0044-acre of ROW will be required from the Cumberland Valley Railroad, which was determined eligible for listing on the NRHP.

• **SR 2005, Section 004—York and Springettsbury Townships, York County.**

Project Description: The project includes approximately 3 miles of roadway widening, overlay and safety improvements on SR 2005 (Camp Betty Washington Road/Haines Road) from the SR 2002 (Springwood Road) intersection to the SR 0124 (Mount Rose Avenue) intersection.

Environmental Documents: CE 1b Evaluation approved on September 21, 2023, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 1, 2023, and Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on August 1, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.68-acre of ROW will be required from the Fitz Farm, which was determined eligible for listing on the NRHP. Approximately 0.176-acre of ROW will be required from the approximately 9.0-acres Mill Creek Preserve, which qualifies as a Section 4(f)/2002 resource.

• **SR 0220, Section 018—Cumberland Valley Township, Bedford County.**

Project Description: The project is approximately 5.4 miles of resurfacing of US 220 from the Maryland State Line north to Narrow Lane (T-337).

Environmental Documents: CE 1b Evaluation approved on July 17, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on May 30, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.15-acre of ROW will be required from the Thomas Growden Farm, which was determined eligible for listing on the NRHP.

• **SR 0068, Section 253—Butler and Summit Townships, Butler County.**

Project Description: The project is the replacement of the Karns Crossing Bridge (SR 0068) over the Buffalo and Pittsburgh Railroad and Bessemer and Lake Erie Railroad.

Environmental Documents: CE 2 Reevaluation approved on August 8, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on May 17, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.33-acre of ROW will be required from the Bessemer and Lake Erie Railroad, which was determined eligible for listing on the NRHP.

• **SR 1060, Section A20—Bell Township, Westmoreland County and Kiskiminetas Township, Armstrong County.**

Project Description: The project is the replacement of the existing Bridge Street Bridge (SR 1060) over the Kiskiminetas River and Norfolk Southern Railroad.

Environmental Documents: CE 2 Reevaluation approved on September 8, 2023, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on December 28, 2020.

Proposed Use of Section 4(f)/2002 Resources: The Salina Bridge was determined eligible for listing on the NRHP.

CHRISTINE A. SPANGLER, PE,
Director
Bureau of Design and Delivery

[Pa.B. Doc. No. 23-1736. Filed for public inspection December 15, 2023, 9:00 a.m.]

GAME COMMISSION

Extension of Archery and Flintlock Muzzleloader Deer Seasons at the Middle Creek Wildlife Management Area

Order

Whereas, The Pennsylvania Game Commission (Commission) owns and manages a 6,000-acre property in Lancaster and Lebanon counties known as the Middle Creek Wildlife Management Area (Middle Creek WMA) (State Game Land No. 46); and

Whereas, Access to controlled areas and propagation areas of the Middle Creek WMA are normally restricted and closed to annual hunting and trapping seasons without a permit or written authorization issued by the Commission; and

Whereas, The Commission has determined that the permitting an archery and flintlock muzzleloader hunt outside of established hunting seasons within the controlled areas and propagation areas of the Middle Creek WMA is necessary to address elevated populations of white-tailed deer; and

Whereas, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the Commission to regulate activities relating to the protection, preservation, and management of game and wildlife, including white-tailed deer; and

Whereas, 58 Pa. Code § 139.3 (relating to authority to alter seasons and bag limits) authorizes the Executive Director of the Commission to extend hunting or trapping seasons in designated areas when a certain species is available in sufficient number the designated area or it is determined that inclement weather conditions or other factors resulted in an underharvest of certain species of wildlife in the designated area; and

Whereas, 58 Pa. Code § 135.103 (relating to controlled hunting and trapping area access permit procedures) authorizes the Executive Director to “establish the dates and number of available access permits each year for any authorized hunting or trapping activities approved for an established controlled hunting or trapping area;” and

Whereas, 58 Pa. Code § 135.161 (relating to Commission-owned or leased) permits the Executive Director to “authorize the opening of a propagation area for purposes of hunting, trapping, or both, in conformity with established seasons and bag limits.”

Now Therefore, I, BRYAN J. BURHANS, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. *Seasons Extended:* Archery and flintlock muzzleloader deer seasons within the controlled areas and propagation areas of the Middle Creek WMA are extended to authorize a one-day special deer hunt on Wednesday, December 13, 2023.

2. *Controlled Areas and Propagation Areas Open:* This limited special deer hunt will occur within hunt zones established within designated controlled areas and propagation areas of the Middle Creek WMA, as is more graphically illustrated on the map titled “Middle Creek Special Deer Hunt” attached hereto and incorporated by reference herein.

3. *Hunting by Permit Only:* This limited special deer hunt will occur outside of regular white-tailed deer hunting seasons and requires participants to acquire and be in possession of a special deer hunt access permit prior to accessing any controlled or propagation area of the Middle Creek WMA.

4. *Permit Eligibility:* Applicants that were successfully drawn to participate in the Middle Creek WMA special deer hunts in October and November are not eligible to apply for the December special deer hunt. Participation in the December special deer hunt will be limited to persons in possession of a valid:

- a. General hunting license;
- b. One or both of the following (whichever applicable):
 - i. Archery license; or
 - ii. Muzzleloader license;
- c. One or both of the following (whichever applicable):
 - i. Wildlife Management Unit 5B antlerless deer license with an unused harvest tag (if archery or muzzleloader hunting); or

ii. Unused flintlock harvest tag (if muzzleloader hunting).

5. *Application*: Applications for the Middle Creek Special Deer Hunt shall be submitted through the Commission's Pennsylvania Automated Licensing System (PALS) at <https://huntfish.pa.gov/>. Only one application may be submitted per person. Failure to submit an application by October 27, 2023 or in compliance with the requirements of this order will result in a rejection of the application.

6. *Drawing*: The Commission will conduct a random drawing to select a total of 26 applications for the December Middle Creek WMA special deer hunt. Successful applicants will receive one (1) deer hunting access permit. The Commission will also select ten (10) alternates should one (1) or more originally drawn applicants become ineligible to participate or unable to attend the special hunt. Successful applicants will be permitted to choose one guest to receive an additional access permit to participate in the special deer hunt. Successful applicants and alternates will be notified by first class mail.

7. *Orientation*: Successful applicants and alternates are required to attend a mandatory orientation meeting scheduled by the Commission prior to participation in the special deer hunt. Failure to attend a mandatory orientation meeting will invalidate a successful applicant's approval to participate in the special deer hunt. Guests selected by successful applicants are not required to attend an orientation meeting.

8. *General hunting requirements*:

a. *Check-in and Check-out*: Participants in the special deer hunt may enter the hunt zone designated on their permit at 5:00 a.m. on the day of the hunt. Participants shall present all white-tailed deer harvested during the special deer hunt to the Commission for examination at the Visitor's Center. Participants shall check-out at the conclusion of the special deer hunt at the Visitor's Center no later than 4:00 p.m.

b. *Fluorescent Orange*: All participants in the special deer hunt shall comply with the fluorescent orange requirements applicable to the regular firearms deer season as set forth in 58 Pa. Code § 141.20(a) (relating to protective material required).

c. *Hunting Hours*: Participants in the special deer hunt deer are only authorized to hunt and take deer from start of legal hunting hours until 3:00 p.m. on the day of the hunt.

d. *Arms, Ammunition and Method of Hunt*: Participants in the special deer hunt shall comply with all other requirements and limitations concerning deer hunting activities during archery and/or flintlock muzzleloaders seasons (whichever applicable) as set forth in the Code and attendant regulations.

e. *Species Eligibility*:

i. *Antlerless Deer*: Successful applicants are authorized to harvest antlerless white-tailed deer during the special deer hunt pursuant to any valid, unused Wildlife Management Unit 5B antlerless deer license(s) or flintlock harvest tag issued to them.

ii. *Antlered Deer*: Successful applicants are authorized to harvest an antlered white-tailed deer during the special deer hunt pursuant to any valid, unused antlered deer harvest tag issued to them.

iii. *Coyote*: Successful applicants are authorized to harvest coyote under the authority of their general hunting license while lawfully hunting white-tailed deer during the special deer hunt.

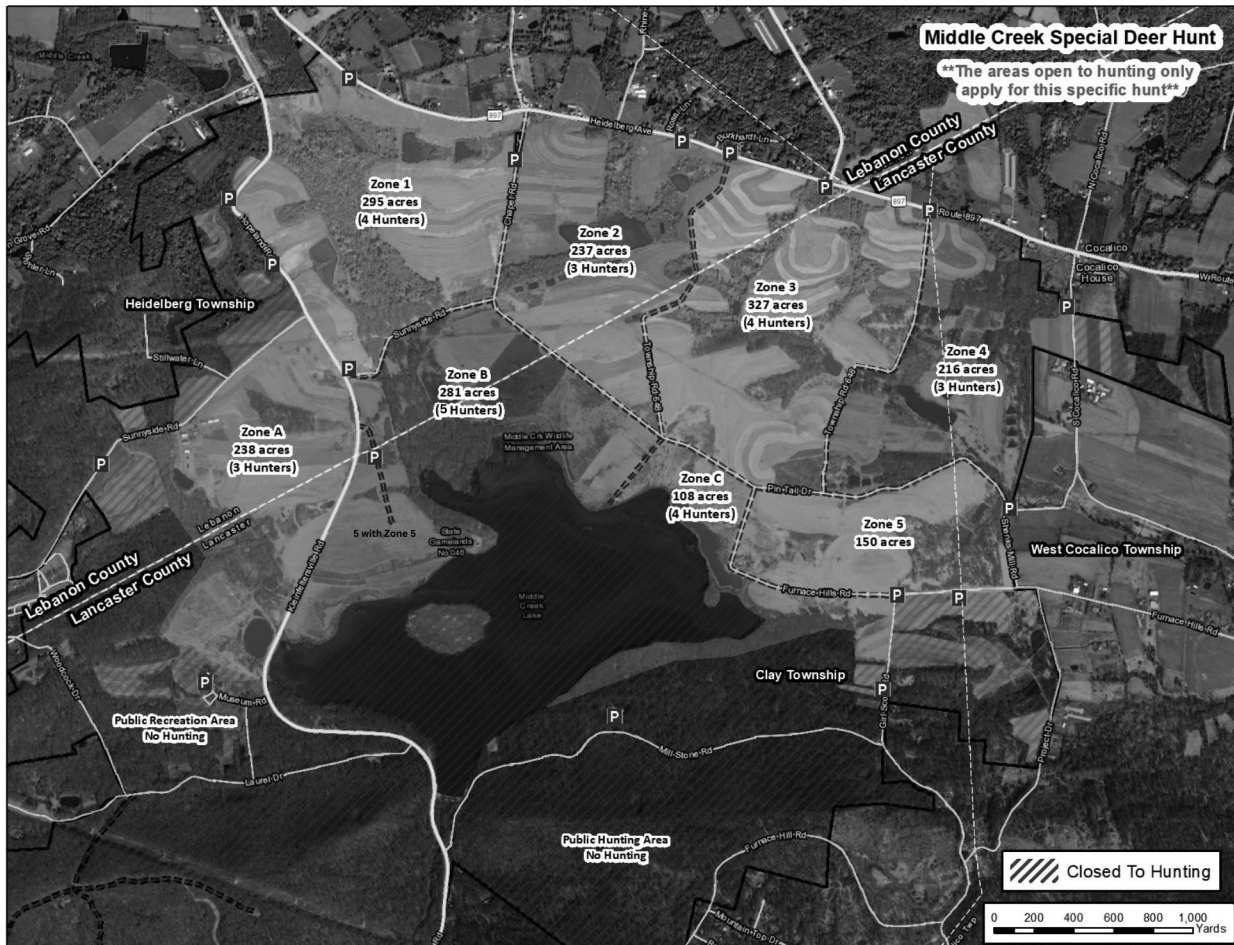
iv. *Other species*: No other species of game or wildlife may be hunted or taken by participants in the special deer hunt.

9. *Access Limited*: Successful applicants are authorized to access and hunt only the hunt zone designated on their issued special deer hunt access permit. Access into other hunt zones or other controlled or propagation areas of the Middle Creek WMA is prohibited.

10. *Effective Date*: This Order is effective immediately and shall remain in effect until it reaches its natural expiration at the close of hunting hours on Wednesday, December 13, 2023 or it is otherwise rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 5th day of December, 2023.

BRYAN J. BURHANS,
Executive Director



[Pa.B. Doc. No. 23-1737. Filed for public inspection December 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Synergy Comp Insurance Company

Tyler Hudson, John M. Hudson as trustee of the John M. Hudson Revocable Trust, JM Hudson Investments, LLC and Hudson Partners, LP have filed an application for approval to acquire control of Synergy Comp Insurance Company, a domestic stock casualty insurance company. The filing was received on November 16, 2023, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1414).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Karen Feather, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA

17120, kfeather@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1738. Filed for public inspection December 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Pennwood Operating, LLC

Pennwood Operating, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at WeCare at Penn Rehabilitation and Nursing Center in Pittsburgh, PA. The initial filing was received on November 14, 2023, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the

Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1739. Filed for public inspection December 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Marlene J. Burns; Order to Show Cause; Doc. No. SC23-10-034

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) except as modified by order.

A prehearing telephone conference initiated by this office is scheduled for January 16, 2024, at 10 a.m. Each party will provide the Hearings Administrator a telephone number to be used for the telephone conference on or before January 12, 2024. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before January 2, 2024, with the Administrative Hearings Office. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, will be electronically filed on or before January 12, 2024.

Persons with a disability who wish to attend the previously referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1740. Filed for public inspection December 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Geisinger Health Plan (GSHP-133906718); Small Group HMO—Transitional Filing; Rate Filing

Geisinger Health Plan submitted a rate filing for its small group HMO nongrandfathered (that is, transitional) plans. The filing proposes a flat rate adjustment of 18.7% and will affect 1,105 members with policies renewing from June 2023 through December 2024.

Unless formal administrative action is taken prior to February 20, 2024, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Valerie Romig, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, vromig@pa.gov within 20 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1741. Filed for public inspection December 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Geisinger Quality Options (GSHP-133907075); Small Group PPO—Transitional Filing; Rate Filing

Geisinger Quality Options submitted a rate filing for its small group PPO nongrandfathered (that is, transitional) plans. The filing proposes a flat rate adjustment of 8.5% and will affect 3,441 members with policies renewing from June 2023 through December 2024.

Unless formal administrative action is taken prior to February 20, 2024, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Hibbert, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, mhibbert@pa.gov within 20 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1742. Filed for public inspection December 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Micheal Janicki; License Denial Appeal; Doc. No. AG23-10-031

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Micheal Janicki has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for January 19, 2024, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before January 17, 2024. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before January 5, 2024. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. An-

swers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before January 17, 2024.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1743. Filed for public inspection December 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized under section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the termination of the insureds' homeowners policy. The proceedings will be governed in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for January 4, 2024, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before January 2, 2024.

The video hearing will be held virtually by means of Zoom. The parties and their representatives and witnesses shall join the Zoom hearing through the link supplied in the invitation. The Administrative Hearings Office may be contacted at (717) 783-2126 or ra-hearings@pa.gov.

Appeal of Tera C. and Robert Bryant; Nationwide Property and Casualty Insurance Company; File No. 23-178-285967; Doc. No. P23-10-001; January 18, 2024, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will

be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1744. Filed for public inspection December 15, 2023, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-23-023, Dated November 2, 2023. The Executive Board Resolution authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and AFSCME Council 13.

Resolution No. CB-23-024, Dated November 2, 2023. The Executive Board Resolution authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and AFSCME.

Governor's Office

Management Directive No. 410.12—Employment-Related Religious Accommodations, Dated November 14, 2023.

Administrative Circular No. 23-19—Holiday Trees and Decorations in Commonwealth Owned or Leased Buildings, Dated November 14, 2023.

AMY J. MENDELSON,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 23-1745. Filed for public inspection December 15, 2023, 9:00 a.m.]

OFFICE OF THE BUDGET

Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P.L. 160, No. 39) as amended by Section 2 of the act of October 19, 1995 (P.L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards

and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by Section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 14, 2023, that the salaries covered by that law shall be increased by 3.5% effective January 1, 2024. The following chart lists the position, the salary prior to the adjustment, the percentage increase of the adjustment, and the new salary:

COLA Adjustment for Elected and Appointed Officials Receiving Salaries Contained in Act 1995-51

COLA Adjustment is Based on the Percent Change in the CPI-U for PA-DE-NJ-MD, CMSA, for the 12 Month Period Ending October 2023

<i>Position</i>	<i>Salary Prior to 1/1/2024</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2024</i>
Governor	\$229,642	3.5%	\$237,679
Lieutenant Governor	\$192,897	3.5%	\$199,648
State Treasurer	\$191,061	3.5%	\$197,748
Auditor General	\$191,061	3.5%	\$197,748
Attorney General	\$191,061	3.5%	\$197,748
Large Agency Head	\$183,712	3.5%	\$190,142
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Human Services			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$174,527	3.5%	\$180,635
Secretary of Aging			
Secretary of Community & Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation & Natural Resources			
Small Agency Head	\$165,341	3.5%	\$171,128
Secretary of Agriculture			
Secretary of Banking & Securities			
Secretary of the Commonwealth			
Insurance Commissioner			
Secretary of Drug and Alcohol Programs *****			
Liquor Control Board			
Chairman	\$93,324	3.5%	\$96,590
Member	\$89,648	3.5%	\$92,786
Civil Service Commission****			
Chairman	\$105,012	3.5%	\$108,687
Member	\$100,973	3.5%	\$104,507
State Tax Equalization Board			
Chairman	\$32,151	3.5%	\$33,276
Member	\$29,853	3.5%	\$30,898
Milk Marketing Board			
Chairman	\$29,853	3.5%	\$30,898
Member	\$28,705	3.5%	\$29,710

<i>Position</i>	<i>Salary Prior to 1/1/2024</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2024</i>
Securities Commission***			
Chairman	\$50,229	3.5%	\$51,987
Member	\$45,826	3.5%	\$47,430
Athletic Commission			
Chairman	\$24,115	3.5%	\$24,959
Member	\$22,962	3.5%	\$23,766
Board of Pardons			
Member	\$21,126	3.5%	\$21,865
Public Utility Commission			
Chairman	\$177,027	**	\$183,135
Member	\$174,527	3.5%	\$180,635
Environmental Hearing Board*			
Chairman	\$177,027	*	\$183,135
Member	\$174,527	*	\$180,635
Board of Claims*****			
Chairman	\$169,611	3.5%	\$175,547
Member	\$160,681	3.5%	\$166,305

*: The Environmental Hearing Board is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

**: Act 1995-51 requires that the PUC Chairman shall receive \$2,500/yr. more than PUC Members.

***: Per Act 1998-51.

****: Per Act 2002-140, effective November 27, 2002.

*****: Per Act 2002-118, effective October 2, 2002.

*****: The salary for the Secretary of Drug and Alcohol Programs has not yet been set by statute.

URI MONSON,
Secretary

[Pa.B. Doc. No. 23-1746. Filed for public inspection December 15, 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 January 2, 2024. 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 January 2, 2024. 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-2023-3043588. John M. Butler, II (1320 Chartiers Avenue, Pittsburgh, Allegheny County, PA 15220) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in Allegheny County to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2023-3044470. Medishuttle Transportation, LLC (290 Andrews Road, Suite 108, Feasterville, Bucks County, PA 19053) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Delaware and Montgomery and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* Samuel Ben-Samuel, Esq., 223 Upland Road, Merion Station, PA 19066.

Application of the following for the approval of the *transfer of stock as described under the application.*

A-2023-3044532. S&S Medical Transport, LLC (575 North 65th Street, Harrisburg, Dauphin County, PA

17111) a corporation of this Commonwealth for the approval of a change in the membership of the limited liability corporation from Dilip K. Sharma to Mustafa Nuur. Upon completion of the change of membership, Mustafa Nuur will be the sole member of the limited liability corporation. *Attorney:* Salvatore P. Sciacca, Esquire, Saxton & Stump, 4250 Crums Mill Road, Harrisburg, PA 17112.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1747. Filed for public inspection December 15, 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 January 2, 2024, 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. Ceva Logistics U.S., Inc.; Doc. No. C-2023-3042892

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 Ceva Logistics U.S., Inc., Respondent, maintains its principal place of business at 15350 Vickery, Houston, TX 77032.

2. That respondent was issued a Certificate of Public Convenience by this Commission on February 12, 2004, at A-00116944 authorizing Respondent to transport, as a motor common carrier, property, excluding household goods in use, between points in Pennsylvania for compensation, at PUC No. 704460.

3. On September 8, 2023, a Driver/Vehicle Compliance Report was completed by PA PUC Enforcement Officer Vincent Gentile roadside at Mill Street, New Castle, Lawrence County, PA. Officer Gentile inspected a 2015 International Truck, PA registration number ZNY8878, transporting freight for compensation from New Castle, Lawrence County, PA to Oakdale, Allegheny County, PA.

4. Officer Gentile found through PUC information that the carrier does have PUC authority but the driver, Thomas Dunlap failed to have a lease agreement on board when requested by the Officer.

5. That Respondent, by transporting property between points in Pennsylvania for compensation while not possessing the lease agreement on board the vehicle, violated the Public Utility Code, 52 Pa. Code 31.32(c)(2)(Vi). The penalty for this violation is \$50.00.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine the Respondent, Ceva Logistics U.S., Inc. Transport, Inc., the penalty of fifty dollars (\$50.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,
Andrew Turriziani, Chief
Bureau of Investigation and Enforcement
Motor Carrier Enforcement Division
400 North Street
Harrisburg, PA 17120

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: October 26, 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. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street Harrisburg, PA 17120

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceedings shall be closed.

E. 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.

F. 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.

G. 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. 23-1748. Filed for public inspection December 15, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Tariff Supplement

R-2023-3043673. PECO Energy Company. Filing of PECO Energy Company for approval of a tariff supplement.

Formal complaints must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, January 9, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, with a copy served on the company. The documents filed in support of the filing are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the company's address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery or through the Commission's Sharepoint.

Applicant: PECO Energy Company

Through: Richard G. Webster, Jr., 2301 Market Street, S15, Philadelphia, PA 19103, dick.webster@peco-energy.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1749. Filed for public inspection December 15, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Tariff Supplement

R-2023-3043674. PECO Energy Company. Filing of PECO Energy Company for approval of a tariff supplement.

Formal complaints must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, January 9, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, with a copy served on the company. The documents filed in support of the filing are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the company's address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery or through the Commission's Sharepoint.

Applicant: PECO Energy Company

Through: Richard G. Webster, Jr., 2301 Market Street, S15, Philadelphia, PA 19103, dick.webster@peco-energy.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1750. Filed for public inspection December 15, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Tariff Supplement

R-2023-3043675. PECO Energy Company. Filing of PECO Energy Company for approval of a tariff supplement.

Formal complaints must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, January 9, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, with a copy served on the company. The documents filed in support of the filing are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the company's address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery or through the Commission's Sharepoint.

Applicant: PECO Energy Company

Through: Richard G. Webster, Jr., 2301 Market Street, S15, Philadelphia, PA 19103, dick.webster@peco-energy.com

ROSEMARY CHIAVETTA,
Secretary

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PENNSYLVANIA BULLETIN

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Part II

This part contains
the Rules and Regulations
and the Proposed Rulemakings



RULES AND REGULATIONS

Title 55—HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

[55 PA. CODE CHS. 3041 AND 3042]

Subsidized Child Care Eligibility

The Department of Human Services (Department) deletes Chapter 3041 and adds Chapter 3042 (relating to subsidized child care eligibility) to ensure ongoing compliance with the requirements under the Federal Child Care and Development Block Grant of 2014 (CCDBG), (42 U.S.C. §§ 9857—9858r, as reauthorized by Pub.L. No. 113—186) as set forth in Annex A.

Effective Date

This final-form rulemaking will take effect upon publication in the *Pennsylvania Bulletin*.

Contact Persons

For further information, contact Michael Ordonez, Program Representative, Bureau of Early Learning Policy and Professional Development, 607 South Drive, 4th Floor Rotunda, Harrisburg, PA 17120, (717) 265-8906; or Jessica Sands, Chief, Division of Policy, Bureau of Early Learning Policy and Professional Development, 607 South Drive, 4th Floor Rotunda, Harrisburg, PA 17120, (717) 787-8082. 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).

Statutory Authority

This final-form rulemaking is authorized under sections 201(2), 403(b) and 403.1 of the Human Services Code (62 P.S. §§ 201(2), 403(b) and 403.1), which grants the Department the authority to adopt rules and regulations relating to subsidized child care eligibility. Notice of proposed rulemaking was published at 50 Pa.B. 6361 (November 14, 2020).

Background and Purpose

The purpose of this final-form rulemaking is to update the Department's requirements for the Child Care Works (CCW) program, which is the Department's subsidized child care program. This final-form rulemaking will ensure the Commonwealth's continued compliance with the requirements under the CCDBG and allow the Commonwealth to continue to receive Child Care and Development Funds (CCDF). The CCDBG, along with section 418 of the Social Security Act (42 U.S.C. § 618), authorizes the CCDF. The CCDF is the primary Federal funding source devoted to assisting low-income families that are working or participating in education or training activities with paying for child care and improving the quality of child care for all children. Subsidized child care is a benefit made available through limited Federal and State funds. This final-form rulemaking provides the eligibility criteria a parent or caretaker must satisfy to obtain and maintain assistance with child care costs through the CCW program. This final-form rulemaking also sets forth the procedures the eligibility agency shall follow in administering the CCW program.

The Department last amended the subsidized child care eligibility regulations in 2012. Since that time, the CCDBG was updated, and now several of the Department's codified regulations, including the minimum eligi-

bility periods, no longer mirror the CCDBG requirements. Because of the many changes under the reauthorized CCDBG, the Department is replacing its previous regulatory chapter, Chapter 3041, with Chapter 3042. This final-form rulemaking is, therefore, needed to satisfy the updated requirements as set forth in the CCDBG, which includes minimum 12-month eligibility periods, continuous eligibility irrespective of increases in earnings (within the Federal eligibility limit of 85% of the State Median Income (SMI)), and temporary changes in work, education or training during the 12-month eligibility period.

Additional changes consistent with CCDBG requirements also include establishing periods of presumptive continued eligibility at redetermination for a parent or caretaker who will be starting the parent or caretaker's job within 92 days of the redetermination date; prohibiting subsidy enrollments at a provider for whom the Department has revoked or refused to renew a certificate of compliance; allowing a parent or caretaker receiving subsidized child care services the same option as private-pay parents or caretakers to elect to hold their child back from attending kindergarten for 1 additional year; and increasing the total number of paid absences per year. This final-form rulemaking is therefore consistent with all CCDBG requirements.

This final-form regulatory package was originally submitted to the Independent Regulatory Review Commission (IRRC) on March 23, 2023. In response to comments the Department received, from both early learning advocates and providers, the Department requested IRRC to disapprove the final-form regulatory package at the public meeting on May 18, 2023, in order for the Department to revise the final-form regulation package. On June 20, 2023, the Department received IRRC's disapproval order which cited concerns regarding reasonableness and economic and fiscal impacts of the regulation due to the removal of the provision relating to provider charges. The Department revised the final-form regulatory package based on the IRRC disapproval order and comments from the regulated community and subsequently resubmitted the revised regulatory package.

Public Comment

Following the publication of the proposed rulemaking, the Department received comments from 18 commentators during the 30-day public comment period and two letters from commentators after the close of the public comment period. The comments came from 9 child care operators and 11 advocacy organizations. The Department notes that one commentator, the Pennsylvania Child Care Association, provided a comment that was received twice, and so they were duplicates. The majority of comments voiced general approval for the Department's rulemaking. There were several comments that noted disagreement in specific areas or that stated suggestions for specific changes as further discussed as follows and in the Department's comment and response document.

During the public comment period, the Department received extensive comments from the Community Justice Project (CJP) about several areas of the rulemaking. After close of the public comment period, the Department also received comments from IRRC, some of which echoed the comments received from CJP as well as other commentators. Also following public comment, the Department met by means of video-conference with CJP on four occasions to discuss their feedback. Specifically, the Department

met with CJP on March 9, March 18, March 30 and April 6, 2021, during which times the Department and CJP jointly reviewed and discussed all of CJP's written comments.

The major comments received on the proposed rulemaking are summarized as follows. In addition, to specifically address all comments received during the public comment process, the Department created a separate comment and response document, which is available on the Department's web site at <https://www.dhs.pa.gov/Services/Children/Pages/Child-Care-Works-Program.aspx>. The Department also filed the separate comment and response document with IRRC, the legislative committees, the Legislative Reference Bureau and the commentators along with this final-form rulemaking.

Discussion of Comments and Major Changes

The Department revised this final-form rulemaking in response to and in consideration of the comments received from commentators and IRRC. The Department finds that IRRC summarized the major comments noted by commentators. As a result, the Department will use IRRC's comments as a blueprint for discussion of the major comments received. The following provides a summary of the major changes from the proposed rulemaking to this final-form rulemaking, followed by a section-by-section description of the final-form provisions.

1. General Provisions; Definitions

IRRC provided feedback on the definitions of "family," "fraud," "homelessness," "maternity or family leave," "period of presumptive eligibility," "prospective work, education or training," "self-declaration" and "training."

For "family," IRRC requested for that definition to be revised to include all types of training. The Department revised the definition as requested to include adult basic education, English as a second language course work, a high school or a GED program, an HSE degree, an internship, clinical placement, apprenticeship, lab work or field work required by a training institution, or a postsecondary program leading to a degree, diploma or certificate.

For "fraud," citing to a commentator's question asking if a parent or caretaker commits fraud when income exceeding 85% of the SMI is not reported during the eligibility period and a child continues to receive subsidized care, IRRC requested for the Department to explain whether that is fraud and to clarify, if necessary, the definition of "fraud."

Fraud is not committed when income exceeding 85% of the SMI is not reported during the eligibility period. Further, the language "at the time of application or redetermination" limits the definition of "fraud" to those specific instances, which more clearly involve affirmative representations of income. Instead, situations involving a parent or caretaker whose income exceeds 85% of the SMI during the eligibility period while continuing to receive subsidized care are treated as an overpayment. See §§ 3042.172 and 3042.176 (relating to eligibility agency responsibilities regarding overpayment; and collection). As such, the Department declines to make the suggested changes.

For "homelessness," IRRC recommended revisions to include the child's parent or caretaker. In response, the Department made the requested revision, and noted that inclusion of parents and caretakers in the definition is consistent with the CCDF's usage of homelessness because the CCDF references homeless families, which

includes the child and the child's parent or caretaker. See 45 CFR 98.51 (relating to services for children experiencing homelessness).

For "maternity or family leave," the Department deleted the term from this final-form rulemaking because the term was deleted from all but one instance of usage following changes made in §§ 3042.19 and 3042.147 (relating to subsidy continuation; and presumptive continued eligibility at redetermination). See § 3042.68(3) (relating to verification of circumstances relating to a decrease in copayment). After review of that provision in § 3042.68(3), the Department determined the plain usage of the wording clearly prescribes the requirement. Similarly, the Department deleted the term "owner or operator of a child care facility" because the term was not used as such in the previous chapter's requirements, the proposed rulemaking or this final-form rulemaking.

For "period of presumptive eligibility," IRRC requested that the substantive language be deleted from the proposed definition and placed into the body of the regulations. In response, the substantive timing provisions from the proposed definition of "period of presumptive eligibility" are amended in the final-form definition and are added to § 3042.147(a) to clarify that a period of presumptive eligibility is temporary and shall not exceed 92 calendar days from the date of the redetermination. Notably, IRRC's comment for "period of presumptive eligibility" also applies to the time frames in the proposed definitions of "prospective work, education and training" and "self-declaration." As such, the Department makes changes to clarify that prospective work, education and training refers to future employment, education or training that has a begin date and is verified by the employer, school official or training official. Further, the Department makes changes to § 3042.34(a)(1) (relating to prospective work, education and training) so that the 30-day time limit is stated with reference to the date the parent or caretaker signs and dates the application for subsidized child care, as well as changes to § 3042.34(a)(2) to ensure consistency with the definition of "prospective work, education or training," which must be verified by the employer, school official or training official. Similarly, the Department makes changes to the definition of "self-declaration" to delete the time frame from the definition and to clarify that it refers to a written statement that is signed and dated and provided by the parent or caretaker for the purpose of establishing financial or nonfinancial eligibility pending verification as described under § 3042.64 (relating to self-declaration).

For "training," IRRC requested for the definition to be clarified to include additional types of adult education and postsecondary study and asked if it was necessary to specify the length of time for a postsecondary degree program. IRRC cited to a commentator who observed the definition did not include the two most common forms of adult education—GED and HSE programs. In response, the Department makes changes to delete the time frame for the postsecondary degree program and add GED and HSE to the final-form definition. Similarly, and in response to a public comment, the Department makes changes to the definition of "education" to include GED and HSE programs. The Department notes that the acronyms "CRNP," "GED," "HSE" are added on final-form because the acronyms are used in more than one section of this final-form rulemaking.

In addition, the term "personal interview" is added on final-form following feedback from several commentators about the importance of removing barriers for parents or

caretakers who struggle to participate in the face-to-face meetings and allowing telephone contact to satisfy the face-to-face requirement. The Department notes especially that telephone contact may satisfy the requirement, and so the requirement does not require in-person meetings. As such, the term “face-to-face” is outdated and misleading because a face-to-face meeting implies an in-person meeting. The Department makes changes to clarify the terminology and better state the requirements in response to public comments about removing barriers for parents or caretakers. Specifically, the Department defines the term “personal interview” in § 3042.3 (relating to definitions), which refers to an informational meeting held between the eligibility agency and the parent or caretaker, which can take place either in person, by telephone or by other means approved by the Department. The added term, and its definition, is consistent with terminology used elsewhere in the Department’s regulations. See §§ 123.22 and 133.23 (relating to definitions; and requirements). These changes will improve access for parents and caretakers by ensuring that personal interviews are conducted within 30 calendar days in a manner and format best suited to the parent or caretaker’s needs, availability and personal circumstances. The Department amends all references to “face-to-face meeting” in this final-form rulemaking with the term “personal interview” to clarify that a meeting can take place in person, by telephone or by other means approved by the Department. The changes in terminology are made in §§ 3042.56, 3042.63, 3042.114, 3042.115 and 3042.117. These changes remove barriers for parents and caretakers by clearly stating there are multiple methods to complete a personal interview, including flexibilities to benefit parents and caretakers that may not be available for a face-to-face meeting as previously required.

As a result of the change in terminology to “personal interview,” the Department determines that proposed § 3042.56(e) (relating to personal interview) is no longer necessary. This subsection is deleted from this final-form rulemaking, and the provisions are reordered accordingly. Because subsection (e) is deleted, proposed § 3042.56(f) is changed to § 3042.56(e). Similarly, the Department updates the headings for § 3042.56 and § 3042.114 (relating to personal interview requirements for former TANF families) to reflect the clarified personal interview requirements.

2. Parent Choice and Payment of Provider Charges

IRRC inquired how does the Department ensure that relatives who are providing child care meet the Department’s standards. Further, IRRC inquired how does the Department implement the goals of quality of care under § 3042.12 (relating to parent choice) and how do the procedures ensure the protection of the public health, safety and welfare. As provided under § 3042.12(a), a family may choose child care from a provider that agrees to comply with the Department’s standards for provider participation. As part of this agreement, all relative providers must enter into and follow the terms of the Department’s Relative Provider Agreement (Agreement) to receive payment from CCDF funds. The Agreement requires that relative providers meet State Child Abuse, National Sex Offender Registry Check, and Federal and State Criminal History Requirements prior to approval and every 60 months thereafter, which aligns with requirements for providers at regulated child care facilities and the CCDBG. Relatives must obtain Federal criminal clearances at their own expense, which is approximately \$23, and the costs of the other required clearances are addressed in the Agreement. The Department notes that

costs relating to criminal history clearances are not new and are outside this final-form rulemaking. Under the Agreement, the relative provider must give the eligibility agency written notice no later than 72 hours after their or anyone in the household’s arrest, conviction or notification of being listed as a perpetrator of child abuse in the Central Register.

The Agreement also requires compliance with health and safety practices relating to handwashing, diapering, toileting, and the preparation and handling of food. Additionally, all relative providers must complete 3 hours of approved mandated reporter training prior to approval, and that this training must be completed every 5 years. The relative provider must submit the certificate of completion along with the results of the Federal criminal history clearance to the eligibility agency at the personal interview. Also, the Agreement requires that the relative provider’s home have a working smoke detector on each level in which child care is provided, and that conditions in the home not pose a threat to the health and safety of children in care. The requirement is consistent with the requirements of section 1016 of the Human Services Code (62 P.S. § 1016). The Agreement further requires that cleaning and toxic materials shall be stored in their original labeled containers or in a container that specifies the contents; kept in a locked area or in an area where children cannot reach them; and kept separate from food, the areas where food is prepared or stored and the areas where child care takes place. Also, any weapon or firearm must be kept in a locked cabinet; any ammunition must be kept in a separate, locked area; and the relative provider must tell the child’s parent or caretaker that weapons, firearms or ammunition are in the provider’s home. The Agreement requires that the relative provider not use any form of punishment, including spanking; and that the parent or caretaker be allowed to see their child at any time the provider is providing care. The requirements in the Agreement satisfy CCDF requirements, and they are consistent with several of the prescribed requirements for child care providers at regulated facilities. These requirements all ensure that children receiving subsidized child care services from a relative provider receive at least the same quality of care as children enrolled at regulated child care facilities.

The Department notes that the Agreement for relative providers has been in use for over 15 years, and that the terms ensure the protection of the public health, safety and welfare of children receiving subsidized child care services both initially and on an ongoing basis by ensuring substantially the same standards for quality of care as are provided for at regulated child care facilities. Finally, these provisions under § 3042.12 are consistent with the deleted provisions under Chapter 3041.

Next, for § 3042.14 (relating to payment of provider charges), IRRC noted that the proposed rulemaking prohibited new subsidy enrollments but that the Department would continue paying for current enrollments at providers who are not meeting basic health and safety requirements. IRRC asked for an explanation of the reasonableness of the requirement, noting that:

“...this section does not allow new enrollments ‘when the Department determines the provider is not meeting health and safety requirements, and revokes or refuses to renew the provider’s certificate of compliance.’ The Department goes on to say that to ‘provide continued stability and support already established staff and child relationships, the Department will continue to pay for children who are currently en-

rolled at the time of the sanction.’ We ask the Department to explain in the Preamble to the final-form regulation the reasonableness of this subsection and how it protects the public health, safety and welfare of children currently receiving care at these facilities. We will review the Department’s answer when determining if this regulation is in the public interest.”

After careful consideration, the Department makes changes to §§ 3042.12 and 3042.14(h) to ensure subsidy dollars are not paid to providers whose certificate of compliance has been revoked or refused to renew by the Department’s Bureau of Certification Services, which is responsible for enforcing the Department’s health and safety standards. Specifically, the Department adds a subsection under § 3042.12 and deletes the word “new” from § 3042.14(h) to ensure that limited public funds are not being paid to providers who cannot meet baseline health and safety standards. The added subsection under § 3042.12 clarifies that the Department may suspend the subsidy and will not terminate the subsidy, and so there is no impact to a family’s eligibility, which will continue for the balance of the 12-month period. This change strikes the appropriate balance between ensuring parent choice and ensuring that scarce public dollars are not being paid to facilities that do not satisfy baseline health and safety requirements. Also, parents are free to choose child care services at another provider who is meeting baseline health and safety requirements. The Department will assist these families with locating another provider to ensure continuity of care. Currently, the Department already assists families with locating another provider in cases where an emergency revocation to a facility is issued because circumstances at the facility justify immediate closure and removal of the children from care.

As for the numbers of families these changes will impact, the Department conducted a review of the instances of revocations and refusals to renew for State Fiscal Year (SFY) 2021-2022, and after review, the Department noted there were approximately 31 revocations or refusals to renew that impacted on 447 enrollments. Notably, not all certified child care providers participate in the CCW program. For SFY 2021-2022, the numbers of facilities issued revocations or refusals to renew were 20 child care centers, 3 group child care homes and 8 family child care homes. The Department notes the bulk of the enrollments, 428, were located in child care centers, and the noted facilities were located in various regions throughout this Commonwealth. The Department also notes that it upholds health and safety protections for children in care throughout this Commonwealth irrespective of the provider type, the provider’s regional location and whether a provider participates in the CCW program. The fiscal impact to providers and the impacts on parent choice for families are outweighed by ensuring that public funds are directed to providers meeting basic health and safety requirements to ensure the protection of the health and safety of this Commonwealth’s most vulnerable and disadvantaged children, as consistent with the CCDF. The Department reiterates that it will assist impacted families with locating another provider to ensure continuity of care and parent choice. Further, only providers whose certificate of compliance has been revoked or refused to renew by the Department’s Bureau of Certification Services will be impacted because the Department will no longer pay for CCW program enrollments at these providers. The Department notes these providers can still provide services to private-pay families should the provider choose to appeal the Department’s revocation or

nonrenewal determination. The Department reiterates the statements from the preamble of the Federal regulation, that “we cannot in good conscience continue to use any Federal taxpayer dollars to support sub-standard child care for our nation’s most vulnerable and disadvantaged children.” The change is also consistent with the methods of administration of funds by the Department under the American Rescue Plan Act of 2021 (Public Law 117-2) (ARPA) because subsidy funds are public dollars that should not be paid to providers who are not meeting baseline health and safety requirements. The Department notes that an eligible provider refers to a provider that is certified and that “meets applicable State and local health and safety requirements.” See the definition of “eligible child care provider,” section 2202 of the ARPA. Further regarding any lost enrollments, the Department is clarifying that the cost is speculative and varies depending on the provider type as well as the numbers of enrolled children who are receiving subsidized child care services. In addition, any fiscal impact due to lost enrollments are the result of the facility’s failure to comply with the Department’s licensure regulations and not this final-form rulemaking.

The Department also received feedback from four commentators who suggested that the Department temporarily prohibit subsidy enrollments at the Department’s discretion in cases where there is a complaint investigation involving the serious physical injury of a child, the sexual assault of a child, the death of a child and any other egregious acts that put the safety of children into question. Specifically, the commentators stated that “we would support the Department having the authority to temporarily prohibit subsidy enrollments at their discretion in consideration of current complaint investigations involving the serious physical injury of a child, sexual assault of a child, death of a child, etc.” The Department thanks the commentator for this comment. The Department’s Bureau of Certification Services immediately initiates complaint investigations involving all allegations impacting on health and safety, and further, the Bureau of Certification Services will always issue an emergency revocation sanction upon investigation as legally warranted by the facts and circumstances. Notably, an investigation is not by itself a determination of noncompliance or wrongdoing. After careful consideration, the Department declines the suggested prohibition because of potential due process concerns during the investigatory phase.

Further regarding provider charges under § 3042.14(d), in response to the proposed rulemaking, two commentators disagreed with the provider being permitted to charge the difference between the provider’s published rate and the CCW payment rate. One of the commentators noted that paying the difference between the CCW payment rate and the private rate “is a problem that should be addressed through tiered reimbursement along with regular and adequate upgrades to DHS’s provider payment rate” and not made up for by billing low-income parents or caretakers to make up the difference. The commentator continued, noting the provision as it exists “also undermines parent choice of providers, arguably in violation of DHS and federal policy establishing the rights of parents to entrust the care of their children to the child care provider of their choice.”

In addition, the Department received comments on this final-form rulemaking regarding the ability of providers to charge the difference between the CCW payment rate and the provider’s private rate. Specifically, following submission of this final-form rulemaking, and prior to the IRRC public meeting, the Department received four com-

ments from two commentators; after the public meeting, the Department received an additional comment from one of these commentators to provide suggestion for modification of the provision. In response to feedback following submission of the final-form rulemaking, the Department requested IRRC to disapprove the final-form regulatory package at the public meeting on May 18, 2023, for the Department to revise the final-form regulation package. On June 20, 2023, the Department received IRRC's disapproval order which cited concerns regarding reasonableness and economic and fiscal impacts of the regulations.

Due to the complexity and financial impact regarding this provision, the Department has determined to maintain the status quo and preserve this provision at this time. Specifically, the Department edited this language to exactly mirror the language of § 3041.15(c). To further examine this issue and obtain additional data regarding access and affordability, the Department intends to hold additional stakeholder meetings with both providers and early learning advocates and families to discuss the extent to which these additional charges are being required.

The Department acknowledges and thanks the stakeholders and advocates who have provided suggestions on how the Department should resolve the provision. Once additional data has been collected and examined, with a further review of the potential for increased reimbursement rates, the Department will determine next steps. If the data collected indicates concerns over Federal compliance, the Department will continue discussions with all parties to consider changes to the provision to ensure ongoing Federal compliance. To clarify, this additional data is currently being collected, and after the data is collected and analyzed, informational meetings will be scheduled with providers and advocates to find a balance that ensures affordability and equal access for CCDF families and improved financial solvency for providers. Restoring the provision to the status quo at this time ensures there are no economic or fiscal impacts to the regulated community, of which 70% are small businesses.

As to the maximum copayment amount, the Department is codifying the existing copayment limitation and there is no resulting fiscal impact under this final-form rulemaking. Further, the Department pledges to continue to work toward ensuring the CCW payment rate provides equal access to child care for low-income families. See 63 FR 39936, 39959 (July 24, 1998). As well, the Department notes that providers who wish to provide higher quality child care through the Keystone STARS program may be eligible for assistance with costs. This codified limit continues to benefit families who will no longer be faced with paying a greater share of their income on child care than reflects the National average. The Department is further emphasizing that there have been rate increases three times during the time of preparing this final-form rulemaking that have been made possible through funds from the ARPA. Finally, the Department notes that the Commonwealth was awarded \$452 million in discretionary funding from the ARPA, and that the Administration for Children and Families, Office of Child Care provided to the Department recommendations on the use of those funds. Consistent with the recommendations, a total of \$121.9 million is being used over 4 fiscal years to support the codified reduced family copayments for the CCW program. This funding is projected for allocation for Fiscal Years 2021–2024. Similarly, the increased subsidy base rates are funded through the same ARPA program.

3. *Subsidy Limitations, Suspension, and Financial Eligibility*

IRRC first requested explanation for how the Department will implement the limitation for operators under § 3042.15(c) (relating to subsidy limitations), and for how the Department determines whether space is available to enroll the child of a parent or caretaker who is the operator of a child care facility, citing to a commentator who expressed concern with the requirement, noting an employee who was denied subsidized child care. IRRC requested explanation as well for how a facility will be economically impacted and the reasonableness of the requirement.

In response to the comments received, the Department amends § 3042.15(c) to clarify that a child who is receiving care in a child care facility that is owned by the child's parent or caretaker is not eligible for subsidized child care services. The amendments delete references to the availability of space because the concern is only whether a parent or caretaker is being paid to care for their own child, which runs contrary to the definition of "child care." As defined in this final-form rulemaking under § 3042.3, "child care" is "care instead of parental care for part of a 24-hour day." To avoid confusion and better clarify this requirement, the Department deletes the term "owner or operator of a child care facility" from § 3042.3 because the term is not used in this final-form rulemaking.

In response to the inquiry regarding economic impact and implementation of this amended provision, the final-form subsection is narrowly tailored such that it pertains only to situations where a parent or caretaker is the owner of a certified child care facility. To the extent there is such an impact, the Department determines that the cost is outweighed by the fact that subsidy dollars are scarce, public funds, and so this final-form subsection prohibits only situations in which the owners of certified child care facilities are paid subsidy dollars to care for their own children. Operators may still receive subsidy funding for children in care who are not their own children. Further, the final-form language expands eligibility because the subsidy limitation only relates to a child receiving care in a facility owned by an eligible child's parent or caretaker. If otherwise eligible, subsidized child care may be received at a different facility.

Second, regarding final-form § 3042.15(d) and § 3042.57(c) (relating to waiting list), which are substantively the same, IRRC requested clarification. Specifically, IRRC asked first, why the 30-day requirement is reasonable; second, how parental choice is accommodated; and third about implementation procedures for granting exceptions. IRRC also cited to commentators who expressed concerns over parent choice and requested changes to ensure that a child maintains eligibility when circumstances beyond a parent or caretaker's control prevent enrollment in child care.

Thirty days is a reasonable time frame to enroll a child with a child care provider because a parent or caretaker is working or is enrolled in training or education and is in need of child care. In many instances, a family already has a provider that they are using and they only need assistance paying for the case. In other situations, the family knows what provider they want to enroll the child with, but again, has not been able to do so because of financial circumstances. Families are eligible for subsidized child care because they are working or enrolled in education or training and need child care. If the family needs assistance with finding a provider, the eligibility

agency will assist the family with resource and referral. Second, parent choice is maintained. As stated previously, in many instances a family already has a provider or knows what provider the family wants to use. The only remaining issue is the family's financial circumstance and the need to submit an application for child care subsidy. In response to comments received, the Department clarifies this section to provide that a child is ineligible for failure to enroll within 30 days unless the eligibility agency determines that enrollment has been delayed because of circumstances outside of a parent's or caretaker's control. The Department also clarifies that if a parent or caretaker fails to provide a circumstance outside the parent's or caretaker's control, the child is ineligible. And further, if a circumstance outside of a parent's or caretaker's control is provided, the child will remain eligible. See §§ 3042.15(d) and 3042.57(c). As explained as follows and in the Department's comment and response document, the Department makes congruent changes to §§ 3042.15(d) and 3042.57(c) to ensure that a child maintains eligibility when circumstances beyond a parent or caretaker's control prevent enrollment in child care. The 30-day requirement strikes a balance between offering parental choice and efficiently administering the program. Simply put, families are on the wait list who also need subsidized child care, and spots cannot be held open in perpetuity if care is not needed or the parent or caretaker is not sure when it might be needed. The Department reiterates that families are eligible for subsidized child care because they are working or enrolled in education or training and need child care.

Next, IRRRC requested explanation over implementation of proposed § 3042.20(c) (relating to subsidy suspension) and for the Department to clarify the number of days considered to be excessive to establish a standard that is predictable and enforceable. After careful consideration, the Department made changes to delete subsection (c) from § 3042.20 and created § 3042.22 (relating to subsidy termination). Under this section, an eligibility agency is required to terminate subsidy prior to the next redetermination in any of the following circumstances: (1) the child has been absent for 60 consecutive days of unexplained non-attendance in care, and the eligibility agency has attempted at least three times to contact the parent or caretaker regarding the child's absences; (2) the child no longer resides in this Commonwealth; (3) a parent or caretaker committed substantiated fraud or an intentional program violation; or (4) a parent or caretaker voluntarily requests discontinuance of the subsidy. This section also clarifies that if the eligibility agency moves to terminate the subsidy in any of the stated circumstances, then notice will be sent to the family as required under § 3042.155 (relating to notice of adverse action). In addition, implementation of this provision is also discussed as follows and in the Department's comment and response document.

For financial eligibility under § 3042.31 (relating to financial eligibility), IRRRC asked for the Department to address a commentator's concerns over the income ranges stated for redetermination in subsection (c). In addition, IRRRC requested explanation over implementation of these income limits and why it is necessary to state the requirement with reference to both the Federal Poverty Income Guidelines (FPIG) and the SMI. Lastly, IRRRC noted the comment applies as well to § 3042.97 (relating to use of the Federal Poverty Income Guidelines and State Median Income).

After review and consideration of these comments, the Department amends § 3042.31(c) to add the language

"whichever is less" to clarify the requirement. The CCDBG prescribes the income limits in terms of the SMI. Meanwhile, as permitted by the CCDBG, the Department utilized a graduated phase-out approach that satisfies all CCDBG requirements, with the second tier set at an amount lower than 85% of the SMI for a family of the same size, but above the initial eligibility threshold. This approach comports with all Federal requirements as stated in 45 CFR 98.21(b) (relating to eligibility determination processes).

With respect to implementation, income is assessed initially that it cannot exceed 200% of the FPIG. If determined eligible, subsidy will be provided, if funds are available, and will continue for the entirety of the eligibility period of 12 months until the redetermination date, so long as neither the family's income exceeds 85% of the SMI, nor the provisions regarding early termination under § 3042.22 apply. Subsequently, at redetermination, under this final-form rulemaking, the family's income may not exceed 235% of the FPIG or 85% of the SMI, whichever is less. Currently, as part of the 2022-2023 Budget Implementation, families may maintain financial eligibility at up to 300% of the FPIG. See section 1730-F.1(16) of the Fiscal Code (72 P.S. § 1730-F.1(16)). This final-form rulemaking, however, does not reflect this additional income limit increase because the increase is not permanent at the time of drafting this final-form rulemaking and is only provided for the current fiscal year. To the extent additional funding is maintained in future fiscal years, the Department will re-examine updating its regulations as needed. It is necessary to include requirements stated with reference to both the FPIG and the SMI because agencies that establish family income eligibility at a level less than 85% of SMI are Federally required to provide a graduated phase-out by implementing a two-tiered eligibility threshold with the second tier set at 85% of SMI or an amount lower than 85% SMI, but is above the initial threshold for eligibility. Providing initial eligibility requirements with reference to the FPIG is consistent with the requirements under Chapter 3041. The Department notes that the initial income limit of 200% of the FPIG is lower than 85% SMI, as is 235% of the FPIG for most families, and so the final-form requirements are consistent with the Federal requirements.

In addition, an eligibility agency will collect only the verification that is necessary to make an eligibility determination. To comply with the CCDF regulation under 45 CFR 98.20(a)(2)(i) (relating to a child's eligibility for child care services), a parent or caretaker is required to submit notification of an income increase during the family's 12-month eligibility period only when the family's annual income exceeds 85% of the SMI. Parents and caretakers may also notify the eligibility agency at any time when circumstances change that might lower the family's copayment or increase the family's subsidy. Upon notification of a change in circumstances, under § 3042.86 (relating to change reporting and processing), the eligibility agency is required to review the change and reduce the family's copayment. This final-form rulemaking, therefore, simplifies the regulatory requirements as they relate to application, verification and the reporting of changes; all of which are consistent with CCDBG requirements.

4. Immunization

After noting inconsistencies with the requirements under § 3042.35 (relating to immunization) and the child care facilities regulations under §§ 3270.131, 3280.131 and 3290.131 (relating to health information), IRRRC

requested amendments to align the requirements in § 3042.35 with the child care facilities regulations or to explain why it is unnecessary to do so.

The Department agrees. In response, the Department makes amendments to align the section's requirements as requested by IRRC and to ensure compliance with the CCDF to ensure a grace period is extended to families experiencing homelessness and families with foster children. Specifically, changes are made to correct typographical errors by deleting the hyphens after the words "up" and "to" in the phrase "up to date" and to delete the reference to the American Academy of Pediatrics and replace it with reference to the Advisory Committee on Immunization Practices (ACIP). Changes are also made to align the exemption as well as the timing requirements with the child care facilities regulations and the requirements of the CCDBG. Specifically, the language is changed to clarify that subsidy will be authorized for up to 60 days from the date of enrollment, or, if the child is experiencing homelessness or is a foster child, then the subsidy is authorized for up to 90 calendar days to obtain up-to-date immunizations or provide documentation of exemption. These changes ensure consistency with the child care facilities regulations, as well as compliance with the CCDF, and that a grace period is extended to families experiencing homelessness and foster children in recognition that these populations of children may struggle with providing timely documentation. The Department also notes this requirement is not new and that Chapter 3041 provided for authorization for up to 90 calendar days. The Department also notes that families have up to 30 days to enroll in child care, and so the authorization of eligibility for subsidized child care is consistent with health and safety requirements because children may not be enrolled in care upon authorization. Lastly, once children are authorized and enroll in care, the 60-day period begins, and documentation of immunizations or exemption, as applicable, must be provided to satisfy the requirement. For children who are experiencing homelessness or are in foster care, consistent with CCDF requirements, the Department's eligibility agency authorizes subsidy for an extra 30 days (or 90 days total) to ensure that this vulnerable population of children maintains eligibility while awaiting enrollment.

As stated previously, this provision is amended in response to feedback from IRRC and commentators recommending revision to cite to the ACIP and to state the exemption requirements in subsection (a)(1) and (2) consistently with the child care facilities regulations in §§ 3270.131, 3280.131 and 3290.131. The added provisions clarify the statements must be signed, dated and kept in the child's record.

5. *Disability and Self-Certification*

Regarding disability under § 3042.37 (relating to eligibility of households including a parent or caretaker with a disability), IRRC asked whether individuals enrolled in treatment programs, such as mental health services and drug and alcohol treatment, qualify for subsidized child care services, and asked for added standards for families with two parents or caretakers with disabilities, or to explain why doing so is unnecessary. IRRC further asked whether the Department intends for a court order or safety plan to be a condition of eligibility. A commentator also noted disagreement, stating that requiring parents to verify that their disability precludes employment to continue to receive subsidy between redeterminations places a significant burden on them that is distinguishable from

the requirements for parents who lose employment for other reasons, thereby raising a potential issue of unlawful discrimination.

After careful consideration, the requirements of this section are revised and reorganized for consistency with 12-month eligibility. The Department notes that treatment for a disability includes treatment for mental health services and drug and alcohol treatment. Further, the Department makes changes to § 3042.37 to state the requirements for single parent or caretaker households and two-parent or two-caretaker households, as requested by IRRC. The Department notes that families in circumstances where the parents or caretakers are disabled and not meeting the work, education or training requirements at application and redetermination may still be eligible for care through Head Start or Pre-K Counts. The Department also notes that a parent or caretaker must provide verification of a disability with medical documentation, unless the parent or caretaker is meeting the work, education and training requirements. If a medical professional states a parent or caretaker is unable to work or care for the children, then they are exempt from work requirements in a two-parent household. Further, § 3042.37(e)(3) applies to situations where a parent or caretaker has a need to attend treatment for a disability and is unable to care for the child. The CCW program is intended to empower working parents to make their own decisions regarding the child care services that best suits their family's needs, and so satisfaction of the work requirements is required unless otherwise specified. Lastly, as part of the revisions to this section, the Department reorganizes the provisions regarding court orders and safety plans as an eligibility requirement. As revised, a two-parent or two-caretaker family may be eligible for subsidized child care when one person is satisfying the work requirement and other person is prohibited from caring for the child due to a court order or a safety plan.

IRRC also requested the requirements of § 3042.70 (relating to verification of inability to work due to a disability) be clarified without reference to the size of the family. The Department agrees and notes that this section is amended to restate the requirements, as requested, following changes made to § 3042.37 as discussed previously and in the Department's comment and response document.

After noting that § 3042.63(b)(4) (relating to self-certification) permits a parent or caretaker to self-certify a child's immunization status, IRRC again noted incongruity with the child care facility regulations under §§ 3270.131, 3280.131 and 3290.131, and requested either the Department make changes to § 3042.63 to align with the requirements under the child care facilities regulations or the Department provide an explanation for why it is not necessary to do so.

The Department appreciates this comment; however, there are distinctions between the licensure requirements under Chapters 3270, 3280 and 3290 (relating to child care centers; group child care homes; and family child care homes) and the self-certification provisions under this chapter. Specifically, this final-form rulemaking concerns only eligibility requirements for subsidized child care, and so it concerns the Department's eligibility agencies, the parents and children who are eligible for and receive subsidized child care services, and the child care providers providing subsidized child care services. In contrast, compliance with Chapters 3270, 3280 and 3290 is measured by the Department's Bureau of Certification

staff, and it concerns regulated providers and the health and safety requirements at regulated child care facilities.

Significantly, § 3042.63 is distinguishable because it uses self-certification to the eligibility agency for purposes of qualifying for subsidized child care only, and not for use for any health and safety licensure requirements subject to the oversight of the Department's Bureau of Certification. This section ensures that the timely provision of documentation does not act as a barrier to eligibility for subsidized child care, as discussed further in the Department's comment and response document. Further, to the extent a child attends a certified facility, any requirements under Chapters 3270, 3280 and 3290 would have to be met. As such, the Department declines to make this change.

6. *Waiting List*

As discussed previously regarding subsidy limitations, IRRC inquired regarding the 30-day requirement, parental choice and implementation of exceptions. As explained previously regarding subsidy limitations, 30 days is a reasonable time frame to enroll a child with a child care provider because a parent or caretaker is working or is enrolled in training or education and is in need of child care. This requirement strikes a balance between offering parental choice and efficiently administering the program. As previously provided, the Department makes congruent changes to §§ 3042.15(d) and 3042.57(c) to ensure that a child maintains eligibility when circumstances beyond a parent or caretaker's control prevent enrollment in child care.

Regarding the waiting list requirements under § 3042.57 and § 3042.132 (relating to eligibility determination for Head Start), as explained further as follows and in the Department's comment and response document, the Department amends this final-form rulemaking to clarify that the Department will post its methods for priority on its web site. An order of priority may include foster children; children who are enrolled in PA Pre-K Counts, Head Start or Early Head Start who need wrap-around child care at the beginning or end of the program day; newborn siblings of children who are already enrolled; children experiencing homelessness; and teen parents. Otherwise, children are placed on the waiting list on a first-come, first-serve basis with respect to the date for requesting care for a child based on available funding.

7. *Reporting Changes*

IRRC asked for explanation of implementation procedures for when changes in income are reported, and also suggested the Department amend § 3042.86 to better clarify how increases in income will be assessed, particularly for instances when income may have increased in excess of 85% of the SMI.

In response to the comments received, the Department amends the language of this section for clarity. Under this final-form rulemaking, once a parent or caretaker reports a change in income that would result in the family becoming ineligible, the eligibility agency is required to assess the reported change to determine whether the reported change is an irregular fluctuation or a temporary increase. If the reported change is either an irregular fluctuation or a temporary increase, the eligibility agency will determine there is no change, and eligibility will continue for the remainder of the minimum 12-month eligibility period. If the change, however, is determined to not be an irregular fluctuation or temporary increase, the eligibility agency is required to terminate the subsidy by issuing an adverse action notice, which states the infor-

mation specified in § 3042.152 (relating to notice of right to appeal), including the date the family will become ineligible, which would be 13 days from the date the notice was issued. Further, families may appeal notice of adverse action. See §§ 3042.164 and 3042.165 (relating to parent or caretaker rights and responsibilities regarding appeal; and eligibility agency responsibilities regarding appeal). As noted previously, the Department amends § 3042.86 as requested to state more clearly the procedures for assessment and for when the eligibility agency is prohibited from acting on reported information. The comments, responses and changes are more fully discussed as follows and in the Department's comment and response document.

8. *Waivers, Presumptive Eligibility and Appeals*

Following feedback received noting confusion and clarity issues regarding the differences between waivers and presumptive eligibility, the Department reorganizes §§ 3042.141—3042.147 to improve clarity by stating all of the substantive waiver requirements first, and then listing the requirements for presumptive eligibility. Specifically, proposed §§ 3042.144—3042.147 are the final-form §§ 3042.141—3042.144, respectively. Similarly, proposed §§ 3042.141—3042.143 are the final-form §§ 3042.145—3042.147. The Department notes that Chapter 3041 permitted waivers for domestic violence only, and this final-form rulemaking extends waivers to also apply for families experiencing homelessness. As such, under this final-form rulemaking, waivers apply only to families experiencing domestic violence or homelessness.

For final-form § 3042.145 (relating to domestic and other violence), after noting the section does not address the redetermination process, IRRC requested clarification for how the domestic violence waiver is implemented. As discussed in more detail in the Department's comment and response document, the Department also received feedback from a commentator requesting changes. Regarding implementation, the Department reiterates that granting a waiver excuses the parent or caretaker from meeting certain requirements for up to 92 days, and that the waiver is subject to the requirements specified under §§ 3042.141—3042.144. Specifically, the eligibility agency must act on waiver requests within 15 calendar days after the date of the request. If the waiver is granted, the eligibility agency will send a notice that includes the basis for granting the waiver, and a statement that the eligibility agency will review the waiver circumstances at redetermination. The Department notes that a waiver when granted excuses the parent or caretaker from meeting certain requirements for up to 92 days.

Once the waiver period expires, the parent or caretaker must provide the verification that was waived or must begin paying the copayment, or both. If these requirements are met, eligibility and payment will continue for the rest of the 12-month eligibility period. If one or more of the waived requirements are not met, or if the individual is determined ineligible, subsidy will be terminated, and a notice of adverse action will be sent as specified under § 3042.155. The family may satisfy the waived requirements at any time before the subsidy is terminated, and once satisfied, the subsidy will continue for the remainder of the eligibility period. If a waiver is denied, the eligibility agency will send a notice explaining the basis for the denial, the right to appeal, the verification that is required to be submitted to grant the waiver and the associated time frames for meeting the verification requirements, and notification of the evidence or information needed to substantiate the waiver request.

and the associated time frames for providing the information. If denied, the family is not eligible for subsidized child care, and the eligibility agency will generate an ineligible notice as specified under § 3042.144 (relating to general notification requirements for waivers). If granted, the eligibility agency will review the circumstances at redetermination to determine whether a new domestic violence waiver or a waiver for homelessness is warranted. Further, if a domestic violence waiver is not requested to be renewed, the parent or caretaker may apply for a period of presumptive continued eligibility at redetermination as specified under this final-form rulemaking.

For final-form § 3042.147, IRRC requested explanation from the Department for how the requirement as proposed is consistent with the proposed definition of “period of presumptive eligibility” and clarification as needed.

The Department agrees that further clarification is needed. First, there are two types of presumptive eligibility. The first type is specifically only for families experiencing homelessness, and that is why the requirement is stated differently than the requirement for domestic and other violence. For families struggling with homelessness, the CCDBG requires the Department to establish procedures to ensure the initial eligibility of children experiencing homelessness while required documentation is obtained. This final-form rulemaking establishes periods of presumptive eligibility for children experiencing homelessness to ensure the satisfaction of this CCDBG requirement. See 45 CFR 98.51. For clarity, the definition of “period of presumptive eligibility” is amended to provide that it relates specifically to a temporary period of eligibility established at application for families experiencing homelessness. In addition, the Department adds the term and definition for “presumptive continued eligibility at redetermination” to better describe eligibility requirements at the time of redetermination and to prevent families from needlessly cycling on and off from services. Presumptive continued eligibility under this final-form rulemaking is available to any family who satisfies the requirements at redetermination. Specifically, any family who is not meeting the work hours requirement but has a job to return to within 92 days can be determined presumptively eligible and maintain services. In this scenario, the redetermination is completed on day 92 and if the parent or caretaker is satisfying the work hours requirements, then eligibility will continue for the remainder of the 12-month eligibility period. If the parent or caretaker is not meeting the work hours requirements, then the eligibility agency will take the necessary steps to terminate the temporary eligibility with proper notification to the family as required under § 3042.155. The changes are also discussed in the Department’s comment and response document.

For § 3042.163(a)(1) (relating to subsidy continuation during the appeal process), IRRC inquired about the “postmarked and received” language and requested clarification of the language to establish a procedure the parent or caretaker is able to comply with.

In response to this comment, the Department replaces the word “received” with “delivered” to clarify that the appeal must be either postmarked by the date when sent by mail or delivered by the date when sent by other methods, such as hand-delivery, facsimile or electronically. Additionally, the Department makes the same change in § 3042.166(b) (relating to hearing procedures) and § 3042.163(a)(1).

9. Self-declaration

IRRC also suggested the time frames from the definition of “self-declaration” be removed. The Department agrees and amends the definition of “self-declaration” in this final-form rulemaking to delete the timing provisions and to clarify that the statement must be signed and dated. Following changes made in § 3042.64 to ensure consistency with minimum 12-month eligibility periods, the Department further modifies the definition to clarify that self-declaration can be used for purposes of establishing financial or nonfinancial eligibility pending verification as described under § 3042.64. Further, the Department notes that changes are made to delete proposed § 3042.67(6) (relating to verification of work, education and training) because self-declaration requires follow-up documentation within 30 days, and meanwhile, under this final-form rulemaking, once eligibility has been determined, the eligibility period lasts a minimum of 12 months, as consistent with the CCDF.

For § 3042.64, subsection (d) is amended to clarify the requirement following the Department’s review. Specifically, the word “verification” is deleted, and the language is modified to clarify that the provision applies if a parent or caretaker uses self-declaration to establish eligibility as described in subsection (a). This amendment is made following changes made to the definition of “self-declaration.”

On final-form, § 3042.64(e) establishes that for a parent or caretaker using self-declaration, eligibility is pending verification until another form of acceptable verification is returned to the eligibility agency as required under this section. The addition came about following the Department’s review to ensure consistency with the required minimum 12-month eligibility period. The Department reiterates that although self-declaration requires follow-up documentation within 30 days, once eligibility has been determined, the eligibility must last a minimum of 12 months. The added requirement makes clear that the eligibility is pending receipt of the verification required under this section.

On final-form, § 3042.64(f) establishes that if the eligibility agency does not receive the verifications as required, or if the family is determined ineligible, the eligibility agency shall take the necessary steps to terminate the eligibility pending verification with proper notification to the family as specified in § 3042.155. This addition is added for clarity to provide for instances when verifications are not provided, or for when the family is determined ineligible.

10. Payment Rates and Barriers to Eligibility

Some commentators requested a major rate increase to provider reimbursement. In response, payment rates were increased effective March 1, 2021, again on January 1, 2022, and again on March 1, 2023, prior to this final-form rulemaking. Specifically, the rates were aligned on a regional basis, and then increased to promote and better address concerns over equal access, as is consistent with requirements of the CCDBG. See 45 CFR 98.45 (relating to equal access).

To further address existing barriers to eligibility, the Department amends §§ 3042.68, 3042.70, 3042.71, 3042.72 and 3042.73 to ensure the requirements are consistent and are not an unnecessary barrier to eligibility. Specifically, the Department notes that required medical documentation may be verified and provided by a physician, a physician’s assistant, a CRNP or a psychologist, and further, that the proposed terminology is more restrictive

than the terminology found in similar provisions in the child care facilities regulations. As such, the Department makes changes as described in the section-by-section discussion as follows, and as discussed in the Department's comment and response document.

Also, in furtherance of removing existing barriers to eligibility, the Department deletes instances requiring a "face-to-face" meeting as discussed previously. After review, the Department determined the term was outdated and misleading because a face-to-face meeting implies an in-person meeting. To improve clarity, the Department replaces "face-to-face" with the added term "personal interview" throughout the chapter in this final-form rulemaking. The added term is consistent with terminology used elsewhere in the Department's regulations. See §§ 123.22 and 133.23. The Department notes that "personal interview" refers to an informational meeting held between the eligibility agency and the parent or caretaker, which can take place either in person, by telephone or by other means approved by the Department. This updated terminology will improve access for parents and caretakers by ensuring that personal interviews are conducted within 30 calendar days in a manner and format best suited to the parent or caretaker's needs, availability and personal circumstances. These changes remove barriers for parents and caretakers by clearly stating there are multiple methods to complete a personal interview, including flexibilities to benefit parents and caretakers that may not be available for a face-to-face meeting as previously required.

11. Citations

IRRC noted seven miscellaneous issues involving citation errors in need of correction. The issues identified were in §§ 3042.3, 3042.21(2), 3042.72, 3042.98(a)(2), 3042.112(a)(3), 3042.131(a) and 3042.161(1). In response, the Department corrects all of the identified citation issues.

The following is a section-by-section description of the requirements of this final-form regulation:

General Provisions

§ 3042.1. Purpose

This section establishes the purpose of the Subsidized Child Care Eligibility program.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.2. Scope

This section establishes the scope of the Subsidized Child Care Eligibility program.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.3. Definitions

This section establishes definitions for the following terms: "adjusted family income," "annual income," "appeal," "application," "CAO," "caretaker," "child care," "collateral contact," "copayment," "Department," "disability," "disqualification," "domestic and other violence (domestic violence)," "education," "eligibility agency," "eligibility determination," "eligibility redetermination," "employment," "FPIG," "family," "fraud," "Head Start," "homelessness," "income," "maternity or family leave," "maximum child care allowance," "overpayment," "owner or operator of a child care facility," "parent," "period of presumptive eligibility," "period of presumptive continued eligibility," "prospective work, education or training," "provider," "published rate," "recoupment," "SMI," "self-certification," "self-

declaration," "self-employment," "subsidized child care," "subsidy suspension," "TANF," "tiered-reimbursement," "training," "verification," "waiting list" and "work." These defined terms are used in the substantive provisions of Chapter 3042.

This section is amended in this final-form rulemaking to improve clarity by adding the acronym "CRNP" and a definition for the acronym following changes made in §§ 3042.68, 3042.70, 3042.71, 3042.72 and 3042.73 because the acronym is used in more than one section of this final-form rulemaking.

The Department modifies the definition of "education" following feedback during the public comment period to include the common acronyms "GED" and "HSE degree", and for consistency with changes made to the definition of "training." The Department notes that "GED" and "HSE" are terms relating to educational credentials as well as training requirements because the programs may be considered training for purposes of the work requirement. The Department also adds the definitions of the acronyms "GED" and "HSE" because the acronyms are used in more than one section of this final-form rulemaking.

Following feedback from IRRC requesting clarifications to incorporate all types of training, the Department modifies subparagraph (v) of the definition of "family" so that it includes all types of education, training and instruction, including an internship, clinical placement, apprenticeship, lab work or field work required by a training institution.

The Department modifies the definition of "homelessness" as requested by IRRC by adding language and subparagraph (v) to ensure the child's parent or caretaker is included in the definition, and to correct subparagraph (iv) to replace the word "subtitle" with the word "chapter." Notably, the inclusion of parents and caretakers in the definition is consistent with the CCDF's usage of homelessness because the CCDF references homeless families, which includes the child and the child's parent or caretaker. See 45 CFR 98.51.

The Department deletes the term "maternity or family leave" because the term no longer served a purpose in this final-form rulemaking following changes to §§ 3042.19(c) and 3042.147(a). Similarly, the Department deletes the term "owner or operator of a child care facility" because the term was not used in the duly promulgated regulations in Chapter 3041, the proposed rulemaking or this final-form rulemaking.

The Department amends the proposed definition of "period of presumptive eligibility" to delete all the substantive provisions and to clarify the definition in accordance with feedback from IRRC requesting the provisions be moved to the body of the regulations. The Department restates the definition to clarify that a period of presumptive eligibility is a temporary period of eligibility established at application for families struggling with homelessness lasting no longer than 92 calendar days as specified in § 3042.146 (relating to homelessness). The Department notes that the timing provision is not substantive but is necessary to ensure clarity that periods of presumptive eligibility may last no longer than 92 calendar days.

The Department adds the term "period of presumptive continued eligibility" in this final-form rulemaking following amendments made in § 3042.147 that clarify that presumptive continued eligibility at redetermination is a temporary period of eligibility established at redetermina-

tion as specified in § 3042.147. This change better ensures that families do not needlessly cycle on and off services.

The Department also adds the term “personal interview” following changes made in §§ 3042.56, 3042.114, 3042.115 and 3042.117 because the term better states the requirement, which need not take place face-to-face but instead can take place in person, by telephone or by other means approved by the Department. Further, the added term is consistent with the term used by the Office of Income Maintenance. See §§ 123.22 and 133.23.

The Department also amends the definition of “prospective work, education or training” to delete the substantive provisions and add them to the final-form requirements under § 3042.34(a)(1) and to better clarify that the definition concerns future employment, education or training that has a begin date and is verified by the employer, school official or training official.

The Department modifies the definition of “self-declaration” to delete the timing provisions and to clarify that the statement must be signed and dated. Following changes made in § 3042.64 on final-form to ensure consistency with minimum 12-month eligibility periods, the Department further modifies the definition to clarify that self-declaration can be used for purposes of establishing financial or nonfinancial eligibility pending verification as described under § 3042.64.

Finally, the Department amends the definition of “training” in subparagraph (ii) to remove the time frames for the postsecondary degree program and to include the two most common forms of adult education in the definition—GED and HSE programs. The addition is in response to feedback from IRRC as well as during the public comment period noting that the Department considers them to be training programs for purposes of the work requirement. The Department notes the amendments under § 3042.3 provide added clarity to the regulated community and increase access for parents and caretakers by being more specific about these terms. The Department additionally notes that the added specificity better clarifies the requirements for eligibility and helps to remove barriers to eligibility for parents and caretakers who need subsidized child care services, as requested by commentators in general comments. The Department also notes that defining acronyms will help to ensure consistency between the regulated community and the eligibility agencies, as well as prospective participants, which will further remove barriers to eligibility for parents and caretakers who need subsidized child care services.

§ 3042.4. Nondiscrimination

This section establishes the requirement that eligibility agencies shall offer child care subsidy within the provisions of all applicable civil rights laws and regulations.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

General Benefits

§ 3042.11. Provision of subsidized child care

Subsection (a) establishes that subsidized child care is provided for a child whose family meets financial and nonfinancial eligibility requirements.

Subsection (b) establishes that subsidized child care is available to an otherwise eligible child who is under 13 years of age.

Subsection (c) establishes that subsidized child care will continue until the eligibility agency completes the family’s next scheduled annual redetermination when a child turns 13 years of age between redeterminations.

There are no changes made to subsections (a)—(c) from the proposed rulemaking to this final-form rulemaking.

Subsection (d) is amended in this final-form rulemaking to clarify that subsidized child care services are available to children who are physically or mentally incapable of self-care. This amendment is based on a comment received recommending the change for clarity.

Subsection (e) establishes that a former Temporary Assistance for Needy Families (TANF) family is eligible for a child care subsidy as specified under this chapter.

Subsection (e) is amended in preparation of this final-form rulemaking to conform to citation standards.

Subsection (f) establishes that the Department, through the Department’s contract with the eligibility agency, will direct funding for various populations, including individuals who formerly received TANF benefits and foster children.

There is no change made to subsection (f) from the proposed rulemaking to this final-form rulemaking.

§ 3042.12. Parent choice

This section establishes that a family that is eligible for subsidized child care shall have the right to choose care from a provider that agrees to comply with the Department’s standards for provider participation. This section lists the entities that are eligible to provide subsidized child care services.

This section is amended in this final-form rulemaking to restate the requirements in three subsections.

Subsection (a) establishes that a family that is eligible for subsidized child care will have the right to choose care from a provider that agrees to comply with the Department’s standards for provider participation, subject to subsections (b) and (c). This subsection is amended to clarify the requirement is subject to the requirements of subsections (b) and (c).

Subsection (b) establishes that the Department may suspend the subsidy benefit when a parent or caretaker uses a provider who has received a Departmental notice to revoke or refuse to renew the provider’s certificate of compliance. Subsection (b) is added in this final-form rulemaking in response to feedback received from IRRC regarding § 3042.14, as discussed previously and in the Department’s comment and response document.

Subsection (c) establishes the entities that are eligible to provide subsidized child care services. The provision is amended in this final-form rulemaking to correct the names of the cited regulatory chapters in paragraphs (1)—(3) following the Department’s review.

§ 3042.13. Subsidy benefits

This section establishes when subsidy-eligible families may receive subsidized child care services.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.14. Payment of provider charges

Subsection (a) establishes that a provider participating in the subsidized child care program is eligible to receive payment from the eligibility agency for services provided to a subsidy-eligible child.

Subsection (b) establishes that the eligibility agency may not pay child care costs that exceed the maximum child care allowance minus the family copayment for the type of care the child received from the provider, except when the Department provides tiered reimbursement to providers that are eligible based on their participation in the Department's Quality Rating and Improvement System.

Subsection (c) establishes that the Department may provide tiered reimbursement based on the availability of funding.

Subsection (d) establishes that if a parent or caretaker selects a provider whose published rate exceeds the Department's payment rate, the provider may charge the parent or caretaker the difference between these two amounts. For clarity, the Department amends this language to exactly mirror the language of § 3041.15(c).

Subsection (e) establishes that a change in a parent's or caretaker's need for child care and the resulting adjustment in the amount of payment to the provider shall begin on the date the parent or caretaker reports the change or on the date the change begins, whichever is later.

Subsection (f) establishes that when additional funding becomes available, the Department may direct any additional funding to providers that offer child care services during non-traditional hours.

Subsection (g) establishes that the eligibility agency will not make retroactive payments for child care costs incurred more than 30 days prior to the issuance of an enrollment authorization, with the exception of a former TANF family as specified in § 3042.119 (relating to retroactive payment for former TANF families).

Subsection (h) establishes that the Department will not permit subsidy enrollments at a provider for whom the Department has issued a revocation or refusal to renew.

Subsection (h) is amended in this final-form rulemaking to delete the word "new" in response to feedback from IRRC, as discussed more fully previously and in the Department's comment and response document. There were no changes to subsections (a)—(c) and (e)—(g).

§ 3042.15. Subsidy limitations

Subsection (a) establishes that a parent or caretaker who is receiving funds from the TANF cash assistance program is not eligible for subsidized child care under this chapter.

Subsection (a) is unchanged from the proposed rulemaking to this final-form rulemaking.

Subsection (b) establishes that subsidized child care may not be used as a substitute for a publicly-funded education program or specialized treatment program, except that parents or caretakers can request for their kindergarten-age child to be permitted 1 additional school year to be enrolled in kindergarten.

Subsection (b) is unchanged from the proposed rulemaking to this final-form rulemaking.

Subsection (c) establishes that if a parent or caretaker owns a child care facility, then the parent or caretaker is

not eligible for subsidized child care for their own child if the child will be cared for in the same facility.

Subsection (c) is amended in this final-form rulemaking. The amendment is made in response to feedback during the public comment period and from IRRC, as discussed previously and in the Department's comment and response document.

Subsection (d) is deleted from this final-form rulemaking. On proposed, this subsection established that if a parent or caretaker is the operator of a home that is exempt from certification under section 1001 of the Human Services Code (62 P.S. § 1001), the child is not eligible for subsidized child care if space is available at the facility. The provision was inoperative and obsolete because all regulated child care providers are required to be certified. Proposed subsection (e) is changed to subsection (d) in this final-form rulemaking, and the rest of the provisions are reordered accordingly.

Subsection (d) establishes that a child is ineligible for subsidized child care if the child is not enrolled within 30 calendar days following the date the eligibility agency notifies the parent or caretaker that funding is available, unless the eligibility agency determines that enrollment has been delayed because of circumstances outside of a parent's or caretaker's control.

Subsection (d) is amended in this final-form rulemaking following feedback from IRRC, as discussed more fully previously and in the Department's comment and response document.

§ 3042.16. Prohibition of additional conditions and charges

This section establishes that eligibility agencies may not impose additional requirements for eligibility beyond those prescribed in this final-form rulemaking or require the selection of a particular provider as a condition of eligibility.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.17. Attendance

This section establishes the requirement that the enrollment schedule shall be specified in writing, and that the child must attend child care pursuant to the schedule.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.18. Absence

This section establishes the maximum number of paid absences per year, and it delineates requirements relating to suspension.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.19. Subsidy continuation

Subsection (a) establishes that eligibility will be continuous for the 12-month eligibility period despite any loss of work, education or training.

Subsection (b) establishes that the eligibility period is continuous for 12 months even when there is a change in the child's primary parent or caretaker provided the substitute caretaker satisfies the requirement that the family's annual income does not exceed 85% of the SMI.

Subsections (a) and (b) are unchanged from the proposed rulemaking to this final-form rulemaking.

Subsection (c) establishes that subsidized child care will continue at the same level until the family's next scheduled redetermination in specified circumstances.

Subsection (c) is amended to reorganize and restate the requirement in response to feedback received during the public comment period, as discussed more fully in the Department's comment and response document.

Amendments to subsection (c) are made based on feedback from a public commentator recommending the changes so that the requirements are consistent with the Federal requirements and are completely stated. The commentator also requested provisions regarding subsidy termination, which the Department is clarifying in § 3042.22.

§ 3042.20. Subsidy suspension

Subsection (a) establishes that the eligibility agency shall suspend subsidy if the child is absent from care for more than 5 consecutive days.

Subsection (b) establishes that parents or caretakers can request for the eligibility agency to suspend the subsidy for a child who is expected to be absent from care for more than 5 consecutive days.

Subsection (c) as proposed is deleted from this final-form rulemaking because the provision concerned termination, as further discussed as follows under § 3042.22, as well as in the Department's comment and response document. The amendments are made following feedback received during the public comment period.

§ 3042.21. Subsidy disruption

This section establishes contingencies in the event that subsidy could be disrupted because of insufficient Federal or State funding.

This section is amended in this final-form rulemaking to correct paragraph (2) by replacing the word "subsection" with the word "section" following feedback from IRRC noting the error.

§ 3042.22. Subsidy termination

This section is added to this final-form rulemaking to better clarify the circumstances that may result in termination of the subsidy prior to the end of the 12-month eligibility period. The addition also addresses IRRC's request to clarify the requirement to state the specific number of days considered to be excessive to establish a standard that is predictable and enforceable. IRRC also asked the Department to explain implementation procedures for proposed § 3042.20(c). In response, the proposed requirement for terminating a subsidy due to unexplained absences was moved into this added section regarding subsidy termination. This section is added in this final-form rulemaking in response to feedback received during the public comment period and to clarify the circumstances that may result in termination of the subsidy prior to the end of the 12-month eligibility period.

Subsection (a) clarifies in four paragraphs the circumstances that may cause the eligibility agency to terminate subsidy prior to redetermination. Regarding the circumstances, paragraph (1) clarifies the number of unexplained absences that are excessive in response to IRRC's comment to clarify the number of days. Specifically, the subsection clarifies that the number of days is 60 consecutive days of unexplained nonattendance in care, provided the eligibility agency has attempted at least three times to contact the parent or caretaker regarding the child's absences. The Department also clarifies in paragraph (2) that one of the circumstances is if a child

no longer resides in this Commonwealth, and the Department clarifies in paragraph (3) that one of the circumstances is if the parent or caretaker committed substantiated fraud or intentional program violations that invalidate prior determinations of eligibility. Paragraph (4) clarifies that the subsidy will be terminated if the parent or caretaker voluntarily requests discontinuance of the subsidy.

Subsection (b) clarifies that if the eligibility agency moves to terminate the subsidy as described in subsection (a), then notification to the family must be provided as required under § 3042.155.

To determine whether the absences are excessive, upon notification from the provider that a child has been absent more than 5 consecutive days, the eligibility agency will send to the parent or caretaker a notice confirming the suspension of the subsidy following the non-attendance in care. Importantly, suspension does not divert funds away from the family, but instead, the funds are preserved until such time as the child returns to care and the suspension ends. Upon suspension, payment to the provider is stopped until the child has returned to care. If the suspension continues for a period of 60 consecutive days of unexplained, nonattendance in care, the eligibility agency will proceed to terminate subsidy after ensuring the required outreach.

Eligibility Requirements

§ 3042.31. Financial eligibility

Subsection (a) establishes that the family's annual income cannot exceed 200% of the FPIG at initial application.

Subsection (b) establishes that, after an initial determination of eligibility, a family shall remain financially eligible so long as the family's annual income does not exceed 85% of the SMI.

Subsection (c) is amended in this final-form rulemaking to clarify that eligibility will continue at redetermination provided that the family's annual income does not exceed 235% of the FPIG or 85% of the SMI, whichever is less. This amendment is made in response to a public comment received recommending the addition to improve clarity and in response to IRRC's comment, as discussed previously and the Department's comment and response document.

Subsection (d) establishes that the eligibility agency shall inform the parent or caretaker of the amount that will exceed 235% of the FPIG or 85% of the SMI and will cause the family to be ineligible for subsidized child care.

Subsection (e) is amended to delete "and" and replace it with "or" following the Department's review of this final-form rulemaking to clarify that a family will be ineligible for subsidized child care when the family's assets exceed \$1 million either at application or redetermination.

§ 3042.32. Residence

Subsection (a) establishes that family members must be residents of this Commonwealth.

Subsection (b) establishes that a parent or caretaker shall apply to the eligibility agency responsible for the geographic area that includes the zip code of the family's residence.

Subsection (c) establishes that a parent or caretaker experiencing domestic violence or homelessness may use an alternate address for receipt of mail or telephone number for receipt of telephone calls.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.33. Work, education and training

Subsection (a) establishes that a parent or caretaker shall work at least 20 hours per week.

Subsection (b) establishes that the eligibility agency shall average a parent's or caretaker's work hours in cases where hours of work vary from week to week.

Subsection (c) establishes two circumstances under which the eligibility agency will consider a parent or caretaker as satisfying the work requirement under subsection (a).

Subsection (c)(1) is amended to clarify the requirement applies to GED or HSE diplomas.

There are no other changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.34. Prospective work, education and training

Subsection (a) establishes the requirements that must be satisfied for a parent or caretaker who has prospective work, education or training.

Subsection (a)(1) is amended following feedback from IRRC requesting removal of substantive language from the definition of "prospective work, education or training." The Department agrees and moves that substantive language from the proposed definition of the term and adds it to this section to clarify that work, education or training must begin no later than 30 calendar days following the date the parent or caretaker signs and dates the application for subsidized child care.

Subsection (a)(2) is unchanged from the proposed rulemaking to this final-form rulemaking.

Subsection (b) establishes that subsidized child care may not begin until the parent or caretaker begins work, education or training.

Subsection (c) establishes that a parent or caretaker shall notify the eligibility agency of the actual amount of income no later than 10 calendar days after receiving the first income for work.

Subsections (b) and (c) are unchanged from the proposed rulemaking to this final-form rulemaking.

§ 3042.35. Immunization

As amended, subsection (a) establishes that a child receiving subsidized child care shall be up to date with immunizations as recommended by ACIP, and that an eligibility agency shall, for purposes of establishing eligibility for subsidized child care, grant exemption from the immunization requirement if the child's parent or caretaker objects to immunization on religious grounds or strong personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. The statement shall be kept in the child's record, or if a child's physician, physician's assistant or CRNP signs and dates a written statement indicating that a child's medical condition contraindicates immunization. The statement shall be kept in the child's record.

As amended, subsection (b) establishes that, for purposes of subsidized child care eligibility, the eligibility agency will authorize families for subsidy and give the parent or caretaker 60 days from the date of enrollment, or if the child is experiencing homelessness or is a foster

child, then 90 calendar days to obtain up to date immunizations or provide documentation of exemption from the immunization requirement.

Subsections (a) and (b) are amended in this final-form rulemaking to correct typographical errors and to address feedback from IRRC, as discussed more fully previously and in the Department's comment and response document.

§ 3042.36. Citizenship

This section establishes that a child receiving subsidized child care must be a United States citizen or an alien lawfully admitted for permanent residence or otherwise lawfully and permanently residing in the United States.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.37. Eligibility of households including a parent or caretaker with a disability

This section is reorganized and restated following feedback from IRRC and from a public commentator requesting revisions, as described previously and in the Department's comment and response document. Under the reorganization, the subsections are reordered.

Subsection (a) establishes that at application or re-determination, a single parent or caretaker who is disabled is not eligible for subsidized child care services. The Department reiterates that the two-generation approach articulated in the CCDBG aims to support parents' work and the promotion of children's healthy development.

Subsection (b) establishes that following a determination of eligibility, a single parent or caretaker who experiences the onset of a disability will remain eligible until the family's next scheduled annual redetermination.

Subsection (b) is amended in this final-form rulemaking to restate the requirement so that it is clear that subsidy will continue until the next scheduled annual redetermination in the event the parent or caretaker is unable to meet the work, education and training requirements.

Subsection (c) establishes that at application or redetermination, a two-parent or caretaker family who are both disabled are not eligible for subsidized child care services. The Department reiterates that the two-generation approach articulated in the CCDBG aims to support parents' work and the promotion of children's healthy development.

Subsection (d) establishes that following a determination of eligibility, a two-parent or caretaker family where both parents are unable to meet the work, education and training requirements is excused from the work, education and training requirements until the family's next scheduled annual redetermination.

Subsection (e) establishes the requirements and conditions that a two-parent or two-caretaker family must satisfy in order to be eligible for subsidized child care services.

Subsection (e)(1) establishes that one parent or caretaker must be working at the time of application and at each redetermination.

Subsection (e)(1) is amended in this final-form rulemaking to clarify that one parent or caretaker must be satisfying the work requirement as specified under § 3042.33 (relating to work, education and training) at the time of application and at each subsequent redetermination.

Subsection (e)(2) establishes that the parent or caretaker who is not working must have a disability verified under § 3042.70 at the time of application and redetermination.

Subsection (e)(2) is amended in this final-form rulemaking to delete the language “or at the time the parent or caretaker becomes disabled” because the language is inconsistent with this final-form rulemaking and the CCDBG because eligibility is continuous for the 12-month period. The amendment was made in response to a public comment received suggesting the provision as proposed was not in sync with the Federal CCDBG requirements.

Subsection (e)(3) establishes that the parent or caretaker with the disability is unable to work or participate in education or training and is unable to care for the child for whom the family requested subsidy, or has a need to attend treatment for the disability and is unable to care for the child.

Subsection (e)(3) is unchanged from the proposed rulemaking to this final-form rulemaking.

Subsection (e)(4) is moved in this final-form rulemaking to subsection (f). The section is moved to clarify that a court order is not required in conjunction with the other listed requirements, but instead, it is a stand-alone option intended to widen the scope of available avenues for the receipt of child care subsidies. The amendment is made in response to feedback noting ambiguity and requesting clarification of the subsection.

Subsection (f) establishes that a two-parent or two-caretaker family may be eligible for subsidized child care if the other parent or caretaker is satisfying the work requirements and a court order or safety plan issued by a children and youth agency prohibits one parent or caretaker from caring for the child for whom the family requested subsidy.

Determining Family Size and Income

§ 3042.41. Family size

Subsection (a) establishes the individuals who count when determining the size of the family.

Subsection (b) establishes that a foster child may be counted as a family of one or may be included in a family as defined in this chapter.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.42. Income counted

This section establishes that the incomes to be counted when determining financial eligibility are the incomes of the parent or caretaker of the child for whom eligibility is sought, a parent’s or caretaker’s spouse, and children for whom the parent or caretaker receives unearned income.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.43. Income adjustment

This section establishes how the eligibility agency determines the total adjusted family income in eight subsections.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.44. Estimating income

Subsection (a) establishes that the eligibility agency shall use its best estimate of monthly income based upon circumstances at the time of application or redetermina-

tion as consistent with Appendix A, Part I (relating to income to be included, deducted and excluded in determining gross monthly income).

Subsection (b) establishes that for parents or caretakers who are working and have received pay at the time they apply for subsidized child care, the eligibility agency shall estimate income based upon verified, actual amounts already received by the family prior to application or redetermination.

Subsection (c) establishes that the eligibility agency shall adjust its estimate of monthly income to reflect recent or anticipated changes and unusual circumstances that are not expected to recur, such as overtime not likely to continue.

Subsection (d) establishes that when an applicant anticipates starting work within the next 30 days or has not yet received a first paycheck, income eligibility is established based on verified anticipated income.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

Eligibility Determination

§ 3042.51. Application

Subsection (a) establishes that the eligibility agency shall make applications for subsidized child care available to any person upon request.

Subsection (b) establishes that a parent or caretaker may file a signed application for subsidized child care under this chapter, including an electronically-signed, online application, on any day and at any time.

Subsection (c) establishes that a parent or caretaker may submit an application by mail, hand-delivery, facsimile or electronically.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.52. Initial determination of eligibility

Subsection (a) establishes that the eligibility agency shall stamp the date and time of receipt on the signed application on the same day the eligibility agency receives the application by mail, hand-delivery, facsimile or electronically.

Subsection (b) establishes that the eligibility agency shall determine a family’s eligibility and authorize payment for subsidized child care no later than 10 calendar days following verification of all factors of eligibility, and that the eligibility agency may not delay a determination of eligibility beyond 30 calendar days following receipt of a signed application from the parent or caretaker.

Subsection (c) establishes that the eligibility agency shall determine a family eligible retroactive to the date the family submitted a signed application if the eligibility agency has received all information necessary to complete the application and the verification provided by the parent or caretaker establishes eligibility.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.53. Effective date of coverage

Subsection (a) establishes that if the eligibility agency determines a family eligible for subsidized child care and if funding is available, coverage of child care costs is retroactive to the date the family submitted a signed application.

Subsection (b) establishes that if the eligibility agency places a child on a waiting list following the determination of eligibility, coverage of child care costs must begin on the date funding is available.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.54. Notification of eligibility status and availability of funding

Subsection (a) establishes that the eligibility agency shall notify the parent or caretaker of the family's eligibility status within 30 calendar days of receiving a signed application.

Subsection (b) establishes that if the eligibility agency determines a family eligible for subsidized child care, the eligibility agency shall notify the family's child care provider when funding becomes available to enroll the child.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.55. Period of eligibility

This section establishes that a family receiving subsidy remains eligible until determined ineligible.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.56. Personal interview

As amended, subsection (a) establishes that if the eligibility agency determines a family eligible for subsidized child care and if funding is available, the parent or caretaker shall attend a personal interview with the eligibility agency no later than 30 calendar days following the date the eligibility agency notifies the family of eligibility for subsidized child care.

As amended, subsection (b) establishes that if the eligibility agency determines a family eligible for subsidized child care and if funding is not available, the parent or caretaker shall attend a personal interview with the eligibility agency no later than 30 calendar days following the date the first child from a family is enrolled in subsidized child care.

Subsection (c) establishes that the eligibility agency shall accommodate the parent's or caretaker's work hours in scheduling the personal interview.

Subsection (d) establishes that the eligibility agency may extend the 30-day time frame for the personal interview for up to an additional 30 days if the parent or caretaker claims hardship due to conflicts with the parent's or caretaker's working hours or illness.

Subsection (e) is deleted from this final-form rulemaking. In the proposed rulemaking, this subsection established that the eligibility agency could substitute a telephone contact for a face-to-face meeting if the face-to-face meeting cannot be rescheduled without the parent or caretaker experiencing a hardship. Because the terminology is changing from "face-to-face" meeting to "personal interview", and because a personal interview does not require a face-to-face meeting, the requirement is unnecessary so it is deleted. Proposed subsection (f) is changed to final-form subsection (e), and the rest of the provisions were reordered accordingly.

Subsection (e) establishes that the eligibility agency may waive the requirement for the personal interview if the parent or caretaker has completed a personal interview with the eligibility agency within the previous 12 months.

This section is amended in this final-form rulemaking to clarify the requirement and to delete an unnecessary barrier to eligibility as consistent with CCDBG purposes and goals. The Department reiterates that several commentators advocated for those who struggle to participate in the face-to-face meeting and suggested allowing telephone contact to satisfy the requirement. In response, the Department makes these changes to this section, as discussed previously and in the Department's comment and response document.

§ 3042.57. Waiting list

Subsection (a) establishes that the eligibility agency shall place an eligible child on a waiting list on a first come, first served basis if funds are not available to enroll the child following a determination of eligibility based on available funding.

Subsection (a) is amended in this final-form rulemaking in response to feedback from a commentator. Specifically, the section is amended to provide that the Department will post its method for priority on its web site. An order of priority may include: foster children; children who are enrolled in PA Pre-K Counts, Head Start or Early Head Start who need wrap-around child care at the beginning or end of the program day; newborn siblings of children who are already enrolled; children experiencing homelessness; and teen parents. Otherwise, children are placed on the waiting list on a first-come, first-serve basis with respect to the date for requesting care for a child based on available funding.

Subsection (b) establishes the requirement that following a determination of eligibility, if a parent or caretaker requests care for an additional child, the eligibility agency shall place the additional child on the waiting list according to the date and time that care was requested for the additional child based on available funding.

Subsection (b) is unchanged from the proposed rulemaking to this final-form rulemaking.

Subsection (c) establishes the requirement that a child will become ineligible if not enrolled with an eligible child care provider within 30 calendar days following the date of notification that funds are available to enroll the child, although exceptions may apply with Departmental approval. The requirement stated that the exceptions might include instances with circumstances beyond a family's control.

Subsection (c) is amended in this final-form rulemaking to make changes congruent with the changes made as discussed previously and in the Department's comment and response document.

Self-Certification and Verification

§ 3042.61. General verification requirements

Subsection (a) establishes that the parent or caretaker shall be the primary source of verification in establishing and maintaining eligibility for subsidized child care.

Subsection (b) establishes that the eligibility agency shall assist parents and caretakers in obtaining verification, including making a collateral contact.

Subsection (c) establishes that the eligibility agency may not impose requirements for verification beyond the requirements of this chapter.

Subsection (d) establishes that at the time of application for subsidized child care, the eligibility agency shall obtain consent from the parent or caretaker and the parent's or caretaker's spouse permitting the eligibility agency to obtain verification of eligibility information.

Subsection (e) establishes that the eligibility agency shall retain the signed consent in the family's file.

Subsection (f) establishes that the consent shall remain in effect for as long as the family receives subsidy.

Subsection (g) establishes that the eligibility agency may not deny or terminate subsidy to a family when the parent or caretaker has cooperated in the verification process and needed verification is pending or cannot be obtained due to circumstances beyond the parent's or caretaker's control.

Subsection (h) establishes that the eligibility agency may not require a parent or caretaker to re-verify information unless the eligibility agency has information that indicates the subsidy status of the family has changed.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.62. *Collateral contact*

Subsection (a) establishes that the eligibility agency shall make a collateral contact on behalf of the parent or caretaker.

Subsection (b) establishes that the eligibility agency shall obtain from the parent or caretaker a list of sources of reliable collateral contact information.

Subsection (c) establishes that the eligibility agency shall cooperate with a source who acts as a collateral contact.

Subsection (d) establishes the sources of reliable collateral contact information.

Subsection (e) establishes that the eligibility agency may not contact an alleged abuser or former abuser in a domestic violence situation.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.63. *Self-certification*

Subsection (a) establishes that the eligibility agency shall inform the parent or caretaker in writing that self-certification is made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

There is no change made to subsection (a) from the proposed rulemaking to this final-form rulemaking.

Subsection (b) establishes the eligibility factors for which the eligibility agency will accept a statement of the parent or caretaker as sufficient proof. The factors include age, family composition, citizenship or immigration status, immunization status, day and hours care is needed, the status of an individual who formerly received TANF as specified under § 3042.115(1) (relating to reporting requirements for former TANF families), and personal interview time frame extension or telephone contact based on hardship.

Subsection (b) is amended in this final-form rulemaking to make changes to subsection (b)(7) to update the terminology and delete references to the term "face-to-face" and replace it with the term "personal interview," and to correct a citation and the title of a referenced section following changes made in § 3042.56. Otherwise, the Department noted that this section was required under Chapter 3041.

§ 3042.64. *Self-declaration*

Subsection (a) establishes the requirement that if verifying eligibility based on documentary evidence or collateral contract is unsuccessful, the eligibility agency shall

proceed to determine eligibility based upon a self-certification as specified in § 3042.63 or by written self-declaration by the parent or caretaker.

Subsection (b) establishes the requirement that the eligibility agency shall instruct the parent or caretaker that a written self-declaration is made subject to 18 Pa.C.S. § 4904.

Subsection (c) establishes that the eligibility agency shall accept a parent's or caretaker's self-declaration statement, unless evidence contradicts the statement.

Subsections (a), (b) and (c) are unchanged from the proposed rulemaking to this final-form rulemaking.

Subsection (d) establishes that if a parent or caretaker uses self-declaration to establish eligibility, then the eligibility agency shall require the parent or caretaker to provide another form of acceptable verification no later than 30 calendar days following the date the written self-declaration is accepted by the eligibility agency, unless otherwise specified in this chapter.

Subsection (d) is amended in this final-form rulemaking following the Department's review to clarify the requirement following changes made on final-form to the definition of "self-declaration." Specifically, the word "verification" is deleted, and the language is modified to clarify that the provision applies if a parent or caretaker uses self-declaration to establish eligibility as described in subsection (a). For clarity, the eligibility agency sends written confirmation to the parent or caretaker that the self-declaration is accepted and states the date by which verification must be provided.

Subsection (e) establishes that for a parent or caretaker using self-declaration, eligibility is pending verification until another form of acceptable verification is returned to the eligibility agency as required under this section. The addition came about following the Department's review to ensure consistency with the required minimum 12-month eligibility period. The Department reiterates that although self-declaration requires follow-up documentation within 30 days, once eligibility has been determined, the eligibility must last a minimum of 12 months. The added requirement makes clear that the eligibility is pending receipt of the verification required under this section.

Subsection (f) establishes that if the eligibility agency does not receive the verifications as required under this section, or if the family is determined ineligible, the eligibility agency shall take the necessary steps to terminate the eligibility pending verification with proper notification to the family as specified in § 3042.155. The addition came about following the Department's review to state the requirement completely and for instances when verifications are not provided, or for when the family is determined ineligible.

§ 3042.65. *Verification of income*

Subsection (a) establishes the requirement for acceptable verification of earned income from employment.

Subsection (b) establishes the requirement for acceptable verification of income from self-employment.

Subsection (c) establishes the requirement for acceptable verification of unearned income.

Subsection (d) establishes the requirement for acceptable verification of the amount of support received or paid by the family.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.66. *Verification of residence*

Subsection (a) establishes the requirement that the parent or caretaker shall submit verification of residence at the time of application.

Subsection (b) establishes requirements for acceptable certification of residence.

Subsection (c) establishes the requirement that the parent or caretaker shall submit verification of residence at the time of redetermination if the parent or caretaker reported a change of address.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.67. *Verification of work, education and training*

This section establishes the acceptable means for parents or caretakers to verify the number of hours of work, education, training or enrollment in education or training.

Paragraph (6) is deleted in this final-form rulemaking following the Department's review because the provision conflicts with 12-month eligibility. The Department reiterates that although self-declaration requires follow-up documentation within 30 days, once eligibility has been determined, the eligibility must last a minimum of 12 months, and so permitting verification by self-declaration at all runs contrary to the requirement that work, education or training will begin no later than 30 days after signing and dating the application. There are no changes made to the remainder of the paragraphs from the proposed rulemaking to this final-form rulemaking.

§ 3042.68. *Verification of circumstances relating to a decrease in copayment*

This section establishes the acceptable means through which a parent or caretaker can verify that circumstances have changed so that the copayment should be decreased.

This section is amended in this final-form rulemaking for consistency of terminology to remove unnecessary barriers to eligibility as requested by commentators. Specifically, the Department observed incongruity in terminology in this section and in §§ 3042.70—3042.73. The Department determines that the proposed terminology is more restrictive than the terminology used in the other sections of this chapter and in the child care facilities regulations in Chapters 3270, 3280 and 3290, and that these differences served no regulatory purpose. The Department therefore makes amendments to this section to refer to a "licensed physician, physician's assistant, CRNP or psychologist."

§ 3042.69. *Verification of identity*

Subsection (a) establishes the requirement that the parent or caretaker shall submit verification of identity at the time of application.

Subsection (b) establishes requirements for the acceptable verification of identity.

Subsection (c) establishes the requirement that the parent or caretaker shall submit verification of identity at the time of redetermination if the eligibility agency becomes aware of an additional parent or caretaker residing in the household.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.70. *Verification of inability to work due to a disability*

This section establishes the means through which an inability to work due to a disability may be documented.

This section is amended in this final-form rulemaking for consistency of terminology to remove unnecessary barriers to eligibility. Specifically, the Department observed incongruity in terminology in this section and in §§ 3042.68 and 3042.71—3042.73 (relating to verification of family size; verification of child's incapability of caring for himself; and verification of care and control). The Department determined, as explained previously in § 3042.68, that the proposed terminology was unnecessarily restrictive. The Department therefore makes amendments to this section to refer to a "licensed physician, physician's assistant, CRNP or psychologist." Finally, because of amendments made in § 3042.37, the Department makes amendments to this section to state the requirements without reference to the size of the family as requested by IRRC. This requirement applies only at the time of application or redetermination, and if the parent or caretaker becomes disabled during the eligibility period, the eligibility will continue for the balance of the 12-month eligibility period. The Department reiterates that once eligibility is determined, the eligibility period lasts for 12 months in all cases, except for when the requirements in § 3042.22 apply.

§ 3042.71. *Verification of family size*

This section establishes the means through which the family size can be verified.

This section is amended in this final-form rulemaking for consistency of terminology to delete unnecessary barriers to eligibility. Specifically, the Department observed incongruity in terminology in this section and in §§ 3042.68, 3042.70, 3042.72 and 3042.73. The Department determined, as explained previously under § 3042.68, that the proposed terminology was unnecessarily restrictive. The Department therefore makes amendments to this section to refer to a "licensed physician, physician's assistant, CRNP or psychologist."

§ 3042.72. *Verification of a child's incapability of caring for himself*

This section establishes the means through which a child's incapability of caring for himself can be verified.

This section is amended in this final-form rulemaking to correct the citation stated in the requirement following feedback received from IRRC noting the error. This section is further amended in this final-form rulemaking for consistency of terminology to delete unnecessary barriers to eligibility. Specifically, the Department observed incongruity in terminology in this section and in §§ 3042.68, 3042.70, 3042.71 and 3042.73. The Department determined, as explained previously under § 3042.68, that the proposed terminology was unnecessarily restrictive. The Department therefore makes amendments to this section to refer to a "licensed physician, physician's assistant, CRNP or psychologist."

§ 3042.73. *Verification of care and control*

This section establishes the means through which care and control may be verified.

This section is amended in this final-form rulemaking for consistency of terminology to delete unnecessary barriers to eligibility. Specifically, the Department observed incongruity in terminology in this section and in §§ 3042.68 and 3042.70—3042.72.

The Department determines, as explained previously under § 3042.68, that the proposed terminology was unnecessarily restrictive. The Department therefore makes amendments to paragraph (2) to refer to a "licensed physician, physician's assistant, CRNP or psy-

chologist.” Next, paragraph (8) is amended in this final-form rulemaking to clarify that the requirement refers to a written statement from the parent or caretaker verifying that a relative has care and control of the child. The amendment clarifies the requirement to be consistent with current practices for when a relative who is not the parent or caretaker has care and control of the child.

§ 3042.74. Verification of foster child status

Subsection (a) establishes the requirement that acceptable verification of foster status includes a statement from a children and youth agency or a record from a government or social service agency.

Subsection (b) establishes the requirement that verification of foster child status must be verified at application, redetermination or upon adding the child to the family composition.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

Eligibility Agency Responsibilities

§ 3042.81. Eligibility agency

Subsection (a) establishes the requirement that the eligibility agency shall manage the subsidized child care program in part of a county, a single county or several counties.

Subsection (b) establishes the requirement that the eligibility agency may be either a prime contractor or a subcontractor designated in a prime contract.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.82. Eligibility determination

Subsection (a) establishes the requirement that the eligibility agency shall determine eligibility for subsidized child care as specified in this chapter.

Subsection (b) establishes the requirement that the eligibility agency may not impose eligibility conditions other than the conditions listed in this chapter.

Subsection (c) establishes the requirement that the eligibility agency may not require the parent or caretaker to select a particular provider or combination of providers as a condition of eligibility.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.83. Confidentiality

Subsection (a) establishes that the eligibility agency and its employees must keep confidential the information in the family file and use that information only for purposes directly connected to the administration of their duties.

Subsection (b) establishes that agents of the United States, the Commonwealth and the Department who are responsible for eligibility review, evaluation or audit functions shall have access to, and the right to the use and disclosure of, information on applicants or recipients of subsidized child care. This use and disclosure are confined to the agent's responsibility to carry out review, evaluation or audit functions.

Subsection (c) establishes that disclosure of information beyond the scope of review, evaluation or audit functions performed by the agents requires the parent's or caretaker's informed and written consent.

Subsection (d) establishes that information in the family file may be disclosed to the local CAO when necessary to ensure that funds are authorized appropriately.

Subsection (e) establishes that the eligibility agency shall ensure the confidentiality of an individual who files an appeal or complaint about a family's receipt of subsidized child care for a child.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.84. Family file

Subsection (a) establishes that an eligibility agency shall establish and maintain a separate file for the family of each parent or caretaker who applies for subsidized child care.

Subsection (b) establishes that the family file shall contain documents pertaining to eligibility determination, redetermination, subsidized child care authorization, copayment agreements and copies of written notices required by this chapter.

Subsection (c) establishes that a parent or caretaker or an authorized representative has a right to examine the family file.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.85. Record retention

Subsection (a) establishes that an eligibility agency shall retain paper or electronic family files, completed application forms, written notices, books, records and other fiscal and administrative documents pertaining to subsidized child care.

Subsection (b) establishes that an eligibility agency shall maintain records for at least 6 years from the end of the fiscal year in which subsidized child care has been provided or until an audit or litigation is resolved.

Subsection (c) establishes that the fiscal year is a period of time beginning July 1 of any calendar year and ending June 30 of the following calendar year.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.86. Change reporting and processing

This section is amended in this final-form rulemaking to reorganize the provisions and to restate the requirements for improved clarity. Under the reorganization, several provisions are moved and renumbered.

Subsection (a) establishes that a parent or caretaker shall report income in excess of 85% of the SMI no later than the 10th day of the month following the month of the change in income.

Subsection (a) is amended in this final-form rulemaking to clarify that a parent or caretaker shall report income in excess of 85% of the SMI no later than the 10th day of the month following the month of the change in income. The amendment is made in response to comments received requesting allowance for parents to total their income for the entire month and determine whether the income has gone over the threshold required for reporting. The change is consistent with the periods of time permitted by the Department for other programs for reporting changes, including TANF, Supplemental Nutrition Assistance Program (SNAP) and Medical Assistance (MA). The change is consistent with the Department's process, which includes evaluating reports of increases in income above 85% of the SMI for whether the reported

increase is a fluctuation or a mere temporary increase, as required under 45 CFR 98.21(e).

Subsection (b) establishes that if a parent or caretaker reports a change that results in the family or a child in the family becoming ineligible for subsidy, the eligibility agency must assess the change and ensure that the reported change is assessed for whether the change is an irregular fluctuation or a temporary increase and shall ensure that the necessary steps are taken to terminate the subsidy following evaluation of the reported change.

Subsection (b) is amended in this final-form rulemaking to clarify and add requirements to clarify that the eligibility agency must ensure that a reported change is assessed for whether the change is an irregular fluctuation or a temporary increase and must ensure that the necessary steps are taken to terminate the subsidy following evaluation of the reported change. The amendment is made following feedback from IRRC asking whether the eligibility agency considers if the income is an irregular fluctuation, whether the eligibility agency begins processing the termination as soon as a change is reported and requesting revisions to clarify how increases in income are assessed. The requirements are stated in subsection (b)(1) and (2). As it regards the time for the eligibility agency to act, once a parent or caretaker reports a change in income that would result in the family becoming ineligible, the eligibility agency immediately assesses the reported change to determine whether the reported change is an irregular fluctuation or a temporary increase. If the reported change is either an irregular fluctuation or a temporary increase, the eligibility agency will determine there is no change, and eligibility will continue for the remainder of the minimum 12-month eligibility period. If the change is determined to not be an irregular fluctuation or temporary increase, the eligibility agency will immediately act to terminate the subsidy by issuing a notice of adverse action, which states the information specified in § 3042.152, including the date the family will become ineligible, which would be 13 days from the date the notice was issued. Families may appeal an Adverse Action notice. See §§ 3042.164 and 3042.165.

Subsection (c) establishes that a parent or caretaker may voluntarily report changes in income on an ongoing basis.

Subsection (c) is amended in this final-form rulemaking to clarify that the eligibility agency will act on information reported by the parent or caretaker if it would reduce the family copayment or increase the family subsidy and that the eligibility agency shall review the change and reduce the copayment as specified in § 3042.94 (relating to parent or caretaker copayment requirements), and to clarify that the eligibility agency is prohibited from acting on information reported by the family that would reduce the family's subsidy unless the information provided indicates the family's income exceeds 85% of the SMI for a family of the same size. The requirements are stated in the added subsection (c)(1) and (2).

Subsection (d) establishes that if the parent or caretaker fails to report a change in the child's provider, the child remains eligible. This requirement also ensures that the eligibility agency does not make retroactive payment more than 30 calendar days prior to the date the parent or caretaker reported the change, except for a former TANF family as specified in § 3042.119.

Subsection (d) is unchanged from the proposed rulemaking to this final-form rulemaking.

Finally, because of the reorganization of this section, the title of this section is changed to "Change reporting and processing."

The previous amendments are made in response to feedback received during the public comment period and from IRRC suggesting that the proposed requirements were ambiguous and were not aligned with the Federal CCDBG requirements. These amendments are also discussed previously and in the Department's comment and response document.

§ 3042.87. Voluntary request to terminate subsidized child care

Subsection (a) establishes that a parent or caretaker may request the eligibility agency to terminate subsidy.

Subsection (b) establishes that upon receipt of a request to terminate subsidy, the eligibility agency shall take steps to terminate the family's eligibility.

Subsection (c) establishes that the eligibility agency shall notify the parent or caretaker as specified in § 3042.156 (relating to notice confirming voluntary withdrawal).

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.88. Child abuse reporting

This section establishes that eligibility agencies shall immediately report suspected child abuse in accordance with 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) and Chapter 3490 (relating to protective services).

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

Copayment and Payment by the Department

§ 3042.91. General copayment requirements

Subsection (a) establishes that the eligibility agency shall determine the amount of the parent's or caretaker's copayment during the eligibility process based on the parent's or caretaker's actual or verified anticipated income and family size.

Subsection (b) establishes that the eligibility agency will set the copayment at an initial determination of eligibility for subsidized child care and reestablish it at each successive redetermination of eligibility.

Subsection (c) establishes that the copayment covers each child in the family who is receiving subsidized child care.

Subsection (d) establishes that the copayment includes each day of the week for which the family establishes a need for child care.

Subsection (e) establishes that the copayment is due on the first day of the service week and each week thereafter, regardless of the day the parent or caretaker enrolls the child.

There are no changes made to subsections (a)–(e) from the proposed rulemaking to this final-form rulemaking.

Subsection (f) establishes that copayments cannot increase during the eligibility period unless the provisions in § 3042.176 apply. This addition is in response to a public comment suggesting the additional subsection for clarity.

§ 3042.92. *Department's payment*

Subsection (a) establishes that the payment rate is the daily amount paid to a child care provider for services delivered to a child who is eligible for subsidized child care.

Subsection (b) establishes that if the copayment does not exceed the payment rate for care, the difference between the payment rate and the weekly copayment is the Department's payment for subsidized child care.

Subsection (c) establishes that if the Department's weekly payment to the provider is less than \$5, the family is not eligible for subsidized child care with that provider.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.93. *Adjusted copayment for prospective work*

Subsection (a) establishes that upon notification by the parent or caretaker of receipt of payment for employment, the eligibility agency shall adjust the family copayment no later than 20 days following the date of the reported change and shall provide notice to the parent of the planned change in copayment.

Subsection (b) establishes that the parent or caretaker shall begin paying the adjusted copayment starting the first day of the service week following the date the written notice is postmarked or hand-delivered to the parent or caretaker by the eligibility agency.

Subsection (c) establishes that a single parent or caretaker who applies for subsidized child care and who reports prospective work is not required to pay a copayment until the parent or caretaker receives income from work.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.94. *Parent or caretaker copayment requirements*

Subsection (a) establishes that if the copayment is decreased as the result of a parent or caretaker voluntarily reporting a change or as the result of a redetermination, the parent or caretaker shall begin paying the reduced copayment on the first day of the service week following the date the parent or caretaker reported a change or the date the redetermination was completed.

Subsection (b) establishes that if the copayment is increased as the result of a redetermination, the parent or caretaker shall begin paying the increased copayment on the first service day of the week following the expiration of the notification period specified in § 3042.151(a) (relating to general notification requirements) advising the parent or caretaker of the copayment increase.

Subsection (c) establishes that if the copayment is due on the first day of the service week and each week thereafter, regardless of the day the parent or caretaker enrolls the child.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.95. *Delinquent copayment*

Subsection (a) establishes that a copayment is delinquent if it is not paid by the last day of the service week.

Subsection (b) establishes that on the day the provider reports the copayment is delinquent, the eligibility agency shall notify the parent or caretaker in writing that action will be taken to terminate subsidy for the child.

Subsection (c) establishes that if a copayment is delinquent, the eligibility agency will apply the first payment paid during a week to the current week's copayment. The eligibility agency will apply subsequent payments during a week to the delinquent copayment.

Subsection (d) establishes that to maintain eligibility for subsidized child care when a parent or caretaker incurs a copayment delinquency, the parent or caretaker shall pay all amounts owed prior to the expiration of the notification period.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.96. *Eligibility agency responsibilities regarding copayment*

Subsection (a) establishes that the eligibility agency shall generate notices based on delinquent copayments.

Subsection (b) establishes that the eligibility agency shall send the provider a copy of each notice issued to a parent or caretaker whose child is enrolled with the provider.

Subsection (c) establishes that when a copayment is reported to the eligibility agency as delinquent, the eligibility agency shall mail a notice to the parent or caretaker. The notice must state that service will be terminated on a date set forth on the notice, which is the first day after 10 calendar days following the date of the written notice, unless the delinquent copayment is paid by that date.

Subsection (d) establishes that a family whose subsidy is terminated for failure to make required copayments may not be reauthorized for subsidy until all outstanding copayments have been paid in full as specified in § 3042.95(d) (relating to delinquent copayment).

Subsection (e) establishes that the eligibility agency shall retain a copy of the termination notice.

Subsection (f) establishes that the eligibility agency shall distribute, to each parent or caretaker who applies for subsidized child care, a handbook of parent's rights and responsibilities in the subsidized child care program provided by the Department.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.97. *Use of the Federal Poverty Income Guidelines and State Median Income*

Subsection (a) establishes that the FPIG is used to determine the income limits and copayments for subsidized child care.

Subsection (b) establishes that the Department will publish an updated copayment chart in Appendix B (relating to copayment chart) through a notice in the *Pennsylvania Bulletin*.

Subsection (c) establishes that the eligibility agency shall inform each parent or caretaker of the dollar amount that is equivalent to 235% of FPIG or 85% of the SMI.

There are no changes made to subsections (a), (b) or (c) from the proposed rulemaking to this final-form rulemaking.

Subsection (d) establishes that the eligibility agency shall explain that 235% of FPIG and its specific dollar figure are the highest annual income amounts permitted at the time of redetermination.

Subsection (d) is amended to improve clarity by providing that the eligibility agency shall inform each parent or caretaker.

Subsection (e) establishes that the eligibility agency shall explain that 85% of the SMI and its specific dollar figure are the highest annual income amounts permitted between redeterminations.

Subsection (e) is amended to improve clarity and to add a requirement for the eligibility agency to inform each parent or caretaker that 85% of the SMI and the specific dollar amount that is the highest permitted between redeterminations. The amendment was in response to a public comment requesting that a requirement be added that mirrors subsection (d) and that advises of the specific dollar amount of income that will result in a loss of eligibility between redeterminations, as discussed in the Department's comment and response document.

Subsection (f) establishes that a family is ineligible at any time if its annual income exceeds 85% of the SMI. The provision is unchanged from proposed subsection (e).

§ 3042.98. Copayment determination

Subsection (a) establishes that the criteria the eligibility agency must use when determining the family copayment, which are family size and family income; a minimum copayment of at least \$5, unless waived; the family copayment cannot exceed 11% of the family's annual income; and if the family's annual income is 100% of FPIG or less, the annual copayment cannot exceed 8% of the family's annual income.

Subsection (a)(1) is amended in this final-form rulemaking to correct a typographical error.

Subsection (a)(2) is amended in this final-form rulemaking to correct citation errors following feedback from IRRC and following numbering changes on final-form to the provisions regarding waivers.

Subsection (a)(3) is amended in this final-form rulemaking to replace "11%" with "7%" and to ensure consistency with subsection (a)(2).

Subsection (a)(4) is amended in this final-form rulemaking to replace "8%" with "5%."

As discussed previously and in the Department's comment and response document, the amendments to subsection (a)(3) and (4) are made in response to a comment received during the public comment period requesting changes to ensure that family copayments do not exceed 7% of family income to reflect the CCDF benchmark. The Department notes the Federal benchmark is and has been set to 7% since 2016, and that the rate is based on data from the United States Census Bureau indicating that on average, between 1997 and 2011, the percent of monthly income families spent on child care was constant at around 7%. Consistent with CCDBG provisions relating to equal access, the Federal benchmark states that as CCDF assistance is intended to offset the disproportionately high share of income that low-income families spend on child care to support parents in achieving economic stability, CCDF families should not be expected to pay a greater share of their income on child care than reflects the National average. As well, the Department notes that this Commonwealth's announced approach to lower copayments to 3%—7% is consistent with the Federal benchmark that copayments do not exceed 7%.

The section is amended in this final-form rulemaking to change subsection (a)(4) to replace 8% with 5%, so that families with an annual income of 100% of FPIG or less

do not pay copayments that exceed 5% of the family's annual income. The change to 5% reflects a pro-rata adjustment for consistency with the change made in subsection (a)(3), and it is consistent with the Federal benchmark and all CCDBG provisions, including those relating to equal access. Finally, regarding the commentator who requested for eligibility agencies to maintain timely communications with child care providers about changes in the status of children and families enrolled in the program with respect to eligibility, suspension or redetermination, so as not to increase the financial burden on providers, the Department explained that eligibility agencies are already advised to maintain timely communications with child care providers.

Subsection (b) establishes that the eligibility agency shall determine the copayment by using the copayment chart in Appendix B.

There is no change made to subsection (b) from the proposed rulemaking to this final-form rulemaking.

§ 3042.99. Copayment exceeding monthly payment for care

Subsection (a) establishes that if the copayments for 1 month are equal to or exceed the monthly payment for care, the family is not eligible for subsidized child care with that provider. The family must enroll the child or children with another eligible provider as specified in § 3042.12.

Subsection (b) establishes that if the copayments for 1 month are equal to or exceed the monthly payment for care because other children in the family are currently on the waiting list, the family may choose to suspend the child's care with that provider until funding becomes available to enroll other children in the family in care.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

Eligibility Redetermination

§ 3042.101. Eligibility redetermination

Subsection (a) establishes that the eligibility agency shall complete a redetermination of eligibility no less than every 12 months and establish the family's next redetermination date.

Subsection (b) establishes requirements for the eligibility agency prior to redetermination.

There are no changes made to subsections (a) and (b) from the proposed rulemaking to this final-form rulemaking.

Subsection (c) establishes that the parent's or caretaker's annual income must meet the requirements set forth in § 3042.31(c).

Subsection (c) is amended in this final-form rulemaking to correct a typographical error, replacing "parent" with "parent's."

§ 3042.102. Procedures for redetermination

Subsection (a) establishes that no earlier than 6 weeks prior to redetermination, the eligibility agency shall send the family a form that lists the factors that will be reviewed for the redetermination of eligibility and explain the verification that will be needed to complete the redetermination.

Subsection (b) establishes that if the parent or caretaker submits only some of the required verification elements prior to the redetermination, the eligibility agency shall request in writing that the parent or care-

taker submit the additional verification no later than the family's redetermination date.

Subsection (c) establishes that the eligibility agency shall retain a copy of the notification in the family file.

Subsection (d) establishes that the eligibility agency shall send a written notice to the parent or caretaker regarding failure to provide required verification only after the family's redetermination date.

Subsection (e) establishes that the eligibility agency shall require the parent or caretaker to complete, sign and either mail, hand-deliver, fax or electronically submit the applicable form at each redetermination.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

Former TANF Families

§ 3042.111. General provisions for former TANF families

Subsection (a) establishes that a family that is no longer eligible for TANF cash assistance benefits or a family that voluntarily left the TANF program and meets the eligibility requirements specified in this chapter may qualify for subsidized child care.

Subsection (b) establishes that the eligibility agency shall review the information received from the CAO about a parent or caretaker who formerly received TANF benefits.

Subsection (c) establishes that the eligibility agency shall determine the date TANF benefits ended and establish the 183-day period after eligibility for TANF benefits ends, within which the parent or caretaker may receive child care benefits.

Subsection (d) establishes that eligibility for former TANF child care benefits shall begin the day following the date TANF benefits ended and shall continue for 183 consecutive days.

Subsection (e) establishes that the parent or caretaker may request child care benefits at any time during the 183-day period after eligibility for TANF ended.

Subsection (f) establishes that the eligibility agency may not place a child on a waiting list if a former TANF parent or caretaker requests subsidized child care for that child any time prior to 184 calendar days after TANF benefits ended.

Subsection (g) establishes that a family is not eligible for former TANF benefits if a parent or caretaker is currently disqualified from receiving TANF benefits as specified in §§ 255.1(c) and 275.51 (relating to restitution and disqualification policy; and imposing the disqualification).

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.112. General requirements for former TANF families

Subsection (a) establishes conditions a parent or caretaker must meet during the 183-day period after eligibility for TANF benefits ended or after a family voluntarily left the TANF program.

Subsection (b) establishes that a former TANF parent or caretaker who is transferred to the eligibility agency by the CAO or who applies for subsidized child care during the 183-day period after eligibility for TANF ended as specified in subsection (a) shall not be placed on a waiting list.

Subsection (c) establishes that the eligibility agency shall complete a redetermination of eligibility and establish the family's next redetermination date as specified in § 3042.101(a) (relating to eligibility redetermination).

Only subsection (a)(3) is amended in this final-form rulemaking to correct a citation following feedback received from IRRC noting the error. The rest of the provisions are unchanged from the proposed rulemaking to this final-form rulemaking.

§ 3042.113. Notification requirements for former TANF families

Subsection (a) establishes that if the eligibility agency determines that a parent or caretaker met the requirements in § 3042.112 (relating to general requirements for former TANF families) and was receiving child care on the date TANF benefits ended, the eligibility agency shall notify the parent or caretaker of the family's eligibility status and the date the 183-day former TANF period will expire.

Subsection (b) establishes the notification requirements for the eligibility agency to send to the parent or caretaker if the eligibility agency determines that a parent or caretaker was not receiving child care or cannot determine whether the parent or caretaker was receiving child care on the date TANF benefits ended.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.114. Personal interview requirements for former TANF families

As amended, subsection (a) establishes that when the parent or caretaker contacts the eligibility agency within 183 days after TANF benefits end, the eligibility agency must inform the parent or caretaker of the requirement to attend a personal interview with the eligibility agency. The personal interview shall occur no later than 30 calendar days following the date of the letter.

As amended, subsection (b) establishes that when the parent or caretaker contacts the eligibility agency in response to the letter specified in § 3042.113(b) (relating to notification requirements for former TANF families), the eligibility agency shall schedule a personal interview with the parent or caretaker.

Subsection (c) establishes that to maintain continuous child care payment from the day following the date TANF benefits ended, the parent or caretaker shall attend a personal interview with the eligibility agency as specified in § 3042.115.

As amended, subsection (d) establishes that the eligibility agency may waive the requirement for the personal interview if the parent or caretaker has completed a personal interview with the eligibility agency within the previous 12 months.

The subsections are amended in this final-form rulemaking to clarify the requirement and to ensure consistency of terminology with § 3042.56. Specifically, the terminology "face-to-face meeting" is deleted and replaced by "personal interview" in every subsection. The term "personal interview" is added to § 3042.3 to clarify that the interview is an informational meeting held between the parent or caretaker and the eligibility agency, and that it can take place in person, by telephone or by other means approved by the Department. Because of the changes in terminology, the Department also changes the title of this section from "Face-to-face requirements for former TANF families" to "Personal interview require-

ments for former TANF families.” Finally, because “personal interview” permits flexibility in terms of how the meeting can occur, the Department deletes proposed language from subsections (a), (b) and (c) referencing hardships and telephone contact because the amended terminology referencing the personal interview ensures flexibility for satisfying the requirement. The changes are consistent with changes made in §§ 3042.56 and 3042.115 and § 3042.117 (relating to failure to contact the eligibility agency following the transfer).

§ 3042.115. Reporting requirements for former TANF families

This section establishes reporting requirements for former TANF families and requirements the eligibility agency must ensure, such as advising the parent or caretaker to report income in excess of 85% of the SMI, and circumstances for when the eligibility agency must require a parent or caretaker to complete a subsidized child care application.

This section is amended to ensure consistency of terminology in this final-form rulemaking. Specifically, the Department deletes language to ensure consistency, specifically “face-to-face meeting” and replaces it with “personal interview.” This amendment is consistent with amendments made in §§ 3042.3, 3042.56, 3042.114 and 3042.117.

§ 3042.116. Verification of transfer of TANF benefits

This section establishes requirements relating to the verification of transfer of TANF benefits inside this Commonwealth or from another state.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.117. Failure to contact the eligibility agency following the transfer

Subsection (a) establishes that if a parent or caretaker who was receiving child care on the date TANF benefits ended fails to contact the eligibility agency in response to the letter specified in § 3042.113(a), the eligibility agency shall contact the parent or caretaker by telephone no later than 31 calendar days following the date of the letter.

As amended, subsection (b) establishes that when the eligibility agency contacts the parent or caretaker, the eligibility agency shall determine the family’s choice to participate in the personal interview and the parent’s continuing need for child care.

Subsection (c) establishes that if the eligibility agency determines that the parent or caretaker was not receiving child care or cannot determine whether the parent or caretaker was receiving child care on the date TANF benefits ended, the eligibility agency may not authorize payment for child care benefits until the date the parent or caretaker contacts the eligibility agency and requests benefits.

As amended, subsection (d) establishes that if a parent or caretaker who was receiving child care on the date TANF benefits ended does not attend a personal interview as specified in § 3042.114(a), the eligibility agency shall contact the parent or caretaker by telephone no later than the day following the date the parent or caretaker failed to attend the personal interview to determine the information specified in subsection (b).

This section is amended to ensure consistency of terminology in this final-form rulemaking. Specifically, the Department in subsections (b)(1) and (d) deletes refer-

ences to “face-to-face meeting” and replaces the language with “personal interview.” These amendments are consistent with amendments made in §§ 3042.56, 3042.114 and 3042.115.

§ 3042.118. Payment authorization for former TANF families

Subsection (a) establishes that the eligibility agency must review a request from a parent or caretaker to authorize child care payment at any time during the 183-day period after eligibility for TANF benefits ended.

Subsection (b) establishes that the eligibility agency must authorize child care payment at any time during the 183-day period after eligibility for TANF ended.

Subsection (c) establishes that the eligibility agency will not pay child care costs that exceed the maximum child care allowance minus the family copayment for the type of care the child received from the provider.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.119. Retroactive payment for former TANF families

Subsection (a) establishes that if the eligibility agency authorizes payment to an eligible provider that is currently participating in the subsidized child care program for a parent or caretaker who was receiving child care on the date TANF benefits ended, the authorization is retroactive to the day following the date TANF benefits ended.

Subsection (b) establishes that if the eligibility agency determines that the parent or caretaker was not receiving child care or cannot determine whether the parent or caretaker was receiving child care on the date TANF benefits ended, the eligibility agency shall require the parent or caretaker to submit verification of child care costs incurred during the 183-day period after eligibility for TANF ended.

Subsection (c) establishes that the eligibility agency shall authorize payment to an eligible provider that is currently participating in the subsidized child care program for the parent or caretaker specified in subsection (b) retroactive to the date the parent or caretaker first incurred child care expenses.

Subsection (d) establishes that if the eligibility agency determines that the parent or caretaker has selected an ineligible provider, it shall inform the parent or caretaker that the parent or caretaker shall contact the eligibility agency to discuss child care arrangements within 30 calendar days as specified in § 3042.12.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.120. Transfer from other states

Subsection (a) establishes the conditions for eligibility a parent or caretaker must satisfy if the parent or caretaker received TANF program benefits in another state and applies for subsidized child care.

Subsection (b) establishes that the eligibility agency must determine the date TANF benefits ended in the other state and establish eligibility for the 183-day period after eligibility for TANF ended as specified in § 3042.111 (relating to general provisions for former TANF families).

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.121. *Expiration of TANF benefits*

Subsection (a) establishes that a parent or caretaker who was receiving child care on the date TANF benefits ended and who has exhausted the 5-year limit on TANF benefits is eligible for up to 92 calendar days of subsidized child care to seek work.

Subsection (b) establishes that the eligibility agency must determine the date TANF benefits ended and establish the period of former TANF eligibility as specified in § 3042.111.

Subsection (c) establishes that the parent or caretaker may apply at any time during the 183-day period after eligibility for TANF ended.

Subsection (d) establishes that the maximum period of potential eligibility for former TANF child care benefits under this section is 183 days.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.122. *Verification of expiration of TANF benefits*

This section establishes what constitutes acceptable verification of expiration of TANF benefits.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

Head Start

§ 3042.131. *General provisions for Head Start*

Subsection (a) establishes that a child who is enrolled in a Head Start program, whose parent or caretaker needs extended hours or days of child care beyond the hours or days provided by the Head Start program to work, is eligible for subsidized child care under this section if the parent or caretaker meets the eligibility requirements for subsidized child care as specified under § 3042.132 each time a child in the family applies for Head Start special eligibility.

Subsection (a) is amended in this final-form rulemaking to correct a citation following feedback received from IRRRC noting the error.

Subsection (b) establishes that the eligibility agency must verify with the Head Start program that the child is enrolled in a Head Start program that meets Federal and State Head Start standards.

Subsection (c) establishes that if a child in the family as specified in § 3042.41 (relating to family size) is enrolled in the Head Start program, the family copayment is based on family size and income. If additional children in the family are enrolled in subsidized child care, the family copayment is based on family size and income.

Subsection (d) establishes that if extended hours or days of care are provided beyond the Head Start program hours or days, a facility that has a certificate of compliance by the Department as a child care facility shall provide the extended hours and days of care.

Subsections (b), (c) and (d) are not amended from the proposed rulemaking to this final-form rulemaking.

§ 3042.132. *Eligibility determination for Head Start*

This section establishes six listings of criteria that parents and caretakers must satisfy to continue in the Head Start special eligibility program. The criteria include verifications of work hours, extended hours, income eligibility, compliance with the required waiting list con-

ditions, payment of the copayment and the requirement to report within 10 days when a child is no longer enrolled in Head Start.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.133. *Eligibility redetermination for Head Start*

Subsection (a) establishes that the eligibility agency may not complete a redetermination prior to the expiration of the 12-month eligibility period as specified in § 3042.101(a) upon receiving notification that a child is no longer enrolled in a Head Start program.

Subsection (b) establishes that the eligibility agency shall conduct a redetermination when the child is no longer enrolled in the Head Start program, if the 12-month redetermination period has expired as specified in § 3042.101(a).

Subsection (c) establishes that the eligibility agency shall conduct a redetermination as specified in § 3042.101 if the family has additional children who are not enrolled in Head Start but receive subsidized child care. A family that includes a child enrolled in a Head Start program and a child who is not enrolled in a Head Start program is subject to redetermination requirements as specified in § 3042.101(a).

Subsection (d) establishes that eligibility for a child enrolled in a Head Start program is unrelated to the eligibility of other children in the family who are not enrolled in a Head Start program and receive subsidized child care. Eligibility for a child enrolled in a Head Start program shall continue as specified in this section.

Subsection (e) establishes that the eligibility agency shall conduct a redetermination between the time a child is no longer enrolled in Early Head Start and the time the child enters Head Start.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

Waivers and Periods of Presumptive Eligibility

As previously stated, following feedback received noting confusion and clarity issues on the differences between waivers and presumptive eligibility, the Department reorganizes §§ 3042.141—3042.147 to improve clarity by stating all of the substantive waiver requirements first, and then listing the requirements for presumptive eligibility. Specifically, proposed §§ 3042.144—3042.147 are final-form §§ 3042.141—3042.144, respectively. Similar, proposed §§ 3042.141—3042.143 are final-form §§ 3042.145—3042.147. The Department notes that Chapter 3041 permitted waivers for domestic violence only, and this final-form rulemaking extends waivers to also apply for families experiencing homelessness. As such, waivers only apply under this final-form rulemaking to families experiencing domestic violence or homelessness. Regarding implementation, granting a waiver excuses the parent or caretaker from meeting certain requirements for up to 92 days. As explained previously, the Department reiterates that once the waiver period expires, the parent or caretaker must provide the verification that was waived or must begin paying the copayment, or both. If these requirements are met, eligibility and payment will continue for the rest of the 12-month eligibility period. If one or more of the waived requirements are not met, or if the individual is determined ineligible, subsidy will be terminated, and an Adverse Action notice will be sent as specified under § 3042.155. The family may satisfy the waived requirements at any time before the subsidy is terminated, and once satisfied, the subsidy will continue

for the remainder of the eligibility period. If a waiver is denied, the eligibility agency will send a notice explaining the basis for the denial, the right to appeal, the verification that is required to be submitted to grant the waiver and the associated time frames for meeting the verification requirements, and notification of the evidence or information needed to substantiate the waiver request and the associated time frames for the providing the information. If denied, the family is not eligible for subsidized child care, and the eligibility agency will generate an ineligible notice as specified under § 3042.144. If granted, the eligibility agency will review the circumstances at redetermination to determine whether a new domestic violence waiver or a waiver for homelessness is warranted. Further, if a waiver is not requested to be renewed, the parent or caretaker may apply for a period of presumptive continued eligibility at redetermination as specified under this final-form rulemaking.

There are two types of presumptive eligibility. The first is specifically only for families experiencing homelessness, and that is why the requirement is stated differently than the requirement for domestic violence and other violence. This is because for families struggling with homelessness, the CCDBG requires the Department to establish procedures to ensure the initial eligibility of children experiencing homelessness while required documentation is obtained. This final-form rulemaking establishes periods of presumptive eligibility for children experiencing homelessness to ensure the satisfaction of this CCDBG requirement. See 45 CFR 98.51.

Next, the Department notes that presumptive continued eligibility under this final-form rulemaking is available to any family who satisfies the requirements at redetermination. Specifically, any family who is not meeting the work hours requirement but has a job to return to within 92 days can be determined presumptively eligible and maintain services. In this scenario, the redetermination is completed on day 92 and if the parent or caretaker is satisfying the work hours requirements, then eligibility will continue for the remainder of the 12-month eligibility period. If the parent or caretaker is not meeting the work hours requirements, then the eligibility agency will take the necessary steps to terminate the temporary eligibility with proper notification to the family as required under § 3042.155.

§ 3042.141. General waiver requirements

This section establishes and clarifies general waiver requirements, and that generally, eligibility agencies may grant waivers for a family experiencing domestic or other violence or for homelessness.

Aside from reordering, there is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.142. Time frame for waiver determinations

This section establishes that eligibility agencies must act on a waiver request no later than 15 calendar days after the date of the request.

Aside from reordering, there is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.143. General verification requirements for waivers

This section establishes that the Department's form can be used as acceptable verification of domestic violence or homelessness.

Aside from reordering, there is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.144. General notification requirements for waivers

This section establishes requirements for eligibility agencies to provide written notice to the parent or caretaker of its decision to grant or deny the waiver request.

Aside from reordering, there is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.145. Domestic and other violence

Subsection (a) establishes the reasons for when the eligibility agency will grant a waiver under this section.

Subsection (b) establishes that the eligibility agency may grant a waiver if compliance with a requirement of this chapter would either make it more difficult for a family or household member to escape domestic violence or place a family or household member at risk of domestic violence.

Subsection (b) is amended in this final-form rulemaking to clarify that the requirement applies except as otherwise provided under this chapter.

Subsection (c) establishes the list of six requirements that may not be waived.

Subsection (d) establishes that verification requirements and the amount of the copayment can be waived for a period not to exceed 92 days.

Subsection (d) is amended in this final-form rulemaking to state the requirement consistently with § 3042.146(f) so that it is clear that requirements may be waived for a temporary period not to exceed 92 days. Subsection (d)(1) is also amended in this final-form rulemaking to conform to citation standards.

Subsection (e) establishes that, except as specified in subsections (c) and (d), the eligibility agency will grant a domestic violence waiver for the balance of the 12-month eligibility period following verification being provided to the eligibility agency. This language is amended for consistency. The amendment ensures that domestic violence waivers, once granted, will permit eligibility for the balance of the eligibility period for these vulnerable, at-risk families. The Department notes that currently, a domestic violence waiver permits eligibility for the maximum eligibility period under the duly promulgated regulations in deleted Chapter 3041 of 6 months. Because the minimum eligibility period is increased to 12 months under this final-form rulemaking, the extension to the updated, minimum required period of 12 months ensures consistency with the CCDBG and ensures the continued protection of these vulnerable families.

Subsection (f) establishes that the eligibility agency shall utilize and accept the Department's form providing for verification by documentary evidence, third party statement or self-certification as acceptable verification of domestic violence. The addition came about following the Department's review to clarify the process for establishing eligibility under this section. Specifically, the requirements in paragraph (1) clarify that if verification under the Department's form is not provided prior to expiration of the 92-day period specified in subsection (d), or if the family is determined ineligible, the eligibility agency will take the necessary steps to terminate the temporary eligibility with proper notification to the family as specified in § 3042.155. Next, the requirements in paragraph (2) clarify that if a family is determined ineligible or fails to provide the required verifications, any services received during the 92-day period are not considered an error or

improper payment. The eligibility agency will pay any amount owed to a child care provider for services provided. The added requirements clarify the process for determinations under this section and the consequences for failing to provide the required verification. The added requirements are also consistent with the Department's current framework for waivers. The Department notes these changes are also responsive to feedback received during the public comment period asking for the Department to ensure that families experiencing domestic violence are no worse off under this final-form rulemaking than before. As such, these vulnerable individuals will receive 12 months of continuous eligibility following verification under this section. The Department notes the congruity of this requirement with the requirement under § 3042.146(g) for families who are experiencing homelessness. The added subsection is consistent with § 3042.143 (relating to general verification requirements for waivers) and is added to emphasize the verification requirement for families experiencing domestic or other violence and to state the requirements for eligibility for these families more completely.

Aside from the reordering and the citation correction, there are no changes to the remainder of this section. Regarding IRRC's inquiry regarding implementation of this waiver, the Department reiterates that granting a waiver excuses the parent or caretaker from meeting certain requirements for up to 92 days, and that the waiver is subject to the requirements specified under §§ 3042.141–3042.144. Specifically, the eligibility agency must act on waiver requests within 15 calendar days after the date of the request. Whether the waiver is granted or denied, the eligibility agency will send a notice as specified under § 3042.144.

§ 3042.146. *Homelessness*

Subsection (a) establishes that at the time of application, the eligibility agency may grant a period of presumptive eligibility to a parent or caretaker who is experiencing homelessness for a temporary period not to exceed 92 calendar days. This subsection restates proposed subsection (d).

Subsection (a) is amended in this final-form rulemaking to clarify that a period of presumptive eligibility is a temporary period not to exceed 92 calendar days.

Subsection (b) establishes that a parent or caretaker who is experiencing homelessness may be permitted to substitute job search activities to meet the work requirement specified in § 3042.33 for the duration of the period of presumptive eligibility for a temporary period not to exceed 92 calendar days. This subsection restates language that was proposed under the definition of "period of presumptive eligibility."

Subsection (c) establishes that a parent or caretaker may be permitted to self-certify their status as experiencing homelessness as specified under § 3042.63 to qualify for and be granted a period of presumptive eligibility for a temporary period not to exceed 92 calendar days. The addition clarifies that self-certification can be used to qualify for and be granted a period of presumptive eligibility for families who are experiencing homelessness.

Subsection (d) establishes that except as specified in subsections (e) and (f), the eligibility agency will grant a waiver to families who are experiencing homelessness for the balance of the 12-month eligibility period following verification being provided to the eligibility agency. The Department notes the congruity of this requirement with the requirement under § 3042.145(e) and that the added

requirement is consistent with the minimum 12-month eligibility periods required under the CCDBG.

Subsection (e) establishes and lists the six requirements that cannot be waived. Specifically, these six requirements are the following: (1) age of the child; (2) income limits; (3) state residency; (4) citizenship; (5) the number of paid absences; and (6) the minimum number of hours of work, education or training as specified under § 3042.33, subject to the provisions in subsection (b). This subsection restates proposed subsection (b).

Subsection (e) is amended in this final-form rulemaking to add a paragraph clarifying that the work requirement is waived only during the initial period of presumptive eligibility. Because the minimum eligibility period is now 12-months, the change is necessary to clarify that the work requirement is not waived entirely, but only during the initial period of presumptive eligibility. The Department reiterates that presumptive eligibility is used to satisfy the CCDBG requirement for Lead Agencies to provide for a process to ensure that work requirements do not operate as a barrier to eligibility. See 45 CFR 98.51. The change clarifies that the work requirement during presumptive eligibility permits substitution of job search activities to satisfy the work requirement, as required by the CCDBG.

Subsection (f) establishes and lists the requirements that can be waived for a temporary period not to exceed 92 calendar days. Specifically, they are the amount of the copayment as well as the verification requirements specified under §§ 3042.61–3042.73. This subsection is based on proposed subsection (c).

Subsections (f) is amended so this final-form rulemaking conforms to citation standards. There are otherwise no changes made to this subsection from the proposed rulemaking to this final-form rulemaking.

Subsection (g) establishes that the eligibility agency will use and accept the Department's form providing for verification by documentary evidence, third party statement or self-certification as acceptable verification of homelessness. The addition clarifies the requirement for verification of homelessness and for the consequences for failing to provide the required verifications. The Department notes the congruity of this requirement with the requirement under § 3042.145(f) for families who are experiencing domestic violence or other violence. This subsection is consistent with § 3042.143 and is added here to emphasize the verification requirement for homelessness and to state the requirements for eligibility for families experiencing homelessness more completely.

Subsection (h) establishes that following expiration of the temporary 92-day period of presumptive eligibility, the eligibility agency may establish a new 12-month eligibility period and reset the redetermination due date. This subsection is based on proposed subsection (e).

Subsection (h) is amended in this final-form rulemaking to change the wording of the requirement to ensure accuracy and consistence with the Department's process, and to state the requirement more clearly. Specifically, the word "full" is deleted and the requirement is restated using permissive language to clarify the eligibility agency may establish a new period. If verifications are not provided or the family is determined ineligible, the eligibility agency will not do a redetermination or reset the due date but will instead end the eligibility following the required notice as specified under § 3042.155.

Regarding implementation, the Department reiterates this final-form rulemaking adds homelessness as a waiver

in addition to the waiver for domestic violence, which is already authorized under the duly promulgated regulations in deleted Chapter 3041, and so the waiver process is the same. The Department notes that provisions similar to subsections (a) and (b) are not under the waiver requirements for domestic violence because the provisions permit substitution of job search activities for the work requirements, consistent with the provisions of the CCDF under 45 CFR 98.51. The amendments to this subsection clarify that a period of presumptive eligibility permits substitution of job search activities to meet the work requirement for a temporary period not to exceed 92 calendar days, and that the period can be granted at application to a parent or caretaker who is experiencing homelessness. The Department notes that presumptive eligibility at application applies only to families experiencing homelessness, and at application, a parent or caretaker who is experiencing homelessness and who is not meeting the work requirement can be presumptively eligible for up to 92 days to do a job search, and if the parent or caretaker is not meeting the work requirement by the 92nd day, the family is no longer eligible following the eligibility agency's issuance of a notice of adverse action, as specified under § 3042.155. The Department notes the described procedures are now clarified in subsection (g).

Amendments to this section are made to improve clarity and ensure consistency, specifically the amendments made to the definition of "period of presumptive eligibility." This section is reorganized and reordered for clarity from the proposed rulemaking to this final-form rulemaking.

§ 3042.147. Presumptive continued eligibility at redetermination

As amended, subsection (a) establishes that the eligibility agency may grant a temporary period of presumptive continued eligibility to a parent or caretaker at redetermination for a period not to exceed 92 calendar days from the date of the redetermination.

Subsection (a) is amended in this final-form rulemaking to clarify that the eligibility agency may grant a temporary period of presumptive continued eligibility at redetermination for a period not to exceed 92 calendar days from the date of the redetermination. Further, the listed circumstances in subsection (a)(1)–(3) are deleted in this final-form rulemaking for clarity. The amendments are made in response to feedback from IRRC requesting explanation regarding a conflict with the proposed definition of "period of presumptive eligibility" and clarification of the requirements. The Department notes the timing provisions from the proposed definition of "period of presumptive eligibility" are also added in response to IRRC's request to delete the timing provisions from the definition into the body of the regulations to clarify that a period of presumptive eligibility is temporary and shall not exceed 92 calendar days from the date of the redetermination. The amended terminology to "period of presumptive continued eligibility" better describes the eligibility because this section concerns eligibility at the time of the redetermination, and so the parent or caretaker has already been determined eligible for the previous 12-month period and is currently receiving subsidized child care based on the prior eligibility determination. This section prevents families from needless cycling on and off from services, and the amended terminology better reflects the purpose of the requirement. The Department reiterates that "period of presumptive continued eligibility" is added to the definitions section under

§ 3042.3 to clarify that the term refers to a temporary period of eligibility that is established at redetermination as provided for in this section. The Department notes that a period of presumptive eligibility applies at the time of application, whereas a period of presumptive continued eligibility applies only at redetermination.

Subsection (b) establishes that for a parent or caretaker to be granted a period of presumptive continued eligibility at redetermination, the parent or caretaker shall submit verification of work, education or training that satisfies the work-hour requirement as specified in § 3042.33 that is set to begin prior to the expiration of the temporary 92-day period specified in subsection (a), unless the provisions in § 3042.146 apply. The addition clarifies how a parent or caretaker can be granted a period of presumptive continued eligibility at redetermination. The requirement is clear that verification that work, education or training that satisfies the work requirements is set to begin prior to the expiration of the temporary 92-day period specified in subsection (a), unless the provisions in § 3042.146 apply. This addition is in response to feedback from IRRC noting clarity and ambiguity concerns with the proposed section. The addition also states the requirement more completely.

Subsection (c) establishes that prior to the expiration of the temporary 92-day period of presumptive continued eligibility, the eligibility agency will verify the parent or caretaker has begun work, education or training and is compliant with the work-hours requirement specified in § 3042.33. This subsection is based on proposed subsection (b).

Subsection (c) is amended in this final-form rulemaking to restate the requirement to reference that the eligibility agency must verify prior to the expiration of the temporary period that the parent or caretaker has begun work, education or training and is in compliance with the work-hours requirement. The amendment is made to clarify and state the requirement more consistently with the Department's current process by changing the language to require verification prior to expiration of the temporary period of presumptive continued eligibility.

Subsection (d) establishes that if the parent or caretaker has not begun work, education or training as specified in subsection (b), or is otherwise determined ineligible prior to the expiration of the 92-day period, the eligibility agency shall take the necessary steps to terminate the temporary eligibility with proper notification to the family as specified in § 3042.155. The addition clarifies the requirements following feedback from IRRC. The added provision clarifies that the temporary eligibility will be terminated in cases where the parent or caretaker has not begun work, education or training prior to expiration of the temporary period.

Subsection (e) establishes that if a family is determined ineligible at any time during a temporary period of presumptive continued eligibility, any services received during the 92-day period are not considered an error or improper payment. The eligibility agency will pay any amount owed to a child care provider for services provided during the temporary period of presumptive continued eligibility. The addition is following feedback from IRRC noting ambiguity and clarity issues with this section. The added requirement is consistent with the provisions in §§ 3042.145(f)(2) and 3042.146(g)(2). Specifically, the provisions clarify that if a family is determined ineligible at any time during the period of presumptive eligibility, any services received during the 92-day period are not considered an error or improper payment. Fur-

ther, the added requirements clarify that the eligibility agency will pay any amount owed to a provider for services rendered during the temporary period of presumptive continued eligibility.

Subsection (f) establishes that at the end of a 92-day temporary period of presumptive continued eligibility, the eligibility agency will complete a redetermination to establish the 12-month eligibility period and reset the redetermination due date. This subsection is based on proposed subsection (c).

Subsection (f) is amended in this final-form rulemaking to clarify the 92-day period is with reference to the temporary period of presumptive continued eligibility. The provision deletes the word “full” from the requirement so that the requirement is clear that the eligibility agency will complete a redetermination to establish the 12-month eligibility period and reset the redetermination due date at the end of the 92-day period.

Finally, because this section is reorganized and because of clarity issues with this section, the title is amended to “Presumptive continued eligibility at redetermination.”

The amendments for this section are made for clarity and consistency in response to feedback from IRRC and because of amendments made to the definition of “period of presumptive eligibility.” Further, the Department reiterates that “period of presumptive continued eligibility” is added in this final-form rulemaking under § 3042.3 to clarify that at redetermination, a parent or caretaker can maintain eligibility using the specified period of presumptive eligibility provided they have work, education or training that will begin prior to expiration of the temporary period. The Department reiterates that this requirement will help to ensure that families do not needlessly cycle on and off services. Finally, this section is also reordered from the proposed rulemaking to this final-form rulemaking to improve clarity.

Notification and Right to Appeal

§ 3042.151. General notification requirements

Subsection (a) establishes that the eligibility office shall notify the parent or caretaker in writing no later than 10 calendar days prior to taking an action that affects the family’s eligibility status for subsidized child care or a change in the amount of the family’s subsidized child care benefit.

Subsection (a) is amended in this final-form rulemaking to delete the word “notify” and add language to clarify that the eligibility agency shall issue written notification to the parent or caretaker no later than 13 calendar days prior to taking an action that affects the family’s eligibility status for subsidized child care or a change in the amount of the family’s subsidized child care benefit. These amendments are made based on a comment received that the period between notice and action on the case should be expanded, similar to MA, SNAP and TANF, in recognition of significant mailing delays, as explained more fully in the Department’s comment and response document. The Department carefully considered the commentator’s request, and after follow-up discussions with the commentator, the commentator requested the regulations mirror and provide for the authorization that is programmed into the Department’s system that is used for the subsidized child care program, Pennsylvania’s Enterprise to Link Information for Children Across Networks. To further address these concerns, and to ensure the requirement is stated for consistency as requested by the commentator, the Department deletes the phrase “in writing” and adds the language “issue

written notification” to ensure the requirement is clear and consistent with the Department’s process for sending notifications.

Subsection (b) establishes requirements for sending the written notice described in subsection (a) to the parent or caretaker; for notifying the child care provider as soon as a family is determined eligible or ineligible; and for the child care provider to retain a copy of the notice in the family file.

There is no changes made to subsection (b) from the proposed rulemaking to this final-form rulemaking.

§ 3042.152. Notice of right to appeal

This section establishes and lists the information that must be included in a notice of the right to appeal.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.153. Notice of eligibility

This section establishes the listing of information that must be included on a written notice of eligibility on a form provided by the Department.

This section is amended in this final-form rulemaking in subsection (b)(3) of the requirement to correct the title of a cited section that is amended in this final-form rulemaking.

§ 3042.154. Notice of ineligibility

This section establishes and lists the information that must be included on a written notice of ineligibility on a form provided by the Department.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.155. Notice of adverse action

Subsection (a) establishes that the eligibility agency shall send a notice to a parent or caretaker currently receiving subsidy when the eligibility agency proposes to terminate subsidy payment.

Subsection (b) establishes that the eligibility agency shall prepare a notice of adverse action on a form provided by the Department.

Subsection (c) establishes and lists the information that must be included in a notice of adverse action.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.156. Notice confirming voluntary withdrawal

Subsection (a) establishes that the eligibility agency shall, by written notice to the parent or caretaker, confirm the parent’s or caretaker’s voluntary withdrawal of a child from subsidized child care.

Subsection (b) establishes that the notice confirming voluntary withdrawal must be on a form provided by the Department.

Subsection (c) establishes and lists the information that must be included in a written notice confirming voluntary withdrawal.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.157. Notice confirming a change in benefits

Subsection (a) establishes that the eligibility agency shall, by written notice to the parent or caretaker, confirm a change in the parent’s or caretaker’s subsidized child care benefits when the change does not affect the

family's eligibility. Changes in benefits include a change in the number of days or hours during which the child is enrolled, subsidy suspension and subsidy disruption.

Subsection (b) establishes that the notice confirming a change in benefits must be on a form provided by the Department.

Subsection (c) establishes and lists the information that must be included in a written notice confirming a change in benefits.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.158. Notice confirming a change in copayment

Subsection (a) establishes that the eligibility agency shall, by written notice to the parent or caretaker, confirm a change in the family copayment amount.

Subsection (b) establishes that the notice confirming a change in copayment must be on a form provided by the Department.

Subsection (c) establishes and lists the information that must be included in a written notice confirming a change in copayment.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.159. Notice of overpayment

This section establishes and lists the requirements for written notices that confirm an overpayment.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

Appeal and Hearing Procedures

§ 3042.161. Appealable actions

This section establishes in what cases the parent or caretaker has the right to appeal a determination of the Department.

This section is amended in this final-form rulemaking in paragraph (1) to correct a citation following feedback received from IRRC noting the citation error, and to correct the title of a cited section that is changed in this final-form rulemaking. Paragraph (4) is updated following amendments made to reorganize the requirements for waivers. Because of the addition of § 3042.22 in this final-form rulemaking, the Department adds paragraph (8) here to clarify that subsidy terminations under § 3042.22 may be appealed.

§ 3042.162. Discontinuation of subsidy during the appeal process

Subsection (a) establishes that subsidy is not continued pending a hearing decision if the parent or caretaker appeals the disruption of subsidy when the eligibility agency lacks funding to continue subsidy to a child.

Subsection (b) establishes that subsidy is suspended pending a hearing decision if the parent or caretaker fails to make timely payment of the copayment.

There are no changes made to subsections (a) and (b) from the proposed rulemaking to this final-form rulemaking.

Subsection (c) establishes that following a suspension under subsection (b), a subsidy will be reinstated pending the hearing decision if all copayments are brought up to date. The addition is in response to a public comment suggesting the requirements allow, following a suspension, for the reinstatement of subsidy pending a hearing decision if the parent catches up on copayments.

§ 3042.163. Subsidy continuation during the appeal process

Subsection (a) establishes the conditions for when subsidy will continue at the prior level until the Department hears the appeal and makes a final decision.

Subsection (a)(1) is amended in this final-form rulemaking in response to feedback from IRRC requesting clarification to establish a procedure with which the parent or caretaker will be able to comply. The word "received" is replaced by the word "delivered" to clarify that the appeal must either be postmarked by the date when sent by mail; or delivered by the date when sent by hand-delivery, facsimile or electronically. The same amendment is made in § 3042.166(b), and the amendments are consistent with the requirement under § 3042.165(b).

There are no other changes made to subsection (a) from the proposed rulemaking to this final-form rulemaking.

Subsection (b) establishes that if subsidy continues as specified in subsection (a), the parent or caretaker shall continue to make timely payment of the copayment that was in effect prior to issuance of the written notice until the Department makes a final decision as specified in § 3042.91 (relating to general copayment requirements).

There is no change made to subsection (b) from the proposed rulemaking to this final-form rulemaking.

Subsection (c) establishes that if subsidy continues during the appeal process and the hearing officer finds in favor of the eligibility agency or the Department, the parent or caretaker shall reimburse the Department for the amount of the subsidy or increase in subsidy paid for child care from the proposed effective date of the written notice until the date subsidy is terminated or decreased, based on the final administrative action order.

There is no change made to subsection (c) from the proposed rulemaking to this final-form rulemaking.

§ 3042.164. Parent or caretaker rights and responsibilities regarding appeal

Subsection (a) establishes that a parent or caretaker appealing a written notice shall submit a written request to the eligibility agency in accordance with Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) within 30 calendar days following notification. The parent or caretaker shall specify the reason for the appeal and the current address and a telephone number, if possible, where the parent or caretaker can be reached during the day.

Subsection (b) establishes that a parent or caretaker may orally appeal. The eligibility agency shall document the date of the oral appeal in the case file. The parent or caretaker shall confirm the oral appeal in writing to the eligibility agency no later than 7 calendar days following the date the parent or caretaker orally requested an appeal.

Subsection (c) establishes that a parent or caretaker may authorize an adult to represent the parent or caretaker at the hearing.

Subsection (d) establishes that if the parent or caretaker wants subsidy to continue pending a hearing decision, subject to § 3042.163, the parent or caretaker shall submit a written appeal no later than 10 calendar days following the date the written notice is postmarked or hand-delivered to the parent or caretaker by the eligibility agency.

Subsection (e) establishes that if the parent or caretaker requests that subsidy continue pending a hearing decision, the parent or caretaker shall make timely payment of the copayment that was in effect prior to issuance of the written notice until the Department makes a final decision as specified in § 3042.91.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.165. Eligibility agency responsibilities regarding appeal

Subsection (a) establishes that if the parent or caretaker is unable to prepare a written appeal, the eligibility agency shall assist the parent or caretaker in preparing a written appeal. The parent or caretaker shall sign the appeal request.

Subsection (b) establishes that when the eligibility agency receives an appeal that is timely postmarked or delivered, the eligibility agency shall date-stamp the appeal, the envelope and the attachments with the date of receipt and retain copies of all original appeal information.

Subsection (c) establishes that the eligibility agency shall keep a copy and forward the original appeal along with the postmarked envelope to the Department's Bureau of Hearings and Appeals no later than 3 working days following the date the appeal is received by the eligibility agency.

There are no changes made to subsections (a)—(c) from the proposed rulemaking to this final-form rulemaking.

Subsection (d) establishes that the eligibility agency may not take the proposed adverse action until 13 calendar days following the date the written notice is postmarked or hand-delivered to the parent or caretaker and then only if the parent or caretaker has not filed an appeal. Subsidy may be continued at the prior level only if the parent or caretaker meets the requirements in § 3042.163.

Subsection (e) establishes that the eligibility agency may take the proposed adverse action before 13 calendar days following the date a provider closes for financial difficulties or loss of certification or if funding is not available to continue subsidized care to the child.

Subsections (d) and (e) are amended in this final-form rulemaking in response to a public comment received noting the period between notice and action on the case should be expanded as was done for MA, SNAP and TANF, in recognition of significant mailing delays. The time periods in subsections (d) and (e) are changed from 10 calendar days to 13 calendar days, as explained in the Department's comment and response document.

§ 3042.166. Hearing procedures

Subsection (a) establishes that Chapter 275 applies to hearings that are held under this chapter, except as specifically superseded by this chapter.

There is no change made to subsection (a) from the proposed rulemaking to this final-form rulemaking.

Subsection (b) establishes that the Department will dismiss an appeal postmarked or delivered after 30 calendar days from the date the written notice is postmarked or hand-delivered to the parent or caretaker unless one of the provisions allowing for appeals after 30 calendar days applies as specified in § 275.3(b)(2) and (3) (relating to requirements).

Subsection (b) is amended in this final-form rulemaking in response to feedback from IRRC requesting clarification to establish a procedure with which the parent or caretaker will be able to comply. Similar to § 3042.163, the word "received" is replaced by the word "delivered" to clarify the appeal must be either postmarked by the date when sent by mail; or delivered by the date when sent by other methods, such as hand-delivery, facsimile or electronically.

Subsection (c) establishes that the hearing may be conducted by a telephone conference call with the parties to the appeal, including the parent or caretaker, the authorized representative of the parent or caretaker, the eligibility agency, the Department and the hearing officer.

Subsection (d) establishes that the parent or caretaker has the right to request a face-to-face hearing instead of a telephone hearing. Face-to-face hearings will be held in locations specified by the Department.

Subsection (e) establishes that if a parent or caretaker does not withdraw an appeal, the eligibility agency, or the Department, if appropriate, will take part in the scheduled hearing to justify the action to which the parent or caretaker objects.

Subsection (f) establishes that if the eligibility agency or the Department fails to appear at the hearing and the parent or caretaker appears, the parent's or caretaker's appeal will be sustained.

Subsection (g) establishes that if the parent or caretaker fails to appear for the hearing, regardless of whether the eligibility agency or the Department appears, the appeal is considered abandoned and the decision of the eligibility agency or the Department will be sustained.

Subsection (h) establishes that the Department will notify the eligibility agency and the parent or caretaker, in writing, when disposition of the appeal is made.

Subsection (i) establishes that the eligibility agency shall implement the final administrative action within the time limit ordered by the Department or on the first day child care is needed in the week following receipt of the final administrative action order.

There are no changes made to subsections (c)—(i) from the proposed rulemaking to this final-form rulemaking.

Overpayment and Disqualification

§ 3042.171. Overpayment

This section establishes when a parent or caretaker can be required to repay an overpayment.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.172. Eligibility agency responsibilities regarding overpayment

Subsection (a) establishes that the eligibility agency shall inform a parent or caretaker who files an appeal and requests subsidy continuation pending appeal that, if the hearing decision is in favor of the eligibility agency or the Department, the parent or caretaker shall reimburse the amount of the overpayment unless the hearing officer determines a hardship.

Subsection (b) establishes that the eligibility agency shall pursue possible overpayments in active and closed cases, including those that were voluntarily closed.

Subsection (c) establishes the responsibilities of the eligibility agency when exploring possible overpayments.

Subsection (d) establishes that the eligibility agency shall refer all cases of suspected provider fraud to the Office of Inspector General.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.173. Delaying recoupment

Subsection (a) establishes that recoupment shall be delayed until after a hearing decision, if the family files an appeal of the overpayment decision no later than 10 calendar days after the date the written notice is post-marked or hand-delivered to the parent or caretaker by the eligibility agency.

Subsection (b) establishes that recoupment shall be delayed for cases referred to the Office of Inspector General for suspected fraud until the investigation is complete.

Subsection (c) establishes that the method of recoupment in cases of suspected fraud will be determined in conjunction with the Office of Inspector General.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.174. Notifying the Department

This section requires that the eligibility agency notify the Department when recoupment stops before the overpayment is fully recouped.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.175. Repayment

This section establishes the requirement that a parent or caretaker shall repay the full amount of the overpayment.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.176. Collection

Subsection (a) establishes that the eligibility agency shall collect the total amount of the overpayment from a family whose child continues to receive subsidized child care when the eligibility agency identifies an overpayment as specified in § 3042.172.

Subsection (b) establishes requirements for the eligibility agency in cases where the Department, eligibility agency or other entity identifies an overpayment unrelated to fraud, subject to repayment as specified in § 3042.171 (relating to overpayment), related to a family whose child continues to receive subsidized child care.

Subsection (c) establishes that when the Office of Inspector General has determined fraud in an active case, the eligibility agency shall determine collection methods in conjunction with the Office of Inspector General.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.177. Copayment increase related to overpayment

Subsection (a) establishes that a copayment increase for the purpose of collecting an overpayment may not exceed an amount greater than 5% of the family's gross monthly income. If the parent or caretaker indicates to the eligibility agency that an increase to 5% would cause hardship to the family, the family and the eligibility agency may agree to a lesser amount.

Subsection (b) establishes that a parent or caretaker may choose to increase the copayment beyond the amount specified in subsection (a) to repay an overpayment in a shorter period of time.

Subsection (c) establishes that the eligibility agency shall issue a written notice before implementation of an increase in the copayment for a new eligibility period.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.178. Collection for a family whose child is no longer in care

Subsection (a) establishes that the eligibility agency shall collect the total amount of the overpayment as specified in § 3042.172 from a family whose child is no longer receiving subsidized child care if the eligibility agency identifies an overpayment.

Subsection (b) establishes requirements for the eligibility agency in cases where the Department, eligibility agency or other entity identifies an overpayment unrelated to fraud, for a family whose child is no longer receiving subsidized child care.

Subsection (c) establishes that when the Office of Inspector General has determined fraud in a case when the child is no longer in care, the eligibility agency shall determine the collection methods in conjunction with the Office of Inspector General.

Subsection (d) establishes that the Department may institute civil legal proceedings when the parent or caretaker fails to respond to the second letter.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 3042.179. Disqualification

Subsection (a) establishes criteria for when a parent or caretaker is disqualified from participating in the subsidized child care program.

Subsection (b) establishes and lists the penalties for disqualification from participation in the subsidized child care program.

Subsection (c) establishes that a parent or caretaker may not be granted a hearing on a court conviction or administrative disqualification hearing decision that led to the disqualification.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

Accomplishments and Benefits

This final-form rulemaking ensures compliance with the Federal law and allows the Commonwealth to continue to receive CCDBG funds. This final-form rulemaking benefits parents and caretakers, the provider community and the eligibility agencies. Stable child care is critical to strengthening parents' and caretakers' ability to go to work, improving their prospects in the job market and increasing their earning potential. In addition, continuity in child care is important for creating the stable conditions children need for their healthy development and preparing for school.

This final-form rulemaking will benefit all low-income children and families that receive subsidy, families transitioning off TANF benefits, providers receiving subsidy payments, as well as the eligibility agencies. Safe, stable environments allow young children the opportunity to develop the relationships and trust necessary to comfortably explore and learn from their surroundings. Re-

search has demonstrated a relationship between child care stability and social competence, behavior outcomes, cognitive outcomes, language development, school adjustment and overall child well-being. Adams, G. and Rohacek, M. (2010). "Child Care Instability: Definitions, Context, and Policy Implications." The Urban Institute, page 6. Retrieved from <https://www.urban.org/research/publication/child-care-instability-definitions-context-and-policy-implications>.

Affected Individuals and Organizations

The Department notes that this final-form rulemaking will benefit at least 83,000 children from as many as 49,000 families who receive subsidized child care services at the more than 7,000 total providers (regulated and relative providers). If enrollments return to pre-pandemic levels, this final-form rulemaking may benefit as many as 105,000 children from as many as 61,000 families who may receive care from as many as 8,200 total providers, for no less than 12 months of subsidized child care before the family's eligibility for subsidized child care services is redetermined. Of the total number of providers, whether at the current level or at pre-pandemic levels, there are approximately 5,100 regulated providers, ranging from independently-owned family child care homes to corporations that employ thousands of individuals. Of the 5,100 regulated providers, approximately 3,600 are considered small businesses. There are also 19 Early Learning Resource Centers that serve as the eligibility agency that will benefit from this final-form rulemaking.

Children and their parents or caretakers are most directly affected by this final-form rulemaking as it relates to eligibility, the reporting of changes during the eligibility period and verification. The required minimum 12-month eligibility periods and the required changes to the reporting requirements will provide families with stable and continuous access to subsidized child care services regardless of temporary changes in circumstances of the parent or caretaker during the eligibility period as families work toward economic security. Consistent with the CCDBG, this final-form rulemaking expands the minimum eligibility period from 6 months to 12 months during which time eligible families have continuous access to subsidized child care assistance irrespective of temporary changes in circumstances of the parent or caretaker during the eligibility period. Unemployment and job loss are disruptive to any family, but either occurrence can be especially detrimental to low-income families and their children because none are likely to have well-defined support systems. The providers that serve families receiving subsidized child care will benefit when families maintain eligibility for no less than 12 months because their enrollments will remain stable. Child care providers will also be better able to plan for staffing issues and may experience greater financial stability with more predictable income. Notable, employers that depend on working parents from these families will benefit because their employees will have more stable care for their children for at least 12 months, and so they will be able to get to work reliably and are likely to be more productive. Under this final-form rulemaking, the Department notes that staff working at child care facilities will be able to qualify for subsidized child care. With the minimum eligibility period being doubled under this final-form rulemaking to 12 months rather than the 6 months that were authorized under the duly promulgated regulations in deleted Chapter 3041, the Department notes that the workloads of the eligibility agencies may decrease.

This final-form rulemaking will stabilize families' access to child care subsidy, which in turn, will help stabilize their employment, education or training, and their child's healthy development. The Department reiterates this improved stability may also stabilize the revenues of child care providers that receive subsidy payments, as they experience more predictable, reliable and timely payments for services. While families in the long term may have to wait longer to receive help paying for child care, once the funding is available, these families will remain eligible for longer periods of time, and so their children will have a more stable child care experience, which increases the chances for success in that these children will enjoy better outcomes and improved levels of school readiness. The Department noted that continuity and stability of child care contribute to improved job stability and are important to a family's financial health, and furthermore, that family stability is undermined by policies that result in unnecessary disruptions and limitations on access to subsidized child care. This is primarily why the Department declined the option under the CCDBG to discontinue eligibility early due to job loss after first providing for a 3-month period of eligibility. The Department studied the optional requirement and determined it would have applied to only 1% of families, and that the level of effort needed to track work history, job-search activity and establish the necessary system changes is outweighed by the de minimis fiscal savings, if any. The Department therefore determined that a requirement establishing early termination requirements in this regard would be contrary to the stated purposes and goals of the CCDBG.

As such, parents and caretakers will not need to report a loss of work or a decrease in work hours during the eligibility period. Also, parents and caretakers need only report changes in income in excess of 85% of the SMI, or when circumstances change that otherwise impact on the family's eligibility status or the Department's ability to contact the family or pay providers. This final-form rulemaking also ensures that the family's copayment cannot increase during the eligibility period. These changes all support both family financial stability and the relationship between children and their child care providers, and they are requirements of the CCDBG. These changes represent a dramatic simplification in terms of reporting requirements for parents and caretakers. These changes will allow more families to be eligible for longer periods before having to provide verification to establish continued eligibility, thereby promoting the continuity and stability of care.

This final-form rulemaking also benefits low-income parents or caretakers who are employed, searching for employment or attending a training program, by reducing unnecessary verifications that operate as barriers to access. Low-income parents and caretakers benefit by ensuring copayments do not exceed 7% of the family's income, which is consistent with the Federal benchmark since 2016 and ensures the Department's ability to satisfy CCDF requirements relating to affordability and equal access. See 45 CFR 98.45.

Next, this final-form rulemaking establishes periods of presumptive eligibility for children experiencing homelessness. The CCDBG requires the Department establish procedures to ensure the initial eligibility of children experiencing homelessness while required documentation is obtained. This final-form rulemaking therefore establishes periods of presumptive eligibility for children experiencing homelessness to ensure the satisfaction of this CCDBG requirement.

Similarly, this final-form rulemaking establishes presumptive continued eligibility at redetermination for parents and caretakers who have a job to return to that is verified to begin prior to the expiration of the presumptive period of eligibility. This requirement is consistent with the CCDBG. The Department reiterated that historically, families have cycled in and out of the CCW program. Parents or caretakers would find jobs, lose jobs, and then lose their eligibility and subsidy. Children would leave their early care and education program only to need services again in a few months, by which time they might be placed on a waiting list until funds became available. This cycling in and out is disruptive to a child's ability to learn and to a parent's or caretaker's ability to work and is not an effective use of taxpayer dollars. Presumptive eligibility may also help to further stabilize enrollments for providers and families, better promote continuity of care for the children, and otherwise help parents achieve financial stability, which may help break the cycle of poverty. This final-form rulemaking therefore satisfies and is consistent with all requirements, purposes and goals of the CCDBG.

Child care providers are also benefited by potentially ensuring a more stable and predictable income stream from the CCW program because of the longer 12-month eligibility periods required by the CCDBG. In recognition of the challenges that providers have faced since the beginning of the COVID-19 pandemic, the Department reiterates that since the time of proposed rulemaking, the CCW payment rates have been increased—once on March 1, 2021, again on January 1, 2022 and again on March 1, 2023. The Department acknowledges the difficulties faced by the regulated community, and notes that the Commonwealth was awarded \$452 million in discretionary funding from the ARPA, and that the Administration for Children and Families, Office of Child Care provided to the Department recommendations on the use of those funds. Consistent with the recommendations, the Department is making clear that a total of \$213.7 million is being used to support an increase to the subsidy base rates effective January 1, 2022, and that the initiative includes increases to the 60th percentile for subsidy base rates paid to regulated providers, as well as an increase of \$1 per day for relative providers. Rates were again increased effective March 1, 2023, to remain at the 60th percentile. The Department is making clear that funds have been allocated to address these costs and fiscal impacts. Strengthening the stability of providers who provide child care services is critical because provider instability can lead to instability in a parent's or caretaker's employment, which is an outcome that undercuts the core principles of the CCDBG, especially relating to continuity of care and equal access. Providers are further impacted because of the changes to the eligibility conditions for families currently provided services or that may be provided services in the future. In addition, children will remain eligible for a full 12-month eligibility period, so child care providers may experience stability in the monthly child care payment received from the Department for subsidized child care services. Providers that receive CCDF funds may also experience more predictable and reliable payments for services.

Also, this final-form rulemaking prohibits enrollments and payments to providers for whom the Department has revoked or refused to renew a certificate of compliance, as specified under §§ 3042.12(b) and 3042.14(h). As for the numbers of families these changes will impact, the Department reiterates its previous explanation that during SFY 2021-2022 there were approximately 31 revocations

or refusals to renew that impacted on 447 enrollments for a total of approximately \$250,000 of potentially lost revenue for providers. Notably, not all certified child care providers participate in the CCW program. The fiscal impact to providers and the impacts on parent choice for families are, therefore, minimal and are outweighed by ensuring that public funds are directed to providers meeting basic health and safety requirements to ensure the protection of the health and safety of this Commonwealth's most vulnerable and disadvantaged children, as consistent with the CCDF. Specifically, only providers whose certificate of compliance has been revoked or refused to renew by the Department's Bureau of Certification Services will be impacted because the Department will no longer pay for subsidized child care enrollments at these providers. The Department notes these providers can still provide services to private-pay families should the provider choose to appeal the determination of the Department's Bureau of Certification Services. The Department reiterates the statements from the preamble of the Federal regulation, that "we cannot in good conscience continue to use any federal taxpayer dollars to support sub-standard child care for our nation's most vulnerable and disadvantaged children." The change is also consistent with the methods of administration of funds by the Department under the ARPA because subsidy funds are public dollars that should not be paid to providers who are not meeting baseline health and safety requirements.

With respect to any lost enrollments, the Department is clarifying that the enrollments themselves may be at a certified family child care home, group child care home or child care center. In any case, however, the health and safety interests are the same, and Federal taxpayer dollars should not be used at any of a family child care home, group child care home or child care center that is not meeting baseline health and safety standards. Further, the costs vary depending on the numbers of enrolled children who are receiving subsidized child care services. Finally, the Department is clarifying that the fiscal impact due to lost enrollments are the result of the facility's failure to comply with the Department's licensure regulations and not this final-form rulemaking. The Department reiterates that its eligibility agencies will assist families to locate another provider to ensure continuity of care, and that currently, the Department already assists families with locating another provider in cases where an emergency revocation to a facility is issued because circumstances at the facility justify immediate closure and removal of the children from care.

This final-form rulemaking may decrease the workload of the eligibility agencies, allowing more time for eligibility agencies to assist families to find child care and provide information about a parent's or caretaker's options regarding quality child care, which is consistent with CCDBG purposes and requirements. Eligibility agencies will also be able to refer families to services that encompass the total family's needs, such as providing referrals to other public programs including but not limited to Medical Assistance; the Children's Health Insurance Program; the Women, Infants and Children Program; and Early Intervention Services. Coordination efforts regarding these services also furthers the purposes of the CCDBG.

Fiscal Impact

The Department does not anticipate additional costs to local governments, the parents and caretakers receiving subsidized child care, or the eligibility agencies.

With reference to the codified copayment limitations under § 3042.98(a) (relating to copayment determination), the estimated annualized cost to the Commonwealth so that copayments do not exceed 7% of the family's annual income is \$44.3 million. This estimate was calculated by comparing the copayments paid by families enrolled in subsidized child care using the previous methodology, which included 40 income brackets with copayments ranging from 3% to 11% of income, to the copayments that would be paid by those families using the now-implemented reduced copayment methodology, which includes 40 income brackets with copayments ranging from 3% to 7% of income. The difference was annualized and projected to reflect anticipated increased enrollments in subsidized child care to 98,200 children. The increase in cost is substantially outweighed by the benefits enjoyed by families who will no longer pay a disproportionately higher share of income on child care costs than reflects the National average. Further, the funding has been requested for Fiscal Year 2023-2024. ARPA Discretionary Funds will cover the full cost of the change in SFY 2023-2024 and partially cover the cost in SFY 2024-2025, after which time CCDF funds or Commonwealth funds, or both, will cover the full cost. The Department reiterates that the Commonwealth's announced approach to lower copayments to 3%—7% is consistent with the Federal benchmark that copayments do not exceed 7%. Furthermore, § 3042.98(a) is amended following the Department's review at final-form to ensure consistency of the final-form provisions.

This final-form rulemaking ensures that families receiving subsidized child care services are provided uninterrupted services that support parental education, training, employment and continuity of care that minimizes disruptions to children's learning and development. See 45 CFR 98.1 (relating to purposes).

Next, the Department reiterates that, under § 3042.15(c), it will not allow a parent or caretaker who owns a certified child care facility to be paid subsidy dollars to care for their own child, with reference to the definition of "child care." Subsection (c) is narrowly tailored so that it pertains only to situations where a parent or caretaker is the owner of a certified child care facility. To the extent there is such an impact, the Department determines that the cost is outweighed by the fact that subsidy dollars are scarce, public funds and this subsection prohibits only situations in which the owners of certified child care facilities are paid subsidy dollars to care for their own children, in direct contravention of the definition of "child care."

Further, the Department will suspend the subsidy and cease payments to providers whose certificate of compliance is revoked or refused to renew by the Department's Bureau of Certification Services. Providers can still take private-pay families for situations involving appeals, but the Department reiterates the statements from the preamble of the Federal regulation, that "we cannot in good conscience continue to use any federal taxpayer dollars to support sub-standard child care for our nation's most vulnerable and disadvantaged children." Consistent with the stated standard, the Department makes amendments to ensure that scarce, public funds are not paid to providers who cannot satisfy baseline health and safety requirements. The Department reiterates that the amendments in §§ 3042.12(b) and 3042.14(h) impact 447 enrollments, or less than 1% of eligible children based on data from SFY 2021-2022.

There are valuable returns on investments with the new regulation that outweigh any potential costs. Accord-

ing to the Economic Report of the President (March 2014), investments in early childhood development will reap economic benefits now and in the future. Immediate benefits include increased parental earnings and employment. Future benefits come when children who experience high-quality early care and education opportunities are prepared for success in school and go on to earn higher wages as adults. This final-form rulemaking further benefits parents or caretakers who may wish to enroll in school or a training program to establish or maintain eligibility for subsidized child care services.

Finally, research has also demonstrated the relationship between child care subsidies and the maternal labor force participation rate. Burgess, K., Chien, N., and Enchautegui, M. (2016). "The Effects of Child Care Subsidies on Maternal Labor Force Participation in the United States." The Department of Health and Human Services. Retrieved from https://aspe.hhs.gov/sites/default/files/migrated_legacy_files/171051/EffectsCCSubsidiesMaternalLFPBrief.pdf. The study recommends, among other things, that "as states work to implement new requirements in the reauthorized CCDBG Act, which governs CCDF funding, policymakers may want to consider the employment benefits of expanding access to child care subsidies to more low-income working families. Such an investment would likely improve labor force participation and employment rates among mothers. In addition, these improved employment outcomes are likely to have immediate economic benefits for families, which improve child development. Improved employment outcomes also help society through increased tax revenues in addition to the long-term human capital benefits of investments in young children." Consistent with this recommendation, the Department determines that this final-form rulemaking expands access, improves the quality of care these families receive, better ensures health and safety, and particularly expands access for families dealing with homelessness and families seeking to enroll in education or training to better improve their long-term prospects for employment, which by extension will improve on their income prospects, the healthy development of their children, and increased tax revenues to better ensure the availability of these services in the future for those who are struggling and are most at risk in society.

Paperwork requirements

This final-form rulemaking will result in reduced paperwork and recordkeeping for a parent or caretaker and the eligibility agency. A parent or caretaker will only be required to complete an eligibility redetermination every 12 months and not every 6 months. Consistent with CCDBG requirements, this final-form rulemaking also reduces reporting requirements for a parent or caretaker during the family's 12-month eligibility period; therefore, the need for a parent or caretaker to provide verification to the eligibility agency may also decrease.

Reduced reporting and paperwork requirements will remove unnecessary tracking of a parent's or caretaker's status by the eligibility agency. The reduction in paperwork and tracking may allow for more funding for direct services and will provide stability and continuity in the program. Policies that result in unnecessary disruptions to receipt of a subsidy, or other administrative processes that make it difficult for parents to maintain their eligibility and thus fully benefit from the support it offers, undermine family economic stability and are contrary to the CCDBG.

Regulatory Review Act

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on March 23, 2023, the Department

originally submitted a copy of this final-form rulemaking to IRRC and to the chairperson of the Health and Human Services Committee of the Senate and the chairperson of the Children and Youth Committee of the House of Representatives. In compliance with the Regulatory Review Act (71 P.S. §§ 745.1—745.14), the Department also provided the Health and Human Services Committee of the Senate and the Children and Youth Committee of the House of Representatives and IRRC with copies of all public comments received, as well as other documentation. In preparing this final-form regulation, the Department reviewed and considered all comments received from IRRC and the public. IRRC met on May 18, 2023, and in response to the Department's request, the regulation was disapproved. IRRC issued its disapproval order on June 20, 2023.

Under section 7(c) of the Regulatory Review Act (71 P.S. § 745.7(c)), on July 27, 2023, the Department delivered to IRRC and the Health and Human Services Committee of the Senate and the Children and Youth Committee of the House of Representatives a revised final-form rulemaking and report in response to IRRC's disapproval order. Under section 7(c.1) of the Regulatory Review Act, IRRC met on September 21, 2023, and approved the final-form rulemaking. Under section 7(d) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the committees on May 17, 2023.

In addition to submitting the final-form rulemaking, the Department has provided IRRC and the Health and Human Services Committee of the Senate and the Children and Youth Committee of the House of Representatives with a copy of a Regulatory Analysis Form prepared by the Department and the Department's comment and response document. A copy of this material is available to the public upon request.

Findings

The Department finds:

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

(b) A public comment period was provided as required by law, and all comments were considered in drafting this final-form rulemaking.

(c) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 50 Pa.B. 6361.

(d) That the adoption of this regulation in the manner provided by this Order is necessary and appropriate for the administration and enforcement of the Human Services Code.

Order

The Department, acting under the authority of sections 201(2), 403(b) and 403.1 of the Human Services Code, orders:

(a) The regulations of the Department, 55 Pa. Code Chapters 3041 and 3042, are amended by deleting §§ 3041.1—3041.3, 3041.11—3041.22, 3041.31—3041.34, 3041.41—3041.48, 3041.51, 3041.52, 3041.61—3041.78, 3041.81—3041.86, 3041.91—3041.94, 3041.101—3041.109, 3041.121—3041.133, 3041.141—3041.150, 3041.161—

3041.167, 3041.171—3041.176 and 3041.181—3041.189, and adding §§ 3042.1—3042.4, 3042.11—3042.22, 3042.31—3042.37, 3042.41—3041.44, 3042.51—3042.57, 3042.61—3042.74, 3042.81—3042.88, 3042.91—3042.99, 3042.101, 3042.102, 3042.111—3042.122, 3042.131—3042.133, 3042.141—3042.147, 3042.151—3042.159, 3042.161—3042.166 and 3042.171—3042.179 to read as set forth in Annex A.

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

(c) The Secretary of the Department shall submit this final-form rulemaking to IRRC and the Chairpersons of the Health and Human Services Committee of the Senate and the Children and Youth Committee of the House of Representatives as required by the Regulatory Review Act.

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin* as final-form or on July 1, 2023, whichever is later.

VALERIE A. ARKOOSH,
Secretary

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

Fiscal Note: 14-545. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund;

(7) Child Care Services; (2) Implementing Year 2023-24 is \$0; (3) 1st Succeeding Year 2024-25 is \$24,900,000; 2nd Succeeding Year 2025-26 through 5th Succeeding Year 2028-29 are \$33,225,000; (4) 2022-23 Program—\$181,482,000; 2021-22 Program—\$156,482,000; 2020-21 Program—\$156,482,000;

(7) Child Care Assistance; (2) Implementing Year 2023-24 is \$0; (3) 1st Succeeding Year 2024-25 is \$8,300,000; 2nd Succeeding Year 2025-26 through 5th Succeeding Year 2028-29 are \$11,075,000; (4) 2022-23 Program—\$109,885,000; 2021-22 Program—\$109,885,000; 2020-21 Program—\$109,885,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

Annex A

TITLE 55. HUMAN SERVICES PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

Subpart B. ELIGIBILITY FOR SERVICES

CHAPTER 3041. [RESERVED]

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3041.1—3041.3. [Reserved].
3041.11—3041.22. [Reserved].
3041.31—3041.34. [Reserved].
3041.41—3041.48. [Reserved].
3041.51. [Reserved].
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3041.61—3041.78. [Reserved].
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CHAPTER 3042. SUBSIDIZED CHILD CARE ELIGIBILITY

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GENERAL PROVISIONS

§ 3042.1. Purpose.

This chapter establishes the requirements for a family to receive subsidized child care. Subsidized child care is a nonentitlement benefit made available through limited Federal and State funds.

§ 3042.2. Scope.

This chapter applies to child care eligibility agencies, child care providers, and parents and caretakers requesting or receiving subsidized child care.

§ 3042.3. Definitions.

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

Adjusted family income—Gross countable family income, minus allowable deductions.

Annual income—The family's adjusted monthly income, multiplied by 12 months.

Appeal—A written or oral request by a parent, caretaker or individual acting on behalf of a parent or caretaker for a hearing under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings), indicating disagreement with a Departmental or eligibility agency action or failure to act that affects the family's eligibility for subsidized child care.

Application—A signed, dated request by a parent, caretaker or individual acting on behalf of a parent or caretaker for subsidized child care.

CAO—County Assistance Office—The local office of the Department responsible for the determination of eligibility and service delivery in the Cash Assistance, Medical Assistance and Supplemental Nutrition Assistance Programs.

CRNP—Certified registered nurse practitioner.

Caretaker—An individual who has legal custody of the child or any one of the following individuals who lives with and exercises care and control of the child:

- (i) A foster parent.
- (ii) A grandparent.
- (iii) A great-grandparent.
- (iv) An aunt.
- (v) An uncle.
- (vi) A sibling who is 18 years of age or older.

Child care—Care instead of parental care for part of a 24-hour day.

Collateral contact—A form of verification in which the eligibility agency obtains information from a third party.

Copayment—The weekly amount the family pays for subsidized child care.

Department—The Department of Human Services of the Commonwealth.

Disability—A physical or mental impairment that precludes a parent or caretaker from participating in work, education or training.

Disqualification—The prohibition against receipt of subsidized child care that results from fraud or an intentional program violation.

Domestic and other violence (domestic violence)—Includes one of the following:

- (i) A physical act that results in, or threatens to result in, physical injury to the individual.
- (ii) Mental abuse, including stalking, threats to kidnap, kill or otherwise harm people or property, threats to commit suicide, repeated use of degrading or coercive

language, controlling access to food or sleep, and controlling or withholding access to economic and social resources.

(iii) Sexual abuse.

(iv) Sexual activity involving a dependent child.

(v) Being forced as the caretaker or relative of a dependent child to engage in nonconsensual sexual acts or activities.

(vi) A threat of, or attempt at, physical or sexual abuse.

(vii) Neglect or deprivation of medical care.

Education—An elementary school, middle school, junior high or high school program including a GED program, an HSE degree, charter school, cyber school and any other program approved by the school district or the Department of Education.

Eligibility agency—The entity designated by the Department with authority to purchase subsidized child care and determine a family's eligibility and copayment.

Eligibility determination—A decision regarding whether a family qualifies for the subsidized child care program and a determination of the copayment.

Eligibility redetermination—An annual review by the eligibility agency to determine if a family continues to qualify for subsidized child care, including a review of the copayment.

Employment—Working for another individual or entity for income.

FPIG—Federal Poverty Income Guidelines—The income levels published annually in the *Federal Register* by the United States Department of Health and Human Services.

Family—The child or children for whom subsidized child care is requested and the following individuals who live with that child or children in the same household:

- (i) A parent of the child.
- (ii) A caretaker and a caretaker's spouse.

(iii) A biological, adoptive or foster child or stepchild of the parent or caretaker who is under 18 years of age and not emancipated by marriage or by the court.

(iv) An unrelated child under the care and control of the parent or caretaker, who is under 18 years of age and not emancipated by marriage or by the court.

(v) A child who is 18 years of age or older but under 22 years of age who meets both of the following:

(A) Is enrolled in at least one of the following:

(I) Adult basic education.

(II) English as a second language course work.

(III) A high school or a GED program.

(IV) An HSE degree.

(V) An internship, clinical placement, apprenticeship, lab work or field work required by a training institution.

(VI) A post-secondary program leading to a degree, diploma or certificate.

(B) Is wholly or partially dependent upon the income of the parent or caretaker or spouse of the parent or caretaker.

Fraud—The intentional act of a parent or caretaker, at the time of application or redetermination, that results in

obtaining, continuing or increasing child care subsidy for which the family is not eligible and that involves any of the following:

- (i) A false or misleading statement.
- (ii) The failure to disclose information.

GED—A general educational development program approved by a school district or the Department of Education.

HSE—A high school equivalency degree approved by the school district or the Department of Education.

Head Start—Refers to Early Head Start or Head Start as follows:

- (i) **Early Head Start**—A program that serves families with at-risk children from birth to 3 years of age.
- (ii) **Head Start**—A program designed to prepare at-risk children, 3 years of age or older but under 5 years of age, for school success.

Homelessness—Refers to a child who lacks a fixed, regular and adequate nighttime residence as specified in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434a(2)), or the child's parent or caretaker. The term includes:

- (i) Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels or hotels due to the lack of alternative accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.
- (ii) Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- (iii) Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- (iv) Migratory children who qualify as homeless for the purposes of this chapter because the children are living in circumstances described in subparagraphs (i)—(iii).
- (v) Parents and caretakers of children who are living in circumstances described in subparagraphs (i)—(iv).

Income—Includes the following:

- (i) Earned income, including gross wages from work, cash and income from self-employment.
- (ii) Unearned income or benefits, including cash and contributions received by an individual for which the individual does not provide a service.

Maximum child care allowance—The highest amount the Department will pay for child care services provided to families eligible for subsidized child care.

Overpayment—The receipt of subsidy for a child for which the family is not or was not eligible or an amount in excess of the amount for which the family was eligible.

Parent—The biological or adoptive mother or father, or stepmother or stepfather, who exercises care and control of the child for whom subsidy is requested.

Period of presumptive continued eligibility—A temporary period of eligibility established at redetermination as specified in § 3042.147 (relating to presumptive continued eligibility at redetermination).

Period of presumptive eligibility—A temporary period of eligibility established at application for families experiencing homelessness as specified in § 3042.146 (relating to homelessness).

Personal interview—Refers to an informational meeting or discussion between the eligibility agency and the parent or caretaker, which takes place in person, by telephone or by other means approved by the Department.

Prospective work, education or training—Future employment, education or training that has a begin date and is verified by the employer, school official or training official.

Provider—An organization or individual that directly delivers child care services.

Published rate—A provider's daily charge for a child who does not receive subsidized child care.

Recoupment—Recovery of an overpayment by increasing the copayment or other payment arrangement.

SMI—**State Median Income**—An income figure that represents the midpoint in the range of State household income.

Self-certification—A written statement provided by a parent or caretaker for the purpose of establishing selected factors of nonfinancial eligibility.

Self-declaration—A written statement that is signed, dated and provided by the parent or caretaker for the purpose of establishing financial or nonfinancial eligibility pending verification as described in § 3042.64 (relating to self-declaration).

Self-employment—Operating one's own business, trade or profession for profit.

Subsidized child care—Child care service paid for in part with Federal or State funds.

Subsidy suspension—A temporary lapse of subsidized child care that does not affect the family's eligibility status.

TANF—**Temporary Assistance for Needy Families Program**—As follows:

- (i) A Federal nonentitlement program under sections 401—419 of the Social Security Act (42 U.S.C. §§ 601—619) that provides cash assistance to families including dependent children and an adult.
- (ii) The term includes extended TANF benefits that are received beyond the 5-year TANF period.

Tiered-reimbursement—An amount the Department sets and adds to a provider's payment rate if the provider meets additional quality standards, based on the level of quality the provider maintains and the amount of time the child receives care from the provider in a day.

Training—As follows:

- (i) Instruction that provides the skills or qualifications necessary for a specific vocation or field of employment.
- (ii) The term includes adult basic education, English as a second language, a GED program, an HSE degree, a postsecondary program leading to a degree, diploma or certificate, an internship, clinical placement, apprenticeship, lab work and field work required by the training institution.

Verification—As follows:

(i) The process of confirming information needed to determine eligibility for subsidized child care.

(ii) The term includes documentary evidence or information obtained through collateral contacts, self-certification and self-declaration.

Waiting list—A record maintained by the eligibility agency of the names of families and their children determined eligible to receive subsidized child care, but for whom funding is not currently available.

Work—Employment or self-employment.

§ 3042.4. Nondiscrimination.

(a) An eligibility agency may not discriminate against applicants for or recipients of Federal or State subsidized funds on the basis of age, race, sex, color, religious creed, national or ethnic origin, ancestry, sexual orientation, gender identity, or physical or mental disability.

(b) An eligibility agency shall offer child care subsidy within the provisions of applicable civil rights laws and regulations, including all of the following:

(1) The Pennsylvania Human Relations Act (43 P.S. §§ 951—963).

(2) The Age Discrimination Act of 1975 (42 U.S.C. §§ 6101—6107).

(3) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d—2000d-7).

(4) Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e—2000e-17).

(5) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794).

(6) The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101—12213).

GENERAL BENEFITS

§ 3042.11. Provision of subsidized child care.

(a) Subsidized child care is provided for a child whose family meets financial and nonfinancial eligibility requirements.

(b) Subsidized child care is available to an otherwise eligible child who is under 13 years of age.

(c) Subsidized child care will continue until the eligibility agency completes the family's next scheduled annual redetermination when a child turns 13 years of age between redeterminations.

(d) Subsidized child care is available to an otherwise eligible child who is 13 years of age or older but under 19 years of age and who is physically or mentally incapable of self-care.

(e) A former TANF family is eligible for a child care subsidy under this chapter as specified in §§ 3042.111—3042.122 (relating to former TANF families).

(f) The Department, through the Department's contract with the eligibility agency, will direct funding for various populations, including individuals who formerly received TANF benefits and foster children.

§ 3042.12. Parent choice.

(a) A family that is eligible for subsidized child care shall have the right to choose care from a provider that agrees to comply with the Department's standards for provider participation, subject to subsections (b) and (c).

(b) The Department may suspend a subsidy benefit when a parent or caretaker uses a provider who has received a Departmental notice to revoke or refuse to renew the provider's certificate of compliance.

(c) Providers eligible to participate include:

(1) A child care center certified under Chapter 3270 (relating to child care centers).

(2) A group child care home certified under Chapter 3280 (relating to group child care homes).

(3) A family child care home certified under Chapter 3290 (relating to family child care homes).

(4) A grandparent, great-grandparent, aunt, uncle or sibling of the child who is 18 years of age or older and does not reside within the same household as the child.

§ 3042.13. Subsidy benefits.

A subsidy-eligible family may receive child care during the hours that the child needs care if the parent or caretaker:

(1) Works or attends education or training, including travel between the parent's or caretaker's work, education or training and the child care facility.

(2) Requires uninterrupted sleep time following the completion of an overnight work shift.

§ 3042.14. Payment of provider charges.

(a) A provider participating in the subsidized child care program is eligible to receive payment from the eligibility agency for services provided to a subsidy-eligible child.

(b) The eligibility agency may not pay child care costs that exceed the maximum child care allowance minus the family copayment for the type of care the child received from the provider, except when the Department provides tiered-reimbursement to providers that are eligible based on their participation in the Department's Quality Rating and Improvement System.

(c) The Department may provide tiered-reimbursement based on the availability of funding.

(d) If a parent or caretaker selects a provider whose published rate exceeds the Department's payment rate, the provider may charge the parent or caretaker the difference between these two amounts.

(e) A change in a parent's or caretaker's need for child care and the resulting adjustment in the amount of payment to the provider shall begin on the date the parent or caretaker reports the change or on the date the change begins, whichever is later.

(f) When additional funding becomes available, the Department may direct any additional funding to providers that offer child care services during non-traditional hours.

(g) The eligibility agency will not make retroactive payments for child care costs incurred more than 30 days prior to the issuance of an enrollment authorization, with the exception of a former TANF family as specified in § 3042.119 (relating to retroactive payment for former TANF families).

(h) The Department will not permit subsidy enrollments at a provider for whom the Department has issued a revocation or refusal to renew.

§ 3042.15. Subsidy limitations.

(a) A family in which a parent or caretaker is receiving funds from the TANF cash assistance program is not eligible for subsidized child care under this chapter.

(b) Subsidized child care may not be used as a substitute for a publicly funded educational program, such as kindergarten or a specialized treatment program. At the parent's or caretaker's request, a subsidy-eligible, kindergarten-age child is permitted 1 additional school year to be enrolled in kindergarten.

(c) A child receiving care in a child care facility that is owned by the child's parent or caretaker is not eligible for subsidized child care.

(d) A child is ineligible for subsidized child care if not enrolled with an eligible child care provider within 30 calendar days following the date the eligibility agency notifies the parent or caretaker that funding is available to enroll the child unless the eligibility agency determines that enrollment has been delayed because of circumstances outside of a parent's or caretaker's control. The following apply:

(1) If a parent or caretaker fails to provide a circumstance outside the parent's or caretaker's control, the child is ineligible.

(2) If a parent or caretaker provides a circumstance outside of a parent's or caretaker's control, the child will remain eligible.

§ 3042.16. Prohibition of additional conditions and charges.

The eligibility agency may not:

(1) Impose eligibility conditions other than conditions listed in this chapter.

(2) Require the parent or caretaker to select a particular provider or combination of providers as a condition of eligibility.

§ 3042.17. Attendance.

(a) When the parent or caretaker enrolls a child in subsidized child care, the parent or caretaker shall specify, in writing to the eligibility agency, the days for which the parent or caretaker requested child care.

(b) A child must attend child care at the provider on all days for which the parent or caretaker requested child care as specified in § 3042.13 (relating to subsidy benefits), unless the provisions specified in § 3042.20 (relating to subsidy suspension) apply.

§ 3042.18. Absence.

(a) Upon notification from the provider that a child has been absent more than 5 consecutive days for which the child is scheduled to attend child care, the eligibility agency shall send the parent or caretaker a notice confirming the suspension of the child's enrollment and payment to the provider.

(b) Upon notification from a parent or caretaker that a child has been or will be absent more than 5 consecutive days for which the child is scheduled to attend child care, the eligibility agency shall send the parent or caretaker a notice confirming the suspension of the child's enrollment and payment to the provider.

(c) The notice shall inform the parent or caretaker of all of the following:

(1) The responsibility of the parent or caretaker to report to the eligibility agency the date of the child's return to care.

(2) Payment shall resume on the date the child returns to care.

(d) If a child's absences exceed 40 total enrollment days in the State's fiscal year, the parent or caretaker is responsible to pay to the provider the provider's verified published daily rate for each day of absence starting with the 41st day of absence. A child is considered absent only once during an enrollment day. Suspended days of service as specified in § 3042.20 (relating to subsidy suspension) are not considered days of absence.

§ 3042.19. Subsidy continuation.

(a) A family's eligibility and payment for subsidized child care continues during a break in or following the loss of work, education or training for the remainder of the child's current 12-month eligibility period.

(b) A child's eligibility and payment for subsidized child care continues for the remainder of the child's current 12-month eligibility period when there is a change in the child's primary parent or caretaker. The substitute caretaker must meet only the requirement that the family's annual income does not exceed 85% of the SMI.

(c) Subsidized child care will continue at the same level until the family's next scheduled annual redetermination, unless one of the following situations occurs:

(1) The family's income exceeds 85% of the SMI.

(2) The provisions specified in § 3042.22 (relating to subsidy termination) apply.

(3) The provisions specified in § 3042.86 (relating to change reporting and processing) apply.

§ 3042.20. Subsidy suspension.

(a) The eligibility agency shall suspend subsidy if a child is unable to attend child care for more than 5 consecutive days for which the child is scheduled to attend.

(b) At the parent's or caretaker's request, the eligibility agency shall suspend subsidy for a child who is expected to be absent more than 5 consecutive days.

§ 3042.21. Subsidy disruption.

Subsidy to a child may be disrupted if the eligibility agency cannot continue to subsidize the number of children enrolled in subsidized child care due to insufficient Federal or State funding. The following apply:

(1) Subsidy for children whose family's income is at the highest percentage of the FPIG is disrupted first.

(2) A child whose subsidy is disrupted under this section is placed on the waiting list according to the date of the initial eligibility for subsidized child care.

§ 3042.22. Subsidy termination.

(a) Notwithstanding § 3042.19 (relating to subsidy continuation), the eligibility agency shall terminate subsidy to a child prior to the next redetermination in any of the following circumstances:

(1) The child has been absent for 60 consecutive days of unexplained non-attendance in care, provided the eligibility agency has attempted at least three times to contact the parent or caretaker regarding the child's absences.

(2) The child no longer resides in this Commonwealth.

(3) The parent or caretaker committed substantiated fraud or an intentional program violation that invalidates a prior determination of eligibility.

(4) The parent or caretaker voluntarily requests discontinuance of the subsidy.

(b) If the eligibility agency moves to terminate the subsidy as described in subsection (a), the eligibility agency shall send notification to the family as provided under § 3042.155 (relating to notice of adverse action).

ELIGIBILITY REQUIREMENTS

§ 3042.31. Financial eligibility.

(a) At initial application, annual family income may not exceed 200% of the FPIG.

(b) Following an initial determination of eligibility, a family shall remain financially eligible for subsidized child care as long as the family's annual income does not exceed 85% of the SMI.

(c) At redetermination, the family's annual income may not exceed 235% of the FPIG or 85% of the SMI, whichever is less.

(d) The eligibility agency shall inform the parent or caretaker of the annual family income that will exceed 235% of the FPIG or 85% of the SMI and will cause the family to be ineligible for subsidized child care.

(e) A family is ineligible for subsidized child care when the family's assets exceed \$1 million at application or redetermination.

§ 3042.32. Residence.

(a) Family members shall be residents of this Commonwealth.

(b) The parent or caretaker shall apply to the eligibility agency that is responsible for the geographic area that includes the zip code of the family's residence.

(c) A parent or caretaker experiencing domestic violence or homelessness may use an alternate address for receipt of mail or telephone number for receipt of telephone calls.

§ 3042.33. Work, education and training.

(a) The parent or caretaker shall work at least 20 hours per week.

(b) The eligibility agency shall average a parent's or caretaker's work hours in cases where hours of work vary from week to week.

(c) The eligibility agency shall consider a parent or caretaker as meeting the work-hour requirement specified in subsection (a), under any one of the following circumstances:

(1) A parent or caretaker is under 22 years of age and does not have a high school, GED or HSE diploma, but is enrolled in and attending education on a full-time basis.

(2) A parent or caretaker attends training and works at least 10 hours per week. The time spent in training counts toward the 20-hour per week work requirement.

§ 3042.34. Prospective work, education and training.

(a) A family in which a parent or caretaker has prospective work, education or training may be eligible for subsidized child care if all of the following requirements are met:

(1) The work, education or training will begin no later than 30 calendar days following the date the parent or caretaker signs and dates the application for subsidized child care.

(2) Verification of prospective work, education or training is provided as specified in § 3042.67 (relating to verification of work, education and training).

(b) Subsidized child care may not begin until the parent or caretaker begins work, education or training.

(c) The parent or caretaker shall notify the eligibility agency of the actual amount of income no later than 10 calendar days after receiving the first income for work.

§ 3042.35. Immunization.

(a) A child receiving subsidized child care shall be up to date with immunizations as recommended by the Advisory Committee on Immunization Practices. For facilities subject to certification by the Department, immunizations shall be provided as specified in §§ 3270.131, 3280.131 and 3290.131 (relating to health information). The eligibility agency shall grant exemption from the immunization requirement under one of the following circumstances:

(1) A child's parent or caretaker objects to immunizations on religious grounds or strong personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. The statement shall be kept in the child's record.

(2) A child's physician, physician's assistant or CRNP signs and dates a written statement indicating that a child's medical condition contraindicates immunization. The statement shall be kept in the child's record.

(b) If an otherwise eligible child is not up to date with immunizations and not exempt from immunization, the eligibility agency shall authorize the family for subsidy and give the parent or caretaker 60 days from the date of enrollment, or if the child is experiencing homelessness or is a foster child, then 90 calendar days from the date of enrollment to obtain up to date immunizations or provide documentation of exemption from the immunization requirement.

§ 3042.36. Citizenship.

A child receiving subsidized child care shall be a United States citizen or an alien lawfully admitted for permanent residence or otherwise lawfully and permanently residing in the United States.

§ 3042.37. Eligibility of households including a parent or caretaker with a disability.

(a) At application or redetermination, a single parent or caretaker who is unable to meet the work, education and training requirements due to a disability is not eligible for subsidized child care services.

(b) Following the determination of eligibility for subsidized child care, a single parent or caretaker who is unable to meet the work, education and training requirements is excused from the work, education and training requirements until the family's next scheduled annual redetermination.

(c) At application or redetermination, a two-parent or two-caretaker family who are both unable to meet the work, education and training requirements due to a disability are not eligible for subsidized child care services.

(d) Following the determination of eligibility for subsidized child care, a two-parent or two-caretaker family where both parents are unable to meet the work, education and training requirements is excused from the work, education and training requirements until the family's next scheduled annual redetermination.

(e) A two-parent or two-caretaker family may be eligible for subsidized child care if all of the following conditions are met:

(1) One parent or caretaker is satisfying the work requirement as specified in § 3042.33 (relating to work, education and training) at the time of application and at each subsequent redetermination.

(2) The parent or caretaker that is not working has a disability that is verified as specified in § 3042.70 (relating to verification of inability to work due to a disability) at the time of application and at each subsequent redetermination.

(3) The parent or caretaker with the disability is unable to work or participate in education or training and is unable to care for the child for whom the family requested subsidy, or has a need to attend treatment for the disability and is unable to care for the child.

(f) A two-parent or two-caretaker family may be eligible for subsidized child care if both of the following conditions are met:

(1) One parent or caretaker is satisfying the work requirement as specified in § 3042.33.

(2) A court order or safety plan issued by a children and youth agency prohibits the other parent or caretaker from caring for the child for whom the family requested subsidy.

DETERMINING FAMILY SIZE AND INCOME

§ 3042.41. Family size.

(a) Individuals included in the definition of family as specified in § 3042.3 (relating to definitions) shall be counted when determining family size.

(b) A foster child may be counted as a family of one or may be included in a family as defined in this chapter.

§ 3042.42. Income counted.

The eligibility agency shall include the income of the following family members when determining financial eligibility:

(1) The parent or caretaker of the child for whom subsidy is sought, excluding a teenage parent's earned income.

(2) A parent's or caretaker's spouse.

(3) Children for whom the parent or caretaker receives unearned income.

§ 3042.43. Income adjustment.

To determine adjusted family income, the eligibility agency shall:

(1) Determine gross income as specified in Appendix A, Part I (relating to income to be included, deducted and excluded in determining gross monthly income) for each family member listed in § 3042.42 (relating to income counted).

(2) Estimate monthly income from each income source in accordance with § 3042.44 (relating to estimating income).

(3) Convert weekly, biweekly, semimonthly and other pay periods to gross monthly amounts using the Conversion Table in Appendix A, Part I.

(4) Calculate the total gross monthly income.

(5) Determine the stepparent deduction as specified in Appendix C (relating to stepparent deduction chart).

(6) Determine other allowable deductions listed in Appendix A, Part II (relating to income to be included, deducted and excluded in determining gross monthly income) for each source of income.

(7) Determine adjusted family income by subtracting the total monthly deductions specified in paragraphs (5) and (6) from the total gross monthly income specified in paragraph (4).

(8) Multiply adjusted family income by 12 to determine annual family income.

§ 3042.44. Estimating income.

(a) The eligibility agency shall use its best estimate of monthly income based upon circumstances at the time of application or redetermination as specified in Appendix A, Part I (relating to income to be included, deducted and excluded in determining gross monthly income) for the table used to convert weekly, biweekly, semimonthly and other pay periods to monthly amounts.

(b) For parents or caretakers who are working and have received pay at the time they apply for subsidized child care, the eligibility agency shall estimate income based upon verified, actual amounts already received by the family prior to application or redetermination.

(c) The eligibility agency shall adjust its estimate of monthly income to reflect recent or anticipated changes and unusual circumstances that are not expected to recur, such as overtime not likely to continue.

(d) When an applicant anticipates starting work within the next 30 days or has not yet received a first paycheck, income eligibility is established based on verified anticipated income.

ELIGIBILITY DETERMINATION

§ 3042.51. Application.

(a) The eligibility agency shall make applications for subsidized child care available to any person upon request.

(b) A parent or caretaker may file a signed application for subsidized child care under this chapter, including an electronically signed online application, on any day and at any time.

(c) A parent or caretaker may submit an application by mail, hand-delivery, facsimile or electronically.

§ 3042.52. Initial determination of eligibility.

(a) The eligibility agency shall stamp the date and time of receipt on the signed application on the same day the eligibility agency receives the application by mail, hand-delivery, facsimile or electronically.

(b) The eligibility agency shall determine a family's eligibility and authorize payment for subsidized child care no later than 10 calendar days following verification of all factors of eligibility. The eligibility agency may not delay a determination of eligibility beyond 30 calendar days following receipt of a signed application from the parent or caretaker.

(c) The eligibility agency shall determine a family eligible retroactive to the date the family submitted a signed application if the eligibility agency has received all information necessary to complete the application and the verification provided by the parent or caretaker establishes eligibility.

§ 3042.53. Effective date of coverage.

(a) If the eligibility agency determines a family eligible for subsidized child care and if funding is available, coverage of child care costs is retroactive to the date the family submitted a signed application.

(b) If the eligibility agency places a child on a waiting list following the determination of eligibility, coverage of child care costs must begin on the date funding is available.

§ 3042.54. Notification of eligibility status and availability of funding.

(a) The eligibility agency shall notify the parent or caretaker of the family's eligibility status within 30 calendar days of receiving a signed application.

(b) If the eligibility agency determines a family eligible for subsidized child care, the eligibility agency shall notify the family's child care provider when funding becomes available to enroll the child.

§ 3042.55. Period of eligibility.

A family receiving subsidy remains eligible until determined ineligible.

§ 3042.56. Personal interview.

(a) If the eligibility agency determines a family eligible for subsidized child care and if funding is available, the parent or caretaker shall attend a personal interview with the eligibility agency no later than 30 calendar days following the date the eligibility agency notifies the family of eligibility for subsidized child care.

(b) If the eligibility agency determines a family eligible for subsidized child care and if funding is not available, the parent or caretaker shall attend a personal interview with the eligibility agency no later than 30 calendar days following the date the first child from a family is enrolled in subsidized child care.

(c) The eligibility agency shall accommodate the parent's or caretaker's work hours in scheduling the personal interview.

(d) The eligibility agency may extend the 30-day time frame for the personal interview if, on or before the 30th calendar day, the parent or caretaker claims hardship due to conflicts with the parent's or caretaker's working hours, or illness of the parent or caretaker or another family member. When the parent or caretaker claims hardship, the eligibility agency may grant an additional 30 days from the date the hardship is claimed for the meeting.

(e) The eligibility agency may waive the requirement for the personal interview if the parent or caretaker has completed a personal interview with the eligibility agency within the previous 12 months.

§ 3042.57. Waiting list.

(a) If funds are not available to enroll a child following determination of the family's eligibility for subsidy, the eligibility agency shall place an eligible child on a waiting list based on priority and a first-come, first-served basis. The Department will post its method for priority on its web site. An order of priority may include foster children, children enrolled in PA Pre-K Counts, Head Start, Early Head Start or other program, newborn siblings, children of teen parents, children experiencing homelessness, or other circumstances or vulnerable populations as identified by the Department.

(b) If a parent or caretaker requests subsidized child care for an additional child following the date the family was initially determined eligible for subsidized child care, the eligibility agency shall place the additional child on the waiting list according to the date and time that the parent or caretaker requests care for the additional child.

(c) A child is ineligible for subsidized child care if not enrolled with an eligible child care provider within 30 calendar days following the date the eligibility agency notifies the parent or caretaker that funding is available to enroll the child unless the eligibility agency determines that enrollment has been delayed because of circumstances outside of a parent's or caretaker's control. The following apply:

(1) If a parent or caretaker fails to provide a circumstance outside the parent's or caretaker's control, the child is ineligible.

(2) If a parent or caretaker provides a circumstance outside of a parent's or caretaker's control, the child will remain eligible.

SELF-CERTIFICATION AND VERIFICATION

§ 3042.61. General verification requirements.

(a) The parent or caretaker shall be the primary source of verification in establishing and maintaining eligibility for subsidized child care.

(b) The eligibility agency shall assist parents and caretakers in obtaining verification, including making a collateral contact.

(c) The eligibility agency may not impose requirements for verification beyond the requirements of this chapter.

(d) At the time of application for subsidized child care, the eligibility agency shall obtain consent from the parent or caretaker and the parent's or caretaker's spouse permitting the eligibility agency to obtain verification of eligibility information.

(e) The eligibility agency shall retain the signed consent in the family's file.

(f) The consent shall remain in effect for as long as the family receives subsidy.

(g) The eligibility agency may not deny or terminate subsidy to a family when the parent or caretaker has cooperated in the verification process and needed verification is pending or cannot be obtained due to circumstances beyond the parent's or caretaker's control.

(h) The eligibility agency may not require a parent or caretaker to reverify information unless the eligibility agency has information that indicates the subsidy status of the family has changed.

§ 3042.62. Collateral contact.

(a) The eligibility agency shall make a collateral contact on behalf of the parent or caretaker.

(b) The eligibility agency shall obtain from the parent or caretaker a list of sources of reliable collateral contact information.

(c) The eligibility agency shall cooperate with a source who acts as a collateral contact.

(d) Sources of reliable collateral contact information may include the following:

(1) Public records, such as domestic relations or other courthouse records.

(2) A school teacher or principal.

(3) A regulated child care provider.

(4) A health care professional.

(5) A social service worker or counselor.

(6) A religious professional.

(7) An attorney.

(8) Any other third party with knowledge about a fact or circumstance bearing on eligibility.

(e) The eligibility agency may not contact an alleged abuser or former abuser in a domestic violence situation.

§ 3042.63. Self-certification.

(a) The eligibility agency shall inform the parent or caretaker in writing that self-certification is made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(b) The eligibility agency shall accept the statement of the parent or caretaker as sufficient proof of the following eligibility factors:

(1) Age of the child.

(2) Inclusion in the family composition of a child who is 18 years of age or older but under 22 years of age and meets the definition of family set forth in § 3042.3 (relating to definitions).

(3) Citizenship or immigration status.

(4) Immunization status or exemption from the immunization requirement.

(5) Days and hours for which the child needs care.

(6) Status of an individual who formerly received TANF as specified in § 3042.115(1) (relating to reporting requirements for former TANF families).

(7) Personal interview time frame extension or telephone contact based on hardship as specified in § 3042.56(d) and (e) (relating to personal interview).

§ 3042.64. Self-declaration.

(a) If attempts to verify eligibility by documentary evidence or collateral contact are unsuccessful, the eligibility agency shall proceed without delay to determine the family's eligibility based upon a self-certification as specified in § 3042.63 (relating to self-certification) or by written self-declaration by the parent or caretaker.

(b) The eligibility agency shall instruct the parent or caretaker that a written self-declaration is made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(c) The eligibility agency shall accept a parent's or caretaker's self-declaration statement, unless evidence contradicts the statement.

(d) If a parent or caretaker uses self-declaration to establish eligibility as described in subsection (a), the eligibility agency shall require the parent or caretaker to provide another form of acceptable verification no later than 30 calendar days following the date the written self-declaration is accepted by the eligibility agency, unless otherwise specified in this chapter.

(e) For a parent or caretaker using self-declaration, eligibility is pending verification until another form of acceptable verification is returned to the eligibility agency as required under this section.

(f) If the eligibility agency does not receive the verifications as required under this section, or if the family is determined ineligible, the eligibility agency shall take the necessary steps to terminate the eligibility pending verification with proper notification to the family as specified in § 3042.155 (relating to notice of adverse action).

§ 3042.65. Verification of income.

(a) Acceptable verification of earned income from employment includes one of the following:

(1) Pay stubs reflecting earnings for 4 weeks in the most recent 6-week period, the Department's employment verification form reflecting actual or anticipated earnings, the Internal Revenue Service form used for reporting tips, an employer statement of anticipated earnings and hours, or other document that establishes the parent's or caretaker's earnings or anticipated earnings from employment.

(2) Another document that establishes income from work.

(3) The Department's cash verification form.

(4) A collateral contact as specified in § 3042.62 (relating to collateral contact).

(5) A written self-declaration by the parent or caretaker as specified in § 3042.64 (relating to self-declaration).

(b) Acceptable verification of income from self-employment includes:

(1) Tax returns, including schedules related to self-employment, filed for the preceding Federal tax year and which document profit for that year.

(2) The Department's self-employment verification form that includes a statement of gross earnings, minus allowable cost of doing business, and that shows a profit.

(c) Acceptable verification of unearned income includes one of the following:

(1) A copy of a current benefit check, an award letter that designates the amount of a grant or benefit, such as a letter from the Social Security Administration stating the amount of the Social Security benefit, a bank statement, a court order, or other document or database report that establishes the amount of unearned income.

(2) A collateral contact as specified in § 3042.62.

(3) A written self-declaration by the parent or caretaker as specified in § 3042.64.

(d) Acceptable verification of the amount of support received or paid by the family includes one of the following:

(1) Information from the Pennsylvania Child Support Enforcement System.

(2) Information from a domestic relations office.

(3) Court order.

(4) Pay stub.

(5) Written statement by the noncustodial parent or the noncustodial parent's legal representative.

(6) A copy of a current benefit check that designates the amount of support.

(7) Collateral contact as specified in § 3042.62.

(8) A written self-declaration by the parent or caretaker as specified in § 3042.64.

§ 3042.66. Verification of residence.

(a) The parent or caretaker shall submit verification of residence at the time of application.

(b) Acceptable verification of residence includes any of the following:

(1) Mail received by the parent or caretaker or a copy of a lease, utility bill, deed, driver's license, rental agreement or other document establishing residence.

(2) A collateral contact as specified in § 3042.62 (relating to collateral contact).

(3) A written self-declaration by the parent or caretaker as specified in § 3042.64 (relating to self-declaration).

(c) The parent or caretaker shall submit verification of residence at the time of redetermination if the parent or caretaker reported a change of address.

§ 3042.67. Verification of work, education or training.

Acceptable verification of the number of hours of work, education, training or enrollment in education or training includes one of the following:

(1) A document provided by the parent or caretaker as verification of earned or anticipated earned income, if this verification indicates or can be used to compute the number of hours the parent or caretaker worked, is normally scheduled to work or, in cases when hours vary, the average number of hours worked.

(2) A copy of a work schedule signed by the employer.

(3) A copy of the class or training schedule from an education or training representative.

(4) Another document that establishes the number of hours of work or anticipated hours of work, education or training.

(5) A collateral contact as specified in § 3042.62 (relating to collateral contact).

§ 3042.68. Verification of circumstances relating to a decrease in copayment.

Acceptable verification of circumstances relating to a decrease in copayment includes any of the following:

(1) Verification of a decrease in income as specified in § 3042.65 (relating to verification of income).

(2) Verification of a change in family size and composition as specified in § 3042.71 (relating to verification of family size).

(3) Verification of maternity and family leave as indicated by one of the following:

(i) A birth certificate.

(ii) The Department's medical assessment form.

(iii) A medical record or a written statement from a licensed physician, physician's assistant, CRNP or psychologist.

(iv) A written statement or other documentation completed by a licensed physician, physician's assistant, CRNP or psychologist that describes the inability to work or participate in education or training and includes a date of anticipated return to work.

(v) A written statement from the employer or an education or training representative.

(vi) A collateral contact as specified in § 3042.62 (relating to collateral contact).

(vii) A written self-declaration by the parent or caretaker as specified in § 3042.64 (relating to self-declaration).

(4) Verification relating to inability to work due to a disability as specified in § 3042.70 (relating to verification of inability to work due to a disability).

§ 3042.69. Verification of identity.

(a) The parent or caretaker shall submit verification of identity at the time of application.

(b) Acceptable verification of identity includes any of the following:

(1) Employer identification card.

(2) Military photo-identification card.

(3) Passport.

(4) Other verifiable photo-identification.

(5) Driver's license with or without a photograph.

(6) State-issued birth certificate.

(7) Certificate of naturalization.

(8) Certificate of United States citizenship.

(9) Alien registration receipt card or permanent resident card.

(10) Valid or expired State driver's learner's permit.

(11) Social Security card.

(12) Marriage license, divorce decree or court order for a name change.

(13) Marriage record that contains the date of birth.

(14) Voter registration card.

(15) A collateral contact as specified in § 3042.62 (relating to collateral contact).

(16) A written self-declaration by the parent or caretaker as specified in § 3042.64 (relating to self-declaration).

(c) The parent or caretaker shall submit verification of identity at the time of redetermination if the eligibility agency becomes aware of an additional parent or caretaker residing in the household.

§ 3042.70. Verification of inability to work due to a disability.

Acceptable verification of inability to work due to a disability at the time of application or redetermination includes:

(1) An assessment by a licensed physician, physician's assistant, CRNP or psychologist that states the following:

(i) The condition causing the inability to work or to participate in education or training.

(ii) The manner in which the condition causing the disability prevents the parent or caretaker from providing care for the child.

(iii) The date the parent or caretaker is expected to return to work or resume participation in education or training or the date the parent or caretaker will be able to care for the child.

(2) If the parent or caretaker with a disability submits written verification of disability payments from Social Security, Supplemental Security Income, Worker's Compensation, 100% of Veterans Disability or 100% of another type of work-related disability, that verification shall serve as permanent verification of the parent's or caretaker's inability to work.

§ 3042.71. Verification of family size.

Acceptable verification of family size includes one of the following:

(1) A birth certificate.

(2) A custody order.

(3) A medical record or a written statement from a licensed physician, physician's assistant, CRNP or psychologist.

(4) A written statement from the parent indicating that the caretaker has care and control of the child for whom subsidized child care is requested.

(5) A school record.

(6) A government or social service agency record.

(7) A collateral contact as specified in § 3042.62 (relating to collateral contact).

(8) A written self-declaration by the parent or caretaker as specified in § 3042.64 (relating to self-declaration).

§ 3042.72. Verification of child's incapability of caring for himself.

Acceptable verification of a child's incapability of caring for himself as specified in § 3042.11(d) (relating to provision of subsidized child care) is documentation by a licensed physician, physician's assistant, CRNP or psychologist.

§ 3042.73. Verification of care and control.

Acceptable verification of care and control includes one of the following:

(1) A school record.

(2) A medical record or a written statement from a licensed physician, physician's assistant, CRNP or psychologist.

(3) A social service record.

(4) A religious record.

(5) A domestic relations office support order.

(6) A court order.

(7) A rental or lease agreement.

(8) A written statement from the parent or caretaker verifying that a relative has care and control of the child.

(9) A collateral contact as specified in § 3042.62 (relating to collateral contact).

(10) A written self-declaration by the parent or caretaker as specified in § 3042.64 (relating to self-declaration).

§ 3042.74. Verification of foster child status.

(a) Acceptable verification of foster child status includes one of the following:

(1) A statement from a children and youth agency.

(2) A record from a government or social service agency.

(b) Verification of foster child status must be verified at application, redetermination or upon adding the child to the family composition.

ELIGIBILITY AGENCY RESPONSIBILITIES

§ 3042.81. Eligibility agency.

(a) The eligibility agency shall manage the subsidized child care program in part of a county, a single county or several counties.

(b) The eligibility agency may be either a prime contractor or a subcontractor designated in a prime contract.

§ 3042.82. Eligibility determination.

(a) The eligibility agency shall determine eligibility for subsidized child care as specified in this chapter.

(b) The eligibility agency may not impose eligibility conditions other than the conditions listed in this chapter.

(c) The eligibility agency may not require the parent or caretaker to select a particular provider or combination of providers as a condition of eligibility.

§ 3042.83. Confidentiality.

(a) The eligibility agency and its employees shall keep confidential the information in the family file and use that information only for purposes directly connected to the administration of their duties.

(b) Agents of the United States, the Commonwealth and the Department who are responsible for eligibility review, evaluation or audit functions shall have access to, and the right to the use and disclosure of, information on applicants or recipients of subsidized child care. This use and disclosure is confined to the agent's responsibility to carry out review, evaluation or audit functions.

(c) Disclosure of information beyond the scope of review, evaluation or audit functions performed by the agents requires the parent's or caretaker's informed and written consent.

(d) Information in the family file may be disclosed to the local CAO when necessary to ensure that funds are authorized appropriately.

(e) The eligibility agency shall ensure the confidentiality of an individual who files an appeal or complaint about a family's receipt of subsidized child care for a child.

§ 3042.84. Family file.

(a) An eligibility agency shall establish and maintain a separate file for the family of each parent or caretaker who applies for subsidized child care.

(b) The family file shall contain documents pertaining to eligibility determination, redetermination, subsidized child care authorization, copayment agreements and copies of written notices required by this chapter.

(c) A parent or caretaker or an authorized representative has a right to examine the family file.

§ 3042.85. Record retention.

(a) An eligibility agency shall retain paper or electronic family files, completed application forms, written notices, books, records and other fiscal and administrative documents pertaining to subsidized child care.

(b) An eligibility agency shall maintain records for at least 6 years from the end of the fiscal year in which subsidized child care has been provided or until an audit or litigation is resolved.

(c) The fiscal year is a period of time beginning July 1 of any calendar year and ending June 30 of the following calendar year.

§ 3042.86. Change reporting and processing.

(a) A parent or caretaker shall report income in excess of 85% of the SMI no later than the 10th day of the month following the month of the change in income.

(b) If the parent or caretaker reports a change that results in the family or a child in the family becoming ineligible for subsidy, the eligibility agency shall evaluate the reported change as follows:

(1) First, the eligibility agency shall assess whether the reported change in income is an irregular fluctuation or a temporary increase. Irregular fluctuations and temporary increases will not impact eligibility.

(2) Second, for a change in income that is not an irregular fluctuation or a temporary increase in income, the eligibility agency shall take the necessary steps to terminate the subsidy with proper notification to the family as specified in § 3042.155 (relating to notice of adverse action).

(c) Parents and caretakers may voluntarily report changes on an ongoing basis.

(1) The eligibility agency shall act on information reported by the parent or caretaker if it would reduce the family copayment or increase the family subsidy. The eligibility agency shall review the change and reduce the copayment as specified in § 3042.94 (relating to parent or caretaker copayment requirements).

(2) The eligibility agency is prohibited from acting on information reported by the family that would reduce the family's subsidy unless the information provided indicates the family's income exceeds 85% of the SMI for a family of the same size.

(d) If the parent or caretaker fails to report a change in the child's provider, the child remains eligible. The eligibility agency may not make retroactive payment more than 30 calendar days prior to the date the parent or caretaker reported the change, except for a former TANF family as specified in § 3042.119 (relating to retroactive payment for former TANF families).

§ 3042.87. Voluntary request to terminate subsidized child care.

(a) A parent or caretaker may request the eligibility agency to terminate subsidy.

(b) Upon receipt of a request to terminate subsidy, the eligibility agency shall take steps to terminate the family's eligibility.

(c) The eligibility agency shall notify the parent or caretaker as specified in § 3042.156 (relating to notice confirming voluntary withdrawal).

§ 3042.88. Child abuse reporting.

The eligibility agency shall immediately report suspected child abuse in accordance with the 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) and Chapter 3490 (relating to protective services).

COPAYMENT AND PAYMENT BY THE DEPARTMENT

§ 3042.91. General copayment requirements.

(a) The eligibility agency shall determine the amount of the parent's or caretaker's copayment during the eligibility process based on the parent's or caretaker's actual or verified anticipated income and family size.

(b) The eligibility agency will set the copayment at an initial determination of eligibility for subsidized child care and reestablish it at each successive redetermination of eligibility.

(c) The copayment covers each child in the family who is receiving subsidized child care.

(d) The copayment includes each day of the week for which the family establishes a need for child care.

(e) The copayment is due on the first day of the service week and each week thereafter, regardless of the day the parent or caretaker enrolls the child.

(f) The eligibility agency may not increase the amount of the copayment during the eligibility period, unless the provisions specified in § 3042.176 (relating to collection) apply.

§ 3042.92. Department's payment.

(a) The payment rate is the daily amount paid to a child care provider for services delivered to a child who is eligible for subsidized child care.

(b) If the copayment does not exceed the payment rate for care, the difference between the payment rate and the weekly copayment is the Department's payment for subsidized child care.

(c) If the Department's weekly payment to the provider is less than \$5, the family is not eligible for subsidized child care with that provider.

§ 3042.93. Adjusted copayment for prospective work.

(a) Upon notification by the parent or caretaker of receipt of payment for employment, the eligibility agency shall:

(1) Adjust the family copayment, if applicable, no later than 20 calendar days following the date the parent or caretaker reports the receipt of payment from employment.

(2) Provide notice to the parent or caretaker of the planned change in the copayment.

(b) The parent or caretaker shall begin paying the adjusted copayment starting the first day of the service week following the date the written notice is postmarked or hand-delivered to the parent or caretaker by the eligibility agency.

(c) A single parent or caretaker who applies for subsidized child care and who reports prospective work is not required to pay a copayment until the parent or caretaker receives income from work.

§ 3042.94. Parent or caretaker copayment requirements.

(a) If the copayment is decreased as the result of a parent or caretaker voluntarily reporting a change or as the result of a redetermination, the parent or caretaker shall begin paying the reduced copayment on the first day of the service week following the date the parent or caretaker reported a change or the date the redetermination was completed.

(b) If the copayment is increased as the result of a redetermination, the parent or caretaker shall begin paying the increased copayment on the first service day of the week following the expiration of the notification period specified in § 3042.151(a) (relating to general notification requirements) advising the parent or caretaker of the copayment increase.

(c) The copayment is due on the first day of the service week and each week thereafter, regardless of the day the parent or caretaker enrolls the child.

§ 3042.95. Delinquent copayment.

(a) A copayment is delinquent if it is not paid by the last day of the service week.

(b) On the day the provider reports the copayment is delinquent, the eligibility agency shall notify the parent

or caretaker in writing that action will be taken to terminate subsidy for the child.

(c) If a copayment is delinquent, the eligibility agency will apply the first payment paid during a week to the current week's copayment. The eligibility agency will apply subsequent payments during a week to the delinquent copayment.

(d) To maintain eligibility for subsidized child care when a parent or caretaker incurs a copayment delinquency, the parent or caretaker shall pay all of the following prior to the expiration of the notification period:

- (1) The current weekly copayment.
- (2) The delinquent copayment.

(3) The amount of any additional delinquencies accumulated during the notification period.

§ 3042.96. Eligibility agency responsibilities regarding copayment.

(a) The eligibility agency shall generate notices based on delinquent copayments.

(b) The eligibility agency shall send the provider a copy of each notice issued to a parent or caretaker whose child is enrolled with the provider.

(c) When a copayment is reported to the eligibility agency as delinquent, the eligibility agency shall mail a notice to the parent or caretaker. The notice must state that service will be terminated on a date set forth on the notice, which is the first day after 10 calendar days following the date of the written notice, unless the delinquent copayment is paid by that date.

(d) A family whose subsidy is terminated for failure to make required copayments may not be reauthorized for subsidy until all outstanding copayments have been paid in full as specified in § 3042.95(d) (relating to delinquent copayment).

(e) The eligibility agency shall retain a copy of the termination notice.

(f) The eligibility agency shall distribute, to each parent or caretaker who applies for subsidized child care, a handbook of parent's rights and responsibilities in the subsidized child care program provided by the Department.

§ 3042.97. Use of the Federal Poverty Income Guidelines and State Median Income.

(a) The FPIG are used to determine the income limits and copayments for subsidized child care.

(b) Following annual publication of the FPIG, the Department will publish an updated copayment chart in Appendix B (relating to copayment chart) through a notice in the *Pennsylvania Bulletin*.

(c) The eligibility agency shall inform each parent or caretaker of the dollar amount that is equivalent to 235% of FPIG or 85% of the SMI.

(d) The eligibility agency shall inform each parent or caretaker that 235% of FPIG and its specific dollar figure are the highest annual income amounts permitted at the time of redetermination.

(e) The eligibility agency shall inform each parent or caretaker that 85% of the SMI and its specific dollar figure are the highest annual income amounts permitted between redeterminations.

(f) A family is ineligible at any time its annual income exceeds 85% of the SMI.

§ 3042.98. Copayment determination.

(a) The eligibility agency shall determine the family copayment based on the following:

(1) The family size and family income as specified in §§ 3042.41—3042.44 (relating to determining family size and income).

(2) A copayment shall be at least \$5, unless waived as specified in §§ 3042.145(d)(2) and 3042.146(c)(2) (relating to domestic and other violence; and homelessness).

(3) Except as provided under paragraph (2), the family's annual copayment may not exceed 7% of the family's annual income.

(4) If the family's annual income is 100% of FPIG or less, the annual copayment may not exceed 5% of the family's annual income.

(b) The eligibility agency shall determine the copayment by using the copayment chart in Appendix B (relating to copayment chart).

§ 3042.99. Copayment exceeding monthly payment for care.

(a) If the copayments for 1 month are equal to or exceed the monthly payment for care, the family is not eligible for subsidized child care with that provider. The family must enroll the child or children with another eligible provider as specified in § 3042.12 (relating to parent choice).

(b) If the copayments for 1 month are equal to or exceed the monthly payment for care because other children in the family are currently on the waiting list, the family may choose to suspend the child's care with that provider until funding becomes available to enroll other children in the family in care.

ELIGIBILITY REDETERMINATION

§ 3042.101. Eligibility redetermination.

(a) The eligibility agency shall complete a redetermination of eligibility no less than every 12 months and establish the family's next redetermination date.

(b) Prior to the redetermination, the eligibility agency shall do the following:

(1) Provide the parent or caretaker with the Department's form listing the following information last reported for each parent or caretaker or child in the family:

- (i) Earned income.
- (ii) Unearned income.
- (iii) Hours of work, education or training.
- (iv) Family composition.
- (v) Address.

(2) Request that the parent or caretaker verify the family's current income.

(3) Verify the following factors only if the parent or caretaker reports a change:

- (i) Work, education or training.
- (ii) The number of hours of work, education or training.
- (iii) Family composition.
- (iv) Address.

(c) The parent's or caretaker's annual income must meet the requirements set forth in § 3042.31(c) (relating to financial eligibility).

§ 3042.102. Procedures for redetermination.

(a) No earlier than 6 weeks prior to redetermination, the eligibility agency shall send the family a form that lists the factors that will be reviewed for the redetermination of eligibility and explain the verification that will be needed to complete the redetermination.

(b) If the parent or caretaker submits only some of the required verification elements prior to the redetermination, the eligibility agency shall request in writing that the parent or caretaker submit the additional verification no later than the family's redetermination date.

(c) The eligibility agency shall retain a copy of the notification in the family file.

(d) The eligibility agency shall send a written notice to the parent or caretaker regarding failure to provide required verification only after the family's redetermination date.

(e) The eligibility agency shall require the parent or caretaker to complete, sign, and either mail, hand-deliver, fax or electronically submit the applicable form at each redetermination.

FORMER TANF FAMILIES**§ 3042.111. General provisions for former TANF families.**

(a) A family that is no longer eligible for TANF cash assistance benefits or a family that voluntarily left the TANF program and meets the eligibility requirements specified in this chapter may qualify for subsidized child care.

(b) The eligibility agency shall review the information received from the CAO about a parent or caretaker who formerly received TANF benefits.

(c) The eligibility agency shall determine the date TANF benefits ended and establish the 183-day period after eligibility for TANF benefits ends, within which the parent or caretaker may receive child care benefits.

(d) Eligibility for former TANF child care benefits shall begin the day following the date TANF benefits ended and shall continue for 183 consecutive days.

(e) The parent or caretaker may request child care benefits at any time during the 183-day period after eligibility for TANF ended.

(f) The eligibility agency may not place a child on a waiting list if a former TANF parent or caretaker requests subsidized child care for that child any time prior to 184 calendar days after TANF benefits ended.

(g) A family is not eligible for former TANF benefits if a parent or caretaker is currently disqualified from receiving TANF benefits as specified in §§ 255.1(c) and 275.51 (relating to restitution and disqualification policy; and imposing the disqualification).

§ 3042.112. General requirements for former TANF families.

(a) During the 183-day period after eligibility for TANF benefits ended or after a family voluntarily left the TANF program, a parent or caretaker shall meet the following conditions:

(1) A former TANF parent or caretaker who is not transferred to the eligibility agency by the CAO or who applies for subsidized child care during the 183-day period after eligibility for TANF ended shall meet the work requirement as specified in § 3042.33 (relating to work, education and training).

(2) The family's annual income may not exceed 85% of the SMI.

(3) The parent or caretaker shall select an eligible child care provider as specified in § 3042.12 (relating to parent choice).

(4) The parent or caretaker shall make timely payment of the copayment as specified in § 3042.91 (relating to general copayment requirements).

(b) A former TANF parent or caretaker who is transferred to the eligibility agency by the CAO or who applies for subsidized child care during the 183-day period after eligibility for TANF ended as specified in subsection (a) shall not be placed on a waiting list.

(c) The eligibility agency shall complete a redetermination of eligibility and establish the family's next redetermination date as specified in § 3042.101(a) (relating to eligibility redetermination).

§ 3042.113. Notification requirements for former TANF families.

(a) If the eligibility agency determines that a parent or caretaker met the requirements in § 3042.112 (relating to general requirements for former TANF families) and was receiving child care on the date TANF benefits ended, the eligibility agency shall notify the parent or caretaker of the family's eligibility status and the date the 183-day former TANF period will expire.

(b) If the eligibility agency determines that a parent or caretaker was not receiving child care or cannot determine whether the parent or caretaker was receiving child care on the date TANF benefits ended, the eligibility agency shall notify the parent or caretaker by letter of the following:

(1) The parent or caretaker may be eligible for child care benefits.

(2) The parent or caretaker may contact the eligibility agency if child care is needed during the 183-day period after TANF benefits ended.

(3) Eligibility for subsidized child care is assured if the minimum requirements specified in § 3042.112(a) are met.

§ 3042.114. Personal interview requirements for former TANF families.

(a) When the parent or caretaker contacts the eligibility agency within 183 days after TANF benefits end, the eligibility agency shall inform the parent or caretaker of the requirement to attend a personal interview with the eligibility agency. The personal interview shall occur no later than 30 calendar days following the date of the letter.

(b) When the parent or caretaker contacts the eligibility agency in response to the letter specified in § 3042.113(b) (relating to notification requirements for former TANF families), the eligibility agency shall schedule a personal interview with the parent or caretaker.

(c) To maintain continuous child care payment from the day following the date TANF benefits ended, the parent or caretaker shall attend a personal interview with the eligibility agency as specified in § 3042.115 (relating to reporting requirements for former TANF families).

(d) The eligibility agency may waive the requirement for the personal interview if the parent or caretaker has completed a personal interview with the eligibility agency within the previous 12 months.

§ 3042.115. Reporting requirements for former TANF families.

At the time of parent's or caretaker's personal interview with the eligibility agency and within the 183-day period after TANF benefits ended, the eligibility agency shall:

(1) Require the parent or caretaker who contacts the eligibility agency within 60 calendar days following the date TANF benefits ended to self-certify the following information that was electronically transferred by the CAO:

(i) The need for child care to work or attend education or training and the days and hours for which the child needs care.

(ii) The name of the employer, education or training.

(iii) The hours the parent or caretaker works or attends education or training.

(iv) The accuracy of the facts in the TANF transfer information regarding family address, size and income.

(v) Financial eligibility as specified in § 3042.112(a) (relating to general requirements for former TANF families).

(2) Require the parent or caretaker whose information was unavailable or has changed since the time of the electronic transfer to self-declare the information that was unavailable or has changed.

(3) Require the parent or caretaker who does not contact the eligibility agency within 60 calendar days following the date TANF benefits ended to self-declare the following:

(i) The need for child care to work or attend education or training and the days and hours for which the child needs care.

(ii) The name of the employer, education or training.

(iii) The hours the parent or caretaker works or attends education or training.

(iv) The accuracy of the facts in the TANF transfer information regarding family address, size and income.

(v) Financial eligibility as specified in § 3042.112(a).

(4) Advise the parent or caretaker to report income in excess of 85% of the SMI.

(5) The eligibility agency shall require a parent or caretaker to complete a subsidized child care application under the following circumstances:

(i) The parent or caretaker received TANF benefits in another state.

(ii) The CAO did not have sufficient information to electronically transfer to establish a case file.

(6) Advise the parent or caretaker that the eligibility agency shall complete an eligibility determination or redetermination.

(7) Collect information regarding the parent's or caretaker's choice of provider or help the parent or caretaker to locate an eligible provider.

§ 3042.116. Verification of transfer of TANF benefits.

Documentation by the eligibility agency that indicates the date TANF benefits ended within the State or in another state, as specified in § 3042.120(b) (relating to transfer from other states), is acceptable verification of transfer of TANF benefits within the State or from another state.

§ 3042.117. Failure to contact the eligibility agency following the transfer.

(a) If a parent or caretaker who was receiving child care on the date TANF benefits ended fails to contact the eligibility agency in response to the letter specified in § 3042.113(a) (relating to notification requirements for former TANF families), the eligibility agency shall contact the parent or caretaker by telephone no later than 31 calendar days following the date of the letter.

(b) When the eligibility agency contacts the parent or caretaker as specified in subsection (a), the eligibility agency shall determine the following:

(1) The parent's or caretaker's choice to participate in the personal interview.

(2) The parent's or caretaker's continuing need for child care.

(c) If the eligibility agency determines that the parent or caretaker was not receiving child care or cannot determine whether the parent or caretaker was receiving child care on the date TANF benefits ended, the eligibility agency may not authorize payment for child care benefits until the date the parent or caretaker contacts the eligibility agency and requests benefits.

(d) If a parent or caretaker who was receiving child care on the date TANF benefits ended does not attend a personal interview as specified in § 3042.114(a) (relating to personal interview requirements for former TANF families), the eligibility agency shall contact the parent or caretaker by telephone no later than the day following the date the parent or caretaker failed to attend the personal interview to determine the information specified in subsection (b).

§ 3042.118. Payment authorization for former TANF families.

(a) The eligibility agency shall review a request from a parent or caretaker to authorize child care payment at any time during the 183-day period after eligibility for TANF benefits ended.

(b) The eligibility agency shall authorize child care payment at any time during the 183-day period after eligibility for TANF ended.

(c) The eligibility agency may not pay child care costs that exceed the maximum child care allowance minus the family copayment for the type of care the child received from the provider.

§ 3042.119. Retroactive payment for former TANF families.

(a) If the eligibility agency authorizes payment to an eligible provider that is currently participating in the subsidized child care program for a parent or caretaker who was receiving child care on the date TANF benefits ended, the authorization is retroactive to the day following the date TANF benefits ended.

(b) If the eligibility agency determines that the parent or caretaker was not receiving child care or cannot determine whether the parent or caretaker was receiving child care on the date TANF benefits ended, the eligibility agency shall require the parent or caretaker to submit verification of child care costs incurred during the 183-day period after eligibility for TANF ended.

(c) The eligibility agency shall authorize payment to an eligible provider that is currently participating in the subsidized child care program for the parent or caretaker

specified in subsection (b) retroactive to the date the parent or caretaker first incurred child care expenses.

(d) If the eligibility agency determines that the parent or caretaker has selected an ineligible provider, it shall inform the parent or caretaker that the parent or caretaker shall contact the eligibility agency to discuss child care arrangements within 30 calendar days as specified in § 3042.12 (relating to parent choice).

§ 3042.120. Transfer from other states.

(a) A parent or caretaker who received TANF program benefits in another state and applies for subsidized child care is eligible if the parent or caretaker meets the following conditions:

(1) The parent or caretaker applies within 183 days after TANF benefits ended.

(2) The parent or caretaker meets the requirements specified in § 3042.112 (relating to general requirements for former TANF families).

(b) The eligibility agency shall determine the date TANF benefits ended in the other state and establish eligibility for the 183-day period after eligibility for TANF ended as specified in § 3042.111 (relating to general provisions for former TANF families).

§ 3042.121. Expiration of TANF benefits.

(a) A parent or caretaker who was receiving child care on the date TANF benefits ended and who has exhausted the 5-year limit on TANF benefits is eligible for up to 92 calendar days of subsidized child care to seek work.

(b) The eligibility agency shall determine the date TANF benefits ended and establish the period of former TANF eligibility as specified in § 3042.111 (relating to general provisions for former TANF families).

(c) The parent or caretaker may apply at any time during the 183-day period after eligibility for TANF ended.

(d) The maximum period of potential eligibility for former TANF child care benefits under this section is 183 days.

§ 3042.122. Verification of expiration of TANF benefits.

Documentation by the eligibility agency that indicates the date TANF benefits expired within the State or in another state, as specified in § 3042.121(b) (relating to expiration of TANF benefits), is acceptable verification of expiration of TANF benefits.

HEAD START

§ 3042.131. General provisions for Head Start.

(a) A child who is enrolled in a Head Start program, whose parent or caretaker needs extended hours or days of child care beyond the hours or days provided by the Head Start program to work, is eligible for subsidized child care under this section if the parent or caretaker meets the eligibility requirements for subsidized child care as specified in § 3042.132 (relating to eligibility determination for Head Start) each time a child in the family applies for Head Start special eligibility.

(b) The eligibility agency shall verify with the Head Start program that the child is enrolled in a Head Start program that meets Federal and State Head Start standards.

(c) If a child in the family as specified in § 3042.41 (relating to family size) is enrolled in the Head Start

program, the family copayment is based on family size and income. If additional children in the family are enrolled in subsidized child care, the family copayment is based on family size and income.

(d) If extended hours or days of care are provided beyond the Head Start program hours or days, a facility that has a certificate of compliance by the Department as a child care facility shall provide the extended hours and days of care.

§ 3042.132. Eligibility determination for Head Start.

Upon program entry and continuation in the Head Start special eligibility program, a parent or caretaker shall meet the following conditions:

(1) Verification of a minimum of 20 hours of work per week as specified in § 3042.33 (relating to work, education and training) each time a parent or caretaker applies for a child in the family for the Head Start special eligibility program.

(2) Verification that extended hours and days of child care are needed to work as specified in § 3042.131(a) (relating to general provisions for Head Start).

(3) Verification of income eligibility for subsidized child care as specified in § 3042.31 (relating to financial eligibility) each time a parent or caretaker applies for a child in the family for the Head Start program.

(4) Compliance with the waiting list conditions specified in § 3042.57 (relating to waiting list).

(5) Payment of the copayment as specified in § 3042.91 (relating to general copayment requirements).

(6) Report when a child is no longer enrolled in Head Start within 10 calendar days following the date the Head Start enrollment ended.

§ 3042.133. Eligibility redetermination for Head Start.

(a) The eligibility agency may not complete a redetermination prior to the expiration of the 12-month eligibility period as specified in § 3042.101(a) (relating to eligibility redetermination) upon receiving notification that a child is no longer enrolled in a Head Start program.

(b) The eligibility agency shall conduct a redetermination when the child is no longer enrolled in the Head Start program, if the 12-month redetermination period has expired as specified in § 3042.101(a).

(c) The eligibility agency shall conduct a redetermination as specified in § 3042.101 if the family has additional children who are not enrolled in Head Start but receive subsidized child care. A family that includes a child enrolled in a Head Start program and a child who is not enrolled in a Head Start program is subject to redetermination requirements as specified in § 3042.101(a).

(d) Eligibility for a child enrolled in a Head Start program is unrelated to the eligibility of other children in the family who are not enrolled in a Head Start program and receive subsidized child care. Eligibility for a child enrolled in a Head Start program shall continue as specified in this section.

(e) The eligibility agency shall conduct a redetermination between the time a child is no longer enrolled in Early Head Start and the time the child enters Head Start, with the exception of the requirement set forth in subsection (a).

WAIVERS AND PERIODS OF PRESUMPTIVE ELIGIBILITY

§ 3042.141. General waiver requirements.

The eligibility agency may grant a waiver to a family experiencing domestic violence or homelessness upon the request of the parent or caretaker as specified in §§ 3042.145 and 3042.146 (relating to domestic and other violence; and homelessness).

§ 3042.142. Time frame for waiver determinations.

The eligibility agency shall act on a parent's or caretaker's waiver request no later than 15 calendar days following the date the parent or caretaker requests the waiver.

§ 3042.143. General verification requirements for waivers.

The Department's form that provides for verification by documentary evidence, third party statement or self-certification is acceptable verification of domestic violence or homelessness.

§ 3042.144. General notification requirements for waivers.

(a) The eligibility agency shall provide written notice to the parent or caretaker regarding the eligibility agency's determination to grant or deny a waiver request. At the request of the parent or caretaker, the eligibility agency shall mail the notice to an alternate address or hand-deliver it to the parent or caretaker.

(b) If the eligibility agency grants the waiver, the notice must include the basis for granting the waiver.

(c) If the eligibility agency denies the waiver, the notice must include all of the following:

(1) The basis for the denial.

(2) The right to appeal the decision and how to appeal as specified in §§ 3042.152 and 3042.161 (relating to notice of right to appeal; and appealable actions).

(3) The verification the parent or caretaker shall submit for the eligibility agency to grant the waiver and the time frames in which the parent or caretaker shall submit the verification.

(4) The evidence or information needed to substantiate the waiver request and the time frames in which the parent or caretaker shall provide the information.

§ 3042.145. Domestic and other violence.

(a) The eligibility agency may grant a waiver to a parent or caretaker for any of the following reasons:

(1) A family member is the victim of past or present domestic or other violence.

(2) A family member is the victim of a threat of past or present domestic or other violence.

(b) Except as otherwise provided under this chapter, the eligibility agency may grant a waiver if compliance with a requirement of this chapter would either make it more difficult for a family or household member to escape domestic violence or place a family or household member at risk of domestic violence.

(c) The following requirements of this chapter may not be waived:

(1) Age of the child as specified in § 3042.11(b) and (c) (relating to provision of subsidized child care).

(2) Income limits as specified in § 3042.31 (relating to financial eligibility).

(3) State residency as specified in § 3042.32 (relating to residence).

(4) The minimum number of hours of work, education or training as specified in § 3042.33 (relating to work, education and training).

(5) Citizenship as specified in § 3042.36 (relating to citizenship).

(6) The number of paid absences as specified in § 3042.18 (relating to absence).

(d) The following may be waived for a temporary period not to exceed 92 calendar days:

(1) Verification requirements as specified in §§ 3042.61—3042.74 (relating to self-certification and verification).

(2) The amount of copayment as specified in § 3042.98 (relating to copayment determination).

(e) Except as specified in subsections (c) and (d), the eligibility agency will grant a domestic violence waiver for the balance of the 12-month eligibility period following verification being provided to the eligibility agency.

(f) The eligibility agency shall utilize and accept the Department's form providing for verification by documentary evidence, third party statement or self-certification as acceptable verification of domestic violence. The following apply:

(1) If the eligibility agency does not receive the required verifications before expiration of the 92-day period specified in subsection (d), or if the family is otherwise determined to be ineligible, the eligibility agency shall take the necessary steps to terminate the temporary eligibility with proper notification to the family as specified in § 3042.155 (relating to notice of adverse action).

(2) If a family is determined ineligible or fails to provide the required verifications, services received during the 92-day period are not considered an error or improper payment. The eligibility agency will pay the amount owed to a child care provider for services provided.

§ 3042.146. Homelessness.

(a) At the time of application, the eligibility agency may grant a period of presumptive eligibility to a parent or caretaker who is experiencing homelessness as defined in § 3042.3 (relating to definitions) for a temporary period not to exceed 92 calendar days.

(b) A parent or caretaker who is experiencing homelessness may be permitted to substitute job search activities to meet the work requirement specified in § 3042.33 (relating to work, education and training) for the duration of the period of presumptive eligibility for a temporary period not to exceed 92 calendar days.

(c) A parent or caretaker may be permitted to self-certify their status as experiencing homelessness as specified in § 3042.63 (relating to self-certification) to qualify for and be granted a period of presumptive eligibility for a temporary period not to exceed 92 calendar days.

(d) Except as specified in subsections (e) and (f), the eligibility agency will grant a waiver to families who are experiencing homelessness the balance of the 12-month eligibility period following verification being provided to the eligibility agency.

(e) The following requirements of this chapter may not be waived:

(1) Age of the child as specified in § 3042.11(b) and (c) (relating to provision of subsidized child care).

(2) Income limits as specified in § 3042.31 (relating to financial eligibility).

(3) State residency as specified in § 3042.32 (relating to residence).

(4) The minimum number of hours of work, education or training as specified in § 3042.33 (relating to work, education and training), subject to the provisions in subsection (b).

(5) Citizenship as specified in § 3042.36 (relating to citizenship).

(6) The number of paid absences as specified in § 3042.18 (relating to absence).

(f) The following requirements of this chapter may be waived for a temporary period not to exceed 92 calendar days:

(1) Verification requirements as specified in §§ 3042.61—3042.74 (relating to self-certification and verification).

(2) The amount of the copayment as specified in § 3042.98 (relating to copayment determination).

(g) The eligibility agency shall utilize and accept the Department's form providing for verification by documentary evidence, third party statement or self-certification as acceptable verification of homelessness. The following apply:

(1) If the eligibility agency does not receive the required verifications before expiration of the 92-day period specified in subsection (f), or if the family is determined ineligible, the eligibility agency shall take the necessary steps to terminate the temporary eligibility with proper notification to the family as specified in § 3042.155 (relating to notice of adverse action).

(2) If a family is determined ineligible at any time during a temporary period of presumptive eligibility, services received during the 92-day period are not considered an error or improper payment. The eligibility agency will pay the amount owed to a child care provider for services provided during the temporary period of presumptive eligibility.

(h) At the end of a 92-day temporary period of presumptive eligibility, the eligibility agency may establish a new 12-month eligibility period and reset the redetermination due date.

§ 3042.147. Presumptive continued eligibility at redetermination.

(a) The eligibility agency may grant a temporary period of presumptive continued eligibility to a parent or caretaker at redetermination for a period not to exceed 92 calendar days from the date of the redetermination.

(b) For a parent or caretaker to be granted a period of presumptive continued eligibility at redetermination, the parent or caretaker shall submit verification of work, education or training that satisfies the work-hour requirement as specified in § 3042.33 (relating to work, education and training) that is set to begin prior to the expiration of the temporary 92-day period specified in subsection (a), unless the provisions in § 3042.146 (relating to homelessness) apply.

(c) Prior to the expiration of the temporary 92-day period of presumptive continued eligibility, the eligibility agency will verify the parent or caretaker has begun

work, education or training and is in compliance with the work-hour requirement specified in § 3042.33.

(d) If the parent or caretaker has not begun work, education or training as specified in subsection (b), or is otherwise determined ineligible prior to the expiration of the 92-day period, the eligibility agency shall take the necessary steps to terminate the temporary eligibility with proper notification to the family as specified in § 3042.155 (relating to notice of adverse action).

(e) If a family is determined ineligible at any time during a temporary period of presumptive continued eligibility, services received during the 92-day period are not considered an error or improper payment. The eligibility agency will pay the amount owed to a child care provider for services provided during the temporary period of presumptive continued eligibility.

(f) At the end of a 92-day temporary period of presumptive continued eligibility, the eligibility agency will complete a redetermination to establish the 12-month eligibility period and reset the redetermination due date.

NOTIFICATION AND RIGHT TO APPEAL

§ 3042.151. General notification requirements.

(a) The eligibility agency shall issue written notification to the parent or caretaker no later than 13 calendar days prior to taking an action that affects the family's eligibility status for subsidized child care or a change in the amount of the family's subsidized child care benefit.

(b) Following the preparation of a written notice, the eligibility agency shall:

(1) Mail or hand-deliver, within 1 working day of preparation, the original and one copy of the notice to the parent or caretaker.

(2) Notify the family's child care provider as soon as the family is determined eligible or ineligible for subsidized child care.

(3) Retain a copy of the notice in the family file as specified in § 3042.84 (relating to family file).

§ 3042.152. Notice of right to appeal.

The following information must be included in the notice of the right to appeal:

(1) The statement regarding the parent's or caretaker's right to appeal.

(2) The time frame associated with filing a timely appeal as specified in §§ 3042.164(d) and 3042.166(b) (relating to parent or caretaker rights and responsibilities regarding appeal; and hearing procedures).

(3) The time frame associated with subsidy continuation as specified in § 3042.163 (relating to subsidy continuation during the appeal process).

(4) The consequence of filing an untimely appeal.

(5) The responsibility to repay if subsidy continues and the parent or caretaker does not win the appeal.

(6) Instructions regarding how to appeal.

§ 3042.153. Notice of eligibility.

(a) The notice of eligibility must be on a form provided by the Department.

(b) If the eligibility agency determines a family eligible for subsidy upon initial application, at the time of redetermination or at a review of a reported change, the written notification must include all of the following:

(1) The amount of the copayment.

(2) The parent's or caretaker's responsibility to pay the copayment as specified in § 3042.91(e) (relating to general copayment requirements).

(3) The parent's or caretaker's responsibility to report changes as specified in § 3042.86 (relating to change reporting and processing).

(4) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(5) The right of the parent or caretaker to appeal the decision and how to appeal as specified in §§ 3042.152 and 3042.161 (relating to notice of right to appeal; and appealable actions).

§ 3042.154. Notice of ineligibility.

(a) The notice of ineligibility must be on a form provided by the Department.

(b) If the eligibility agency determines a family ineligible for subsidy, the written notification must include all of the following:

- (1) The decision.
- (2) The reason for the decision.

(3) A citation, and brief explanation in simple, nontechnical language, of the applicable section of this chapter or other applicable law that was the basis for the decision.

(4) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(5) The right of the parent or caretaker to appeal the decision and how to appeal as specified in §§ 3042.152 and 3042.161 (relating to notice of right to appeal; and appealable actions).

§ 3042.155. Notice of adverse action.

(a) The eligibility agency shall send a notice to a parent or caretaker currently receiving subsidy when the eligibility agency proposes to terminate subsidy payment.

(b) The eligibility agency shall prepare a notice of adverse action on a form provided by the Department.

(c) The notice of adverse action must include all of the following:

- (1) The decision or proposed action.
- (2) The date the action will occur.
- (3) The reason for the decision or proposed action and information about how to become eligible.

(4) A citation, and brief explanation in simple, nontechnical language, of the applicable section of this chapter or other applicable law that is the basis for the decision or proposed action.

(5) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(6) The right of the parent or caretaker to appeal the decision and how to appeal as specified in §§ 3042.152 and 3042.161 (relating to notice of right to appeal; and appealable actions).

§ 3042.156. Notice confirming voluntary withdrawal.

(a) The eligibility agency shall, by written notice to the parent or caretaker, confirm the parent's or caretaker's voluntary withdrawal of a child from subsidized child care.

(b) The notice confirming voluntary withdrawal must be on a form provided by the Department.

(c) The written notice confirming voluntary withdrawal must include all of the following:

- (1) The decision.
- (2) The reason for the decision.

(3) A citation, and brief explanation in simple, nontechnical language, of the applicable section of this chapter or other applicable law that was the basis for the decision.

(4) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(5) The right of the parent or caretaker to appeal the decision and how to appeal as specified in §§ 3042.152 and 3042.161 (relating to notice of right to appeal; and appealable actions).

§ 3042.157. Notice confirming a change in benefits.

(a) The eligibility agency shall, by written notice to the parent or caretaker, confirm a change in the parent's or caretaker's subsidized child care benefits when the change does not affect the family's eligibility. Changes in benefits include a change in the number of days or hours during which the child is enrolled, subsidy suspension and subsidy disruption.

(b) The notice confirming a change in benefits must be on a form provided by the Department.

(c) The written notice confirming a change in benefits must include all of the following:

- (1) The decision.
- (2) The reason for the decision.

(3) A citation, and brief explanation in simple, nontechnical language, of the applicable section of this chapter or other applicable law that was the basis for the decision.

(4) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(5) The right of the parent or caretaker to appeal the decision and how to appeal as specified in §§ 3042.152 and 3042.161 (relating to notice of right to appeal; and appealable actions).

§ 3042.158. Notice confirming a change in copayment.

(a) The eligibility agency shall, by written notice to the parent or caretaker, confirm a change in the family copayment amount.

(b) The notice confirming a change in copayment must be on a form provided by the Department.

(c) The written notice confirming a change in copayment must include all of the following:

- (1) The decision.
- (2) The reason for the decision.

(3) A citation, and brief explanation in simple, nontechnical language, of the applicable section of this chapter or other applicable law that was the basis for the decision.

(4) The amount of the copayment and the date the change in copayment will become effective.

(5) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(6) The right of the parent or caretaker to appeal the decision and how to appeal as specified in §§ 3042.152 and 3042.161 (relating to notice of right to appeal; and appealable actions).

§ 3042.159. Notice of overpayment.

(a) The eligibility agency shall notify the parent or caretaker in writing of an overpayment.

(b) The notice of overpayment must include all of the following:

(1) The reason for the overpayment as specified in § 3042.171 (relating to overpayment).

(2) The period of the overpayment.

(3) The amount of the overpayment.

(4) An explanation of how the overpayment was calculated.

(5) The repayment methods as specified in § 3042.176 (relating to collection), except in cases of suspected fraud.

(6) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(7) The right of the parent or caretaker to appeal the decision on the overpayment and how to appeal as specified in §§ 3042.152 and 3042.161 (relating to notice of right to appeal; and appealable actions).

APPEAL AND HEARING PROCEDURES

§ 3042.161. Appealable actions.

A parent or caretaker has the right to appeal a Departmental or eligibility agency action or failure to act, including the following:

(1) Denial of subsidy, including a period of presumptive eligibility as specified in §§ 3042.146 and 3042.147 (relating to homelessness; and presumptive continued eligibility at redetermination).

(2) Termination of subsidy.

(3) Computation of the copayment.

(4) Denial of a request for waiver of a requirement of this chapter based on domestic violence or homelessness as specified in § 3042.145 (relating to domestic and other violence) and § 3042.146.

(5) Failure of the eligibility agency to act upon a request for subsidy within the time limits specified in this chapter.

(6) Subsidy suspension as specified in §§ 3042.18 and 3042.20 (relating to absence; and subsidy suspension).

(7) Subsidy disruption as specified in § 3042.21 (relating to subsidy disruption).

(8) Subsidy termination as specified in § 3042.22 (relating to subsidy termination).

§ 3042.162. Discontinuation of subsidy during the appeal process.

(a) Subsidy is not continued pending a hearing decision if the parent or caretaker appeals the disruption of subsidy when the eligibility agency lacks funding to continue subsidy to a child as specified in § 3042.21 (relating to subsidy disruption).

(b) Subsidy is suspended pending a hearing decision if the parent or caretaker fails to make timely payment of the copayment.

(c) Following a suspension under subsection (b), a subsidy will be reinstated pending the hearing decision if all copayments are brought up to date.

§ 3042.163. Subsidy continuation during the appeal process.

(a) Subsidy continues at the prior level until the Department hears the appeal and makes a final decision, if the parent or caretaker does any of the following:

(1) Files an appeal that is postmarked or delivered no later than 10 calendar days after the date of the written notice.

(2) Appeals for a reason other than disruption of subsidy or a lack of funding.

(b) If subsidy continues as specified in subsection (a), the parent or caretaker shall continue to make timely payment of the copayment that was in effect prior to issuance of the written notice until the Department makes a final decision as specified in § 3042.91 (relating to general copayment requirements).

(c) If subsidy continues during the appeal process and the hearing officer finds in favor of the eligibility agency or the Department, the parent or caretaker shall reimburse the Department for the amount of the subsidy or increase in subsidy paid for child care from the proposed effective date of the written notice until the date subsidy is terminated or decreased, based on the final administrative action order.

§ 3042.164. Parent or caretaker rights and responsibilities regarding appeal.

(a) A parent or caretaker appealing a written notice shall submit a written request to the eligibility agency in accordance with Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) within 30 calendar days following notification. The parent or caretaker shall specify the reason for the appeal and the current address and a telephone number, if possible, where the parent or caretaker can be reached during the day.

(b) A parent or caretaker may orally appeal. The eligibility agency shall document the date of the oral appeal in the case file. The parent or caretaker shall confirm the oral appeal in writing to the eligibility agency no later than 7 calendar days following the date the parent or caretaker orally requested an appeal.

(c) A parent or caretaker may authorize an adult to represent the parent or caretaker at the hearing.

(d) If the parent or caretaker wants subsidy to continue pending a hearing decision, subject to § 3042.163 (relating to subsidy continuation during the appeal process), the parent or caretaker shall submit a written appeal no later than 10 calendar days following the date the written notice is postmarked or hand-delivered to the parent or caretaker by the eligibility agency.

(e) If the parent or caretaker requests that subsidy continue pending a hearing decision, the parent or caretaker shall make timely payment of the copayment that was in effect prior to issuance of the written notice until the Department makes a final decision as specified in § 3042.91 (relating to general copayment requirements).

§ 3042.165. Eligibility agency responsibilities regarding appeal.

(a) If the parent or caretaker is unable to prepare a written appeal, the eligibility agency shall assist the

parent or caretaker in preparing a written appeal. The parent or caretaker shall sign the appeal request.

(b) When the eligibility agency receives an appeal that is timely postmarked or delivered, the eligibility agency shall date-stamp the appeal, the envelope and the attachments with the date of receipt and retain copies of all original appeal information.

(c) The eligibility agency shall keep a copy and forward the original appeal along with the postmarked envelope to the Department's Bureau of Hearings and Appeals no later than 3 working days following the date the appeal is received by the eligibility agency.

(d) The eligibility agency may not take the proposed adverse action until 13 calendar days following the date the written notice is postmarked or hand-delivered to the parent or caretaker and then only if the parent or caretaker has not filed an appeal. Subsidy may be continued at the prior level only if the parent or caretaker meets the requirements in § 3042.163 (relating to subsidy continuation during the appeal process).

(e) The eligibility agency may take the proposed adverse action before 13 calendar days following the date a provider closes for financial difficulties or loss of certification or if funding is not available to continue subsidized care to the child.

§ 3042.166. Hearing procedures.

(a) Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) applies to hearings that are held under this chapter, except as specifically superseded by this chapter.

(b) The Department will dismiss an appeal postmarked or delivered after 30 calendar days from the date the written notice is postmarked or hand-delivered to the parent or caretaker unless one of the provisions allowing for appeals after 30 calendar days applies as specified in § 275.3(b)(2) and (3) (relating to requirements).

(c) The hearing may be conducted by a telephone conference call with the parties to the appeal, including the parent or caretaker, the authorized representative of the parent or caretaker, the eligibility agency, the Department and the hearing officer.

(d) The parent or caretaker has the right to request a face-to-face hearing instead of a telephone hearing. Face-to-face hearings will be held in locations specified by the Department.

(e) If a parent or caretaker does not withdraw an appeal, the eligibility agency, or the Department, if appropriate, will take part in the scheduled hearing to justify the action to which the parent or caretaker objects.

(f) If the eligibility agency or the Department fails to appear at the hearing and the parent or caretaker appears, the parent's or caretaker's appeal will be sustained.

(g) If the parent or caretaker fails to appear for the hearing, regardless of whether the eligibility agency or the Department appears, the appeal is considered abandoned and the decision of the eligibility agency or the Department will be sustained.

(h) The Department will notify the eligibility agency and the parent or caretaker, in writing, when disposition of the appeal is made.

(i) The eligibility agency shall implement the final administrative action within the time limit ordered by the

Department or on the first day child care is needed in the week following receipt of the final administrative action order.

OVERPAYMENT AND DISQUALIFICATION

§ 3042.171. Overpayment.

The parent or caretaker may not be required to repay an overpayment except for an overpayment resulting from one of the following:

- (1) Fraud.
- (2) Failure to comply with this chapter.
- (3) Subsidy continuation pending an appeal when the parent or caretaker did not win the appeal.

§ 3042.172. Eligibility agency responsibilities regarding overpayment.

(a) The eligibility agency shall inform a parent or caretaker who files an appeal and requests subsidy continuation pending appeal that, if the hearing decision is in favor of the eligibility agency or the Department, the parent or caretaker shall reimburse the amount of the overpayment unless the hearing officer determines a hardship.

(b) The eligibility agency shall pursue possible overpayments in active and closed cases, including those that were voluntarily closed.

(c) The following are the responsibilities of the eligibility agency when exploring possible overpayments:

- (1) Determination of whether the overpayment is the result of one of the conditions specified in § 3042.171 (relating to overpayment).
- (2) Written assurance that the methods of exploring overpayments are appropriate to the particular situation and to the different eligibility factors.
- (3) Assurance that the methods of exploring overpayments do not infringe on the civil liberties of individuals or interfere with the due process of law.
- (4) Investigation of a credible complaint that a parent or caretaker is erroneously receiving subsidized child care.
- (5) Identification and documentation of the causes of the overpayment.
- (6) Computation of the amount of the overpayment.
- (7) Referral of suspected fraud cases to the Office of Inspector General.

(8) Submission of an overpayment notice to the parent or caretaker as specified in § 3042.159 (relating to notice of overpayment).

(d) The eligibility agency shall refer all cases of suspected provider fraud to the Office of Inspector General.

§ 3042.173. Delaying recoupment.

(a) Recoupment shall be delayed until after a hearing decision if the family files an appeal of the overpayment decision no later than 10 calendar days after the date the written notice is postmarked or hand-delivered to the parent or caretaker by the eligibility agency.

(b) Recoupment shall be delayed for cases referred to the Office of Inspector General for suspected fraud until the investigation is complete.

(c) The method of recoupment in cases of suspected fraud will be determined in conjunction with the Office of Inspector General.

§ 3042.174. Notifying the Department.

The eligibility agency shall notify the Department when recoupment stops before the overpayment is fully recouped.

§ 3042.175. Repayment.

The parent or caretaker shall repay the eligibility agency or Department the full amount of the overpayment.

§ 3042.176. Collection.

(a) The eligibility agency shall collect the total amount of the overpayment from a family whose child continues to receive subsidized child care when the eligibility agency identifies an overpayment as specified in § 3042.172 (relating to eligibility agency responsibilities regarding overpayment).

(b) If the Department, eligibility agency or other entity identifies an overpayment unrelated to fraud, subject to repayment as specified in § 3042.171 (relating to overpayment), related to a family whose child continues to receive subsidized child care, the eligibility agency shall do all of the following:

(1) Notify the parent or caretaker by a letter that a repayment is required, the amount of the repayment and the following repayment options:

- (i) A one-time payment of the full amount owed.
- (ii) A one-time partial payment and an increase in the copayment to be paid until repayment is complete.
- (iii) An increase in the copayment until the repayment is complete.

(2) Automatically implement an increase to the copayment until the repayment is complete when the parent or caretaker does not select an option as specified in paragraph (1) no later than 10 calendar days following the date of the letter.

(3) Notify the parent or caretaker by a second letter of failure to choose a repayment option as specified in paragraph (1), the amount of the increased copayment and the number of weeks the increased copayment will continue.

(c) When the Office of Inspector General has determined fraud in an active case, the eligibility agency shall determine collection methods in conjunction with the Office of Inspector General.

§ 3042.177. Copayment increase related to overpayment.

(a) A copayment increase for the purpose of collecting an overpayment may not exceed an amount greater than 5% of the family's gross monthly income. If the parent or caretaker indicates to the eligibility agency that an increase to 5% would cause hardship to the family, the family and the eligibility agency may agree to a lesser amount.

(b) A parent or caretaker may choose to increase the copayment beyond the amount specified in subsection (a) to repay an overpayment in a shorter period of time.

(c) The eligibility agency shall issue a written notice before implementation of an increase in the copayment.

§ 3042.178. Collection for a family whose child is no longer in care.

(a) The eligibility agency shall collect the total amount of the overpayment as specified in § 3042.172 (relating to eligibility agency responsibilities regarding overpayment)

from a family whose child is no longer receiving subsidized child care if the eligibility agency identifies an overpayment.

(b) If the Department, eligibility agency or other entity identifies an overpayment unrelated to fraud, for a family whose child is no longer receiving subsidized child care, the eligibility agency shall do all of the following:

(1) Notify the Department of the subsidy termination date, the amount of the overpayment recouped and the amount outstanding. The Department will notify the parent or caretaker by letter of the overpayment, the amount of the outstanding overpayment and that repayment is required in either a single payment or under a payment plan agreeable to the parent or caretaker and the eligibility agency. The letter must state that the parent or caretaker has 10 calendar days to respond to the Department indicating agreement or disagreement and indicating the choice of a repayment method.

(2) Send a second letter that repeats the information contained in the letter specified in paragraph (1) when the Department notifies the eligibility agency that the parent or caretaker failed to respond. The second letter must also request a response from the parent or caretaker no later than 10 calendar days following the date of the letter.

(c) When the Office of Inspector General has determined fraud in a case when the child is no longer in care, the eligibility agency shall determine the collection methods in conjunction with the Office of Inspector General.

(d) The Department may institute civil legal proceedings when the parent or caretaker fails to respond to the second letter.

§ 3042.179. Disqualification.

(a) The parent or caretaker is disqualified from participating in the subsidized child care program if one of the following applies:

(1) A Federal or State court finds the parent or caretaker guilty of fraud in applying for or receiving subsidized child care.

(2) A hearing officer determines that the parent or caretaker committed fraud under the procedures and standards in Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

(3) The parent or caretaker signs a disqualification consent agreement as part of a court's deferred adjudication process.

(4) The parent or caretaker agrees to be disqualified by signing an administrative disqualification hearing waiver.

(b) Upon disqualification under subsection (a), a parent or caretaker and eligible children in the parent's or caretaker's family is prohibited from participation in the subsidized child care program:

(1) For 6 months from the date of the first conviction, hearing decision or determination.

(2) For 12 months from the second conviction, hearing decision or determination.

(3) Permanently from the date of the third conviction, hearing decision or determination.

(c) A parent or caretaker may not be granted a hearing on a court conviction or administrative disqualification hearing decision that led to the disqualification.

APPENDIX A

Income to be Included, Deducted and Excluded in Determining Gross Monthly Income

PART I. Income inclusions.

Income from the following sources is included when determining total gross monthly income:

A. Money, wages or salary earned by a parent or caretaker before deductions for taxes, Social Security, savings bonds, pensions, union dues, health insurance and similar purposes, for work performed as an employee. This includes commissions, tips, piece-rate payments and cash bonuses. Income earned by an unemancipated minor is not included.

B. Armed forces pay, which includes base pay plus cash, but does not include housing subsistence, allowances or the value of rent-free quarters.

C. Voluntary and court-ordered support received for any person in the family.

D. Net income from nonresident and real property, defined as gross receipts minus the expenses for continuing the income, such as depreciation charges, business taxes (not personal income taxes), interest on mortgages, repairs and similar expenses.

E. Social Security benefits, Supplemental Security Income, survivors' benefits and permanent disability insurance payments made by the Social Security Administration before deductions of health insurance premiums.

F. Railroad retirement, disability or survivors' benefit payments made by the United States Government under the Railroad Retirement Act of 1974 (45 U.S.C. §§ 231—231v) before deductions of health insurance premiums.

G. State blind pension payments made by the Department.

H. Public assistance benefits or retirement benefits.

I. Private pensions and annuities, including retirement benefits paid to a retired person or their survivors by a former employer or a union, either directly or through an insurance company.

J. Government employee pensions paid by Federal, State, county or other governmental agencies to former employees, including members of the armed forces, or their survivors.

K. Unemployment compensation received from government unemployment insurance agencies or private companies during periods of unemployment and strike benefits received from union funds.

L. Workers' compensation received from private or public insurance companies.

M. Veterans' payments, defined as money paid periodically by the Veterans Administration to disabled members of the armed forces or to the survivors or dependents of deceased or disabled veterans, subsistence allowances paid to the survivors of deceased veterans and subsistence allowances paid to veterans for education and on-the-job training, as well as so-called "refunds" paid to ex-service persons as GI insurance premiums. For a disabled veteran in the Vocational Rehabilitation Program, the subsistence allowance and the veteran's disability allowance are counted as income.

N. Capital gains, profit from S-corporations and dividends, including dividends from stocks, bonds, mutual funds or from membership in an association.

O. Interest on savings and bonds.

P. Income from estates and trust funds.

Q. Net income from royalties.

R. Lump sum cash of more than \$100; inheritances, life insurance benefits; personal injury and other damage awards and settlements; retroactive benefits such as retirement, survivor's or disability insurance and delayed unemployment; divorce settlements; gifts; or workers' compensation.

S. Lump-sum cash lottery winnings or cash prizes of more than \$100.

T. Profit from self-employment, calculated as total gross receipts minus costs of doing business. The costs of doing business shall only include the following:

(1) Costs of maintaining a place of business, such as rent, utilities, insurance on the business and its property, and property taxes. If a business is operated in a home, the costs of maintaining a place of business are only those costs identified for the part of the home used exclusively for the business.

(2) Interest on the purchase of income-producing equipment and property.

(3) Employee labor costs, such as wage, salaries, taxes, benefits, unemployment compensation or workers' compensation.

(4) Cost of goods sold, supplies and materials.

(5) Advertising costs.

(6) Accounting and legal fees.

(7) Transportation costs necessary to produce income.

U. Net income from room rent or room and board, calculated as follows: Gross income received minus \$10 per month for each room rented. Divide the remainder by 2. That number is the income inclusion.

Conversion Table

Convert weekly, biweekly, semimonthly and other pay periods to gross monthly amounts using the following conversion table:

<i>Frequency of income</i>	<i>Conversion method</i>
Daily	Multiply the daily income by the number of workdays in a week, then multiply by 4.3.
Weekly	Multiply by 4.3.
Biweekly (every 2 weeks)	Divide by 2, then multiply by 4.3.
Semimonthly (twice per month)	Multiply by 2 for monthly gross income.
Monthly	Use the figure given.
Quarterly	Divide by 3.
Annually	Divide by 12.
Lump sum income	Divide by 12.

PART II. Income deductions.

The following are deducted when determining adjusted monthly income:

A. Voluntary or court-ordered support paid by the parent or caretaker or a family member to a present or former spouse not residing in the same household.

B. Voluntary or court-ordered child support paid by the parent or caretaker or family member to a person not residing in the same household.

C. A medical expense not reimbursed through medical insurance that exceeds 10% of the family gross monthly income. The medical expense must have been incurred within the 90-day period prior to the date the parent or caretaker notifies the eligibility agency of that expense and there must be an expectation that the expense will continue to be incurred for the 6 months following the outset of the expense. Medical expenses are based on the monthly expenses or monthly payment plan, or both. Medical expenses include bills for doctors, hospital costs, dental services, health care premiums, institutional care, medications, prosthetic devices, durable medical equipment or mental health services.

D. The stepparent deduction as shown in Appendix C (relating to stepparent deduction chart).

PART III. Income exclusions.

Income from the following sources is excluded in determining gross monthly income:

A. Employment earnings of an individual who is an unemancipated minor.

B. Tax refunds, including earned income tax credits.

C. Withdrawals of bank, credit union or brokerage deposits.

D. Money borrowed.

E. Nonrecurring money in amounts under \$100 per person per year, given as a gift, from any source.

F. The value of benefits under the Food Stamp Act of 1977 (7 U.S.C. §§ 2011—2036d).

G. The value of foods donated from the United States Department of Agriculture.

H. The value of supplemental foods assistance under the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771—1793) and the special food service programs for children under that act.

I. Loans and grants, such as scholarships, obtained and used for conditions that preclude their use for living costs.

J. A grant or loan to an undergraduate student for educational purposes, made or insured under any program administered under the Higher Education Act of 1965 (20 U.S.C. §§ 1001—1161aa-1).

K. A payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. §§ 4601—4655).

L. A home produce used for household consumption.

M. A payment made on behalf of an individual for household expenses, such as rent, food and utilities.

N. Payments to Volunteers in Service to America under the Domestic Volunteer Service Act of 1973 (42 U.S.C. §§ 4950—5085), which include AmeriCorps income.

O. Earnings received by any youth under the Workforce Investment Act of 1998, as amended (Pub.L. No. 105-220) or the Youth Build Program (29 U.S.C. § 3226).

P. Foster care payments by a foster care placement agency, including payments to permanent legal custodians.

Q. Stipends derived from the Foster Grandparent Program under section 211 of the Domestic Violence Service Act of 1973 (42 U.S.C. § 5011).

R. Low Income Home Energy Assistance Program (LIHEAP) benefits and cash in-kind energy assistance provided by private agencies and utility companies.

S. Adoption assistance payments by a county children and youth agency.

T. Income received from Federal student aid or participation in a Federal work-study program.

U. Payments made by the Veterans Administration to children of Vietnam veterans under The Benefits for Children of Vietnam Veterans Act (38 U.S.C. §§ 1802—1838).

APPENDIX B

Copayment Chart

Family Copayment Scale Effective January 17, 2022 (Based on the 2022 Federal Poverty Income Guidelines)

<i>Weekly Co-pay</i>	<i>Family Size: 1 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 2 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 3 Annual Income</i>	
\$5	Less than:	\$7,567	\$5	Less than:	\$8,187	\$5	Less than:	\$7,741
\$6	\$7,567.01	\$8,324	\$6	\$8,187.41	\$9,211	\$6	\$7,741.01	\$9,031
\$7	\$8,323.71	\$9,080	\$7	\$9,210.84	\$10,234	\$7	\$9,031.01	\$10,321
\$8	\$9,080.41	\$9,837	\$8	\$10,234.26	\$11,258	\$8	\$10,321.01	\$11,611
\$9	\$9,837.11	\$10,594	\$9	\$11,257.69	\$12,281	\$9	\$11,611.01	\$12,902
\$9	\$10,593.81	\$11,351	\$10	\$12,281.11	\$13,305	\$10	\$12,902.01	\$14,192
\$10	\$11,350.51	\$12,107	\$12	\$13,304.54	\$14,328	\$12	\$14,192.01	\$15,482
\$11	\$12,107.21	\$12,864	\$13	\$14,327.96	\$15,351	\$13	\$15,482.01	\$16,772
\$12	\$12,863.91	\$13,621	\$14	\$15,351.39	\$16,375	\$15	\$16,772.01	\$18,062
\$13	\$13,620.61	\$14,377	\$15	\$16,374.81	\$17,398	\$16	\$18,062.01	\$19,352
\$14	\$14,377.31	\$15,134	\$17	\$17,398.24	\$18,422	\$18	\$19,352.01	\$20,642

<i>Weekly Co-pay</i>	<i>Family Size: 1 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 2 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 3 Annual Income</i>	
\$15	\$15,134.01	\$15,891	\$18	\$18,421.66	\$19,445	\$19	\$20,642.01	\$21,933
\$16	\$15,890.71	\$16,647	\$19	\$19,445.09	\$20,469	\$21	\$21,933.01	\$23,223
\$17	\$16,647.41	\$17,404	\$21	\$20,468.51	\$21,492	\$23	\$23,223.01	\$24,513
\$19	\$17,404.11	\$18,161	\$22	\$21,491.94	\$22,515	\$24	\$24,513.01	\$25,803
\$20	\$18,160.81	\$18,918	\$24	\$22,515.36	\$23,539	\$26	\$25,803.01	\$27,093
\$21	\$18,917.51	\$19,674	\$25	\$23,538.79	\$24,562	\$28	\$27,093.01	\$28,383
\$22	\$19,674.21	\$20,431	\$27	\$24,562.21	\$25,586	\$30	\$28,383.01	\$29,673
\$23	\$20,430.91	\$21,188	\$28	\$25,585.64	\$26,609	\$32	\$29,673.01	\$30,964
\$24	\$21,187.61	\$21,944	\$30	\$26,609.06	\$27,632	\$34	\$30,964.01	\$32,254
\$26	\$21,944.31	\$22,701	\$31	\$27,632.49	\$28,656	\$36	\$32,254.01	\$33,544
\$27	\$22,701.01	\$23,458	\$33	\$28,655.91	\$29,679	\$38	\$33,544.01	\$34,834
\$28	\$23,457.71	\$24,214	\$35	\$29,679.34	\$30,703	\$40	\$34,834.01	\$36,124
\$30	\$24,214.41	\$24,971	\$36	\$30,702.76	\$31,726	\$42	\$36,124.01	\$37,414
\$31	\$24,971.11	\$25,728	\$38	\$31,726.19	\$32,750	\$44	\$37,414.01	\$38,705
\$32	\$25,727.81	\$26,485	\$40	\$32,749.61	\$33,773	\$46	\$38,705.01	\$39,995
\$34	\$26,484.51	\$27,241	\$42	\$33,773.04	\$34,796	\$48	\$39,995.01	\$41,285
\$35	\$27,241.21	\$27,998	\$44	\$34,796.46	\$35,820	\$51	\$41,285.01	\$42,575
\$37	\$27,997.91	\$28,755	\$46	\$35,819.89	\$36,843	\$53	\$42,575.01	\$43,865
\$38	\$28,754.61	\$29,511	\$48	\$36,843.31	\$37,867	\$55	\$43,865.01	\$45,155
\$40	\$29,511.31	\$30,268	\$50	\$37,866.74	\$38,890	\$58	\$45,155.01	\$46,445
	200% FPIG	\$25,760	\$52	\$38,890.16	\$39,914	\$60	\$46,445.01	\$47,736
			\$54	\$39,913.59	\$40,937	\$63	\$47,736.01	\$49,026
				200% FPIG	\$34,840	\$65	\$49,026.01	\$50,316
						\$68	\$50,316.01	\$51,606
							200% FPIG	\$43,920

<i>Weekly Co-pay</i>	<i>Family Size: 4 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 5 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 6 Annual Income</i>	
\$5	Less than:	\$9,341	\$5	Less than:	\$9,118	\$5	Less than:	\$8,361
\$7	\$9,341.01	\$10,898	\$6	\$9,118.01	\$10,942	\$6	\$8,361.01	\$10,452
\$8	\$10,898.01	\$12,455	\$8	\$10,942.01	\$12,765	\$7	\$10,452.01	\$12,542
\$9	\$12,455.01	\$14,012	\$9	\$12,765.01	\$14,589	\$9	\$12,542.01	\$14,632
\$11	\$14,012.01	\$15,569	\$11	\$14,589.01	\$16,412	\$11	\$14,632.01	\$16,723
\$13	\$15,569.01	\$17,126	\$13	\$16,412.01	\$18,236	\$13	\$16,723.01	\$18,813
\$14	\$17,126.01	\$18,683	\$15	\$18,236.01	\$20,060	\$15	\$18,813.01	\$20,903
\$16	\$18,683.01	\$20,239	\$17	\$20,060.01	\$21,883	\$17	\$20,903.01	\$22,994
\$18	\$20,239.01	\$21,796	\$19	\$21,883.01	\$23,707	\$19	\$22,994.01	\$25,084
\$19	\$21,796.01	\$23,353	\$21	\$23,707.01	\$25,530	\$21	\$25,084.01	\$27,174
\$21	\$23,353.01	\$24,910	\$23	\$25,530.01	\$27,354	\$24	\$27,174.01	\$29,265
\$23	\$24,910.01	\$26,467	\$25	\$27,354.01	\$29,178	\$26	\$29,265.01	\$31,355
\$25	\$26,467.01	\$28,024	\$27	\$29,178.01	\$31,001	\$29	\$31,355.01	\$33,445
\$27	\$28,024.01	\$29,581	\$30	\$31,001.01	\$32,825	\$31	\$33,445.01	\$35,536
\$29	\$29,581.01	\$31,138	\$32	\$32,825.01	\$34,648	\$34	\$35,536.01	\$37,626
\$32	\$31,138.01	\$32,694	\$35	\$34,648.01	\$36,472	\$37	\$37,626.01	\$39,716
\$34	\$32,694.01	\$34,251	\$37	\$36,472.01	\$38,296	\$40	\$39,716.01	\$41,807
\$36	\$34,251.01	\$35,808	\$40	\$38,296.01	\$40,119	\$42	\$41,807.01	\$43,897
\$38	\$35,808.01	\$37,365	\$42	\$40,119.01	\$41,943	\$45	\$43,897.01	\$45,987
\$41	\$37,365.01	\$38,922	\$45	\$41,943.01	\$43,766	\$48	\$45,987.01	\$48,077

<i>Weekly Co-pay</i>	<i>Family Size: 4 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 5 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 6 Annual Income</i>	
\$43	\$38,922.01	\$40,479	\$47	\$43,766.01	\$45,590	\$51	\$48,077.01	\$50,168
\$45	\$40,479.01	\$42,036	\$50	\$45,590.01	\$47,414	\$54	\$50,168.01	\$52,258
\$48	\$42,036.01	\$43,593	\$53	\$47,414.01	\$49,237	\$58	\$52,258.01	\$54,348
\$50	\$43,593.01	\$45,149	\$56	\$49,237.01	\$51,061	\$61	\$54,348.01	\$56,439
\$53	\$45,149.01	\$46,706	\$59	\$51,061.01	\$52,884	\$64	\$56,439.01	\$58,529
\$56	\$46,706.01	\$48,263	\$62	\$52,884.01	\$54,708	\$68	\$58,529.01	\$60,619
\$58	\$48,263.01	\$49,820	\$65	\$54,708.01	\$56,532	\$71	\$60,619.01	\$62,710
\$61	\$49,820.01	\$51,377	\$68	\$56,532.01	\$58,355	\$75	\$62,710.01	\$64,800
\$64	\$51,377.01	\$52,934	\$71	\$58,355.01	\$60,179	\$78	\$64,800.01	\$66,890
\$67	\$52,934.01	\$54,491	\$75	\$60,179.01	\$62,002	\$82	\$66,890.01	\$68,981
\$70	\$54,491.01	\$56,048	\$78	\$62,002.01	\$63,826	\$86	\$68,981.01	\$71,071
\$73	\$56,048.01	\$57,604	\$81	\$63,826.01	\$65,650	\$89	\$71,071.01	\$73,161
\$76	\$57,604.01	\$59,161	\$85	\$65,650.01	\$67,473	\$93	\$73,161.01	\$75,252
\$79	\$59,161.01	\$60,718	\$88	\$67,473.01	\$69,297	\$97	\$75,252.01	\$77,342
\$82	\$60,718.01	\$62,275	\$92	\$69,297.01	\$71,120	\$101	\$77,342.01	\$79,432
	200% FPIG	\$53,000	\$96	\$71,120.01	\$72,944	\$106	\$79,432.01	\$81,523
				200% FPIG	\$62,080	\$110	\$81,523.01	\$83,613
							200% FPIG	\$71,160

<i>Weekly Co-pay</i>	<i>Family Size: 7 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 8 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 9 Annual Income</i>	
\$5	Less than:	\$9,428	\$5	Less than:	\$10,495	\$5	Less than:	\$8,672
\$6	\$9,428.01	\$11,785	\$7	\$10,495.01	\$13,119	\$6	\$8,672.01	\$11,562
\$8	\$11,785.01	\$14,142	\$9	\$13,119.01	\$15,743	\$8	\$11,562.01	\$14,453
\$10	\$14,142.01	\$16,499	\$11	\$15,743.01	\$18,366	\$10	\$14,453.01	\$17,343
\$12	\$16,499.01	\$18,856	\$14	\$18,366.01	\$20,990	\$12	\$17,343.01	\$20,234
\$14	\$18,856.01	\$21,213	\$16	\$20,990.01	\$23,614	\$15	\$20,234.01	\$23,124
\$17	\$21,213.01	\$23,571	\$18	\$23,614.01	\$26,238	\$18	\$23,124.01	\$26,015
\$19	\$23,571.01	\$25,928	\$21	\$26,238.01	\$28,862	\$20	\$26,015.01	\$28,905
\$21	\$25,928.01	\$28,285	\$24	\$28,862.01	\$31,485	\$23	\$28,905.01	\$31,796
\$24	\$28,285.01	\$30,642	\$27	\$31,485.01	\$34,109	\$26	\$31,796.01	\$34,686
\$27	\$30,642.01	\$32,999	\$30	\$34,109.01	\$36,733	\$29	\$34,686.01	\$37,577
\$29	\$32,999.01	\$35,356	\$33	\$36,733.01	\$39,357	\$33	\$37,577.01	\$40,467
\$32	\$35,356.01	\$37,713	\$36	\$39,357.01	\$41,980	\$36	\$40,467.01	\$43,358
\$35	\$37,713.01	\$40,070	\$39	\$41,980.01	\$44,604	\$40	\$43,358.01	\$46,248
\$39	\$40,070.01	\$42,427	\$43	\$44,604.01	\$47,228	\$43	\$46,248.01	\$49,139
\$42	\$42,427.01	\$44,784	\$46	\$47,228.01	\$49,852	\$47	\$49,139.01	\$52,029
\$45	\$44,784.01	\$47,141	\$50	\$49,852.01	\$52,476	\$51	\$52,029.01	\$54,920
\$48	\$47,141.01	\$49,498	\$53	\$52,476.01	\$55,099	\$55	\$54,920.01	\$57,810
\$51	\$49,498.01	\$51,855	\$57	\$55,099.01	\$57,723	\$59	\$57,810.01	\$60,701
\$54	\$51,855.01	\$54,212	\$61	\$57,723.01	\$60,347	\$63	\$60,701.01	\$63,591
\$58	\$54,212.01	\$56,569	\$64	\$60,347.01	\$62,971	\$67	\$63,591.01	\$66,482
\$61	\$56,569.01	\$58,926	\$68	\$62,971.01	\$65,594	\$71	\$66,482.01	\$69,372
\$65	\$58,926.01	\$61,283	\$72	\$65,594.01	\$68,218	\$75	\$69,372.01	\$72,263
\$69	\$61,283.01	\$63,640	\$76	\$68,218.01	\$70,842	\$80	\$72,263.01	\$75,153
\$72	\$63,640.01	\$65,997	\$81	\$70,842.01	\$73,466	\$84	\$75,153.01	\$78,044
\$76	\$65,997.01	\$68,354	\$85	\$73,466.01	\$76,089	\$89	\$78,044.01	\$80,934
\$80	\$68,354.01	\$70,712	\$89	\$76,089.01	\$78,713	\$93	\$80,934.01	\$83,825

<i>Weekly Co-pay</i>	<i>Family Size: 7 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 8 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 9 Annual Income</i>	
\$84	\$70,712.01	\$73,069	\$94	\$78,713.01	\$81,337	\$98	\$83,825.01	\$86,715
\$88	\$73,069.01	\$75,426	\$98	\$81,337.01	\$83,961	\$103	\$86,715.01	\$89,606
\$92	\$75,426.01	\$77,783	\$103	\$83,961.01	\$86,585	\$108	\$89,606.01	\$92,496
\$97	\$77,783.01	\$80,140	\$107	\$86,585.01	\$89,208	\$113	\$92,496.01	\$95,387
\$101	\$80,140.01	\$82,497	\$112	\$89,208.01	\$91,832	\$118	\$95,387.01	\$98,277
\$105	\$82,497.01	\$84,854	\$117	\$91,832.01	\$94,456	\$124	\$98,277.01	\$101,168
\$110	\$84,854.01	\$87,211	\$122	\$94,456.01	\$97,080	\$129	\$101,168.01	\$104,058
\$114	\$87,211.01	\$89,568	\$127	\$97,080.01	\$99,703	\$135	\$104,058.01	\$106,949
\$119	\$89,568.01	\$91,925	\$132	\$99,703.01	\$102,327	\$140	\$106,949.01	\$109,839
\$124	\$91,925.01	\$94,282	\$138	\$102,327.01	\$104,951	\$146	\$109,839.01	\$112,730
	200% FPIG	\$80,240		200% FPIG	\$89,320	\$152	\$112,730.01	\$115,620
							200% FPIG	\$98,400

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 11 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 12 Annual Income</i>	
\$5	Less than:	\$9,472	\$5	Less than:	\$10,272	\$5	Less than:	\$11,072
\$6	\$9,472.01	\$12,629	\$7	\$10,272.01	\$13,696	\$7	\$11,072.01	\$14,763
\$8	\$12,629.01	\$15,786	\$9	\$13,696.01	\$17,120	\$10	\$14,763.01	\$18,453
\$11	\$15,786.01	\$18,943	\$12	\$17,120.01	\$20,544	\$13	\$18,453.01	\$22,144
\$14	\$18,943.01	\$22,101	\$15	\$20,544.01	\$23,968	\$16	\$22,144.01	\$25,835
\$16	\$22,101.01	\$25,258	\$18	\$23,968.01	\$27,392	\$19	\$25,835.01	\$29,525
\$19	\$25,258.01	\$28,415	\$21	\$27,392.01	\$30,816	\$22	\$29,525.01	\$33,216
\$22	\$28,415.01	\$31,572	\$24	\$30,816.01	\$34,240	\$26	\$33,216.01	\$36,907
\$25	\$31,572.01	\$34,729	\$28	\$34,240.01	\$37,663	\$30	\$36,907.01	\$40,597
\$29	\$34,729.01	\$37,887	\$31	\$37,663.01	\$41,087	\$34	\$40,597.01	\$44,288
\$32	\$37,887.01	\$41,044	\$35	\$41,087.01	\$44,511	\$38	\$44,288.01	\$47,979
\$36	\$41,044.01	\$44,201	\$39	\$44,511.01	\$47,935	\$42	\$47,979.01	\$51,669
\$40	\$44,201.01	\$47,358	\$43	\$47,935.01	\$51,359	\$46	\$51,669.01	\$55,360
\$43	\$47,358.01	\$50,516	\$47	\$51,359.01	\$54,783	\$51	\$55,360.01	\$59,051
\$47	\$50,516.01	\$53,673	\$51	\$54,783.01	\$58,207	\$55	\$59,051.01	\$62,741
\$52	\$53,673.01	\$56,830	\$56	\$58,207.01	\$61,631	\$60	\$62,741.01	\$66,432
\$56	\$56,830.01	\$59,987	\$60	\$61,631.01	\$65,055	\$65	\$66,432.01	\$70,123
\$60	\$59,987.01	\$63,145	\$65	\$65,055.01	\$68,479	\$70	\$70,123.01	\$73,814
\$64	\$63,145.01	\$66,302	\$69	\$68,479.01	\$71,903	\$75	\$73,814.01	\$77,504
\$68	\$66,302.01	\$69,459	\$74	\$71,903.01	\$75,327	\$80	\$77,504.01	\$81,195
\$73	\$69,459.01	\$72,616	\$79	\$75,327.01	\$78,751	\$85	\$81,195.01	\$84,886
\$77	\$72,616.01	\$75,773	\$84	\$78,751.01	\$82,175	\$91	\$84,886.01	\$88,576
\$82	\$75,773.01	\$78,931	\$89	\$82,175.01	\$85,599	\$96	\$88,576.01	\$92,267
\$87	\$78,931.01	\$82,088	\$94	\$85,599.01	\$89,023	\$102	\$92,267.01	\$95,958
\$92	\$82,088.01	\$85,245	\$100	\$89,023.01	\$92,447	\$107	\$95,958.01	\$99,648
\$97	\$85,245.01	\$88,402	\$105	\$92,447.01	\$95,871	\$113	\$99,648.01	\$103,339
\$102	\$88,402.01	\$91,560	\$111	\$95,871.01	\$99,295	\$119	\$103,339.01	\$107,030
\$107	\$91,560.01	\$94,717	\$116	\$99,295.01	\$102,719	\$125	\$107,030.01	\$110,720
\$113	\$94,717.01	\$97,874	\$122	\$102,719.01	\$106,142	\$132	\$110,720.01	\$114,411
\$118	\$97,874.01	\$101,031	\$128	\$106,142.01	\$109,566	\$138	\$114,411.01	\$118,102
\$124	\$101,031.01	\$104,188	\$134	\$109,566.01	\$112,990	\$145	\$118,102.01	\$121,792
\$129	\$104,188.01	\$107,346	\$140	\$112,990.01	\$116,414	\$151	\$121,792.01	\$125,483
\$135	\$107,346.01	\$110,503	\$147	\$116,414.01	\$119,838	\$158	\$125,483.01	\$129,174

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 11 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 12 Annual Income</i>	
\$141	\$110,503.01	\$113,660	\$153	\$119,838.01	\$123,262	\$165	\$129,174.01	\$132,864
\$147	\$113,660.01	\$116,817	\$159	\$123,262.01	\$126,686	\$172	\$132,864.01	\$136,555
\$153	\$116,817.01	\$119,975	\$166	\$126,686.01	\$130,110	\$179	\$136,555.01	\$140,246
\$159	\$119,975.01	\$123,132	\$173	\$130,110.01	\$133,534	\$186	\$140,246.01	\$143,936
\$166	\$123,132.01	\$126,289	\$180	\$133,534.01	\$136,958	\$194	\$143,936.01	\$147,627
	200% FPIG	\$107,480		200% FPIG	\$116,560		200% FPIG	\$125,640

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 14 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 15 Annual Income</i>	
\$5	Less than:	\$11,872	\$5	Less than:	\$12,672	\$5	Less than:	\$8,982
\$8	\$11,872.01	\$15,830	\$8	\$12,672.01	\$16,897	\$6	\$8,982.01	\$13,473
\$11	\$15,830.01	\$19,787	\$11	\$16,897.01	\$21,121	\$9	\$13,473.01	\$17,963
\$14	\$19,787.01	\$23,744	\$15	\$21,121.01	\$25,345	\$12	\$17,963.01	\$22,454
\$17	\$23,744.01	\$27,702	\$18	\$25,345.01	\$29,569	\$15	\$22,454.01	\$26,945
\$20	\$27,702.01	\$31,659	\$22	\$29,569.01	\$33,793	\$19	\$26,945.01	\$31,436
\$24	\$31,659.01	\$35,617	\$26	\$33,793.01	\$38,017	\$23	\$31,436.01	\$35,927
\$28	\$35,617.01	\$39,574	\$30	\$38,017.01	\$42,241	\$27	\$35,927.01	\$40,418
\$32	\$39,574.01	\$43,531	\$34	\$42,241.01	\$46,465	\$32	\$40,418.01	\$44,909
\$36	\$43,531.01	\$47,489	\$38	\$46,465.01	\$50,690	\$36	\$44,909.01	\$49,399
\$40	\$47,489.01	\$51,446	\$43	\$50,690.01	\$54,914	\$41	\$49,399.01	\$53,890
\$45	\$51,446.01	\$55,404	\$48	\$54,914.01	\$59,138	\$46	\$53,890.01	\$58,381
\$50	\$55,404.01	\$59,361	\$53	\$59,138.01	\$63,362	\$51	\$58,381.01	\$62,872
\$54	\$59,361.01	\$63,318	\$58	\$63,362.01	\$67,586	\$56	\$62,872.01	\$67,363
\$59	\$63,318.01	\$67,276	\$63	\$67,586.01	\$71,810	\$62	\$67,363.01	\$71,854
\$65	\$67,276.01	\$71,233	\$69	\$71,810.01	\$76,034	\$67	\$71,854.01	\$76,344
\$70	\$71,233.01	\$75,191	\$74	\$76,034.01	\$80,258	\$73	\$76,344.01	\$80,835
\$75	\$75,191.01	\$79,148	\$80	\$80,258.01	\$84,483	\$79	\$80,835.01	\$85,326
\$80	\$79,148.01	\$83,105	\$86	\$84,483.01	\$88,707	\$85	\$85,326.01	\$89,817
\$86	\$83,105.01	\$87,063	\$91	\$88,707.01	\$92,931	\$91	\$89,817.01	\$94,308
\$91	\$87,063.01	\$91,020	\$97	\$92,931.01	\$97,155	\$97	\$94,308.01	\$98,799
\$97	\$91,020.01	\$94,978	\$104	\$97,155.01	\$101,379	\$104	\$98,799.01	\$103,290
\$103	\$94,978.01	\$98,935	\$110	\$101,379.01	\$105,603	\$110	\$103,290.01	\$107,780
\$109	\$98,935.01	\$102,892	\$116	\$105,603.01	\$109,827	\$117	\$107,780.01	\$112,271
\$115	\$102,892.01	\$106,850	\$123	\$109,827.01	\$114,051	\$124	\$112,271.01	\$116,762
\$121	\$106,850.01	\$110,807	\$130	\$114,051.01	\$118,276	\$131	\$116,762.01	\$121,253
\$128	\$110,807.01	\$114,765	\$136	\$118,276.01	\$122,500	\$138	\$121,253.01	\$125,744
\$134	\$114,765.01	\$118,722	\$143	\$122,500.01	\$126,724	\$145	\$125,744.01	\$130,235
\$141	\$118,722.01	\$122,679	\$151	\$126,724.01	\$130,948	\$153	\$130,235.01	\$134,726
\$148	\$122,679.01	\$126,637	\$158	\$130,948.01	\$135,172	\$160	\$134,726.01	\$139,216
\$155	\$126,637.01	\$130,594	\$165	\$135,172.01	\$139,396	\$168	\$139,216.01	\$143,707
\$162	\$130,594.01	\$134,552	\$173	\$139,396.01	\$143,620	\$176	\$143,707.01	\$148,198
\$169	\$134,552.01	\$138,509	\$181	\$143,620.01	\$147,844	\$184	\$148,198.01	\$152,689
\$177	\$138,509.01	\$142,466	\$189	\$147,844.01	\$152,069	\$192	\$152,689.01	\$157,180
\$184	\$142,466.01	\$146,424	\$197	\$152,069.01	\$156,293	\$201	\$157,180.01	\$161,671
\$192	\$146,424.01	\$150,381	\$205	\$156,293.01	\$160,517	\$209	\$161,671.01	\$166,161
\$200	\$150,381.01	\$154,339	\$213	\$160,517.01	\$164,741	\$218	\$166,161.01	\$170,652
\$208	\$154,339.01	\$158,296	\$222	\$164,741.01	\$168,965	\$227	\$170,652.01	\$175,143
	200% FPIG	\$134,720		200% FPIG	\$143,800	\$236	\$175,143.01	\$179,634

RULES AND REGULATIONS

7891

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 14 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 15 Annual Income</i>	
							200% FPIG	\$152,880

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 17 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 18 Annual Income</i>	
\$5	Less than:	\$9,515	\$5	Less than:	\$10,049	\$5	Less than:	\$10,582
\$6	\$9,515.01	\$14,273	\$6	\$10,049.01	\$15,073	\$7	\$10,582.01	\$15,873
\$9	\$14,273.01	\$19,030	\$10	\$15,073.01	\$20,097	\$10	\$15,873.01	\$21,164
\$13	\$19,030.01	\$23,788	\$13	\$20,097.01	\$25,122	\$14	\$21,164.01	\$26,455
\$16	\$23,788.01	\$28,545	\$17	\$25,122.01	\$30,146	\$18	\$26,455.01	\$31,746
\$20	\$28,545.01	\$33,303	\$21	\$30,146.01	\$35,170	\$23	\$31,746.01	\$37,037
\$24	\$33,303.01	\$38,061	\$26	\$35,170.01	\$40,194	\$27	\$37,037.01	\$42,328
\$29	\$38,061.01	\$42,818	\$30	\$40,194.01	\$45,219	\$32	\$42,328.01	\$47,619
\$33	\$42,818.01	\$47,576	\$35	\$45,219.01	\$50,243	\$37	\$47,619.01	\$52,910
\$38	\$47,576.01	\$52,333	\$40	\$50,243.01	\$55,267	\$42	\$52,910.01	\$58,201
\$43	\$52,333.01	\$57,091	\$46	\$55,267.01	\$60,292	\$48	\$58,201.01	\$63,492
\$48	\$57,091.01	\$61,848	\$51	\$60,292.01	\$65,316	\$54	\$63,492.01	\$68,783
\$54	\$61,848.01	\$66,606	\$57	\$65,316.01	\$70,340	\$60	\$68,783.01	\$74,074
\$60	\$66,606.01	\$71,364	\$63	\$70,340.01	\$75,365	\$66	\$74,074.01	\$79,365
\$65	\$71,364.01	\$76,121	\$69	\$75,365.01	\$80,389	\$73	\$79,365.01	\$84,656
\$71	\$76,121.01	\$80,879	\$75	\$80,389.01	\$85,413	\$79	\$84,656.01	\$89,947
\$78	\$80,879.01	\$85,636	\$82	\$85,413.01	\$90,437	\$86	\$89,947.01	\$95,238
\$84	\$85,636.01	\$90,394	\$89	\$90,437.01	\$95,462	\$93	\$95,238.01	\$100,529
\$90	\$90,394.01	\$95,152	\$95	\$95,462.01	\$100,486	\$100	\$100,529.01	\$105,821
\$96	\$95,152.01	\$99,909	\$102	\$100,486.01	\$105,510	\$107	\$105,821.01	\$111,112
\$103	\$99,909.01	\$104,667	\$109	\$105,510.01	\$110,535	\$115	\$111,112.01	\$116,403
\$110	\$104,667.01	\$109,424	\$116	\$110,535.01	\$115,559	\$122	\$116,403.01	\$121,694
\$117	\$109,424.01	\$114,182	\$123	\$115,559.01	\$120,583	\$130	\$121,694.01	\$126,985
\$124	\$114,182.01	\$118,939	\$131	\$120,583.01	\$125,608	\$138	\$126,985.01	\$132,276
\$131	\$118,939.01	\$123,697	\$138	\$125,608.01	\$130,632	\$146	\$132,276.01	\$137,567
\$138	\$123,697.01	\$128,455	\$146	\$130,632.01	\$135,656	\$154	\$137,567.01	\$142,858
\$146	\$128,455.01	\$133,212	\$154	\$135,656.01	\$140,680	\$162	\$142,858.01	\$148,149
\$154	\$133,212.01	\$137,970	\$162	\$140,680.01	\$145,705	\$171	\$148,149.01	\$153,440
\$162	\$137,970.01	\$142,727	\$171	\$145,705.01	\$150,729	\$180	\$153,440.01	\$158,731
\$170	\$142,727.01	\$147,485	\$179	\$150,729.01	\$155,753	\$189	\$158,731.01	\$164,022
\$178	\$147,485.01	\$152,242	\$188	\$155,753.01	\$160,778	\$198	\$164,022.01	\$169,313
\$186	\$152,242.01	\$157,000	\$197	\$160,778.01	\$165,802	\$207	\$169,313.01	\$174,604
\$195	\$157,000.01	\$161,758	\$206	\$165,802.01	\$170,826	\$217	\$174,604.01	\$179,895
\$204	\$161,758.01	\$166,515	\$215	\$170,826.01	\$175,851	\$226	\$179,895.01	\$185,186
\$213	\$166,515.01	\$171,273	\$224	\$175,851.01	\$180,875	\$236	\$185,186.01	\$190,477
\$222	\$171,273.01	\$176,030	\$234	\$180,875.01	\$185,899	\$246	\$190,477.01	\$195,768
\$231	\$176,030.01	\$180,788	\$244	\$185,899.01	\$190,923	\$257	\$195,768.01	\$201,059
\$240	\$180,788.01	\$185,545	\$254	\$190,923.01	\$195,948	\$267	\$201,059.01	\$206,350
\$250	\$185,545.01	\$190,303	\$264	\$195,948.01	\$200,972	\$278	\$206,350.01	\$211,641
	200% FPIG	\$161,960		200% FPIG	\$171,040		200% FPIG	\$180,120

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 20 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 21 Annual Income</i>	
\$5	Less than:	\$11,116	\$5	Less than:	\$11,649	\$5	Less than:	\$12,182
\$7	\$11,116.01	\$16,673	\$7	\$11,649.01	\$17,473	\$8	\$12,182.01	\$18,274
\$11	\$16,673.01	\$22,231	\$11	\$17,473.01	\$23,298	\$12	\$18,274.01	\$24,365
\$15	\$22,231.01	\$27,789	\$16	\$23,298.01	\$29,122	\$16	\$24,365.01	\$30,456
\$19	\$27,789.01	\$33,347	\$20	\$29,122.01	\$34,947	\$21	\$30,456.01	\$36,547
\$24	\$33,347.01	\$38,904	\$25	\$34,947.01	\$40,771	\$26	\$36,547.01	\$42,638
\$29	\$38,904.01	\$44,462	\$30	\$40,771.01	\$46,596	\$31	\$42,638.01	\$48,730
\$34	\$44,462.01	\$50,020	\$35	\$46,596.01	\$52,420	\$37	\$48,730.01	\$54,821
\$39	\$50,020.01	\$55,578	\$41	\$52,420.01	\$58,245	\$43	\$54,821.01	\$60,912
\$45	\$55,578.01	\$61,135	\$47	\$58,245.01	\$64,069	\$49	\$60,912.01	\$67,003
\$50	\$61,135.01	\$66,693	\$53	\$64,069.01	\$69,894	\$55	\$67,003.01	\$73,094
\$57	\$66,693.01	\$72,251	\$59	\$69,894.01	\$75,718	\$62	\$73,094.01	\$79,186
\$63	\$72,251.01	\$77,809	\$66	\$75,718.01	\$81,543	\$69	\$79,186.01	\$85,277
\$70	\$77,809.01	\$83,366	\$73	\$81,543.01	\$87,367	\$76	\$85,277.01	\$91,368
\$76	\$83,366.01	\$88,924	\$80	\$87,367.01	\$93,192	\$84	\$91,368.01	\$97,459
\$83	\$88,924.01	\$94,482	\$87	\$93,192.01	\$99,016	\$92	\$97,459.01	\$103,550
\$91	\$94,482.01	\$100,040	\$95	\$99,016.01	\$104,841	\$100	\$103,550.01	\$109,642
\$98	\$100,040.01	\$105,597	\$103	\$104,841.01	\$110,665	\$107	\$109,642.01	\$115,733
\$105	\$105,597.01	\$111,155	\$110	\$110,665.01	\$116,490	\$115	\$115,733.01	\$121,824
\$113	\$111,155.01	\$116,713	\$118	\$116,490.01	\$122,314	\$124	\$121,824.01	\$127,915
\$120	\$116,713.01	\$122,271	\$126	\$122,314.01	\$128,138	\$132	\$127,915.01	\$134,006
\$128	\$122,271.01	\$127,828	\$134	\$128,138.01	\$133,963	\$141	\$134,006.01	\$140,098
\$136	\$127,828.01	\$133,386	\$143	\$133,963.01	\$139,787	\$149	\$140,098.01	\$146,189
\$145	\$133,386.01	\$138,944	\$152	\$139,787.01	\$145,612	\$158	\$146,189.01	\$152,280
\$153	\$138,944.01	\$144,502	\$160	\$145,612.01	\$151,436	\$168	\$152,280.01	\$158,371
\$162	\$144,502.01	\$150,059	\$169	\$151,436.01	\$157,261	\$177	\$158,371.01	\$164,462
\$171	\$150,059.01	\$155,617	\$179	\$157,261.01	\$163,085	\$187	\$164,462.01	\$170,554
\$180	\$155,617.01	\$161,175	\$188	\$163,085.01	\$168,910	\$197	\$170,554.01	\$176,645
\$189	\$161,175.01	\$166,733	\$198	\$168,910.01	\$174,734	\$207	\$176,645.01	\$182,736
\$198	\$166,733.01	\$172,290	\$208	\$174,734.01	\$180,559	\$217	\$182,736.01	\$188,827
\$208	\$172,290.01	\$177,848	\$218	\$180,559.01	\$186,383	\$228	\$188,827.01	\$194,918
\$218	\$177,848.01	\$183,406	\$228	\$186,383.01	\$192,208	\$239	\$194,918.01	\$201,010
\$228	\$183,406.01	\$188,964	\$239	\$192,208.01	\$198,032	\$250	\$201,010.01	\$207,101
\$238	\$188,964.01	\$194,521	\$249	\$198,032.01	\$203,857	\$261	\$207,101.01	\$213,192
\$248	\$194,521.01	\$200,079	\$260	\$203,857.01	\$209,681	\$272	\$213,192.01	\$219,283
\$259	\$200,079.01	\$205,637	\$271	\$209,681.01	\$215,506	\$284	\$219,283.01	\$225,374
\$270	\$205,637.01	\$211,195	\$283	\$215,506.01	\$221,330	\$296	\$225,374.01	\$231,466
\$281	\$211,195.01	\$216,752	\$294	\$221,330.01	\$227,155	\$308	\$231,466.01	\$237,557
\$292	\$216,752.01	\$222,310	\$306	\$227,155.01	\$232,979	\$320	\$237,557.01	\$243,648
	200% FPIG	\$189,200		200% FPIG	\$198,280		200% FPIG	\$207,360

APPENDIX C

Stepparent Deduction Chart

<i>County of residence</i>	<i>Family composition / size</i>					
	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>Each additional person</i>
Adams, Allegheny, Berks, Blair, Bradford, Butler, Centre, Columbia, Crawford, Cumberland, Dauphin, Delaware, Erie, Lackawanna, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Philadelphia, Sullivan, Susquehanna, Union, Warren, Wayne, Westmoreland, Wyoming and York	\$461	\$587	\$724	\$859	\$976	\$121
Armstrong, Bedford, Cambria, Clarion, Clearfield, Fayette, Forest, Fulton, Greene, Huntingdon, Jefferson, Juniata, Northumberland, Schuylkill and Somerset	\$406	\$532	\$662	\$791	\$894	\$121
Beaver, Cameron, Carbon, Clinton, Elk, Franklin, Indiana, Lawrence, McKean, Mercer, Mifflin, Perry, Potter, Snyder, Tioga, Venango and Washington	\$444	\$573	\$698	\$829	\$943	\$121
Bucks, Chester, Lancaster, Montgomery and Pike	\$481	\$614	\$749	\$885	\$1,001	\$121

[Pa.B. Doc. No. 23-1752. Filed for public inspection December 15, 2023, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF COSMETOLOGY

[49 PA. CODE CH. 7]

Practice of Massage Therapy in Cosmetology or Esthetician Salons

The State Board of Cosmetology (Board) proposes to add § 7.150 (relating to practice of massage therapy in cosmetology or esthetician salons) 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

The act of September 24, 2014 (P.L. 2476, No. 136) amended the act of May 3, 1933 (P.L. 242, No. 86) referred to as the Cosmetology Law (act) (63 P.S. §§ 507—527), by adding section 9.3 to the act (63 P.S. § 515.3) allowing for the practice of massage therapy within the licensed square footage of a cosmetology or esthetician salon. Section 9.3(d) of the act requires the Board and the State Board of Massage Therapy to jointly promulgate final regulations to carry out the provisions of section 9.3.

Background and Purpose

Section 9.3(a) of the act permits an individual licensed under the Massage Therapy Law (63 P.S. §§ 627.1—627.50), to practice massage therapy within the approved premises of a licensed cosmetology salon or a licensed esthetician salon if: (1) the massage therapy licensee is the owner of or employed by the salon and is not an independent contractor; (2) the massage therapist practices in accordance with the act and the Massage Therapy Law; and (3) the salon owner provides an appropriate level of privacy for clients. Section 9.3(a)(3)(i) and (ii) of the act further provides that no physical barrier is required when the massage therapist is performing services that a cosmetologist or esthetician could perform; however, should the services exceed those within the scope of cosmetology or esthetics, a separate room with permanent walls and doors must be utilized. Section 9.3(a)(3)(iii) of the act further provides that an esthetician may provide services in the separate room that is designated for massage therapy services, so long as the cosmetologist or esthetician and massage therapist are not providing services concurrently.

Under section 9.3(b) of the act, a licensee is subject to inspection by the Board and the State Board of Massage Therapy. A licensee who violates the act or the Massage Therapy Law shall be subject to discipline by the licensee's applicable licensing board. Section 9.3 of the act immediately permitted the practice of massage therapy within the licensed square footage of a cosmetology or esthetician salon. For the most part, the amendments to the act were self-executing. The purpose of the Board's joint regulations with the State Board of Massage Therapy is to clarify standards for the practice of massage therapy in cosmetology or esthetician salons, but it was not immediately clear what provisions required clarification and amendments to the regulations. The Board and the State Board of Massage Therapy worked together in determining and drafting the joint regulations and received input from regulated communities. The Board

and the State Board of Massage Therapy agreed to promulgate regulations to address appropriate levels of privacy while practicing massage therapy and minimum size requirements for the separate massage therapy room.

Prior to the enactment of section 9.3 of the act, a patron wishing to receive services from a massage therapist and an esthetician would have to move from one room (a room considered not to be within the licensed square footage of the salon) to another room (a room considered to be within the licensed square footage of the salon) for each of the requested services. This process was found to be aversive to the relaxing environment facilities were attempting to provide for their clients. The purpose of section 9.3 of the act is to allow for the practice of massage therapy within the licensed square footage of a cosmetology or esthetician salon. With the enactment of section 9.3(a)(3)(iii) of the act, a patron can receive massage therapy and esthetic services all within one room. This proposed rulemaking sets forth the requirements for practicing massage therapy in a cosmetology or esthetician salon. The State Board of Massage Therapy is similarly updating its regulations to clarify the standards for massage therapy in its salons and to ensure consistency between the standards of the Board and the State Board of Massage Therapy.

Description of the Proposed Amendments

The Board proposes to add § 7.150 to set forth the standards for practicing massage therapy within a cosmetology or esthetician salon under section 9.3 of the act. Subsection (a) would set forth the conditions that must be met to practice massage therapy within a cosmetology or esthetician salon, as required by section 9.3(a) of the act. Subsection (a)(1) would provide that the massage therapy licensee must be the owner of the salon or employed by the salon and is not an independent contractor as required by section 9.3(a)(1) of the act. Subsection (a)(2) would provide that the massage therapist would be required to practice in accordance with this section, Chapter 20 (relating to State Board of Massage Therapy), the act and the Massage Therapy Law. Subsection (a)(2)(i) provides that the salon owner may only employ a massage therapist who is currently licensed by the State Board of Massage Therapy. The subsection further provides that the salon owner is responsible to ensure each massage therapist employed by the salon complies with this section, Chapter 20, the act and the Massage Therapy Law. Subsection (a)(2)(ii) provides that the massage therapist who is the owner of the salon shall comply with regulations applicable to salon owners as set forth in the Board's regulations in §§ 7.50—7.66 (relating to licensure and management of salons).

Subsection (a)(3) requires that a salon owner provide an appropriate level of privacy for clients. Subsection (a)(3)(i)(A) and (B) clarifies that when a massage therapist is practicing in a separate massage therapy room of the salon, or in the areas of the salon used for cosmetology or esthetics, the massage therapist is practicing in the licensed square footage of the salon. Furthermore, subsection (a)(3)(i)(A) and (B) clarifies what services require a separate massage therapy room by specifically listing the massage services that do not require the use of physical barriers. The Board's proposed regulation reflects section 9.3(a)(3)(i) of the act which provides that no physical barriers separating the areas used for massage therapy from the areas used for cosmetology or esthetics,

as defined in section 1 of the act (63 P.S. § 507), shall be required when a massage therapist performs massage services that a cosmetologist or esthetician is authorized to perform. Subsection (a)(3)(ii) clarifies that when a massage therapist is practicing in a separate massage therapy room of the salon, the massage therapist is practicing in the licensed square footage of the salon. Furthermore, subsection (a)(3)(ii) requires that a salon owner provide separate massage therapy rooms with permanent walls and doors to ensure privacy for clients receiving massage services from a massage therapist when the services are beyond the practice of cosmetology or esthetics, as required by section 9.3(a)(3)(i) of the act.

Subsection (a)(3)(ii)(A)—(C) sets forth standards for separate massage therapy rooms. Subsection (a)(3)(ii)(A) requires that massage therapy rooms be a minimum of 120 square feet in size, which is a generally accepted industry standard based on the size of a standard massage table (73 inches × 30 inches) and allows room for a massage therapist to safely maneuver around it (approximately 3 to 4 feet on each side of the table). The Board feels this requirement is necessary because § 7.76(a) (relating to floor space) requires an “additional area of at least 60 square feet. . .for each additional licensee in the salon.” Accordingly, it is likely that salon owners unfamiliar with the practice of massage therapy will expect massage therapists to perform massage therapy in rooms designed for the practice of cosmetology or esthetician services (that is, rooms with little more than 60 square feet in size). A 60-square-foot room does not provide a massage therapist sufficient room to safely maneuver around a standard-sized massage table and keep the necessary supplies at hand. Additionally, massage therapy clients are often asked to position their arms at a 90-degree angle to the body, and the massage therapist must safely maneuver around the client’s outstretched arms. Moreover, clients are typically expected to use the massage therapy room to disrobe and transition to the massage therapy table. Accordingly, massage therapy rooms frequently include a chair, as well as clothing storage such as clothing hooks or a shelving unit. It would be a safety risk to expect a massage therapist to safely perform massage therapy multiple times a day in any room smaller than 120 square feet. Accordingly, after discussing this issue at public board meetings, and reaching an agreement with the State Board of Massage Therapy, the Board is of the opinion that a minimum room size of 120 square feet is appropriate.

Subsection (a)(3)(ii)(B) discusses the storage of linens or other supplies used by a massage therapist in a salon. Sections 7.71a—7.71c (relating to equipment and supplies for esthetician salon; equipment and supplies for a nail technology salon; and equipment and supplies for a natural hair braiding salon) set minimum standards for equipment and supplies, detailing what must be available to licensees, and where linens must be stored. Being that massage therapists working in salons will be required to adhere to both State Board of Massage Therapy regulations and the Board’s regulations, the Board believes that it must clarify where massage therapists may store linens and other supplies. Accordingly, subsection (a)(3)(ii)(B) allows the massage therapist to store linens or other supplies used for massage therapy in the massage therapy room or in the salon in a space designated by the salon owner.

Subsection (a)(3)(ii)(C) states esthetician services may be provided in the massage therapy room, so long as

esthetician services were not provided concurrent to the massage therapy services, as required by section 9.3(a)(3)(iii) of the act.

Subsection (b) requires a massage therapist practicing massage therapy within the approved premises of a salon to practice in accordance with the act and correlating regulations, the State Board of Massage Therapy’s regulations and the Massage Therapy Law, as required by section 9.3(a)(2) of the act.

Subsection (c) states that a massage therapist practicing in accordance with section 9.3 of the act would be subject to inspection by both the Board and the State Board of Massage Therapy, as required by section 9.3(b) of the act.

Subsection (d) states that a massage therapist practicing in a salon, who violates the act or the Massage Therapy Law, is subject to discipline by the State Board of Massage Therapy, as required by section 9.3(c) of the act.

Fiscal Impact and Paperwork Requirements

There will not be a negative fiscal impact on licensees or the Board. Section 9.3 of the act was added September 24, 2014, and permitted the practice of massage therapy within the licensed square footage of a cosmetology or esthetician salon as of November 24, 2014. The Board does not track how many massage therapists work in salons. However, it is unlikely that any significant number of massage therapists have been practicing in rooms smaller than 120 square feet because the practice of massage therapy in any room smaller than 120 square feet would be difficult and potentially dangerous. However, the small number of massage therapists who may be currently working in rooms smaller than 120 square feet will have to find a way to comply with the proposed regulation. For the reasons explained in this preamble, it is in the public interest to require that massage therapy be performed in a room large enough to accommodate all that is required.

While section 9.3(b) of the act indicates that massage therapists practicing in salons are subject to inspection by the Board and the State Board of Massage Therapy, the Board currently conducts these inspections, while the State Board of Massage Therapy does not. Accordingly, the Board’s fees are structured to allow for these inspections.

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 December 4, 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 chairperson of the Consumer Protection and Professional Licensure Committee of the Senate and the chairperson of the Professional Licensure Committee of the House of Representatives. 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 of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review

Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commissioner, 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, Department of State, 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-4518 (massage therapy in cosmetology or esthetician salons).

TAMMY O'NEIL,
Chairperson

Fiscal Note: 16A-4518. 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 7. STATE BOARD OF COSMETOLOGY

PRACTICE OF MASSAGE THERAPY IN COSMETOLOGY OR ESTHETICIAN SALONS

(*Editor's Note:* Section 7.150 is proposed to be added and is printed in regular type to enhance readability.)

§ 7.150. Practice of massage therapy in cosmetology or esthetician salons.

(a) A massage therapist licensed under the act of October 9, 2008 (P.L. 1438, No. 118) (63 P.S. §§ 627.1—627.50), referred to as the Massage Therapy Law, is permitted to practice massage therapy within the approved premises of a licensed cosmetology salon or a licensed esthetician salon if all of the following conditions are met:

(1) The massage therapy licensee is the owner of or employed by the salon and is not an independent contractor.

(2) The massage therapist practices in accordance with this section, Chapter 20 (relating to State Board of Massage Therapy), the act and the Massage Therapy Law. The following apply:

(i) The salon owner may only employ a massage therapist who is currently licensed by the State Board of Massage Therapy. The salon owner is responsible to ensure each massage therapist employed by the salon complies with this section, Chapter 20, the act and the Massage Therapy Law.

(ii) A massage therapist who is the owner of the salon shall comply with all of the regulations applicable to salon owners set forth in §§ 7.50—7.66 (relating to licensure and management of salons).

(3) The salon owner provides an appropriate level of privacy for clients in accordance with all of the following:

(i) *Massage therapy services within the scope of practice of the Cosmetology Law.* When a massage therapist is practicing in a separate massage therapy room of the salon or in the areas of the salon used for cosmetology or esthetics, the massage therapist is practicing in the licensed square footage of the salon. Physical barriers

separating the areas used for massage therapy services from the areas used for cosmetology or esthetics are not required when a massage therapist provides massage therapy services that are within the scope of practice of cosmetology as defined in § 7.1 (relating to definitions) as follows:

(A) Massage therapy services of the scalp, face, arms or hands, or the upper part of the body.

(B) Massage therapy services of the feet or the lower legs of an individual up to the individual's knee.

(ii) *Massage therapy services beyond the scope of practice of the Cosmetology Law.* When a massage therapist is practicing in a separate massage therapy room of the salon, the massage therapist is practicing in the licensed square footage of the salon. A salon owner shall provide separate massage therapy rooms with permanent walls and doors to ensure privacy for clients receiving massage therapy services from a massage therapist when the massage therapy services are beyond the scope of practice of cosmetology or esthetics as provided in § 7.1. The following apply:

(A) The size of the separate massage therapy room must be a minimum of 120 square feet.

(B) The massage therapist may store linens or other supplies in the separate room provided or in the salon in a space designated by the salon owner.

(C) Esthetician services may be provided to a client in the same room where the client receives massage therapy, provided these services are not performed concurrently.

(b) A massage therapist providing massage therapy services within the approved premises of a salon shall practice in accordance with the act, this chapter and the Massage Therapy Law.

(c) A massage therapist providing massage therapy services within the approved premises of a salon is subject to inspection by the State Board of Massage Therapy and the board.

(d) A massage therapist providing massage therapy services within the approved premises of a salon who violates this section, the act or the Massage Therapy Law is subject to discipline by the State Board of Massage Therapy.

[Pa.B. Doc. No. 23-1753. Filed for public inspection December 15, 2023, 9:00 a.m.]

STATE BOARD OF MEDICINE

[49 PA. CODE CH. 18]

Physician Assistants

The State Board of Medicine (Board) proposes to amend Chapter 18, Subchapter D (relating to physician assistants) to read as set forth in Annex A. Specifically, the Board proposes amendments to §§ 18.122, 18.141—18.144, 18.151—18.154, 18.156—18.159, 18.161, 18.162, 18.171 and 18.172. The Board also proposes to delete § 18.155 (relating to satellite locations).

Effective Date

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

Statutory Authority

The primary statutory authority for this proposed rulemaking is the act of October 7, 2021 (P.L. 418, No. 79) (Act 79), which amended section 13 of the Medical Practice Act of 1985 (act) (63 P.S. § 422.13) by removing certain restrictions on physician assistant practice to provide greater autonomy in the practice of the profession. Under section 4 of Act 79, the Board is authorized to promulgate regulations necessary to carry out the act.

Section 13(c) of the act authorizes the Board to promulgate regulations which define the services and circumstances under which a physician assistant may perform a medical service.

Section 8 of the act (63 P.S. § 422.8) authorizes the Board to adopt these regulations as are reasonably necessary to carry out the purposes of the act, including the licensure of physician assistants.

Background and Need for Amendments

This proposed rulemaking is needed to effectuate Act 79 which is meant to help physician assistants work and practice with increased efficiency in this Commonwealth, which is one of the premier states for physician assistant education with more than 20 physician assistant programs offered in this Commonwealth. While many physician assistants receive their education in this Commonwealth, prior legislation made it less appealing for physician assistants to stay and practice in this Commonwealth. Act 79 modernizes physician assistant practice in this Commonwealth by (1) placing a physician assistant on the Board with a permanent seat, (2) removing the requirement that a supervising physician countersign 100% of the patient files, (3) allowing all written agreements between physicians and physician assistants to be “filed” with the Board instead of “approved” by the Board, (4) outlining appropriate supervision requirements based on the needs of the physicians, physician assistants and overall health care system and (5) increasing the number of physician assistants a supervising physician may have primary responsibility over from four to six physician assistants.

Description of Proposed Amendments

The Board proposes comprehensive amendments to Chapter 18, Subchapter D to update the regulations to reflect current practices and to incorporate the changes made to the act by Act 79.

In § 18.122 (relating to definitions), the Board proposes to amend several definitions as follows:

The definition of “ARC-PA” is proposed to be amended to include the complete formal name of the Accreditation Review Commission on Education for Physician Assistants.

This proposed regulation creates a definition for “health care facility” to mirror the definition of “health care facility” as defined in section 103 of the Health Care Facilities Act (35 P.S. § 448.103). The act references both health care facilities and the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b) but this term is not defined in the Board’s regulations. The existing regulations refer only to hospital and medical facility which is not inclusive of all licensed facilities under the Health Care Facilities Act in which a physician assistant may work.

The definition of “medical care facility” is proposed to be deleted in its entirety. The act does not define or even refer to a medical care facility. The act refers only to a

health care facility as defined by the Health Care Facilities Act. To make the regulations consistent with the act, the term “medical care facility” will be replaced throughout the regulations with the term “health care facility.”

The definition of “order” is proposed to be amended to delete the requirement that onsite administration of a drug be limited to a hospital, medical care facility or office setting. The existing language is meant to encompass all practice locations in which a physician assistant might administer a drug; however, this language is outdated. Currently, physician assistants practice in, and administer drugs onsite in, more locations than hospitals, medical care facilities or office settings. There may be scenarios where a physician assistant administers a drug at a sporting event, a pop-up clinic or in a pharmacy. The deletion of the reference to a hospital, medical care facility and office setting will allow the definition to apply in all onsite settings in which a drug may be administered onsite by a physician assistant.

The definition of “physician assistant program” proposes to be amended to remove the requirement that the training and education program for physician assistants be recognized by the Board “and” accredited by the CAHEA, the CAAHEP, ARC-PA or a successor agency. The Board has already approved training and education programs accredited by CAHEA, the CAAHEP or ARC-PA so the requirement for Board recognition is redundant. Instead, the proposed language changes “and” to “or” so that the Board will have the authority to approve new accrediting organizations that are not successor organizations of CAHEA, the CAAHEP or ARC-PA.

The definition of “prescription” is proposed to be updated to current practice by allowing the prescribing to be done electronically since that is how most prescribing presently occurs. Without this amendment, electronic orders for a drug or device would not fall into the definition of “prescription” which could result in the argument being made that the prescribing regulations in §§ 18.151 and 18.158 (relating to role of physician assistant; and prescribing and dispensing drugs, pharmaceutical aids and devices) do not apply. To prevent this, the word “electronic” is proposed to be included in the regulations so that all forms of prescribing are included.

The definition of “primary supervising physician” is proposed to be amended to delete the reference to “directing and personally” supervising consistent with Act 79.

This proposed rulemaking deletes the definition of “satellite location” because it is no longer relevant to the Board’s regulations with the enactment of Act 79. The proposed deletion of the term “directing and personally supervising” from the definition of “primary supervising physician” eliminates the basis on which satellite office approval is required. The need for onsite presence on a fixed schedule was the only distinction between a satellite location and a primary practice location.

This proposed rulemaking defines “scope of practice” because Act 79 refers to the term “scope of practice” but does not define its meaning. The proposed definition reflects the role of the physician assistant as set forth in § 18.151(b) and limits the scope of practice of the physician assistant to medical services as set forth in the written agreement. The terms “medical services” and “skills, training and experience” are used in the definition of “scope of practice” because they are consistent with the existing language in § 18.151(b).

The definition of “substitute supervising physician” is proposed to be amended to clarify that the substitute

supervising physician is either designated in a written agreement on file with the Board or kept on file at the practice location where the physician assistant is rendering services. The Board does not think it is necessary to designate all substitute physicians in the written agreement. It is a cumbersome and overly burdensome requirement, and the Board proposes to simplify this reporting requirement.

The definition of "supervising physician" is proposed to be amended to clarify that the physician assistant may serve a primary supervising physician and one or more substitute supervising physicians as long as at least one substitute supervising physician is named in the written agreement on file with the Board. A substitute supervising physician must either be named in the written agreement on file with the Board or the relationship as a substitute supervising physician must be maintained at the practice location where the physician assistant practices. The term supervising physician refers to both the primary supervising physician and any of the substitute supervising physicians.

The definition of "supervision" is proposed to be amended to delete the requirement that the supervising physician has "personal direction" over the physician assistant. This proposed amendment reflects the language of Act 79 which deletes the requirement that the supervising physician "directly and personally" supervise a physician assistant. Subsection (i) is proposed to be further amended to delete the phrase "by radio, telephone or other telecommunications device" when referring to how a supervising physician and physician assistant may be in contact with each other. The terms that are proposed to be deleted are outdated and do not cover all the ways in which a physician assistant and supervising physician may contact each other. Furthermore, it is not necessary to list all means of communication in the regulation. In subsection (ii)(A), the term "active and continuing" is proposed to be deleted since the written agreement will outline the degree of oversight the supervising physician will have over the physician assistant. Phrases related to "personal" review are deleted in subsection (ii)(C) consistent with Act 79. Finally, this proposed rulemaking deletes reference to the review of patient records being done within 10 days and instead requires the supervising physician to review patient records in accordance with § 18.142(2) (relating to written agreements). Section 18.142(2) requires the primary or substitute supervising physician to countersign the patient record as required by Act 79. The relevant language of Act 79 allows the supervising physician to determine countersignature requirements except for when the physician assistant is practicing in the first 12 months post-graduation or the first 12 months practicing in a new specialty. In those two scenarios, the supervising physician must countersign 100% of the patient records.

This proposed rulemaking defines the term "unable to supervise" to designate when the physician assistant may provide services to a substitute supervising physician. It is important to note that the primary supervising physician does not have to be physically unable to supervise for the physician assistant to serve a substitute which was not clear in the current language of the regulations.

The definition of "written agreement" is proposed to be amended to clarify that it is an agreement between the physician assistant and the primary supervising physician. While substitute supervising physicians may be named in the written agreement, the agreement is only signed by the primary supervising physician and the physician assistant.

Section 18.141(2) (relating to criteria for licensure as a physician assistant) is proposed to be amended to require that approved physician assistant programs be accredited as provided for in § 18.131 (relating to recognized educational programs/standards). This proposed rulemaking deletes the requirement that the physician assistant program be "recognized by the Board." This additional language is not necessary because the Board has already approved the accredited programs referenced in § 18.131(a) and allows the Board to recognize additional programs in § 18.131(b).

Section 18.142(a)(1) is proposed to be amended to reflect that the written agreement must identify and be signed by the physician assistant and the primary supervising physician. Subsection (a)(1) further provides that the primary supervising physician must be a medical doctor. In smaller office practice settings, the physician assistant may only serve the primary supervising physician named in the written agreement on file with the Board or the substitute supervising physician if one is named in the written agreement on file with the Board. However, in a larger practice setting, such as an orthopedic institute, the physician assistant might serve several substitute supervising physicians in addition to their primary supervising physician. In this scenario, the physician assistant's written agreement would name the primary supervising physician and at least one substitute supervising physician. A list of all other substitute supervising physicians that the physician assistant serves would be maintained at that practice location where the physician assistant practices. If the physician assistant is providing services in a health care facility as defined by the Health Care Facilities Act, the physician assistant would file a written agreement with the Board which names a primary supervising physician and at least one substitute, but again, the physician assistant may serve numerous substitute physicians in that facility. In accordance with section 13(g) of the act, the attending physician for the patient that the physician assistant is seeing would become the primary supervising physician for that patient and take on responsibility for the medical services rendered by the physician assistant in the care of that patient. Also, the facility will maintain a list of all the supervising physicians that the physician assistant serves at that practice location.

The current regulations in subsection (a)(1) require the written agreement to include every physician that the physician assistant would be serving, including the primary supervising physician and all substitute supervising physicians. However, this requirement resulted in the Board becoming overburdened with written agreement change forms every time the physician assistant served a new substitute supervising physician. The Board does not think it is necessary to designate all substitute physicians in the written agreement. It is a cumbersome and overly burdensome requirement, and the Board proposes to simplify this reporting requirement.

The proposed language in subsection (a)(2) deletes the requirement that the written agreement specify the "manner in which the physician assistant will be assisting each named physician" and "the functions to be delegated to the physician assistant." The outdated language is proposed to be replaced with the requirement that the written agreement specify the physician assistant's scope of practice, consistent with section 13(e)(2) of the act. Subsection (a)(3) proposes to delete the requirement that the written agreement specify the "manner in which the physician assistant will be assisting each named physician, including the frequency of personal contact with the physician assistant" and replace that language with "the

nature and degree of supervision the primary supervising physician will provide the physician assistant.” This proposed amendment reflects the intention of section 13(e)(3) of the act to allow the supervising physician to determine the appropriate supervision necessary. The proposed language in subsection (a)(4) deletes the existing regulatory language and replaces it with the requirement that the written agreement “be prepared and submitted by the primary supervising physician, the physician assistant or a delegate of the primary supervising physician and the physician assistant.” The Board proposes to add, “[i]t shall not be a defense in any administrative or civil action that the physician assistant acted outside the scope of the Board-filed description or that the supervising physician utilized the physician assistant outside the scope of the Board-filed description because the supervising physician or physician assistant permitted another person to represent to the Board that the description had been approved by the supervising physician or physician assistant.” This provision is consistent with the language of section 13(e)(4) of the act. The outdated language in subsection (a)(5) relating to the timing of when the countersignature must occur—within 10 days—is proposed to be deleted and replaced by a reference to the written agreement because section 13(d.1)(3) of the act directs the primary supervising physician to determine the countersignature requirements of patient records. Proposed subsection (a)(5)(ii)(A) and (B) includes the two exceptions to when the supervising physician may determine the countersignature requirement. Subsection (a)(5)(ii)(A) requires that the primary supervising physician countersign 100% of patient records within a reasonable time, not to exceed 10 days, for the first 12 months of the physician assistant’s practice post-graduation. Subsection (a)(5)(ii)(B) requires that the primary supervising physician countersign 100% of patient records within a reasonable time, not to exceed 10 days, for the first 12 months of the physician assistant’s practice in a new specialty. Subsection (a)(6) is proposed to be amended to require that the written agreement identify the primary practice setting that the physician assistant will serve. This proposed rulemaking adds subsection (a)(7) to require the physician assistant to name at least one substitute supervising physician in the written agreement if the physician assistant intends to practice if the primary supervising physician becomes permanently unable to supervise. The proposed amendment to § 18.143(a)(3) (relating to criteria for registration as a supervising physician) prohibits a physician assistant from practicing when the primary supervising physician is permanently unable to supervise.

Section 18.142(b) proposes to delete the requirement that written agreements be approved by the Board. Instead, this section is proposed to specify that the written agreement must be “filed with” the Board to mirror the language of section 13(e)(6) of the act. The remainder of the existing language is proposed to be deleted because the Board will not verify compliance of the written agreements with the act or regulations, except for audited written agreement applications. Additional language is proposed to be added to clarify that the written agreements become effective upon submission to the Board since the Board is no longer required to review and approve written agreements prior to approval.

Section 18.142(c) proposes to delete the word “immediate” and instead proposes to use the term “upon request” when referring to the physician assistant and the primary supervising physician’s duty to provide access to written agreements. Currently there is not, and never has been, a

statutory requirement that written agreements be provided immediately. The Board is concerned that the existing language may cause the physician assistant or the primary supervising physician to compromise patient care if they are required to stop and immediately produce the written agreement within that moment.

Section 18.143(a) proposes amendments to clarify that the Board registers the primary supervising physician as opposed to all substitute supervising physicians that the physician assistant may serve. Subsection (a)(3) is proposed to be amended to delete the requirement that the physician assistant provide a list of the other physicians who are serving as supervising physicians. The proposed amendment requires instead that the physician assistant provide the name and license number of “at least one” primary supervising physician and “a substitute.” The Board believes that the current regulatory requirement is unnecessary and is overly burdensome. This proposed rulemaking clarifies that the physician assistant will refrain from practicing unless at least one substitute supervising physician is named in the written agreement on file with the Board.

Subsection (b) is proposed to be deleted in its entirety because satellite locations no longer need to be treated differently from primary practice locations. The act deleted the phrase “directly and personally” supervise from the definition of “primary supervising physician.” Since onsite supervision was the only distinction between satellite offices and primary practice locations, the elimination of “personal” supervision has eliminated the necessity of distinguishing satellite offices. Subsection (c) proposes to clarify that the Board will maintain a list of registered primary supervising physicians since substitute supervising physicians are not registered with the Board. This list would include the primary supervising physician’s name and address on file with the Board, along with the date of the filing of the written agreement, since that would be the written agreement effective date, and the names of all physician assistants under the primary supervising physician’s supervision. This subsection proposes to require only one substitute supervising physician to be named in the written agreement. This proposed rulemaking requires the Board to maintain on file the date that the written agreement was filed with the Board because that is the date that the written agreement became effective. The reference to satellite locations is deleted consistent with Act 79.

Section 18.144(4) (relating to responsibility of primary supervising physician) is proposed to be deleted in its entirety because it is not consistent with the language in Act 79. The degree of supervision is already encompassed in the regulations regarding written agreements. Paragraph (5), which requires that the physician assistant see each hospitalized patient at least once, is also proposed to be deleted because it is not consistent with current practice. The frequency of how often a hospitalized patient should be seen is determined by the medical care or health care facility, through its bylaws, or by the supervising physician. Paragraph (6) proposes to delete the phrase “by the physician assistant relayed to other health care practitioners” to make this subsection more general and encompassing regarding the supervising physician’s duty to provide access to written agreements and clarification of orders and prescriptions. Paragraph (7) proposes to clarify that the primary supervising physician must maintain oversight and responsibility for the medical services provided by the physician assistant consistent with Act 79. Paragraph (8) proposes to require the practice or facility to maintain a current list of all

substitute supervising physicians with which a physician assistant will work. This may include additional substitute supervising physicians who will assume responsibility of the physician assistant in the primary supervising physician's absence. The Board proposes to add paragraph (9) which requires that the Board be notified of any change in the primary practice address using a written agreement change form within 15 days. This will ensure the Board is aware of where the physician assistant is working.

Section 18.151(a) is proposed to be amended to reflect that the physician assistant practices medicine as provided for in the written agreement. A written agreement not only includes information such as name, address and license number of the primary supervising physician and physician assistant, but it would also outline information such as specialty of the primary supervising physician, whether or not the physician assistant will be working in a health care facility, whether the physician assistant will prescribe or dispense drugs, and if so, what schedule categories, the physician assistant's scope of practice, and the nature and degree of supervising the primary supervising physician will provide. This proposed language reflects that the supervising physician no longer "directly and personally" supervises the physician assistant. The proposed amendment to this subsection also reflects the requirement of Act 79 that the services provided by the physician assistant must be provided for in the written agreement. Subsection (b) proposes to delete the reference to the supervising physician directing the physician assistant since the supervising physician no longer "directly and personally" supervises the physician assistant. This subsection is proposed to be further amended to require the physician assistant to provide medical services that are within the physician assistant's scope of practice, consistent with the language section 13(e)(2) of the act. Subsection (c) proposes to delete the prohibition that a physician assistant may not determine the cause of death. This proposed amendment updates the language to comply with current law, a legislative change enacted by the act of July 7, 2017 (P.L. 296, No. 17).

Section 18.152(a)(2) (relating to prohibitions) is proposed to be deleted in its entirety because it is redundant to the information in subsection (a)(1). The written agreement determines whether a physician assistant may prescribe or dispense drugs. Subsection (a)(3) is also proposed to be deleted in its entirety. The fact that a primary supervising physician no longer "directly and personally" supervises physician assistants has eliminated the distinction that previously existed between a satellite office and a primary practice setting. There is no longer a need for the registration of satellite offices with the Board. Subsection (a)(4) proposes to delete the prohibition of billing patients for services provided. This amendment reflects current practice since Medicare allows for independent billing by physician assistants under the Physician Assistant Medicare Payment Rules of 2022, which became effective on January 1, 2022. Subsection (a)(5) proposes to use the gender-neutral term "the physician assistant." The existing language in subsection (a)(6) is proposed to be deleted and the terminology would be amended to delete outdated advertising methods. The amended language prohibits a physician assistant from intentionally advertising as an independent practitioner or holding themselves out as an independent practitioner. This proposed amendment maintains the prohibition against independent practice while recognizing that physician assistants may be listed on panels or under a medical provider in many settings. Subsection (a)(8) is

proposed to be deleted in its entirety as the language is redundant. This prohibition is covered in other sections of 13(e) of the act, which prohibits a physician assistant from assisting a physician in a manner not described in the agreement or without the nature and degree of supervision described in the agreement. Subsection (b)(2) is proposed to be amended to increase the ratio of how many physician assistants a primary supervising physician may have primary responsibility of from two to six. This amendment includes additional language that the Board may approve the supervision of additional physician assistants. These amendments are consistent with Act 79.

Section 18.153(b) (relating to executing and relaying medical regimens) is proposed to be deleted in its entirety. Subsection (b) no longer applies because the supervising physician is no longer required to be on site under section 13(d) of the act. Additionally, this language is not required by Act 79. Subsection (c) proposes to delete the now outdated language which requires the countersignature of patient records by the supervising physician within 10 days. Instead, the proposed language of this section reflects that the countersignature requirements will be specified in the written agreement as required by Act 79 in section 13(d.1)(3) of the act. Subsection (d) proposes to delete the requirement that the physician assistant and the primary supervising physician provide "immediate" access to the written agreement. There is not currently, and never has been, a statutory requirement that written agreements be provided immediately. There was concern that existing language may cause the physician assistant or the primary supervising physician to compromise patient care if they are required to stop and immediately produce the written agreement within that moment. Additionally, all references to "medical care facility" is replaced with "health care facility."

Section 18.154(a) (relating to substitute supervising physician) proposes to delete the language indicating that all substitute supervising physicians must be registered with the Board. This proposed amendment requires the written agreement to name at least one substitute supervising physician that the physician assistant may serve. A list of all other substitute supervising must be maintained at the practice or facility, as required under § 18.144(8). Section 18.154(c) proposes to require that the substitute supervising physician retain responsibility for the medical services that the physician assistant renders. This proposed rulemaking adds subsection (e) to require that in the event of the primary supervising physician becoming permanently unable to supervise, the substitute supervising physician will assume primary responsibility for the physician assistant until a new written agreement can be filed. However, this arrangement cannot exceed 30 days. This proposed amendment is necessary because a temporary transition period is needed if the supervising physician dies or leaves their employment, and this language will allow the physician assistant to keep practicing if it takes some time to have a new written agreement filed with the Board. The Board does not currently have regulations that address the death or other sudden and unexpected departure of a primary supervising physician. Currently, the death or departure of a primary supervising physician negates the written agreement and prohibits the physician assistant from practicing which, in turn, causes a gap in patient care. This proposed amendment will cure that problem.

Section 18.155 (relating to satellite locations) is proposed to be deleted in its entirety because this section is no longer relevant. Act 79 removes the requirement that

the supervising physician be onsite. Additionally, since the supervising physician no longer “directly and personally” supervises the physician assistant, there is no longer a distinction between satellite offices and primary practice locations. Therefore, there is no longer a need to regulate satellite offices.

Section 18.156(b) (relating monitoring and review of physician assistant utilization) is proposed to be amended with the Board addition of the term “inspection” to clarify the type of reports to be submitted to the Board. Additionally, the Board proposes to delete the reference to satellite locations because it is no longer relevant to the Board’s regulations with the enactment of Act 79.

Section 18.157(a) (relating to administration of controlled substances and whole blood and blood components) is proposed to be amended to replace the term “hospital” with “health care facility” so that this section would apply to the administration of controlled substances in all licensed facilities and not just hospitals, medical care facilities and office settings.

Section 18.158(a)(4) (relating prescribing and dispensing drugs, pharmaceutical aids and devices) is proposed to be amended to reflect that a physician assistant must prescribe or dispense a drug for a patient in accordance with the written agreement and not per the supervising physician’s instructions. This language is consistent with the rest of the Board’s regulations which refer to the written agreement only and not the supervising physician’s instructions. Subsection (b) is proposed to be amended to no longer refer to this section as “prescription blanks” since that is an outdated term. Instead, the section is proposed to be entitled “prescriptions” and would include prescription blanks and electronic prescriptions. The purpose of this proposed amendment is to expand the existing language to include electronic prescriptions, recognizing that most medical practices utilize electronic prescriptions. The term hospital is replaced with “health care facility.” Currently, in inappropriate prescribing scenarios, the pharmacist would contact the physician assistant as the prescriber, who would then address it with the supervising physician and the patient. Subsection (d)(3) is proposed to be deleted in its entirety because there is no longer an onsite presence requirement. Additionally, the primary supervising physician no longer “directly and personally” supervises the physician assistant. The requirement that the physician assistant report a drug prescribed in the supervising physician’s absence would be outlined in the written agreement. Subsection (d)(4) is proposed to be amended to require that countersignatures must occur as outlined in the written agreement, consistent with section 13(d.1)(3) of the act as amended by Act 79, and as required in § 18.142(a)(5)(ii). Subsection (d)(5) proposes to delete the requirement that the physician assistant and primary supervising physician provide immediate access to the written agreement since immediate access may not always be possible. Currently there is not, and never has been, a statutory requirement that written agreements be provided immediately. There was concern that existing language may cause the physician assistant or the primary supervising physician to compromise patient care if they are required to stop and immediately produce the written agreement within that moment.

Section 18.159 (relating to medical records) proposes to delete the requirement that the supervising physician review medical records prepared by the physician assistant within 10 days. The proposed amendment requires the supervising physician to review the medical records in

a timely manner as described in the written agreement and as required in § 18.142(a)(5)(ii). This way, the supervising physician can determine how often they will review the physician assistant’s medical records, if at all, so long as it is still a timely review.

Section 18.161 (relating to physician assistant employed by medical care facilities) proposes to delete the term “medical care facility” and replace it with the term “health care facility” to cover all practice settings in which a physician assistant may work and to maintain consistency between the regulation and the act. Subsection (b), which limits a physician assistant from being responsible to more than three supervising physicians in a medical care facility, is proposed to be deleted in its entirety. This limitation is not imposed by Act 79, or the act and it is not practical for physician assistants who cover multiple services within a facility. This proposed rulemaking deletes the first portion of subsection (c), which states that a medical care facility is not required to hire or employ physician assistants because it is redundant with subsection (a) which states that physician assistants “may” be employed by a medical care facility. The Board proposes to delete the term “hospitalized” from subsection (c) since not all facility patients are hospitalized. Finally, the Board proposes to add subsection (e) which addresses attending physicians in a health care facility licensed under the Health Care Facilities Act. This section states that the attending physician of record for a particular patient shall act as the primary supervising physician for the physician assistant while that patient is under the care of the attending physician. This proposed language is consistent with section 13(g) of the act.

Section 18.162(a) (relating to emergency medical services) proposes to delete the requirement that the physician assistant only provide medical services in an emergency medical care setting if they are under the supervision of the supervising physician. The remaining language requires that the physician assistant have training in emergency medicine and is provided for in the written agreement.

Section 18.171(a)(2) (relating to physician assistant identification) proposes to be deleted in its entirety because the medical services that a physician assistant may perform and the way they shall be performed is determined by the written agreement not by regulatory language. Subsection (c) proposes to delete the reference to satellite locations as they are no longer relevant to this regulation.

Section 18.172 (relating to notification of changes in employment) proposes to update the language to current practice by deleting references to required notification being in writing from the primary supervising physician. This language is outdated because notification forms are now only available online.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will not have any fiscal impact on licensees, the Board or the Commonwealth, nor is any additional paperwork anticipated.

Sunset Date

The Board continuously monitors its regulations; 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 27, 2023, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regu-

latory Review Commission (IRRC) and to the chairperson of the Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) and the chairperson of the Professional Licensure Committee of the House of Representatives (HPLC). 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 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, recommendations or objections regarding this proposed rulemaking to the Board Counsel, State Board of Medicine, P.O. Box 69523, Harrisburg, PA 17106-5923, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-4955 (Physician Assistants) when submitting comments.

MARK B. WOODLAND, MS, MD,
Chairperson

Fiscal Note: 16A-4955. 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 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter D. PHYSICIAN ASSISTANTS

GENERAL PROVISIONS

§ 18.122. Definitions.

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

ARC-PA—The Accreditation Review Commission on Education for Physician Assistants.

Administration—The direct application of a drug, whole blood, blood components, diagnostic procedure or device, whether by injection, inhalation, ingestion, skin application or other means, into the body of a patient.

* * * * *

Emergency medical care setting—

(i) A health care setting which is established to provide emergency medical care as its primary purpose.

(ii) The term does not include a setting which provides general or specialized medical services that are not routinely emergency in nature even though that setting provides emergency medical care from time to time.

Health care facility—As defined in section 103 of the Health Care Facilities Act (35 P.S. § 448.103).

[Medical care facility—An entity licensed or approved to render health care services.]

Medical regimen—A therapeutic, corrective or diagnostic measure performed or ordered by a physician, or performed or ordered by a physician assistant acting within the physician assistant's scope of practice, and in accordance with the written agreement between the supervising physician and the physician assistant.

Medical service—An activity which lies within the scope of the practice of medicine and surgery.

NCCPA—The National Commission on Certification of Physician Assistants, the organization recognized by the Board to certify and recertify physician assistants by requiring continuing education and examination.

Order—An oral or written directive for a therapeutic, corrective or diagnostic measure, including a drug to be dispensed for onsite administration **[in a hospital, medical care facility or office setting]**.

Physician—A medical doctor or doctor of osteopathic medicine.

* * * * *

Physician assistant program—A program for the training and education of physician assistants which is recognized by the Board **[and] or** accredited by the CAHEA, the CAAHEP, ARC-PA or a successor agency.

Prescription—

(i) A written, **electronic** or oral order for a drug or device to be dispensed to or for an ultimate user.

(ii) The term does not include an order for a drug which is dispensed for immediate administration to the ultimate user; for example, an order to dispense a drug to a patient for immediate administration in an office or hospital is not a prescription.

Primary supervising physician—A medical doctor who is registered with the Board and designated in the written agreement as having primary responsibility for **[directing and personally]** supervising the physician assistant.

[Satellite location—A location, other than the primary place at which the supervising physician provides medical services to patients, where a physician assistant provides medical services.]

Scope of practice—The medical services within a physician assistant's skills, training and experience that a physician assistant may perform as set forth in the written agreement.

Substitute supervising physician—A **[supervising physician] medical doctor** who is **[registered with the Board and]** designated in the written agreement **on file with the Board, or maintained at the practice location**, as assuming primary responsibility for a physician assistant when the primary supervising physician is **[unavailable] unable to supervise**.

Supervising physician—**[Each physician who is identified in a written agreement as a physician who supervises a physician assistant] The primary supervising physician and each substitute supervising physician who supervises a physician assistant, who is either identified in a written agreement on file with the Board or maintained at the practice location where the physician assistant practices.**

Supervision—

(i) Oversight [**and personal direction of,**] and responsibility for, the medical services rendered by a physician assistant. The constant physical presence of the supervising physician is not required so long as the supervising physician and the physician assistant are, or can be, easily in contact with each other [**by radio, telephone or other telecommunications device**].

(ii) An appropriate degree of supervision includes:

(A) [**Active and continuing overview**] **Overview** of the physician assistant's activities [**to determine that the physician's directions are being implemented**] **as provided for in the written agreement.**

(B) Immediate availability of the supervising physician to the physician assistant for necessary consultations.

(C) [**Personal and regular review within 10 days**] **Review** by the supervising physician of the patient records upon which entries are made by the physician assistant **in accordance with § 18.142(5) (relating to written agreements).**

Unable to supervise—When the primary supervising physician cannot supervise the physician assistant due to temporary absence, the primary supervising physician is working at another location or the physician assistant is providing services for a substitute supervising physician who is either named in the written agreement on file with the Board or maintained at the practice location.

Written agreement—The agreement between the physician assistant and **primary** supervising physician, which satisfies the requirements of § 18.142 [**(relating to written agreements)**].

LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS

§ 18.141. Criteria for licensure as a physician assistant.

The Board will approve for licensure as a physician assistant an applicant who **meets all of the following requirements:**

(1) Satisfies the licensure requirements in § 16.12 (relating to general qualifications for licenses and certificates) including the completion of at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) Has graduated from [**a**] **an accredited** physician assistant program [**recognized by the Board**] **as provided for under § 18.131 (relating to recognized educational programs/standards).**

(3) Has submitted a completed application together with the required fee, under § 16.13 (relating to licensure, certification, examination and registration fees).

(4) Has passed the physician assistant examination.

§ 18.142. Written agreements.

(a) The written agreement required by section 13(e) of the act (63 P.S. § 422.13(e)) satisfies the following requirements. The agreement must:

(1) Identify and be signed by the physician assistant and [**each physician the physician assistant will be assisting who will be acting as a**] **the primary** supervising physician. [**At least one**] **The primary supervising** physician shall be a medical doctor.

(2) Describe the [**manner in which the physician assistant will be assisting each named physician. The description must list functions to be delegated to the physician assistant**] **physician assistant's scope of practice.**

(3) Describe the [**time, place and manner of supervision and direction each named**] **nature and degree of supervision** the supervising physician will provide the physician assistant [**, including the frequency of personal contact with the physician assistant**].

(4) [**Designate one of the named physicians who shall be a medical doctor as the primary supervising physician**] **Be prepared and submitted by the primary supervising physician, the physician assistant or a delegate of the primary supervising physician and the physician assistant. It shall not be a defense in any administrative or civil action that the physician assistant acted outside of the scope of the Board-filed description or that the supervising physician utilized the physician assistant outside of the scope of the Board-filed description because the supervising physician or physician assistant permitted another person to represent to the Board that the description had been approved by the supervising physician or physician assistant.**

(5) Require that the supervising physician shall countersign the patient record [**completed by the physician assistant within a reasonable amount of time. This time period may not exceed 10 days**] **as outlined in the written agreement and as provided for as follows:**

(i) **The primary supervising physician shall determine countersignature requirements of patient records completed by the physician assistant in a written agreement, except as provided under subparagraph (ii).**

(ii) **The primary supervising physician shall countersign 100% of patient records completed by the physician assistant within a reasonable time, which may not exceed 10 days, during the following periods:**

(A) **The first 12 months of the physician assistant's practice post-graduation and after the physician assistant has fulfilled the criteria for licensure set forth in section 36(c) of the act (63 P.S. § 422.36(c)).**

(B) **The first 12 months of the physician assistant's practice in a new specialty in which the physician assistant is practicing.**

(6) Identify the [**locations and practice settings**] **primary practice setting** where the physician assistant will serve.

(7) **Name at least one substitute supervising physician if the physician assistant intends to practice if the primary supervising physician is permanently unable to supervise.**

(b) The written agreement shall be **[approved by]** filed with the Board [as satisfying the requirements in subsection (a) and as being consistent with relevant provisions of the act and regulations contained in this subchapter] and shall be effective upon submission to the Board by the primary supervising physician, physician assistant or a delegate of the primary supervising physician and physician assistant.

(c) **[A] Upon request, a** physician assistant or supervising physician shall provide **[immediate]** access to the written agreement to **[anyone seeking to]** confirm the scope of the physician assistant's authority.

§ 18.143. Criteria for registration as a supervising physician.

(a) The Board will register a **primary** supervising physician applicant who:

(1) Possesses a current license without restriction to practice medicine and surgery in this Commonwealth.

(2) Has filed a completed registration form accompanied by the written agreement (see § 18.142 (relating to written agreements)) and the required fee under § 16.13 (relating to licensure, certification, examination and registration fees). The registration requires detailed information regarding the physician's professional background and specialties, medical education, internship, residency, continuing education, membership in American Boards of medical specialty, hospital or staff privileges and other information the Board may require.

(3) Includes with the registration, **[a list, identifying by name and license number, the other physicians who are serving as supervising physicians] the name and license number of at least one other physician who is serving as a substitute supervising physician** of the designated physician assistant **[under other written agreements]**. **The physician assistant shall refrain from practicing when the primary supervising physician is permanently unable to supervise unless at least one substitute supervising physician is named in the written agreement on file with the Board.**

(b) **[If the supervising physician plans to utilize physician assistants in satellite locations, the supervising physician shall provide the Board with supplemental information as set forth in § 18.155 (relating to satellite locations) and additional information requested by the Board directly relating to the satellite location] [Reserved].**

(c) The Board will keep a current list of registered **primary** supervising physicians. The list will include the **primary supervising** physician's name, the address **[of residence, current business address] on file with the Board**, the date **[of filing] the written agreement was filed with the Board**, **[satellite locations if applicable,]** the names of current physician assistants under the **primary supervising** physician's supervision and **[the physicians] at least one physician** willing to provide substitute supervision **in accordance with § 18.154 (relating to substitute supervising physician).**

§ 18.144. Responsibility of primary supervising physician.

A primary supervising physician shall assume the following responsibilities. The supervisor shall:

(1) Monitor the compliance of all parties to the written agreement with the standards contained in the written agreement, the act and this subchapter.

(2) Advise any party to the written agreement of the failure to conform with the standards contained in the written agreement, the act and this subchapter.

(3) Arrange for a substitute supervising physician. **[() See § 18.154 (relating to substitute supervising physician). ()]**

(4) **[Review directly with the patient the progress of the patient's care as needed based upon the patient's medical condition and prognosis or as requested by the patient] [Reserved].**

(5) **[See each patient while hospitalized at least once] [Reserved].**

(6) Provide access to the written agreement upon request and provide clarification of orders and prescriptions **[by the physician assistant relayed to other health care practitioners].**

(7) **[Accept full professional and legal responsibility for the performance of the physician assistant and the care and treatment of the patients] Maintain oversight and responsibility for the medical services rendered by physician assistant.**

(8) **Maintain at the practice or facility a current list of all substitute supervising physicians with which a physician assistant will work.**

(9) **Notify the Board of any change in the primary practice address using a written agreement change form within 15 days.**

PHYSICIAN ASSISTANT UTILIZATION

§ 18.151. Role of physician assistant.

(a) The physician assistant practices medicine with physician supervision. A physician assistant may perform those duties and responsibilities, including the ordering, prescribing, dispensing, and administration of drugs and medical devices, as well as the ordering, prescribing, and executing of diagnostic and therapeutic medical regimens, as **[directed by the supervising physician] provided in the written agreement.**

(b) The physician assistant may provide any medical service **[as directed by the supervising physician]** when the service is within the physician assistant's **[skills, training and experience, forms a component of the physician's]** scope of practice, is **[included] identified** in the written agreement and is **[provided with the amount of supervision in keeping] consistent** with the accepted standards of medical practice.

(c) The physician assistant may pronounce death, **[but not] determine** the cause of death, and may authenticate with the physician assistant's signature any form related to pronouncing death. If the attending physician is not available, the physician assistant shall notify the county coroner. The coroner has the authority to release the body of the deceased to the funeral director.

(d) The physician assistant may authenticate with the physician assistant's signature any form that may otherwise be authenticated by a physician's signature as permitted by the supervising physician, **[State or Federal] Federal or State** law and facility protocol, if applicable.

(e) The physician assistant shall be considered the agent of the supervising physician in the performance of all practice-related activities including the ordering of diagnostic, therapeutic and other medical services.

§ 18.152. Prohibitions.

(a) A physician assistant may not:

(1) Provide medical services except as described in the written agreement.

(2) **[Prescribe or dispense drugs except as described in the written agreement] [Reserved].**

(3) **[Maintain or manage a satellite location under § 18.155 (relating to satellite locations) unless the maintenance or management is registered with the Board] [Reserved].**

(4) Independently practice **[or bill patients for services provided]**.

(5) Independently delegate a task specifically assigned to **[him] the physician assistant** by the supervising physician to another health care provider.

(6) **[List his name independently in a telephone directory or other directory for public use in a manner which indicates that he functions] Intentionally advertise as an independent practitioner or hold oneself out as an independent practitioner.**

(7) Perform acupuncture except as permitted by section 13(k) of the act (63 P.S. § 422.13(k)).

(8) **[Perform a medical service without the supervision of a supervising physician] [Reserved].**

(b) A supervising physician may not:

(1) Permit a physician assistant to engage in conduct proscribed in subsection (a).

(2) Have primary responsibility for more than **[two] six** physician assistants **unless the Board approves supervision of additional physician assistants.**

§ 18.153. Executing and relaying medical regimens.

(a) A physician assistant may execute a written or oral order for a medical regimen or may relay a written or oral order for a medical regimen to be executed by a health care practitioner subject to the requirements of this section.

(b) **[As provided for in the written agreement, the physician assistant shall report orally or in writing, to a supervising physician, within 36 hours, those medical regimens executed or relayed by the physician assistant while the supervising physician was not physically present, and the basis for each decision to execute or relay a medical regimen] [Reserved].**

(c) The physician assistant shall record, date and authenticate the medical regimen on the patient's chart at the time it is executed or relayed. When working in a **[medical care] health care** facility, a physician assistant may comply with the recordation requirement by

directing the recipient of the order to record, date and authenticate that the recipient received the order, if this practice is consistent with the **[medical care] health care** facility's written policies. The supervising physician shall countersign the patient record **[within a reasonable time not to exceed 10 days, unless countersignature is required sooner by regulation, policy within the medical care facility or the requirements of a third-party payor] as provided for in the written agreement or as required under § 18.142(a)(5)(ii) (relating to written agreements).**

(d) A physician assistant or **primary** supervising physician shall provide **[immediate]** access to the written agreement to anyone seeking to confirm the physician assistant's authority to relay a medical regimen or administer a therapeutic or diagnostic measure.

§ 18.154. Substitute supervising physician.

(a) If the primary supervising physician is **[unavailable] permanently unable** to supervise the physician assistant, the primary supervising physician may not delegate patient care to the physician assistant unless **[appropriate arrangements for substitute supervision are] at least one substitute supervising physician is named** in the written agreement and **[the substitute physician is registered as a supervising physician] on file with the Board. A list of all other substitute supervising physicians that the physician assistant may serve must be maintained at the physician assistant's practice location.**

(b) It is the responsibility of the substitute supervising physician to ensure that supervision is maintained in the absence of the primary supervising physician.

(c) During the period of supervision by the substitute supervising physician, the substitute supervising physician retains **[full professional and legal responsibility for the performance of] responsibility for the medical services that the physician assistant [and the care and treatment of the patients treated by the physician assistant] renders.**

(d) Failure to properly supervise may provide grounds for disciplinary action against the substitute supervising physician.

(e) **In the event of the primary supervising physician becomes permanently unable to supervise, the substitute supervising physician shall assume primary responsibility for the physician assistant until a new written agreement can be filed for a time period not to exceed 30 days.**

§ 18.155. **[Satellite locations] [Reserved].**

[(a) Registration of satellite location. A physician assistant may not provide medical services at a satellite location unless the supervising physician has filed a registration with the Board.

(b) Contents of statement. A separate statement shall be made for each satellite location. The statement must demonstrate that:

(1) The physician assistant will be utilized in an area of medical need.

(2) There is adequate provision for direct communication between the physician assistant and the supervising physician and that the distance between the location where the physician provides

services and the satellite location is not so great as to prohibit or impede appropriate support services.

(3) The supervising physician shall review directly with the patient the progress of the patient's care as needed based upon the patient's medical condition and prognosis or as requested by the patient.

(4) The supervising physician will visit the satellite location at least once every 10 days and devote enough time onsite to provide supervision and personally review the records of selected patients seen by the physician assistant in this setting. The supervising physician shall notate those patient records as reviewed.

(c) *Failure to comply with this section.* Failure to maintain the standards required for a satellite location may result not only in the loss of the privilege to maintain a satellite location but also may result in disciplinary action against the physician assistant and the supervising physician.]

§ 18.156. Monitoring and review of physician assistant utilization.

(a) Representatives of the Board will be authorized to conduct scheduled and unscheduled onsite inspections of the locations where the physician assistants are utilized during the supervising physician's office hours to review the following:

(1) Supervision of the physician assistant. See §§ 18.144 and 18.154 (relating to responsibility of primary supervising physician; and substitute supervising physician).

(2) Presence of the written agreement and compliance with its terms. See § 18.142 (relating to written agreements).

(3) Utilization in conformity with the act, this subchapter and the written agreement.

(4) Appropriate identification of physician assistant. See § 18.171 (relating to physician assistant identification).

(5) Compliance with licensure and registration requirements. See §§ 18.141 and 18.145 (relating to criteria for licensure as a physician assistant; and biennial registration requirements; renewal of physician assistant license).

(6) Maintenance of records evidencing patient and supervisory contact by the supervising physician.

(b) [**Reports**] **Inspection reports** shall be submitted to the Board and become a permanent record under the supervising physician's registration. Deficiencies reported will be reviewed by the Board and may provide a basis for [**loss of the privilege to maintain a satellite location and**] disciplinary action against the physician assistant and the supervising physician.

(c) The Board reserves the right to review physician assistant utilization without prior notice to either the physician assistant or the supervising physician. It is a violation of this subchapter for a supervising physician or a physician assistant to refuse to comply with the request by the Board for the information in subsection (a).

(d) Additional inspections, including follow-up inspections may be conducted if the Board has reason to believe that a condition exists which threatens the public health, safety or welfare.

§ 18.157. Administration of controlled substances and whole blood and blood components.

(a) In a [**hospital, medical**] **health** care facility or office setting, the physician assistant may order or administer, or both, controlled substances and whole blood and blood components if the authority to order and administer these medications and fluids is expressly set forth in the written agreement.

(b) The physician assistant shall comply with the minimum standards for ordering and administering controlled substances specified in § 16.92 (relating to prescribing, administering and dispensing controlled substances).

§ 18.158. Prescribing and dispensing drugs, pharmaceutical aids and devices.

(a) *Prescribing, dispensing and administration of drugs.*

(1) The supervising physician may delegate to the physician assistant the prescribing, dispensing and administering of drugs and therapeutic devices.

(2) A physician assistant may not prescribe or dispense Schedule I controlled substances as defined by section 4 of The Controlled Substances, Drug, Device, and Cosmetic Act (35 P.S. § 780-104).

(3) A physician assistant may prescribe a Schedule II controlled substance for initial therapy, up to a 72-hour dose. The physician assistant shall notify the supervising physician of the prescription as soon as possible, but in no event longer than 24 hours from the issuance of the prescription. A physician assistant may write a prescription for a Schedule II controlled substance for up to a 30-day supply if it was approved by the supervising physician for ongoing therapy. The prescription must clearly state on its face that it is for initial or ongoing therapy.

(4) A physician assistant may only prescribe or dispense a drug for a patient who is under the care of the physician responsible for the supervision of the physician assistant and only in accordance with the [**supervising physician's instructions and**] written agreement.

(5) A physician assistant may request, receive and sign for professional samples and may distribute professional samples to patients.

(6) A physician assistant authorized to prescribe or dispense, or both, controlled substances shall register with the Drug Enforcement Administration (DEA).

(b) [**Prescription blanks**] **Prescriptions**. The requirements for prescription blanks **and electronic prescriptions** are as follows:

(1) [**Prescription blanks**] **Prescriptions** must bear the license number of the physician assistant and the name of the physician assistant in a printed format at the heading of the [**blank**] **prescription**. The supervising physician must also be identified as required in § 16.91 (relating to identifying information on prescriptions and orders for equipment and service).

(2) The signature of a physician assistant shall be followed by the initials "PA-C" or similar designation to identify the signer as a physician assistant. When appropriate, the physician assistant's DEA registration number must appear on the prescription.

(3) The supervising physician is prohibited from presigning prescription blanks.

(4) The physician assistant may use a prescription blank generated by a [**hospital**] **health care facility** provided the information in paragraph (1) appears on the blank.

(c) *Inappropriate prescription.* The supervising physician shall immediately advise the patient, notify the physician assistant and, in the case of a written prescription, advise the pharmacy if the physician assistant is prescribing or dispensing a drug inappropriately. The supervising physician shall advise the patient and notify the physician assistant to discontinue using the drug and, in the case of a written prescription, notify the pharmacy to discontinue the prescription. The order to discontinue use of the drug or prescription shall be noted in the patient's medical record by the supervising physician.

(d) *Recordkeeping requirements.* Recordkeeping requirements are as follows:

(1) When prescribing a drug, the physician assistant shall keep a copy of the prescription, including the number of refills, in a ready reference file, or record the name, amount and doses of the drug prescribed, the number of refills, the date of the prescription and the physician assistant's name in the patient's medical records.

(2) When dispensing a drug, the physician assistant shall record the physician assistant's name, the name of the medication dispensed, the amount of medication dispensed, the dose of the medication dispensed and the date dispensed in the patient's medical records.

(3) [**The physician assistant shall report, orally or in writing, to the supervising physician within 36 hours, a drug prescribed or medication dispensed by the physician assistant while the supervising physician was not physically present, and the basis for each decision to prescribe or dispense in accordance with the written agreement**] [**Reserved**].

(4) The supervising physician shall countersign the patient record [**within 10 days**] **as provided for in the agreement and as required under § 18.142(a)(5)(ii) (relating to written agreements).**

(5) [**The**] **Upon request, the** physician assistant and the **primary** supervising physician shall provide [**immediate**] access to the written agreement to anyone seeking to confirm the physician assistant's authority to prescribe or dispense a drug. The written agreement must list the categories of drugs which the physician assistant is not permitted to prescribe.

(e) *Compliance with regulations relating to prescribing, administering, dispensing, packaging and labeling of drugs.* A physician assistant shall comply with §§ 16.92—16.94 (relating to prescribing, administering and dispensing controlled substances; packaging; and labeling of dispensed drugs) and Department of Health regulations in 28 Pa. Code §§ 25.51—25.58 (relating to prescriptions) and regulations regarding packaging and labeling dispensed drugs. See § 16.94 and 28 Pa. Code §§ 25.91—25.95 (relating to labeling of drugs, devices and cosmetics).

§ 18.159. Medical records.

The supervising physician shall timely review[, **not to exceed 10 days,**] the medical records prepared by the physician assistant to ensure that the requirements of § 16.95 (relating to medical records) have been satisfied

as described in the written agreement or as required under § 18.142(a)(5)(ii) (relating to written agreements).

[**MEDICAL CARE FACILITIES**] **HEALTH CARE FACILITIES AND EMERGENCY MEDICAL SERVICES**

§ 18.161. Physician assistant employed by [**medical**] **health** care facilities.

(a) A physician assistant may be employed by a [**medical**] **health** care facility, but shall comply with the requirements of the act and this subchapter.

(b) [**The physician assistant may not be responsible to more than three supervising physicians in a medical care facility**] [**Reserved**].

(c) [**This subchapter does not require medical care facilities to employ physician assistants or to permit their utilization on their premises.**] Physician assistants are permitted to provide medical services to the [**hospitalized**] patients of their supervising physicians if the [**medical**] **health** care facility permits it.

(d) Physician assistants granted privileges by, or practicing in, a [**medical**] **health** care facility shall conform to policies and requirements delineated by the facility.

(e) **In health care facilities, the attending physician of record for a patient shall act as the primary supervising physician for the physician assistant while the patient is under the care of the attending physician.**

§ 18.162. Emergency medical services.

(a) A physician assistant may only provide medical service in an emergency medical care setting if the physician assistant has training in emergency medicine[, **functions within the purview of the physician assistant's**] **and is provided for in the** written agreement [**and is under the supervision of the supervising physician**].

(b) A physician assistant licensed in this Commonwealth or licensed or authorized to practice in any other state who is responding to a need for medical care created by a declared state of emergency or a state or local disaster (not to be defined as an emergency situation which occurs in the place of one's employment) may render care consistent with relevant standards of care.

IDENTIFICATION AND NOTICE RESPONSIBILITIES

§ 18.171. Physician assistant identification.

(a) A physician assistant may not render medical services to a patient until the patient or the patient's legal guardian has been informed that:

(1) The physician assistant is not a physician.

(2) [**The physician assistant may perform the service required as the agent of the physician and only as directed by the supervising physician**] [**Reserved**].

(3) The patient has the right to be treated by the physician if the patient desires.

(b) It is the supervising physician's responsibility to be alert to patient complaints concerning the type or quality of services provided by the physician assistant.

(c) In the supervising physician's office [**and satellite locations**], a notice plainly visible to patients shall be posted in a prominent place explaining that a "physician assistant" is authorized to assist a physician in the provision of medical care and services. The supervising physician shall display the registration to supervise in the office. The physician assistant's license shall be prominently displayed at any location at which the physician assistant provides services. Duplicate licenses may be obtained from the Board if required.

(d) The physician assistant shall wear an identification tag which uses the term "Physician Assistant" in easily readable type. The tag shall be conspicuously worn.

§ 18.172. Notification of changes in employment.

(a) The physician assistant is required to notify the Board[, **in writing,**] of a change in or termination of employment or a change in mailing address within 15 days. Failure to notify the Board[, **in writing,**] of a change in mailing address may result in failure to receive pertinent material distributed by the Board. The physician assistant shall provide the Board with the new address of residence, address of employment and name of the registered primary supervising physician.

(b) The primary supervising physician is required to notify the Board[, **in writing,**] of a change or termination of supervision of a physician assistant within 15 days.

(c) Failure to notify the Board of changes in employment or a termination in the physician/physician assistant relationship is a basis for disciplinary action against the primary supervising physician's license, the primary supervising physician's registration and the physician assistant's license.

[Pa.B. Doc. No. 23-1754. Filed for public inspection December 15, 2023, 9:00 a.m.]

STATE BOARD OF MESSAGE THERAPY

[49 PA. CODE CH. 20]

Practice of Message Therapy in Cosmetology or Esthetician Salons

The State Board of Message Therapy (Message Board) proposes to add §§ 20.61 and 20.62 (relating to definitions; and practice of message therapy within cosmetology or esthetician salons) 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

The act of September 24, 2014 (P.L. 2476, No. 136) amended the act of May 3, 1933 (P.L. 242, No. 86) (63 P.S. §§ 507—527), referred to as the Cosmetology Law by adding section 9.3 (63 P.S. § 515.3) allowing for the practice of message therapy within the licensed square footage of a cosmetology or esthetician salon. Section 9.3(d) of the Cosmetology Law requires the State Board of Cosmetology (Cosmetology Board) and the Message Board to jointly promulgate final regulations to carry out the provisions of section 9.3.

Background and Purpose

Section 9.3(a) of the Cosmetology Law permits an individual licensed under the Message Therapy Law (act) (63 P.S. §§ 627.1—627.50) to practice message therapy within the approved premises of a licensed cosmetology salon or a licensed esthetician salon if: (1) the message therapy licensee is the owner of or employed by the salon and is not an independent contractor; (2) the message therapist practices in accordance with the Cosmetology Law and the act; (3) the salon owner provides an appropriate level of privacy for clients. Section 9.3(a)(3)(i) and (ii) of the Cosmetology Law provides that no physical barrier is required when the message therapist is performing services that a cosmetologist or esthetician could perform; however, should the services exceed those within the scope of cosmetology or esthetics a separate room with permanent walls and doors must be utilized. Section 9.3(a)(3)(iii) of the Cosmetology Law further provides that an esthetician may provide services in the separate room that is designated for message therapy services, so long as the cosmetologist or esthetician and message therapist are not providing services concurrently.

Under section 9.3(b) of the Cosmetology Law, a licensee is subject to inspection by the Cosmetology Board and the Message Board. A licensee who violates the Cosmetology Law or the act is subject to discipline by the licensee's applicable licensing board. Section 9.3 of the Cosmetology Law was effective on November 24, 2014, and immediately permitted the practice of message therapy within the licensed square footage of a cosmetology or esthetician salon. The purpose of the Message Board's joint regulations with the Cosmetology Board is to clarify standards for the practice of message therapy in cosmetology or esthetician salons.

Prior to the enactment of section 9.3 of the Cosmetology Law, a patron wishing to receive services from a message therapist and an esthetician would have to move from one room (a room considered not to be within the licensed square footage of the salon) to another room (a room considered to be within the licensed square footage of the salon) for each of the requested services. This process was found to be aversive to the relaxing environment facilities were attempting to provide for their clients. The purpose of section 9.3 of the Cosmetology Law is to allow for the practice of message therapy within the licensed square footage of a cosmetology or esthetician salon. With the enactment of section 9.3(a)(3)(iii) of the Cosmetology Law, a patron can receive message therapy and esthetic services all within one room. This proposed rulemaking sets forth the requirements for practicing message therapy in a cosmetology or esthetician salon. The Cosmetology Board is similarly proposing to update its regulations to clarify the standards for message therapy in its salons and to ensure consistency between the standards of both boards.

Description of the Proposed Amendments

The Message Board proposes to add §§ 20.61 and 20.62 to set forth the standards for practicing message therapy within a cosmetology or esthetician salon under section 9.3 of the Cosmetology Law.

Section 20.61 defines the terms "Cosmetology Law" and "salon," in relation to § 20.62. Section 20.62(a) sets forth the conditions that must be met to practice message therapy within a cosmetology or esthetician salon, as required by section 9.3(a) of the Cosmetology Law. Subsection (a)(1) states that a message therapist must be the

owner of the salon or an employee, not an independent contractor, as required by section 9.3(a)(1) of the Cosmetology Law.

Subsection (a)(2) requires that a salon owner provide an appropriate level of privacy for clients. Subsection (a)(2)(i)(A) and (B) clarifies that when a massage therapist is practicing in a separate massage therapy room of the salon, or in the areas of the salon used for cosmetology or esthetics, the massage therapist is practicing in the licensed square footage of the salon. Furthermore, subsection (a)(2)(i)(A) and (B) provides clarification as to what services require a separate massage therapy room by specifically listing the massage services that do not require the use of physical barriers. The Massage Board's proposed rulemaking reflects section 9.3(a)(3)(i) of the Cosmetology Law which provides that no physical barriers separating the areas used for massage therapy from the areas used for cosmetology or esthetics, as defined in section 1 of the Cosmetology Law (63 P.S. § 507), shall be required when a massage therapist performs massage services that a cosmetologist or esthetician is authorized to perform. Subsection (a)(2)(ii) clarifies that when a massage therapist is practicing in a separate massage therapy room of the salon, the massage therapist is practicing in the licensed square footage of the salon. Furthermore, subsection (a)(2)(ii) requires that a salon owner provide separate massage therapy rooms with permanent walls and doors to ensure privacy for clients receiving massage services from a massage therapist when the services are beyond the practice of cosmetology or esthetics, as required by section 9.3(a)(3)(i) of the Cosmetology Law.

Subsection (a)(2)(ii)(A)—(C) sets forth standards for separate massage therapy rooms. Subsection (a)(2)(ii)(A) requires that massage therapy rooms be a minimum of 120 square feet in size, which is a generally accepted industry standard based on the size of a standard massage table (73 inches × 30 inches) and allows room for a massage therapist to safely maneuver around it (approximately 3 to 4 feet on each side of the table). The Massage Board feels this requirement is necessary because § 7.76(a) (relating to floor space) of the Cosmetology Board's regulations provide "[a]n additional area of at least 60 square feet is required for each additional licensee in the salon." Accordingly, it is likely that salon owners unfamiliar with the practice of massage therapy will expect massage therapists to perform massage therapy in rooms designed for the practice of cosmetology or esthetician services (that is, rooms with little more than 60 square feet in size). A 60-square-foot room does not provide a massage therapist sufficient room to safely maneuver around a standard-sized massage table and keep the necessary supplies at hand. Additionally, massage therapy clients are often asked to position their arms at a 90-degree angle to the body, and the massage therapist must safely maneuver around the client's outstretched arms. Moreover, clients are typically expected to use the massage therapy room to disrobe and transition to the massage therapy table. Accordingly, massage therapy rooms frequently include a chair, as well as clothing storage such as clothing hooks or a shelving unit. It would be a safety risk to expect a massage therapist to safely perform massage therapy multiple times a day in any room smaller than 120 square feet. Accordingly, after discussing this issue at public board meetings, and reaching an agreement with the Cosmetology Board, the Massage Board is of the opinion that a minimum room size of 120 square feet is appropriate.

Subsection (a)(2)(ii)(B) discusses the storage of linens or other supplies used by a massage therapist in a salon. Cosmetology Board regulations in §§ 7.71a—7.71c (relating to equipment and supplies for an esthetician salon; equipment and supplies for a nail technology salon; and equipment and supplies for a natural hair braiding salon) set minimum standards for equipment and supplies, detailing what must be available to licensees/certificate holders and where linens must be stored. Being that massage therapists working in salons will be required to adhere to both Massage Board regulations and Cosmetology Board regulations, the Massage Board believes that it must clarify where massage therapists may store linens and other supplies. Accordingly, subsection (a)(2)(ii)(B) allows the massage therapist to store linens or other supplies used for massage therapy in the massage therapy room or in the salon in a space designated by the salon owner.

Subsection (a)(2)(ii)(C) states esthetician services may be provided in the massage therapy room, so long as esthetician services were not provided concurrent to the massage therapy services, as required by section 9.3(a)(3)(iii) of the Cosmetology Law.

Subsection (b) requires a massage therapist practicing massage therapy within the approved premises of a salon to practice in accordance with the Massage Board's regulations, the act and the Cosmetology Law, as required by section 9.3(a)(2) of the Cosmetology Law.

Subsection (c) states that a massage therapist practicing in accordance with section 9.3 of the Cosmetology Law would be subject to inspection by both the Massage Board and Cosmetology Board, as required by section 9.3(b) of the Cosmetology Law.

Subsection (d) states that a massage therapist practicing in a salon, who violates the Cosmetology Law or the Massage Therapy Law, is subject to discipline by the Massage Board, as required by section 9.3(c) of the Cosmetology Law.

Fiscal Impact and Paperwork Requirements

There will be no unnecessary negative fiscal impact on licensees or the Massage Board. Section 9.3 of the Cosmetology Law permits the practice of massage therapy within the licensed square footage of a cosmetology or esthetician salon as of November 24, 2014. The Massage Board does not track how many massage therapists work in salons. Furthermore, the Massage Board does not track how many massage therapists may be working in rooms smaller than required in this proposed rulemaking. However, it is unlikely that any significant number of massage therapists have been practicing in rooms smaller than 120 square feet because the practice of massage therapy in a room smaller than 120 square feet would be difficult and potentially dangerous. Furthermore, 120 square feet is a generally accepted minimum industry standard based on the size of a standard massage table (73 inches × 30 inches) and allowing room for a massage therapist to safely maneuver around it (approximately 3 to 4 feet on each side of the table). However, the small number of massage therapists who may be currently working in rooms smaller than 120 square feet will have to comply with the proposed regulation. For the reasons explained in this preamble, it is in the public interest to require that massage therapy be performed in a room large enough to accommodate all that is required.

Sunset Date

The Massage 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 December 4, 2023, the Massage 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 chairperson of the Consumer Protection and Professional Licensure Committee of the Senate and the chairperson of the Professional Licensure Committee of the House of Representatives. 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 of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commissioner, 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, Department of State, 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-726 (massage therapy in cosmetology or esthetician salons).

NANCY M. PORAMBO, LMT,
Chairperson

Fiscal Note: 16A-726. 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 20. STATE BOARD OF MASSAGE THERAPY****PRACTICE OF MASSAGE THERAPY IN COSMETOLOGY OR ESTHETICIAN SALONS**

(*Editor's Note:* Sections 20.61 and 20.62 are proposed to be added and are printed in regular type to enhance readability.)

§ 20.61. Definitions.

The following words and terms, when used in this section and § 20.62 (relating to practice of massage therapy in cosmetology or esthetician salons), have the following meanings, unless the context clearly indicates otherwise:

Cosmetology Law—The act of May 3, 1933 (P.L. 242, No. 86) (63 P.S. §§ 507—527), referred to as the Cosmetology Law.

Salon—A cosmetology salon or esthetician salon licensed by the State Board of Cosmetology in accordance with the Cosmetology Law.

§ 20.62. Practice of massage therapy in cosmetology or esthetician salons.

(a) A massage therapist licensed under the act is permitted to practice massage therapy within the approved premises of a salon if all of the following conditions are met:

(1) The massage therapist is the owner of or employed by the salon and is not an independent contractor.

(2) The salon owner provides an appropriate level of privacy for clients in accordance with all of the following:

(i) *Massage therapy services within the scope of practice of the Cosmetology Law.* When a massage therapist is practicing in a separate massage therapy room of the salon, or in the areas of the salon used for cosmetology or esthetics, the massage therapist is practicing in the licensed square footage of the salon. Physical barriers separating the areas used for massage therapy services from the areas used for cosmetology or esthetics are not required when a massage therapist provides massage therapy services that are within the scope of practice of cosmetology as defined in § 7.1 (relating to definitions) as follows:

(A) Massage therapy services of the scalp, face, arms or hands, or the upper part of the body.

(B) Massage therapy services of the feet or the lower legs of an individual up to the individual's knee.

(ii) *Massage therapy services beyond the scope of practice of the Cosmetology Law.* When a massage therapist is practicing in a separate massage therapy room of the salon, the massage therapist is practicing in the licensed square footage of the salon. A salon owner shall provide separate massage therapy rooms with permanent walls and doors to ensure privacy for clients receiving massage therapy services from a massage therapist when the massage therapy services are beyond the scope of practice of cosmetology or esthetics as provided in § 7.1. The following apply:

(A) The size of the separate massage therapy room must be a minimum of 120 square feet.

(B) The massage therapist may store linens or other supplies in the separate room provided or in the salon in a space designated by the salon owner.

(C) Esthetician services may be provided to a client in the same room where the client receives massage therapy, provided these services are not performed concurrently.

(b) A massage therapist providing massage therapy services within the approved premises of a salon shall practice in accordance with this chapter, the act and the Cosmetology Law.

(c) A massage therapist providing massage therapy services within the approved premises of a salon is subject to inspection by the State Board of Cosmetology and the board.

(d) A massage therapist providing massage therapy services within the approved premises of a salon who violates this section, the act or the Cosmetology Law is subject to discipline by the board.

[Pa.B. Doc. No. 23-1755. Filed for public inspection December 15, 2023, 9:00 a.m.]

