

PENNSYLVANIA BULLETIN

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for the Courts
and the Rules and Regulations

Part I

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

No. 589, December 2023

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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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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NOTICES

DEPARTMENT OF AGRICULTURE

Pennsylvania Malt and Brewed Beverage Industry Promotion Board; Grant Solicitation and Application Procedures for Act 39 of 2016 Funding

1. *Introduction.* Under Act 39 of 2016, the Pennsylvania Malt and Brewed Beverage Industry Promotion Board (Board) annually, or more frequently as the availability of funds permits, solicits proposals for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of malt and brewed beverages produced in this Commonwealth. The Board was established by section 446.1 of the Liquor Code (47 P.S. § 4-446.1). The Board makes recommendations for the awarding of grants by the Liquor Control Board (LCB) from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001). This notice establishes the procedures by which grant applications will be solicited and reviewed, and grants awarded.

2. *Grant Solicitation.* The Board will be accepting grant applications for the purposes, in the form and according to the schedule set forth herein for not less than 30 days beginning on the date of publication of this notice in the *Pennsylvania Bulletin*. Additional publication and dissemination of this notice shall be made and may include direct dissemination to State universities and State-supported universities located in this Commonwealth, universities with colleges of agricultural science located in this Commonwealth and individuals or entities who have requested notification from the Department of Agriculture or the Board of grant availability. Private sector parties are encouraged to apply if their project will have a positive macro impact on the industry.

3. *Process Overview.* The Board will employ the review process described as follows to select projects and funding levels to recommend to the LCB for the making of a grant. In the event of a recommendation to the LCB to make and fund a grant, the decision as to whether to award a grant will be made by the LCB.

a. If the LCB approves the grant recommendation, the terms and conditions of the grant will be governed by a grant agreement between the LCB and the applicant, which shall be tendered to the applicant for execution by the LCB, returnable to the LCB in no more than 30 calendar days.

b. The LCB grant agreement follows hereto as Addendum 1 and incorporated by reference. This grant solicitation will be incorporated by reference into, and become part of, the LCB grant agreement that will govern all grants awarded under this grant solicitation. The terms are non-negotiable; therefore, applicants shall carefully review the LCB grant agreement to ensure that proposed projects are compliant with agreement requirements.

c. It is also recommended that applicants seek private counsel experienced in Pennsylvania liquor law to provide guidance as it pertains to the Liquor Code and the LCB's regulations at 40 Pa. Code § 1.1—17.41 (relating to liquor), to ensure the legality and viability of grant projects and proposed activities.

4. *Concept Paper and Application Deadlines.*

a. *Concept Paper.* Interested applicants must deliver a one-page concept paper, plus a one-page budget, by e-mail, as a PDF file, by 4 p.m. on Friday, February 23,

2024 to RA-AGCommodities@pa.gov. The file should not exceed 5MB. The concept paper must identify timeframes for proposed grant activities in conformance with the timeframes identified in paragraph 9, Term of Grants, as well as Addendum 1.

b. *Application.* Applicants whose concept papers are preliminarily approved by the Board will be invited to submit a Project Proposal and Grant Application, in the form set forth in paragraph 6 of this notice, to the Board by 4 p.m. on Friday, May 31, 2024. Proposals should be sent electronically as a PDF file to RA-AGCommodities@pa.gov. The file should not exceed 5MB.

c. *Presentations.* Applicants must be prepared to provide a brief 3-minute presentation of their proposal to the Board, and answer questions, either in person or by conference call, at the Board's next scheduled meeting on Thursday, June 27, 2024, at 9 a.m. The meeting will be held virtually by means of Microsoft Teams.

5. *Format of the Concept Paper.* Failure to follow this format could cause the applicant's proposal to be rejected. The concept paper shall include:

a. *Organization/Business Type.* List the applicant's full legal organization/business type.

b. *Organization/Business Information.* List the organization/business name along with the contact information and the amount of grant funds the entity is requesting. In the event of an LCB grant award, applicants will be required to have or obtain a PLCB Oracle Supplier Registration number using the name, full street address and tax identification number that matches the applicant information presented in the proposal/grant application.

c. *Project Coordinator/Qualifications.* Up to three pages not included in page limit. Identify the person who will be directing the proposed project and clearly state their qualifications including:

a. *Research projects*—Full and complete literature references to (up to) five key published journal articles directly related to proposed research/outreach.

b. *Marketing projects*—Sample images from (up to) three previous marketing campaigns along with a description of in-market implementation plan (including types of medium such as print, digital, display, TV/radio, out-of-home, and the like) and performance metrics to include both impressions and cost-per-conversion.

d. *Organization History.* Indicate whether the organization has previously received Malt and Brewed Beverage Industry Promotion Board or agriculture-related grant funds.

e. *Area of Focus.* Select a funding priority from paragraph 13 of this notice. For purposes of LCB grants, "Marketing" projects include advertising and promotions, educational/outreach projects, and technical support initiatives such as web site development, equipment or process development, while "Research" projects include agricultural and economic research and development efforts.

f. *Project Purpose.* In one or two paragraphs, clearly state the specific issue, problem, interest or need, and how the project will address it. Explain why the project is important and timely.

g. *Estimated Timeline.* State the estimated timeline for the proposed project. The timeline may not begin earlier

than January 1, 2025, and may not extend beyond the term of the grant as set forth in more detail at paragraph 9.

h. *Expected Measurable Outcomes.* What are the goals and objectives of the project? How do the objectives support the goals? Goals are long-term broad visions and may take time to achieve. Objectives are significant steps that must be completed to achieve the goal. Objective statements should focus on the outcome, rather than the methods used. Each goal should have one or more objectives. Describe at least one distinct, quantifiable and measurable outcome that directly and meaningfully supports the project's purpose. Typically, outcomes are those measures that are quantifiable, measure direct benefit and are documented through data or information collection. In the case of research projects, it is important that this section is written for a non-technical audience.

i. *Preliminary Project Work Plan.* List the major tasks of the proposed project.

j. *Draft Budget.* State the budget for the proposed project using the categories from paragraph 6.g. If a project is selected to submit a proposal, more detailed budget information will be required

6. *Format of the Project Proposal and Grant Application.* Failure to follow this format could cause the applicant's proposal to be rejected. The project proposal, grant application, and budget must be completed within the templates that will be provided with the notice to proceed and shall be formatted as follows:

a. A cover page, titled Pennsylvania Malt and Brewed Beverage Industry Promotion Board—Project Proposal and Grant Application, providing: the title of the proposed project; the full legal name and street address of the applicant; the name, address, telephone number and e-mail address of the applicant's principal contact person for matters relating to the application; the name, title, address, telephone number and e-mail address of the individual authorized to contractually bind the applicant to the grant agreement; and the total maximum grant amount sought for the proposed project or program.

b. Addendum, titled Demonstrated Qualifications, should be attached as a maximum three-page addendum which does not count toward the page limit of the proposal.

i. *Research projects:*

1. Describe how widely previous research has been adopted by the industry in this Commonwealth or other states;

2. List any papers presented at meetings in this Commonwealth, other states, or countries;

3. Highlight any papers published in regional, National, or international peer reviewed journals; and

4. Show where credited financial support the research.

ii. *Marketing projects:*

1. List industry partners that are involved with marketing proposal that will provide Pennsylvania malt and brewed beverage industry insight.

2. Describe how the marketing plan is accountable to the Pennsylvania malt and brewed beverage industry.

3. Provide documented success of previous marketing campaigns that have conducted for other large-scale industries.

c. Section 1, titled Statement of Purpose, addressing: the purpose for which the grant funds would be utilized; how the project links, supports and benefits beer in this Commonwealth; methodology and evaluation, addressing: the type of project (promotion, marketing, outreach, research, tech transfer, and the like); a qualitative or quantitative estimate of economic impacts (direct, indirect, induced); and the sectors of the industry that will receive this benefit.

d. Section 2, titled Statement of Need, addressing: the need for the grant funds sought; any other partners or partner organizations that will be involved with the project; and any other funding or noncash resources that will be committed to the project and the sources thereof.

e. Section 3, titled Linkage to Funding Priorities, addressing: how the project will support one of the funding priorities established by the Board which are listed in paragraph 13; the geographic area of this Commonwealth where impact will occur; the intended impact created by the project and who will benefit.

f. Section 4, titled Evaluation and Reporting, shall identify expected measurable outcomes previously identified in the concept paper, and outcome measures and include a narrative describing data collection to inform the outcome measures. This section must be clear and unambiguous as it will inform expectations of progress and final reports.

g. Section 5, titled Budget Narrative, providing details of how the applicant arrived at the estimated expenses in the applicant's budget and describing how each expense will lead to the success of the project. A separate section inside the Budget Narrative shall discuss in detail, the source and usage of any required matching funds, should they be required.

h. Section 6, titled Industry Support, addressing the extent of support, participation and funding from the Commonwealth's beer industry, including associations, organizations or agencies, or both, with an interest in the project outcome. Letters or written confirmation of that support, participation or funding should be included in this section.

i. Section 7, titled Budget, presented in the provided template, showing a detailed budget for the proposed project or program, including any other matching funds and the value of any noncash resources that will be included in the project. Applicants must also complete the section of the template for matching funds if that requirement applies to their proposal.

For all applications, each and every item of direct expense to be incurred in the project shall be separately set forth, including all purchases of consumable or non-consumable goods or equipment, listing the disposition of all nonconsumable goods or equipment upon completion of the project; all travel by dates, purpose, destination, mode of transportation and rate; a full breakdown of other costs, if any, and the method used to calculate those costs.

i. *Personnel*—Includes employed personnel. Those employed elsewhere should be listed as subcontractors or consultants in the Contractual cost category. Provide detail of all personnel by name devoted to the project, their professional qualifications, the amount of time calculated by hours and the tasks to be performed by each of the named personnel. In the case of graduate student participation, reasonable stipends will be allowed, and tuition will not be allowed.

ii. *Fringe Benefits*—For personnel of the grantee only, provide the rate of fringe benefits for each project participant's salary or wages. Identify the total for all funded fringe benefits.

iii. *Travel*—For personnel of the grantee only, calculate the costs for travel by considering destinations, number of trips, days traveling, transportation costs, estimated lodging and meal costs and estimated mileage rate.

iv. *Supplies*—These are consumables procured for and used in furtherance of the projects and include such items as lab or field equipment.

v. *Contractual*—Those costs paid to other nonemployee individuals or entities to perform specific work or to provide specific services in accordance with the approved project. By way of example, this could include speaker fees, facility and equipment rental costs, software subscriptions, and costs for social media placement and data collection. If contractual work will be involved with carrying out the work of the project, identify the total contractual expenses. When determining the total cost for this category, include the fees for the professional services, contractor travel costs, and any other related contractual expenses.

vi. *Other*—This category includes fees for conferences or meetings, membership dues, honorarium, scholarships, postage/shipping fees and publication costs.

vii. *Indirect Costs*—Grant awards may include an allowance for indirect costs of up to 10% of the total direct costs. Total direct costs are defined as the total of the above six budget categories (Personnel, Fringe Benefits, Travel, Supplies, Contractual, and Other) and are often referred to by grantee entities as Facilities and Administration or Overhead.

j. Due to limitations of Commonwealth equipment and considering that all LCB grant communications will be conducted electronically, applicants should not use color in any tables, graphs, charts or other material elements of the proposals. Black and white or gray-scale should be used in such elements to ensure ongoing document integrity.

7. *Scoring of Applications*. The Board will evaluate each complete and timely filed project proposal and grant application received in accordance with a 100-point scale as set forth in Addendum 2.

The purpose of the program is to advance the industry Statewide. In the past, the Board has received project proposals which were designed to, or would have the primary effect of, benefiting only one individual entity or small group of entities, with only tangential, secondary benefits to the industry as a whole. Thus, any proposal containing a request to fund the purchase of equipment must clearly and accurately describe, in detail: (1) how the equipment is necessary to the proposed research or project being conducted; (2) why the proposed research equipment or project equipment must be funded by means of the program; (3) what the primary purpose of the equipment is; (4) how the applicant plans to use the equipment to benefit the industry as a whole, rather than just an individual entity or small group of entities; (5) the timeframe during which the equipment is expected to provide a benefit to the industry; and (6) plans for the disposition of the equipment at the conclusion of its use under the project. The Board reserves the right to downgrade or to refuse to recommend funding any application that does not meet these requirements. Industry-wide shared use will be prioritized over any individual profit. If any costs are charged for shared use, they will

be limited to expenses incurred in facilitating access to the equipment (for example, transportation, reasonable staff cost to operate equipment, and the like). To reiterate, the applicant should also demonstrate that the equipment will, in fact, benefit the industry as a whole rather than an individual entity.

8. *Required Matching Funds*. Applicants submitting a proposal may be required to commit a percentage of documented matching funds at the discretion of the board. These contributed matching funds may be used for contractual expenses but not for personnel expenses. In-kind contributions will not be considered.

9. *Evaluation, Recommendations and Awards*. The Board reserves the right to request modifications or clarifications, or both, of project proposals and grant applications, including but not limited to additional detail of purpose, reduced or modified budgets, and the like. Upon completion of evaluations, the Board will prepare a record of each complete and timely-filed project proposal and grant application received, and the numerical score assigned to each. In the event of one or more recommendations to the LCB to make and fund a grant, the Board will transmit to the LCB the complete and final project proposal and grant application along with the score assigned by the Board and any other information deemed relevant by the Board or requested by the LCB. Request will be made by the Board that the LCB respond to all recommendations for grant approval within 30 days. The LCB's three-member board will vote on these recommendations at a public meeting, and the LCB will directly contact those applicants whose proposals were approved for funding. The LCB is responsible for notifying applicants whose projects were recommended by the Board for LCB funding, but which the LCB determined not to fund.

10. *Term of Grants*.

a. Grant Agreements will become effective on January 1, 2025, or the date of the last required Commonwealth approval, whichever is later (Effective Date). No reimbursements will be made by the LCB for any grant activity commencing prior to the Effective Date.

b. Research projects will have a term of 18 months. Other projects will have a term of 12 months.

c. A Notice to Proceed, Purchase Orders, fully executed agreements and invoicing instructions will be provided by LCB by means of e-mail.

d. Final invoices shall be submitted to the LCB within 60 days of contract end date as set forth in the Grant Agreement.

e. See Addendum 1 Grant Agreement for more details about the LCB's grant administration practices.

11. *Progress Reports*. Progress reports are to include the deliverables from paragraph 6.f. and be delivered by e-mail to RA-AGCommodities@pa.gov and RA-LBACT39GRANTS@pa.gov no later than October 1, and April 1, every year for the duration of the project, or as requested by the Board. Final reports should be submitted within 90 days of contract end date. Failure to meet these deadlines constitutes a breach of the grant agreement, will result in nonpayment of invoices, and could jeopardize future grant awards.

12. *Grant Agreement*. The LCB will provide applicants with a grant agreement for execution and return by the Grantee within 30 calendar days. LCB will obtain the required signatures on the grant agreements, including any other required Commonwealth entities, and return a copy to the applicant. No grant agreement is effective,

and work should not begin until all required signatures have been applied to the grant agreement and a Notice to Proceed is issued. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Board and the LCB full and complete access to all records relating to the performance of the project and submit information as the Board or the LCB, or both, may require.

13. *Cost-Reimbursement Grant.* Payment of all grant funds will occur on a reimbursement basis only. In the case of graduate student participation, reasonable stipends will be allowed, and tuition will not be allowed.

14. *Funding Priorities.* In accordance with paragraph 5.e., the Board has identified the following funding priorities, listed in no particular order. The name given to each priority area is not intended to limit the intended scope and creative thought applied by applicants in developing projects that serve the purposes articulated in this notice.

a. *Agriculture:* Projects are sought that will lead to the expansion, through means including cultivation, value-added manufacturing and research, of beer industry-related raw material produced or grown, or both in this Commonwealth. Some examples of desired project scope include:

i. Research and development that will increase the production, quality or yield, or both, of Pennsylvania-produced raw agricultural commodities (hops, barley, and the like) used by the beer industry.

ii. Research that will identify growing conditions for hop production and evaluate each of the Commonwealth's 67 counties on the criteria.

iii. Outreach and support to encourage existing agricultural producers to consider hop production.

iv. Matching funds for small Commonwealth-based start-up businesses or ventures focused on agricultural related cultivation (hops and barley) or value-added manufacturing of beer related raw materials (malting).

b. *Tourism:* Projects are sought from organizations interested in marketing and integrating the Commonwealth's beer industry into new or existing regional and Statewide tourism initiatives, such as:

i. Development of beer tourism and beer trails (using and expanding upon the "Bourbon Trails" model).

ii. Regional integration of breweries and brewery visitation with existing attractions, destinations and the regional hospitality industry.

c. *Distributor Licensee Outreach:* Projects are sought that will assist "D" license holders in efforts to change existing business models and remain viable, competitive and profitable within the parameters of the Liquor Code, including providing consultation, training and business plan development to interested D licensees to assist them in transforming their business models. The proposer should illustrate the ability to:

i. Understand, interpret and transfer knowledge related to the current Liquor Code.

ii. Understand both the new opportunities as well as the threats presented to distributors as a result of 2016 changes to the Liquor Code.

iii. Have working knowledge of the beer industry trade and practices, the constraints on the industry, Standard Operating Procedures, financial models and the like.

iv. Identify and document best practices within the Commonwealth's beer industry (D license holders) regard-

ing layout and design (shelf space, lighting, signage), hours of operation and staff models, promotions and displays, value added merchandise, and best practices in urban, suburban and rural markets.

v. In conjunction with existing industry stakeholders, like the Malt Beverage Distributors Association (MBDA), develop guidelines, standards and communicate best practices in a user-friendly format, as well as offer training and outreach conferences in appropriate locations throughout this Commonwealth.

vi. In conjunction with existing industry stakeholders like the MBDA, the project may include efforts to create special grants or business loans made available to retailers to implement new business models.

d. *Beer Industry Research:* The Board seeks research and the development of quantitative data on the beer industry in the Commonwealth, such as:

i. Research that will identify and map the size and impacts of the Commonwealth's macro beer industry (production, wholesale and retail) identifying direct, indirect, induced impacts.

ii. Research that will identify the upstream and downstream economic opportunities related to the Commonwealth's beer industry.

iii. Research that can measure the economic impacts on the Commonwealth's beer industry of 2016 changes to the Liquor Code.

iv. Research that will offer guidance on public policy and best practices to benefit the beer industry in the Commonwealth and improve regulatory efficiency.

e. *Technical Assistance, Support and Research and Development:* Projects are sought that will advance best practices, technology transfer, research and development, workforce development and training in the Commonwealth's brewing industry. The Board is interested in funding projects that will: increase beer knowledge/science; advance best practices in brewing; provide education/training opportunities related to beer production, quality, packaging, marketing and sales; and promote innovation in the brewing and manufacturing processes. Examples could include:

i. Engagement of consultants, speakers and subject matter experts for industry related training, presentations or problem solving in conjunction with conferences, technical work groups and association members.

ii. Research and development projects on relevant topics concerning brewing and manufacturing processes.

iii. Customized training/education in areas related to: differing levels of brewery, wholesale and retail management; sales and marketing; brewery—wholesaler relationships; beer market best practices; and industry recognized certifications.

f. *Innovation:* The Board will consider projects that do not fall into any of the other funding priorities but nevertheless offer unique approaches to supporting and promoting Pennsylvania beer. The Board believes that innovation is the driving force behind the growth and success of the Commonwealth's beer industry. This category of funding is designed for projects and initiatives that demonstrate new thinking, ideas and approaches to promoting Pennsylvania beer—and do not fit into any other category.

RUSSELL REDDING,
Secretary

Addendum 1
BOARD GRANT SCORING CRITERIA & SCALE

<i>Section Title</i>	<i>Evaluation Criteria</i>	<i>Points</i>
Feasibility	<ul style="list-style-type: none"> • To what extent can the Purpose be accomplished with the funds requested? • Is there enough non-cash capacity to fulfill the objectives of the project? • Are the proposed outcomes and impacts in proportion to the grant request? • Can the project be completed within the timeline established? • Are the outcomes proposed realistic? 	10
Linkages to PA's Beer Industry	<ul style="list-style-type: none"> • Is there a compelling link to PA's Beer Industry? • How quickly will the industry benefit from project outcomes? 	10
Innovation	<ul style="list-style-type: none"> • Does the proposal offer a "new approach" in supporting PA Beer? • Will the project offer or create any new competitive advantages? • Do the project outcomes offer new and unique benefits to the industry? • What components of the project are sustainable once completed? 	20
Expected Impacts & Outcomes	<ul style="list-style-type: none"> • Will the project raise the visibility of PA Beer? • Will the impacts and outcomes offer long-term benefits? • Do they provide solutions to current industry challenges? • How will the impacts and outcomes ultimately strengthen PA's beer industry? • How much of the industry will benefit from the project? 	20
Economic Benefits Generated	<ul style="list-style-type: none"> • Does the project create jobs? • Does the project save money for the industry? • Will it strengthen the economic viability of the industry and how? • Does the project support and promote intrastate and/or interstate tourism? 	20
Methodology & Evaluation	<ul style="list-style-type: none"> • Can the methodology produce the desired outcomes? • Does the evaluation component measure the right outcomes? • Can the methodology produce stated economic benefits and can the evaluation accurately measure so benefits? 	10
Industry Support	<ul style="list-style-type: none"> • Is there strong industry support for this project? • Are there any matching funds or leveraged resources? 	10

Addendum 2

**PENNSYLVANIA LIQUOR CONTROL BOARD
GRANT AGREEMENT PURSUANT TO 47 P.S.
§ 4-446.1**

This Grant Agreement is entered into by and between the Pennsylvania Liquor Control Board, 312 Northwest Office Building, Harrisburg PA 17124 (hereinafter referred to as "PLCB"), and _____, _____ (hereinafter referred to as "Grantee") (collectively, "the Parties").

I. RECITALS

1. Pursuant to section 446.1 of the Pennsylvania Liquor Code, 47 P.S. § 4-446.1, the PLCB shall allocate the amount of \$1,000,000 annually to be used to award grants to entities for the purpose of increasing the production of Pennsylvania-made malt and brewed beverages and enhancing the Pennsylvania malt and brewed beverages industry through promotion, marketing and research-based programs and projects.

2. The Pennsylvania Malt and Brewed Beverages Industry Promotion Board ("Beer Board") was established by the Pennsylvania Liquor Code and is statutorily charged with establishing procedures by which an entity may submit an application for grant funding pursuant to 47 P.S. § 4-446.1; reviewing all such grant applications; and making recommendations to the PLCB for the awarding of the grants.

The Beer Board is further statutorily charged with requiring grant recipients to provide full and complete access to all records relating to the performance of the grant; conducting a thorough annual evaluation of each program for which a grant is made; and submitting an

annual report to the General Assembly detailing all actions of the Beer Board and the grants awarded pursuant to section 446.1 of the Liquor Code.

3. The PLCB has made the aforementioned allocation; the Beer Board has established the requisite procedures and process; the Beer Board has issued a competitive grant solicitation as posted on [Date] at [____ PaB. ____], (the "RFP"), incorporated by reference herein, and the Grantee has applied for a grant pursuant thereto; the Beer Board has recommended to the PLCB to make a grant to the Grantee; and the PLCB has approved the award of the grant as detailed in Attachment G—Project Proposal and Grant Application, and also Attachment H—PLCB Budget Worksheet, each attached and incorporated by reference ("the Grant").

II. AGREEMENT

In consideration of the foregoing recitals, which are incorporated herein, and the mutual promises contained in this Grant Agreement, the Parties, intending to be legally bound, agree as follows:

1. SCOPE.

a. This Grant is for funding the Project Proposal and Grant Application ("the Project") summarily described as follows and in more detail in the documents attached hereto and incorporated herein as Attachment G and Attachment H.

b. No increases to the funding amount or changes to the approved overall scope of work will be permitted under any circumstance; however, minor prospective revisions to the Project timeline, methodology and/or budget(s) contained in Attachment G and/or Attachment H may be approved by the PLCB at its sole discretion upon

review of Grantee's written request and justification for same. Similarly, at the PLCB's sole discretion and in consideration of exigent circumstances, the PLCB may authorize prospective changes to specific elements of an approved scope of work. The PLCB shall reject any such requested revisions that are retroactive in nature; therefore, Grantee must carefully manage its project and communicate with the PLCB in a timely manner via the PLCB's resource email account.

By way of example only, if certain approved grant elements cannot be performed due to governmental restrictions related to a pandemic (e.g., in-person event), then Grantee may propose modifications to those elements (e.g., shift to virtual event), limited to what is reasonably necessary to achieve the approved project objectives and deliverables and within the original approved budget. Grantee shall submit all such requests via email to the PLCB's resource account at RALBAct39Grants@pa.gov ("the Resource Account"), and the PLCB will respond to the request via the same Resource Account within ten calendar days of its receipt of the request.

2. OPERATIONAL REQUIREMENTS.

a. All communications between the Grantee and the PLCB, including but not limited to questions, notifications, requests, and invoice submissions, shall be conducted via email to and from the PLCB's aforementioned Resource Account. Grantee expressly accepts this method of electronic communication and is responsible to timely provide notice to the PLCB via the Resource Account if there are any changes or additions to the Grantee's contact information. The PLCB will utilize best efforts to respond to all inquiries from Grantee within five business days of receipt of an email, except as otherwise provided herein.

b. In order to be issued an approved Purchase Order and to receive Grant funds, Grantee must have a valid PLCB Supplier number.

3. EFFECTIVE DATE AND TERM.

a. This Grant Agreement shall become effective on January 1, 2025 or on the date of the last required Commonwealth signature, whichever is later (the "Effective Date"). The Term of the Grant shall be up to twelve months from the Effective Date for marketing, educational and/or promotions-related projects and up to eighteen months from the Effective Date for research projects. The Effective Date and the Term will be set forth with specificity on the Notice to Proceed letter and the PLCB Purchase Order, which will be sent to Grantee via the Resource Account with the fully executed Grant Agreement. The Grant Activity Period (defined as the period of performance for which Grantee can be reimbursed for activity performed in furtherance of the project as set forth in the approved Grant proposal's timeline) may be shorter than the Term of the Grant Agreement, but in no event may the Grant Activity Period exceed the Term of the Grant.

b. No later than sixty days prior to the expiration of the Grant Activity Period, Grantee may electronically submit a request to the PLCB via the Resource Account to extend the Grant Activity Period in order to complete the Project without increasing the Grant funding. At its sole discretion and by issuance of a written notice to extend by the PLCB, the PLCB may extend the Grant Activity Period for no more than ninety days. This written notice of an approved extension will be emailed to the Grantee via the Resource Account within ten calendar

days of the PLCB's receipt of a compliant request. To be clear, in circumstances where the Term of the Grant Agreement is the same span of time as the Grant Activity Period, such an extension of the Grant Activity Period will also constitute extension of the Term of the Grant Agreement.

4. REIMBURSEMENT.

The PLCB agrees to reimburse Grantee in the amount not to exceed \$ _____ for approved expenses incurred in accordance with the terms of this Grant Agreement. Payments hereunder shall be made electronically through the Pennsylvania Electronic Payment Program, details of which are set forth and incorporated herein as Attachment A hereto. Under no circumstances will the PLCB reimburse the Grantee for any expenses incurred before the Effective Date or after the expiration of the Term of the Grant.

5. CONTRIBUTION.

The Grantee agrees to contribute and/or secure any additional necessary funds required to complete the Project, if any, in accordance with the terms of Attachment G and Attachment H.

6. PERMITTED EXPENDITURE.

a. Reimbursement funds provided by the PLCB shall be used for only those expenses outlined in this Grant Agreement, including its Attachments. The Grantee shall not purchase equipment of any type or kind under the terms of this Grant Agreement unless mandated by the nature of the work and explicitly approved by the PLCB in this Grant Agreement.

b. The Grantee expressly warrants that it shall request reimbursement of expenses solely allowable by the Grant Agreement. Should the PLCB determine that the Grantee is not using Grant funds exclusively in conformance with the Grant Agreement, the PLCB shall have the absolute right, in addition to any other rights provided herein or by law, to terminate this Grant Agreement and to demand the repayment/return of Grant funds. Failure of Grantee to repay/return such funds within ten business days of the PLCB's written demand, sent electronically via the Resource Account, will result in referral of the matter to the Office of the Attorney General.

7. INVOICING, RECORDS, REPORTS.

a. All payments of Grant funds hereunder shall be made on a reimbursement basis only and as set forth in Attachment H—PLCB Budget Worksheet. The PLCB Budget Worksheet is based on the Grantee's approved budget as set forth in Attachment G; however, in the case of any conflict between Attachment G and Attachment H, then Attachment H shall supersede the Grantee's Attachment G for purposes of grant administration and reimbursement invoicing.

b. Grantee must electronically submit detailed quarterly reimbursement invoice packages to the Resource Account. Attachment H—PLCB Budget Worksheet must be completed and submitted along with the following information. Grantee's reimbursement invoices must be itemized, clearly indicate the PLCB Purchase Order number, the payee for each item, the total paid to that payee for each budget line-item type for approved Grant activities for the quarterly invoice period, a brief description of the expense item, and the date such payment was issued. The PLCB expects that Grantee will include reasonable supporting documentation of these expenses as every reimbursement invoice is compared to the approved Grant Agreement package, which includes the

final proposal documents, to ensure that the expenses were within the approved project scope, timeline and budget.

c. The following parameters will be applied to all reimbursement requests to ensure compliance with the letter and the spirit of the RFP and its budget categories:

i. *Personnel costs* are those wage or salary payments made to named employees of the Grantee for the relevant time period. When seeking reimbursement, Grantee must set forth “who did what, when, for how much, and when was that expense paid.” Grantee must also provide documentation to support those elements, which may include use of corporate/entity payroll records containing appropriate details. Personnel costs are “direct costs.”

ii. *Fringe benefits* are similarly those sums attributable to named employees of the Grantee for the subject time period. These line items should track with Personnel costs as described above. By way of example only, if the PLCB Budget Worksheet has Personnel line items for Employee A, B and C, and also has Fringe Benefit line items, the reimbursement invoice should indicate the wages and fringe benefits for each of the named employees who performed work on the project during the quarter, in the appropriate budget categories. Use of the PLCB Budget Worksheet will help grantees to ensure that appropriate information is provided. Fringe benefits are “direct costs.”

iii. *Travel expenses* to named employees of the Grantee and as noted in the PLCB Budget Worksheet may be reimbursed at actual documented cost for named employees of the Grantee for lodging and for transportation that involves vehicle rental or train/airplane expense; at the 2025 IRS mileage rate for vehicle mileage; and for meals that are reasonably incurred in the performance of the approved project. That said, Grantees should note that, when determining reimbursement eligibility of travel expenses, the PLCB will consider the federal government’s General Services Administration’s maximum allowable per diem rate by region for meals, incidentals and lodging. All reimbursement requests for travel expenses must include specific details of “who went where, how (travel mode), when, for what purpose, at what cost, and when/how that cost was paid.” Please note that, in accordance with Commonwealth policy, the PLCB will not reimburse any travel expenses incurred for the purchase of alcoholic beverages. Supporting documentation is required for all expense items. Travel expenses are “direct costs.”

iv. *Supplies* expenses should be documented to detail “who (vendor/supplier name) provided what (specific goods), when, at what cost, and when was that vendor/supplier paid.” Supporting documentation should include detailed vendor/supplier invoices and documentation of Grantee’s payment of those invoices. Supplies expenses are “direct costs.”

v. *Contractual expenses* are those costs paid to other non-employee individuals or entities to perform specific work in accordance with the approved project. Grantee shall submit detailed documentation supporting each contracted service, including but not limited to third-party contracts or engagement letters, as well as statements of work with deliverables, timeline, costs and payment terms. When seeking reimbursement, expenses should be documented to detail “who (name of individual, contractor or supplier) did what, when, for how much, and when was that expense paid.” These expenses may only be for goods or services supplied during the Grant

Activity Period. By way of example only, if the PLCB Budget Worksheet notes a software subscription is an approved “Contractual” expense, the PLCB will only reimburse that portion of the software subscription cost that covers the Grant Activity Period. Detailed provider invoices should be submitted, along with documentation of Grantee’s payment of those invoices. Contractual expenses are “direct costs.”

vi. *Other expenses* are those set forth in detail on the PLCB Budget Worksheet and may include expenses such as conference fees, publication costs, honoraria, scholarships and postage/shipping expenses. When seeking reimbursement, expenses should be documented to detail “who (name of individual, contractor or supplier) provided what, when, for how much, and when was that expense paid.” Publication costs are only reimbursable if the expense is incurred and the publication is contracted during the Grant Activity Period, although it is understood that actual publication of scholarly articles may occur after the expiration of the Term of the Grant Agreement. These “Other” expenses are “direct costs.”

vii. Indirect costs are defined as a percentage of the total of all direct costs incurred and are intended to compensate for supportive expenses of the Grantee. Indirect costs are often referred to as “Facilities and Administration” or “Overhead” and are capped at 10% for these grants. When seeking reimbursement, Grantees may submit a flat rate cost element on the reimbursement invoice/PLCB Budget Worksheet, noting the time period covered. Supporting documentation is not required. By way of example, if total direct costs for a given quarter equal \$4,000 and Grantee has an approved budget category of 10% indirect costs, the reimbursement invoice may seek payment of the \$4,000 in total direct costs plus an additional \$400 as indirect costs, for a total quarterly reimbursement request of \$4,400.

d. These invoices are to be submitted within thirty days of the end of each quarter during the Grant Activity Period for work performed and expenses paid during that quarter. If there was no work performed or expenses paid during a given quarter of the Grant Activity Period, Grantee is to communicate that fact via email to the Resource Account within thirty days of the end of that quarter. The PLCB shall reject any invoices received more than sixty days following the end of the Grant Activity Period and Grantee shall have no claim against the PLCB or the Commonwealth for same.

e. In the event that a reimbursement invoice as submitted does not permit the PLCB to adequately discern the appropriateness of the reimbursement request, then the Grantee will receive a request via the Resource Account for additional supporting documentation to substantiate the invoice submitted and the funds expended. Grantee will have ten calendar days to respond to the Resource Account.

f. Grantee is required to file timely progress reports to the Beer Board at RA-AGCommodities@pa.gov and to the PLCB’s Resource Account at RA-LBAct39Grants@pa.gov, including but not limited to the final report. The PLCB reserves the right to withhold payment otherwise due under the terms of this Grant Agreement for Grantee’s failure to submit reports. The Grantee acknowledges that the PLCB has no involvement in the Beer Board’s statutory reporting requirements.

g. Records of all expenditures shall be maintained for a period of two years after expiration of the term of this Grant Agreement and shall be subject to audit by the

PLCB and legally authorized officials of the Commonwealth of Pennsylvania. The Grantee shall provide the PLCB and the Commonwealth full and complete access to all records relating to the performance of any and all work hereunder and shall submit truthful and accurate information about the work performed hereunder if, and as, requested by the PLCB and/or the Commonwealth.

8. HOLD HARMLESS.

The Grantee shall indemnify, hold harmless and defend the PLCB and the Commonwealth of Pennsylvania and their officers, employees and agents from and against any and all suits and judgments for damages for personal injury, death or damage to real or tangible personal property arising out of or in conjunction with the performance by the Grantee under this Grant Agreement and caused by the Grantee's negligence or intentional wrongful acts. This paragraph does not apply when the Grantee is a Commonwealth Agency, including but not limited to state-affiliated entities or state-related institutions.

9. ADDITIONAL COMPLIANCE REQUIREMENTS.

a. The following additional compliance requirements are attached and incorporated into this Grant Agreement and made a part hereof. The Grantee shall comply with, and be bound by, the provisions set forth in these attachments:

i. Attachment A—Pennsylvania Electronic Payment Program.

ii. Attachment B—Nondiscrimination/Sexual Harassment Clause, with respect to which the Grantee is the "Contractor."

iii. Attachment C—Contractor Integrity Provisions, with respect to which the Grantee is the "Contractor."

iv. Attachment D—The Americans With Disabilities Act provisions, with respect to which the Grantee is the "Contractor."

v. Attachment E—Right-to-Know Provisions, with respect to which the Grantee is the "Contractor."

vi. Attachment F—Contractor Responsibility Provisions, with respect to which the Grantee is the "Contractor."

vii. Attachment G—Project Proposal and Grant Application.

viii. Attachment H—PLCB Budget Worksheet.

b. The Grantee shall comply with all the terms, conditions and requirements set forth in the competitive grant solicitation ("RFP") posted on [Date] at [_____ PaB. _____], which is incorporated by reference into this Grant Agreement as if fully set forth herein.

c. The Grantee agrees that in the performance of its obligations under this Grant Agreement it will comply with all applicable, federal, state and local laws and regulations, including but not limited to those labor and workforce safety laws listed in Executive Order 2021-06, Worker Protection and Investment (October 21, 2021). The Grantee expressly warrants that, as it relates to the performance of the Project that is the subject of this Grant Agreement, it shall at all times comply with the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., and the PLCB's Regulations, 40 Pa. Code § 1.1 et seq.

d. Any forbearance by the PLCB in exercising any right or remedy hereunder or as otherwise afforded by applicable law shall not be a waiver of or preclude the exercise of any such right or remedy at any appropriate time.

e. The Grantee shall, in the performance of this Grant Agreement, act in an independent capacity and not as an officer, employee or agent of the PLCB or of the Commonwealth of Pennsylvania.

10. STATE TAX LIABILITY.

The Grantee agrees that the Commonwealth of Pennsylvania may set-off the amount of any state tax liability or other debt of the Grantee or its subsidiaries, that is owed to the Commonwealth and not being contested on appeal, against any payments due the Grantee under this Grant Agreement.

11. TERMINATION AND ASSIGNMENT.

If through any cause, the Grantee shall fail to fulfill in a timely and proper manner its obligations under this Grant Agreement, or in the event of violation of any of the covenants contained in this Grant Agreement, the PLCB thereupon has the right to terminate this Grant Agreement by giving thirty days written notice to the Grantee specifying the effective date of termination. If this Grant Agreement is so terminated, the Grantee shall be reimbursed for all expenses properly incurred under the terms of this Grant Agreement prior to receipt of notice, so long as Grantee properly submits valid invoices with supporting documentation within sixty days of the notice of termination. Failure by Grantee to timely submit final invoicing shall be considered a forfeiture of any claims to Grant funding. The Grantee shall not assign any interest to this Contract, nor shall any interest be transferred by novation or assignment without prior written consent of PLCB.

12. SEVERABILITY.

The terms and provisions of this Grant Agreement are severable. In the event of the unenforceability or invalidity of any one or more of the terms, covenants, conditions or provisions of this Grant Agreement under federal, state or other applicable laws, such unenforceability or invalidity shall not render any other term, covenant, condition or provision hereof unenforceable or invalid.

13. ENTIRE AGREEMENT.

This Grant Agreement constitutes the entire agreement between the parties. No amendment or modification hereof shall have any force or effect unless it is in writing and signed by all parties.

14. CONTINGENCY.

The PLCB's obligation to make payments shall be subject to the availability and appropriation of funds.

15. APPLICABLE LAW.

This Grant Agreement shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any conflict of laws provisions) and the decisions of the Pennsylvania courts. The Grantee consents to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The Grantee agrees that any such court shall have in personam jurisdiction over it, and consents to service of process in any manner authorized by Pennsylvania law.

16. HEADINGS.

All headings of the sections and subsections of this Agreement are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties hereto, with the intention of being legally bound hereby and each signatory having the requisite legal authority to bind its respective entity, have caused this Grant Agreement to be duly executed. If the signature below is submitted electronically or digitally, the signatory hereby expressly acknowledges and avers that he or she is the named individual and that he or she intends to sign this Grant Agreement document electronically or digitally.

[GRANTEE]

NAME:
Title:

PENNSYLVANIA LIQUOR CONTROL BOARD

Michael Demko, PLCB Executive Director

APPROVED AS TO FORM AND LEGALITY:

Rodrigo J. Diaz, PLCB CHIEF COUNSEL

OFFICE OF THE ATTORNEY GENERAL DATE

COMPROLLER

Attachment A

PENNSYLVANIA ELECTRONIC PAYMENT PROGRAM

a. The Commonwealth will make payments to the recipient through ACH. Within 10 days of the grant award, the grantee must submit or must have already established its ACH information in the Commonwealth's Master Database. The grantee will also be able to enroll to receive remittance information via electronic addenda and email (e-Remittance). ACH and e-Remittance information is available at <https://www.budget.pa.gov/Services/ForVendors/Pages/Direct-Deposit-and-e-Remittance.aspx>.

b. The recipient must submit a unique invoice number with each invoice submitted. The unique invoice number will be listed on the Commonwealth's ACH remittance advice to enable the recipient to properly apply the state agency's payment to the respective invoice or program.

c. It is the responsibility of the recipient to ensure that the ACH information contained in the Commonwealth's Master Database is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.

Attachment B

NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE (Grants)

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the Grant Agreement or any subgrant agreement, contract, or subcontract, the Grantee, any subgrantee, a contractor, a subcontractor, or any person

acting on behalf of the Grantee shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act (PHRA) and applicable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any of its employees.

3. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the Grant agreement, subgrant agreement, contract or subcontract.

4. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the Public Employee Relations Act, Pennsylvania Labor Relations Act or National Labor Relations Act, as applicable and to the extent determined by entities charged with such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.

5. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily accessible and well-lighted places customarily frequented by employees and at or near where the Grant services are performed shall satisfy this requirement for employees with an established work site.

6. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the Grant relates.

7. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to Title VII of the Civil Rights Act of 1964, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the

time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

8. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

9. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

10. The Commonwealth may cancel or terminate the Grant agreement and all money due or to become due under the Grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

Attachment C

CONTRACTOR INTEGRITY PROVISIONS

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

1. DEFINITIONS. For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

a. "Affiliate" means two or more entities where (a) a parent entity owns more than fifty percent of the voting stock of each of the entities; or (b) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or (c) the entities have a common proprietor or general partner.

b. "Consent" means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.

c. "Contractor" means the individual or entity, that has entered into this contract with the Commonwealth.

d. "Contractor Related Parties" means any affiliates of the Contractor and the Contractor's executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

e. "Financial Interest" means either:

(1) Ownership of more than a five percent interest in any business; or

(2) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

f. "Gratuity" means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor's Code of Conduct, Executive Order 1980-18, the 4 Pa. Code § 7.153(b), shall apply.

g. "Non-bid Basis" means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

2. In furtherance of this policy, Contractor agrees to the following:

a. Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.

b. Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity Provisions conspicuously in easily accessible and well-lit places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

c. Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.

d. Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

e. Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:

(1) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;

(2) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;

(3) had any business license or professional license suspended or revoked;

(4) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and

(5) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the Commonwealth in writing if at any time during the term of the contract it becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual circumstances or were false or should have been known to be false when entering into the contract.

f. Contractor shall comply with the requirements of the Lobbying Disclosure Act (65 Pa.C.S. § 13A01 et seq.) regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the Section 1641 of the Pennsylvania Election Code (25 P.S. § 3260a).

g. When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.

h. Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

i. Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third-party beneficiaries shall be created thereby.

j. For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

Attachment D

AMERICANS WITH DISABILITIES ACT

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, supplier, or grantee, who will furnish or perform or seeks to furnish or perform, goods, supplies, services, construction or other activity, under a purchase order, contract, or grant with the Commonwealth of Pennsylvania (Commonwealth).

During the term of this contract, the Contractor agrees as follows:

a. Pursuant to federal regulations promulgated under the authority of The Americans with Disabilities Act, 28 C.F.R. § 35.101 et seq., the contractor understands and agrees that it shall not cause any person with a disability to be excluded from participation in this Contract or from activities provided for under this Contract on the basis of the disability. As a condition of accepting this contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C.F.R. § 35.130, and all other regulations promulgated under Title II of The Americans with Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.

b. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against

the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of subparagraph (a) above.

Attachment E
RIGHT TO KNOW LAW—GRANT
PROVISIONS—8-K-1580

a. Grantee or Subgrantee understands that this Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101—3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the granting Commonwealth agency.

b. If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee or Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

c. Upon written notification from the Commonwealth that it requires Grantee's or Subgrantee's assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee's or Subgrantee's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), Grantee or Subgrantee shall:

1. Provide the commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in Grantee's or Subgrantee's possession arising out of this Grant Agreement that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and

2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Grant Agreement.

d. If Grantee or Subgrantee considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

e. The Commonwealth will rely upon the written statement from Grantee or Subgrantee in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the commonwealth determine that the Requested Information is clearly not exempt from disclosure, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notice of the Commonwealth's determination.

f. If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth.

g. The Commonwealth will reimburse Grantee or Subgrantee for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

h. Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

i. The Grantee's or Subgrantee's duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

Attachment F

Contractor Responsibility Provisions

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, Grantee or lessor, who has furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term contractor includes a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

1. The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.

2. The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.

3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity.

Such notification shall be made within 15 days of the date of suspension or debarment.

4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may search the current list of suspended and debarred Commonwealth contractors by visiting the eMarketplace website at <http://www.emarketplace.state.pa.us> and clicking the Debarment List tab.

Attachment G

Project Proposal and Grant Application

(begins on next page)

Attachment H

PLCB Budget Worksheet

(Excel spreadsheet to follow)

[Pa.B. Doc. No. 23-1790. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Pennsylvania Wine Marketing and Research Board; Grant Solicitation and Application Procedures for Act 39 of 2016 Funding

1. *Introduction.* The Pennsylvania Wine Marketing and Research Program Board (Board) annually, or more frequently as the availability of funds permits, solicits applications for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of wines, enhance the wine industry and benefit wine producers of this Commonwealth. The Board was established by the Department of Agriculture (Department) under 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act) (ACMA). Its composition, funding and duties were subsequently expanded by section 488.1 of the Liquor Code (47 P.S. § 4-488.1). The Board makes recommendations for the awarding of grants by the Liquor Control Board (LCB) from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001) for LCB Act 39 of 2016 funding. This notice establishes the procedures by which grant applications will be solicited, reviewed and grants awarded.

2. *Grant Solicitation.* The Board will be accepting grant applications for the purposes, in the form and according to the schedule set forth herein for not less than 30 days beginning on the date of publication of this notice in the *Pennsylvania Bulletin*. Additional publication and dissemination of this notice shall be made and

may include direct dissemination to State universities and State-supported universities located in this Commonwealth, universities with colleges of agricultural science located in this Commonwealth and individuals or entities who have requested notification from the Department or the Board of grant availability. For an in depth look at the Board's goals, a position paper can be found here: <https://www.agriculture.pa.gov/Food/ag-commodity-marketing-boards/Documents/Position%20Paper%20FINAL%20JULY%202023.pdf>

3. *Process Overview.* The Board will employ the review process described as follows to select projects and funding levels to recommend to the LCB for the making of a grant. In the event of a recommendation to the LCB to make and fund a grant, the decision as to whether to award a grant will be made by the LCB.

a. If the LCB approves the grant recommendation, the terms and conditions of the grant will be governed by a grant agreement between the LCB and the applicant, which shall be tendered to the applicant for execution by the LCB, returnable to the LCB in no more than 30 calendar days.

b. The LCB grant agreement follows hereto as Addendum 1 and incorporated by reference. This grant solicitation will be incorporated by reference into, and become part of, the LCB grant agreement that will govern all grants awarded under this grant solicitation. The terms are non-negotiable; therefore, applicants shall carefully review the LCB grant agreement to ensure that proposed projects are compliant with agreement requirements.

c. It is also recommended that applicants seek private counsel experienced in Pennsylvania liquor law to provide guidance as it pertains to the Liquor Code and the LCB's regulations at 40 Pa. Code §§ 1.1—17.41 (relating to liquor), to ensure the legality and viability of grant projects and proposed activities.

4. *Concept Paper and Application Deadlines.*

a. *Concept Paper.* Interested applicants must deliver a one-page concept paper, plus a one-page budget, by e-mail, as a PDF file, by 4 p.m. on Friday, February 23, 2024, to RA-AGCommodities@pa.gov. The file should not exceed 5MB. The concept paper must identify timeframes for proposed grant activities in conformance with the timeframes identified in paragraph 9, Term of Grants, as well as Addendum 1.

b. *Application.* Applicants whose concept papers are approved by the Board will be invited to submit a Project Proposal and Grant Application, in the form set forth in paragraph 6 of this notice, to the Board by 4 p.m. on Friday, May 31, 2024. Proposals should be sent electronically as a PDF file, to RA-AGCommodities@pa.gov. The file should not exceed 5MB.

c. *Presentations.* Applicants must be prepared to provide a brief 3-minute presentation of their proposal to the Board, and answer questions, either in person or by conference call, at the Board's next scheduled meeting on Tuesday, July 9, 2024, at 10 a.m. The meeting will be held virtually by means of Microsoft Teams.

5. *Format of the Concept Paper.* Failure to follow this format could result in rejection of the applicant's proposal. The concept paper shall include:

a. *Organization/Business Type.* List the applicant's full legal organization/business type.

b. *Organization/Business Information.* List the organization/business name along with the contact infor-

mation and the amount of grant funds the entity is requesting. In the event of an LCB grant award, applicants will be required to have or obtain an LCB Oracle Supplier Registration number using the name, full street address and tax identification number that matches the applicant information presented in the proposal/grant application.

c. *Project Coordinator/Qualifications.* Project coordinator/qualifications should be attached as a maximum 3-page addendum which does not count toward the page limit of the Concept Paper. Identify the person who will be directing the proposed project and clearly state their qualifications including:

i. *Research projects*—Full and complete literature references to (up to) five key published journal articles directly related to proposed research/outreach.

ii. *Marketing projects*—Sample images from (up to) three previous marketing campaigns along with a description of in-market implementation plan (including types of medium such as print, digital, display, TV/radio, out-of-home, and the like) and performance metrics to include both impressions and cost-per-conversion.

d. *Organization History.* Indicate whether the organization has previously received Wine Marketing and Research Program or agriculture-related grant funds.

e. *Area of Focus.* For purposes of LCB grants, “Marketing” projects include advertising and promotions, educational/outreach projects, and technical support initiatives such as web site development, equipment or process development, while “Research” projects include agricultural and economic research and development efforts.

f. *Project Purpose.* In one or two paragraphs, clearly state the specific issue, problem, interest or need, and how the project will address it. Explain why the project is important and timely.

g. *Estimated Timeline.* State the estimated timeline for the proposed project. The timeline may not begin earlier than January 1, 2025 and may not extend beyond the term of the grant as set forth in more detail at paragraph 9.

h. *Expected Measurable Outcomes.* What are the goals and objectives of the project? How do the objectives support the goals? Goals are long-term broad visions and may take time to achieve. Objectives are significant steps that must be completed to achieve the goal. Objective statements should focus on the outcome, rather than the methods used. Each goal should have one or more objectives. Describe at least one distinct, quantifiable and measurable outcome that directly and meaningfully supports the project’s purpose. Typically, outcomes are those measures that are quantifiable, measure direct benefit and are documented through data or information collection.

i. *Preliminary Project Work Plan.* List the major tasks of the proposed project.

j. *Draft Budget.* State the budget for the proposed project using the categories from paragraph 6.f. If a project is selected to submit a proposal, more detailed budget information will be required.

6. *Format of the Project Proposal and Grant Application.* Failure to follow this format could result in rejection of the applicant’s proposal. Applicants may submit up to three one-page letters of support which do not count toward the page limit. The project proposal and grant

application cannot exceed 10 pages total for project and budget narratives, plus 1 additional page for the budget table and shall be formatted as follows:

a. A cover page, titled Pennsylvania Wine Marketing and Research Program—Project Proposal and Grant Application, providing: the title of the proposed project; the full legal name and street address of the applicant; the name, address, telephone number and e-mail address of the applicant’s principal contact person for matters relating to the application; the name, title, address, telephone number and e-mail address of the individual authorized to contractually bind the applicant to the grant agreement; and the total maximum grant amount sought for the proposed project or program.

b. Addendum, titled Demonstrated Qualifications, should be attached as a maximum 3-page addendum which does not count toward the page limit of the proposal.

i. *Research projects:*

1. Describe how widely previous research has been adopted by the industry in this Commonwealth or other states;

2. List any papers presented at meetings in this Commonwealth, other states or countries;

3. Highlight any papers published in regional, National or international peer reviewed journals; and

4. Show where credited financial support the research.

ii. *Marketing projects:*

1. List industry partners that are involved with marketing proposal that will provide Pennsylvania wine industry insight.

2. Describe how the marketing plan is accountable to the Pennsylvania wine industry.

3. Provide documented success of previous marketing campaigns that you have conducted for other large-scale industries.

c. Section 1, titled Statement of Purpose, addressing: the purpose for which the grant funds would be utilized and identifying methods for measuring and reporting outcomes; details of the proposed project, including a statement of expected impact of outcomes, staffing for the project, and objectives and methodologies; and whether, how and to what anticipated extent, the proposed marketing or research project increases the quality, profitability, production and sale of wines, enhances the wine industry and benefits wine producers of this Commonwealth.

d. Section 2, titled Statement of Need, addressing: the need for the grant funds sought; any other partners or partner organizations that will be involved with the project; and any other funding or noncash resources that will be committed to the project and the sources thereof.

e. Section 3, titled Evaluation and Reporting, shall identify expected measurable outcomes previously identified in the concept paper, and the outcome measures. Include a narrative describing data collection to inform the outcome measures. This section must be clear and unambiguous as it will inform expectations of progress reports and final reports.

f. Section 4, titled Budget, presenting a detailed budget for the proposed project or program, including any other matching funds and the value of any noncash resources that will be included in the project.

For all applications, each and every item of direct expense to be incurred in the project shall be separately set forth, including all purchases of consumable or non-consumable goods or equipment, listing the disposition of all nonconsumable goods or equipment upon completion of the project; all travel by dates, purpose, destination, mode of transportation and rate; a full breakdown of other costs, if any, and the method used to calculate those costs. See also paragraph 12.

i. *Personnel*—Includes employed personnel. Those employed elsewhere should be listed as subcontractors or consultants in the Contractual cost category. Provide detail of all personnel by name devoted to the project, their professional qualifications, the amount of time calculated by hours and the tasks to be performed by each of the named personnel. In the case of graduate student participation, reasonable stipends will be allowed, and tuition will not be allowed.

ii. *Fringe Benefits*—For personnel of the grantee only, provide the rate of fringe benefits for each project participant's salary or wages. Identify the total for all funded fringe benefits.

iii. *Travel*—For personnel of the grantee only, calculate the costs for travel by considering destinations, number of trips, days traveling, transportation costs, estimated lodging and meal costs, and estimated mileage rate.

iv. *Supplies*—These are consumables procured for and used in furtherance of the project and include items such as lab or field equipment.

v. *Contractual*—Those costs paid to other non-employee individuals or entities to perform specific work or to provide specific services in accordance with the approved project. By way of example, this could include speaker fees, facility and equipment rental costs, software subscriptions, and costs for social media placement and data collection. If contractual work will be involved with carrying out the work of the project, identify the total contractual expenses. When determining the total cost for this category, include the fees for the professional services, contractor travel costs, and any other related contractual expenses.

vi. *Other*—This category includes fees for conferences or meetings, membership dues, honorarium, scholarships, postage/shipping fees and publication costs.

vii. *Indirect Costs*—Grant awards may include an allowance for indirect costs of up to 10% of the total direct costs. Total direct costs are defined as the total of the above six budget categories (Personnel, Fringe Benefits, Travel, Supplies, Contractual and Other) and are often referred to by grantee entities as Facilities and Administration or Overhead.

g. Section 5, titled Budget Narrative, providing details of how the applicant arrived at the estimated expenses in the applicant's budget and describing how each expense will lead to the success of the applicant's project.

h. Section 6, titled Industry Support, addressing the extent of support, participation and funding from the Commonwealth's wine industry, including associations, organizations or agencies, or both, with an interest in the project outcome. Letters or written confirmation of that support, participation or funding should be included in this section.

i. Due to limitations of Commonwealth equipment and considering that all LCB grant communications will be conducted electronically, applicants should not use color in any tables, graphs, charts or other material elements

of the proposals. Black and white or gray-scale should be used in these elements to ensure ongoing document integrity.

7. *Scoring of Applications*. The Board will evaluate each complete and timely-filed project proposal and grant application it receives, which shall include a 100-point scale assessing:

a. Up to 20 points for the project needs statement.

b. Up to 20 points for the expected impact of project outcomes.

c. Up to 20 points for the promotion, marketing or research methodology.

d. Up to 20 points for overall project evaluation.

e. Up to 20 points for support and participation from industry.

8. *Evaluation, Recommendations and Awards*. The Board reserves the right to request modifications or clarifications, or both, of project proposals and grant applications, including but not limited to additional detail of purpose, reduced or modified budgets, and the like. Upon completion of evaluations, the Board will prepare a record identifying each complete and timely filed project proposal and grant application received, and the numerical score assigned to each. In the event of one or more recommendations to the LCB to make and fund a grant, the Board will transmit to the LCB the complete and final project proposal and grant application along with the score assigned by the Board and any other information deemed relevant by the Board or requested by the LCB. Request will be made by the Board that the LCB respond to all recommendations for grant approval within 30 days. The LCB's three-member board will vote on these recommendations at a public meeting, and the LCB will directly contact those applicants whose proposals/applications are approved. The LCB is responsible for notifying applicants whose projects were recommended by the Board for LCB funding, but which the LCB determined not to fund.

9. *Term of Grants*.

a. Grant Agreements will become effective on January 1, 2025, or the date of the last required Commonwealth approval, whichever is later (Effective Date). Reimbursements will not be made by the LCB for any grant activity commencing prior to the Effective Date.

b. Research projects will have a term of 18 months. Other projects will have a term of 12 months.

c. A Notice to Proceed, Purchase Orders, fully executed agreements and invoicing instructions will be provided by LCB by means of e-mail.

d. Final invoices shall be submitted to the LCB within 60 days of contract end date as set forth in the Grant Agreement.

e. See Addendum 1 Grant Agreement for more details about the LCB's grant administration practices.

10. *Progress Reports*. Progress reports are to include the deliverables from paragraph 6.e. and be delivered by e-mail to RA-AGCommodities@pa.gov and RA-LBACT39GRANTS@pa.gov no later than October 1, and April 1, every year for the duration of the project, or as requested by the Board. Final reports should be submitted within 90 days of contract end date. Failure to meet these deadlines constitutes a breach of the grant agreement, will result in nonpayment of invoices, and could jeopardize future grant awards.

11. *Grant Agreement.* The LCB will provide applicants with a grant agreement for Grantee's execution and return within 30 calendar days. The LCB will obtain the required signatures on the grant agreements, including any other required Commonwealth entities, and return a copy to the applicant. Grant agreements are not effective, and work should not begin until all required signatures have been applied to the grant agreement and a Notice to Proceed is issued. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Board and the LCB full and complete access to all records relating to the performance of the project and submit information as the Board or the LCB, or both, may require.

12. *Cost-Reimbursement Grant.* Grants made hereunder do not require the applicant secure or devote a matching sum to the project. Payment of grant funds will occur on a reimbursement basis only.

RUSSELL REDDING,
Secretary

Addendum 1

LCB GRANT AGREEMENT

PENNSYLVANIA LIQUOR CONTROL BOARD GRANT AGREEMENT

PURSUANT TO 47 P.S. § 4-488.1

This Grant Agreement is entered into by and between the Pennsylvania Liquor Control Board, 312 Northwest Office Building, Harrisburg PA 17124 (hereinafter referred to as "PLCB"), and _____, (hereinafter referred to as "Grantee") (collectively, "the Parties").

I. RECITALS

1. Pursuant to sections 488(k) and 448.1 of the Pennsylvania Liquor Code, 47 P.S. §§ 4-488(k) and 4-488.1, the PLCB shall allocate the amount of \$1,000,000 annually to be used to award grants to entities for the purpose of increasing the production of Pennsylvania-made wines and enhancing the Pennsylvania wine industry through promotion, marketing and research-based programs and projects.

2. The Pennsylvania Wine Marketing and Research Program Board ("Wine Board") was established by the Pennsylvania Department of Agriculture under the authority of the Pennsylvania Agricultural Commodities Marketing Act at 3 Pa.C.S. §§ 4501—4513. Its composition, funding and duties were subsequently expanded in the Pennsylvania Liquor Code; specifically, at 47 P.S. § 4-488.1.

The Wine Board is statutorily charged with establishing procedures by which an entity may submit an application for grant funding pursuant to 47 P.S. § 4-488(k) and § 4-488.1; reviewing all such grant applications; and making recommendations to the PLCB for the awarding of the grants.

The Wine Board is further statutorily charged with requiring grant recipients to provide full and complete access to all records relating to the performance of the grant; conducting a thorough annual evaluation of each program for which a grant is made; and submitting an annual report to the General Assembly detailing all actions of the Wine Board and the grants awarded pursuant to section 488(k) and 488.1 of the Liquor Code.

3. The PLCB has made the aforementioned allocation; the Wine Board has established the requisite procedures and process; the Wine Board has issued a competitive

grant solicitation as posted on [Date] at [___ PaB. ___], (the "RFP"), incorporated by reference herein, and the Grantee has applied for a grant pursuant thereto; the Wine Board has recommended to the PLCB to make a grant to the Grantee; and the PLCB has approved the award of the grant as detailed in Attachment G—Project Proposal and Grant Application, and also Attachment H—PLCB Budget Worksheet, each attached and incorporated by reference ("the Grant").

II. AGREEMENT

In consideration of the foregoing recitals, which are incorporated herein, and the mutual promises contained in this Grant Agreement, the Parties, intending to be legally bound, agree as follows:

1. SCOPE.

a. This Grant is for funding the Project Proposal and Grant Application ("the Project") summarily described as follows and in more detail in the documents attached hereto and incorporated herein as Attachment G and Attachment H.

b. No increases to the funding amount or changes to the approved overall scope of work will be permitted under any circumstance; however, minor prospective revisions to the Project timeline, methodology and/or budget(s) contained in Attachment G and/or Attachment H may be approved by the PLCB at its sole discretion upon review of Grantee's written request and justification for same. Similarly, at the PLCB's sole discretion and in consideration of exigent circumstances, the PLCB may authorize prospective changes to specific elements of an approved scope of work. The PLCB shall reject any such requested revisions that are retroactive in nature; therefore, Grantee must carefully manage its project and communicate with the PLCB in a timely manner via the PLCB's resource email account.

By way of example only, if certain approved grant elements cannot be performed due to governmental restrictions related to a pandemic (e.g., in-person event), then Grantee may propose modifications to those elements (e.g., shift to virtual event), limited to what is reasonably necessary to achieve the approved project objectives and deliverables and within the original approved budget.

Grantee shall submit such requests via email to the PLCB's resource account at RA-LBAct39Grants@pa.gov ("the Resource Account"), and the PLCB will respond to the request via the same Resource Account within ten calendar days of its receipt of the request.

2. OPERATIONAL REQUIREMENTS.

a. All communications between the Grantee and the PLCB, including but not limited to questions, notifications, requests, and invoice submissions, shall be conducted via email to and from the PLCB's aforementioned Resource Account. Grantee expressly accepts this method of electronic communication and is responsible to timely provide notice to the PLCB via the Resource Account if there are any changes or additions to the Grantee's contact information. The PLCB will utilize best efforts to respond to all inquiries from Grantee within five business days of receipt of an email, except as otherwise provided herein.

b. In order to be issued an approved Purchase Order and to receive Grant funds, Grantee must have a valid PLCB Supplier number.

3. EFFECTIVE DATE AND TERM.

a. This Grant Agreement shall become effective on January 1, 2025, or on the date of the last required Commonwealth signature, whichever is later (the "Effective Date"). The Term of the Grant shall be up to twelve months from the Effective Date for marketing, educational and/or promotions-related projects and up to eighteen months from the Effective Date for research projects. The Effective Date and the Term will be set forth with specificity on the Notice to Proceed letter and the PLCB Purchase Order, which will be sent to Grantee via the Resource Account with the fully executed Grant Agreement. The Grant Activity Period (defined as the period of performance for which Grantee can be reimbursed for activity performed in furtherance of the project as set forth in the approved Grant proposal's timeline) may be shorter than the Term of the Grant Agreement, but in no event may the Grant Activity Period exceed the Term of the Grant Agreement.

b. No later than sixty days prior to the expiration of the Grant Activity Period, Grantee may electronically submit a request to the PLCB via the Resource Account to extend the Grant Activity Period in order to complete the Project without increasing the Grant funding. At its sole discretion and by issuance of a written notice to extend by the PLCB, the PLCB may extend the Grant Activity Period for no more than ninety days. This written notice of an approved extension will be emailed to the Grantee via the Resource Account within ten calendar days of the PLCB's receipt of a compliant request. To be clear, in circumstances where the Term of the Grant Agreement is the same span of time as the Grant Activity Period, such an extension of the Grant Activity Period will also constitute extension of the Term of the Grant Agreement.

4. REIMBURSEMENT.

The PLCB agrees to reimburse Grantee in the amount not to exceed \$ _____ for approved expenses incurred in accordance with the terms of this Grant Agreement. Payments hereunder shall be made electronically through the Pennsylvania Electronic Payment Program, details of which are set forth and incorporated herein as Attachment A hereto. Under no circumstances will the PLCB reimburse the Grantee for any expenses incurred before the Effective Date or after the expiration of the Term of the Grant.

5. CONTRIBUTION.

The Grantee agrees to contribute and/or secure any additional necessary funds required to complete the Project, if any, in accordance with the terms of Attachment G and Attachment H.

6. PERMITTED EXPENDITURE.

a. Reimbursement funds provided by the PLCB shall be used for only those expenses outlined in this Grant Agreement, including its Attachments. The Grantee shall not purchase equipment of any type or kind under the terms of this Grant Agreement unless mandated by the nature of the work and explicitly approved by the PLCB in this Grant Agreement.

b. The Grantee expressly warrants that it shall request reimbursement of expenses solely allowable by the Grant Agreement. Should the PLCB determine that the Grantee is not using Grant funds exclusively in conformance with the Grant Agreement, the PLCB shall have the absolute right, in addition to any other rights provided herein or by law, to terminate this Grant Agreement and to demand

the repayment/return of Grant funds. Failure of Grantee to repay/return such funds within ten business days of the PLCB's written demand, sent electronically via the Resource Account, will result in referral of the matter to the Office of the Attorney General.

7. INVOICING, RECORDS, REPORTS.

a. All payments of Grant funds hereunder shall be made on a reimbursement basis only and as set forth in the Attachment H—PLCB Budget Worksheet. The PLCB Budget Worksheet is based on the Grantee's approved budget as set forth in Attachment G; however, in the case of any conflict between Attachment G and Attachment H, then Attachment H shall supersede the Grantee's Attachment G for purposes of grant administration and reimbursement invoicing.

b. Grantee must electronically submit detailed quarterly reimbursement invoice packages to the Resource Account. Attachment H—PLCB Budget Worksheet must be completed and submitted along with the following information. Grantee's reimbursement invoices must be itemized, clearly indicate the PLCB Purchase Order number, the payee for each item, the total paid to that payee for each budget line-item type for approved Grant activities for the quarterly invoice period, a brief description of the expense item and the date such payment was issued. The PLCB requires that Grantee will include reasonable supporting documentation of these expenses as every reimbursement invoice is compared to the approved Grant Agreement package, which includes the final proposal documents, to ensure that the expenses were within the approved project scope, timeline and budget.

c. The following parameters will be applied to all reimbursement requests to ensure compliance with the letter and the spirit of the RFP and its budget categories:

i. *Personnel costs* are those wage or salary payments made to named employees of the Grantee for the relevant time period. When seeking reimbursement, Grantee must set forth "who did what, when, for how much, and when was that expense paid." Grantee must also provide documentation to support those elements, which may include use of corporate/entity payroll records containing appropriate details. Personnel costs are "direct costs."

ii. *Fringe benefits* are similarly those sums attributable to named employees of the Grantee for the subject time period. These line items should track with Personnel costs as described above. By way of example only, if the PLCB Budget Worksheet has Personnel line items for Employee A, B and C, and also has Fringe Benefit line items, the reimbursement invoice should indicate the wages and fringe benefits for each of the named employees who performed work on the project during the quarter, in the appropriate budget categories. Use of the PLCB Budget Worksheet will help grantees to ensure that appropriate information is provided. Fringe benefits are "direct costs."

iii. *Travel expenses* for named employees of the Grantee and as noted in the PLCB Budget Worksheet may be reimbursed at actual documented cost for named employees of the Grantee for lodging and for transportation that involves vehicle rental or train/airplane expense; at the 2025 IRS mileage rate for vehicle mileage; and for meals that are reasonably incurred in the performance of the approved project. That said, Grantees should note that, when determining reimbursement eligibility of travel expenses, the PLCB will consider the federal government's General Services Administration's maximum al-

lowable per diem rate by region for meals, incidentals and lodging. All reimbursement requests for travel expenses must include specific details of “who went where, how (travel mode), when, for what purpose, at what cost, and when/how that cost was paid.” Please note that, in accordance with Commonwealth policy, the PLCB will not reimburse any travel expenses incurred for the purchase of alcoholic beverages. Supporting documentation is required for all expense items. Travel expenses are “direct costs.”

iv. *Supplies expenses* should be documented to detail “who (vendor/supplier name) provided what (specific goods), when, at what cost, and when was that vendor/supplier paid.” Supporting documentation should include detailed vendor/supplier invoices and documentation of Grantee’s payment of those invoices. Supplies expenses are “direct costs.”

v. *Contractual expenses* are those costs paid to other non-employee individuals or entities to perform specific work in accordance with the approved project. Grantee shall submit detailed documentation supporting each contracted service, including but limited to third-party contracts or engagement letters, as well as statements of work with deliverables, timeline, costs and payment terms. When seeking reimbursement, expenses should be documented to detail “who (name of individual, contractor or supplier) did what, when, for how much, and when was that expense paid.” These expenses may only be for goods or services supplied during the Grant Activity Period. By way of example only, if the PLCB Budget Worksheet notes a software subscription is an approved “Contractual” expense, the PLCB will only reimburse that portion of the software subscription cost that covers the Grant Activity Period. Detailed provider invoices should be submitted, along with documentation of Grantee’s payment of those invoices. Contractual expenses are “direct costs.”

vi. *Other expenses* are those set forth in detail on the PLCB Budget Worksheet and may include expenses such as conference fees, publication costs, honoraria, scholarships and postage/shipping expenses. When seeking reimbursement, expenses should be documented to detail “who (name of individual, contractor or supplier) provided what, when, for how much, and when was that expense paid.” Publication costs are only reimbursable if the expense is incurred and the publication is contracted during the Grant Activity Period, although it is understood that actual publication of scholarly articles may occur after the expiration of the Term of the Grant Agreement. These “Other” expenses are “direct costs.”

vii. *Indirect costs* are defined as a percentage of the total of all direct costs incurred and are intended to compensate for supportive expenses of the Grantee. Indirect costs are often referred to as “Facilities and Administration” or “Overhead” and are capped at 10% for these grants. When seeking reimbursement, Grantee may submit a flat rate cost element on the reimbursement invoice/PLCB Budget Worksheet, noting the time period covered. Supporting documentation is not required. By way of example, if total direct costs for a given quarter equal \$4,000 and Grantee has an approved budget category of 10% indirect costs, the reimbursement invoice may seek payment of the \$4,000 in total direct costs plus an additional \$400 as indirect costs, for a total quarterly reimbursement request of \$4,400.

d. These invoices are to be submitted within thirty days of the end of each quarter during the Grant Activity Period for work performed and expenses paid during that

quarter. If there was no work performed or expenses paid during a given quarter of the Grant Activity Period, Grantee is to communicate that fact via email to the Resource Account within thirty days of the end of that quarter. The PLCB shall reject any invoices received more than sixty days following the end of the Grant Activity Period and Grantee shall have no claim against the PLCB or the Commonwealth for same.

e. In the event that a reimbursement invoice as submitted does not permit the PLCB to adequately discern the appropriateness of the reimbursement request, then the Grantee will receive a request via the Resource Account for additional supporting documentation to substantiate the invoice submitted and the funds expended. Grantee will have ten calendar days to respond to the Resource Account.

f. Grantee is required to file timely progress reports to the Wine Board at RA-AGCommodities@pa.gov and to PLCB’s Resource Account at RA-LBAct39Grants@pa.gov, including but not limited to a final report. The PLCB reserves the right to withhold payment otherwise due under the terms of this Grant Agreement for Grantee’s failure to submit reports. The Grantee acknowledges that the PLCB has no involvement in the Wine Board’s statutory reporting requirements.

g. Records of all expenditures shall be maintained for a period of two years after expiration of the Term of this Grant Agreement and shall be subject to audit by the PLCB and legally authorized officials of the Commonwealth of Pennsylvania. The Grantee shall provide the PLCB and the Commonwealth full and complete access to all records relating to the performance of any and all work hereunder and shall submit truthful and accurate information about the work performed hereunder if, and as, requested by the PLCB and/or the Commonwealth.

8. HOLD HARMLESS.

The Grantee shall indemnify, hold harmless and defend the PLCB and the Commonwealth of Pennsylvania and their officers, employees and agents from and against any and all suits and judgements for damages for personal injury, death or damage to real or tangible personal property arising out of or in conjunction with the performance by the Grantee under this Grant Agreement and caused by the Grantee’s negligence or intentional wrongful acts. This paragraph does not apply when the Grantee is a Commonwealth Agency, including but not limited to state-affiliated entities or state-related institutions.

9. ADDITIONAL COMPLIANCE REQUIREMENTS.

a. The following additional compliance requirements are attached and incorporated into this Grant Agreement and made a part hereof. The Grantee shall comply with, and be bound by, the provisions set forth in these attachments:

i. Attachment A—Pennsylvania Electronic Payment Program.

ii. Attachment B—Nondiscrimination/Sexual Harassment Clause, with respect to which the Grantee is the “Contractor.”

iii. Attachment C—Contractor Integrity Provisions, with respect to which the Grantee is the “Contractor.”

iv. Attachment D—The Americans With Disabilities Act provisions, with respect to which the Grantee is the “Contractor.”

v. Attachment E—Right-to-Know Provisions, with respect to which the Grantee is the “Contractor.”

vi. Attachment F—Contractor Responsibility Provisions, with respect to which the Grantee is the “Contractor.”

vii. Attachment G—Project Proposal and Grant Application.

viii. Attachment H—PLCB Budget Worksheet.

b. The Grantee shall comply with all the terms, conditions and requirements set forth in the competitive grant solicitation (“RFP”) posted on [Date] at [PaB.], which is incorporated by reference into this Grant Agreement as if fully set forth herein.

c. The Grantee agrees that in the performance of its obligations under this Grant Agreement it will comply with all applicable, federal, state and local laws and regulations, including but not limited to those labor and workforce safety laws listed in Executive Order 2021-06, Worker Protection and Investment (October 21, 2021). The Grantee expressly warrants that, as it relates to the performance of the Project that is the subject of this Grant Agreement, it shall at all times comply with the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., and the PLCB’s Regulations, 40 Pa. Code § 1.1 et seq.

d. Any forbearance by the PLCB in exercising any right or remedy hereunder or as otherwise afforded by applicable law shall not be a waiver of or preclude the exercise of any such right or remedy at any appropriate time.

e. The Grantee shall, in the performance of this Grant Agreement, act in an independent capacity and not as an officer, employee or agent of the PLCB or of the Commonwealth of Pennsylvania.

10. STATE TAX LIABILITY.

The Grantee agrees that the Commonwealth of Pennsylvania may set-off the amount of any state tax liability or other debt of the Grantee or its subsidiaries, that is owed to the Commonwealth and not being contested on appeal, against any payments due the Grantee under this Grant Agreement.

11. TERMINATION AND ASSIGNMENT.

If through any cause, the Grantee shall fail to fulfill in a timely and proper manner its obligations under this Grant Agreement, or in the event of violation of any of the covenants contained in this Grant Agreement, the PLCB thereupon has the right to terminate this Grant Agreement by giving thirty days written notice to the Grantee specifying the effective date of termination. If this Grant Agreement is so terminated, the Grantee shall be reimbursed for all expenses properly incurred under the terms of this Grant Agreement prior to receipt of notice, so long as Grantee properly submits valid invoices with supporting documentation within sixty days of the notice of termination. Failure by Grantee to timely submit final invoicing shall be considered a forfeiture of any claims to Grant funding. The Grantee shall not assign any interest to this Contract, nor shall any interest be transferred by novation or assignment without prior written consent of PLCB.

12. SEVERABILITY.

The terms and provisions of this Grant Agreement are severable. In the event of the unenforceability or invalidity of any one or more of the terms, covenants, conditions or provisions of this Grant Agreement under federal, state or other applicable laws, such unenforceability or invalidity shall not render any other term, covenant, condition or provision hereof unenforceable or invalid.

13. ENTIRE AGREEMENT.

This Grant Agreement constitutes the entire agreement between the parties. No amendment or modification hereof shall have any force or effect unless it is in writing and signed by all parties.

14. CONTINGENCY.

The PLCB’s obligation to make payments shall be subject to the availability and appropriation of funds.

15. APPLICABLE LAW.

This Grant Agreement shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any conflict of laws provisions) and the decisions of the Pennsylvania courts. The Grantee consents to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The Grantee agrees that any such court shall have in personam jurisdiction over it, and consents to service of process in any manner authorized by Pennsylvania law.

16. HEADINGS.

All headings of the sections and subsections of this Agreement are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties hereto, with the intention of being legally bound hereby and each signatory having the requisite legal authority to bind its respective entity, have caused this Grant Agreement to be duly executed. If the signature below is submitted electronically or digitally, the signatory hereby expressly acknowledges and avers that he or she is the named individual and that he or she intends to sign this Grant Agreement document electronically or digitally.

[GRANTEE]

NAME:
Title:

PENNSYLVANIA LIQUOR CONTROL BOARD

Michael Demko, PLCB Executive Director

APPROVED AS TO FORM AND LEGALITY:

Rodrigo J. Diaz, PLCB CHIEF COUNSEL

OFFICE OF THE ATTORNEY GENERAL DATE

COMPTRROLLER

Attachment A
PENNSYLVANIA ELECTRONIC
PAYMENT PROGRAM

a. The Commonwealth will make payments to the recipient through ACH. Within 10 days of the grant award, the Grantee must submit or must have already established its ACH information in the Commonwealth's Master Database. The Grantee will also be able to enroll to receive remittance information via electronic addenda and email (e-Remittance). ACH and e-Remittance information is available at <https://www.budget.pa.gov/Services/ForVendors/Pages/Direct-Deposit-and-e-Remittance.aspx>.

b. The recipient must submit a unique invoice number with each invoice submitted. The unique invoice number will be listed on the Commonwealth's ACH remittance advice to enable the recipient to properly apply the state agency's payment to the respective invoice or program.

c. It is the responsibility of the recipient to ensure that the ACH information contained in the Commonwealth's Master Database is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.

Attachment B
NONDISCRIMINATION/SEXUAL
HARASSMENT CLAUSE (Grants)

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the Grant Agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act (PHRA) and applicable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any of its employees.

3. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the Grant Agreement, subgrant agreement, contract or subcontract.

4. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the Public Employee Relations Act, Pennsylvania Labor Relations Act or National Labor Relations Act, as applicable and to the extent determined by entities charged with such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.

5. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written

nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily accessible and well-lighted places customarily frequented by employees and at or near where the Grant services are performed shall satisfy this requirement for employees with an established work site.

6. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the Grant relates.

7. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to Title VII of the Civil Rights Act of 1964, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

8. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

9. The Grantor's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Grant Agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Grant Agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

10. The Commonwealth may cancel or terminate the Grant Agreement and all money due or to become due under the Grant Agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

Attachment C
CONTRACTOR INTEGRITY PROVISIONS

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

1. **DEFINITIONS.** For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

a. **"Affiliate"** means two or more entities where (a) a parent entity owns more than fifty percent of the voting stock of each of the entities; or (b) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or (c) the entities have a common proprietor or general partner.

b. **"Consent"** means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.

c. **"Contractor"** means the individual or entity, that has entered into this contract with the Commonwealth. For purposes of this Grant Agreement, Contractor also means the named Grantee.

d. **"Contractor Related Parties"** means any affiliates of the Contractor and the Contractor's executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

e. **"Financial Interest"** means either:

(1) Ownership of more than a five percent interest in any business; or

(2) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

f. **"Gratuity"** means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor's Code of Conduct, Executive Order 1980-18, the 4 Pa. Code § 7.153(b), shall apply.

g. **"Non-bid Basis"** means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

2. In furtherance of this policy, Contractor agrees to the following:

a. Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.

b. Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity

Provisions conspicuously in easily accessible and well-lit places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

c. Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.

d. Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

e. Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:

(1) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;

(2) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;

(3) had any business license or professional license suspended or revoked;

(4) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and

(5) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the Commonwealth in writing if at any time during the term of the contract it becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual circumstances or were false or should have been known to be false when entering into the contract.

f. Contractor shall comply with the requirements of the Lobbying Disclosure Act (65 Pa.C.S. § 13A01 et seq.)

regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the Section 1641 of the Pennsylvania Election Code (25 P.S. § 3260a).

g. When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.

h. Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

i. Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third-party beneficiaries shall be created thereby.

j. For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These

rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

Attachment D

AMERICANS WITH DISABILITIES ACT

For the purpose of these provisions, the term contractor is defined as any person or entity, including, but not limited to, a bidder, offeror, supplier, or grantee, who will furnish or perform or seeks to furnish or perform, goods, supplies, services, construction or other activity, under a purchase order, contract, or grant with the Commonwealth of Pennsylvania (Commonwealth).

During the term of this contract, the Contractor agrees as follows:

a. Pursuant to federal regulations promulgated under the authority of The Americans with Disabilities Act, 28 CFR § 35.101 et seq., the contractor understands and agrees that it shall not cause any person with a disability to be excluded from participation in this Contract or from activities provided for under this Contract on the basis of the disability. As a condition of accepting this contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C.F.R. § 35.130, and all other regulations promulgated under Title II of The Americans with Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.

b. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of subparagraph (a) above.

Attachment E

RIGHT TO KNOW LAW— GRANT PROVISIONS—8-K-1580

a. Grantee or Subgrantee understands that this Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the granting Commonwealth agency.

b. If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee of Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

c. Upon written notification from the Commonwealth that it requires Grantee's or Subgrantee's assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee's or Subgrantee's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), Grantee or Subgrantee shall:

1. Provide the commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in Grantee's or Subgrantee's possession arising out of this Grant Agree-

ment that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and

2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Grant Agreement.

d. If Grantee or Subgrantee considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

e. The Commonwealth will rely upon the written statement from Grantee or Subgrantee in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the Commonwealth determine that the Requested Information is clearly not exempt from disclosure, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notice of the Commonwealth's determination.

f. If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth.

g. The Commonwealth will reimburse Grantee or Subgrantee for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

h. Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

i. The Grantee's or Subgrantee's duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

Attachment F

Contractor Responsibility Provisions

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, Grantee or lessor, who has

furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term contractor includes a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

1. The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.

2. The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.

3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may search the current list of suspended and debarred Commonwealth contractors by visiting the eMarketplace website at <http://www.emarketplace.state.pa.us> and clicking the Debarment List tab.

Attachment G

Project Proposal and Grant Application

(begins on next page)

Attachment H

PLCB Budget Worksheet

(Excel spreadsheet to follow)

[Pa.B. Doc. No. 23-1791. Filed for public inspection December 29, 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 19, 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-bnbnksbmssnsptt@pa.gov or for credit unions, by e-mail to ra-bncusubmissions@pa.gov and trust companies, by e-mail to ra-bntrustsuprvsninq@pa.gov. Comments must be received no later than 30 days from the date that the notice regarding acceptance of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240, or for credit unions or trust companies (717) 783-2253.

APPLICATIONS FOR COMMENT

BANKING INSTITUTIONS

No activity.

CREDIT UNIONS

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Status</i>
12-15-2023	Spojnia Credit Union Scranton Lackawanna County Amendment to Article 8 of the institution's Articles of Incorporation provides for a change in field of membership.	Filed

OTHER APPLICATION ACTIVITY

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
12-04-2023	First Citizens Community Bank Mansfield Tioga County	1820 East 3rd Street Williamsport Lycoming County	Opened
12-13-2023	Hometown Bank of Pennsylvania Bedford Bedford County	4327 Quaker Valley Road Alum Bank Bedford County	Accepted
12-14-2023	Community Bank Carmichaels Greene County	770 Tri-County Lane Belle Vernon Westmoreland County (Temporary Limited-Service Facility)	Approved
12-15-2023	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	5414 Route 25 Suite 101 Lykens Dauphin County	Opened

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. 23-1792. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

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

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
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>
5013804	Joint DEP/PFBC Pesticides Permit	Amendment	McClure Robert F 694 Creek Road Shermans Dale, PA 17090-8724	Jackson Township Perry County	SCRO
PA0070351	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	DEP-Initiated Minor Amendment	Amity Township 2004 Weavertown Road Douglassville, PA 19518-8971	Amity Township Berks County	SCRO
PA0052434	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	SG MF Glen Mills Investors LLC 3843 West Chester Pike Newtown Square, PA 19073-2304	Chester Heights Borough Delaware County	SERO
0223207	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	New	USHHS CDC 626 Cochrans Mill Road P.O. Box 18070 Pittsburgh, PA 15236-3611	South Park Township Allegheny County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0603412	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Caernarvon Township Municipal Authority 601 Hemlock Road P.O. Box 291 Morgantown, PA 19543-8894	Caernarvon Township Berks County	SCRO
2294401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	West Hanover Township Water & Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112-9728	West Hanover Township Dauphin County	SCRO
NOEXNC158	No Exposure Certification	New	Cactus Wellhead LLC 194 Aviation Way Reynoldsville, PA 15851-8188	Athens Township Bradford County	NCRO
NOEXNE058	No Exposure Certification	New	Quality Carriers Inc. 102 Pickering Way Suite 105 Exton, PA 19341-1330	Parryville Borough Carbon County	NERO
NOEXNW186	No Exposure Certification	Renewal	EV Products Inc. dba Kromek 143 Zehner School Road Zelienople, PA 16063-2715	Jackson Township Butler County	NWRO
NOEXNW235	No Exposure Certification	New	Fenwal Inc. 770 Commonwealth Drive Warrendale, PA 15086-7521	Cranberry Township Butler County	NWRO
NOEXSC118	No Exposure Certification	Renewal	Reckitt Benckiser Inc. 360 Independence Avenue Mechanicsburg, PA 17055-8306	Upper Allen Township Cumberland County	SCRO
NOEXSC317	No Exposure Certification	Renewal	Flight System Auto Group LLC 505 Fishing Creek Road Lewisberry, PA 17339-9517	Fairview Township York County	SCRO
NOEXSC410	No Exposure Certification	New	Herley Ind LLC 3061 Industry Drive Lancaster, PA 17603-4025	East Hempfield Township Lancaster County	SCRO
NOEXSC411	No Exposure Certification	New	Schindler Elevator Corp 700 Canal Road Ext York, PA 17406-6090	East Manchester Township York County	SCRO
PAG035040	PAG-03 NPDES General Permit for Industrial Stormwater	New	Washita Valley Enterprises P.O. Box 94160 Oklahoma City, OK 73143-4160	Wysox Township Bradford County	NCRO
PAG036142	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Clean Harbors 258 Johnson Road Canonsburg, PA 15317-4933	Canonsburg Borough Washington County	SWRO
PAG038607	PAG-03 NPDES General Permit for Industrial Stormwater	New	M & B Redi Mix Inc. dba Dubrook 15303 Route 322 Clarion, PA 16214-6265	West Mead Township Crawford County	NWRO
PAG041241	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Balter Joseph 845 Samick Drive Erie, PA 16509	Summit Township Erie County	NWRO
PAG045139	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Patel Arpan P 18 Eagle Drive Towaco, NJ 07082-1282	Huston Township Centre County	NCRO
PAG123631	PAG-12 NPDES General Permit for CAFOs	Renewal	Hillside Acres 335 Dotterer Road Lenhartsville, PA 19534-9501	Albany Township Berks County	SCRO

NOTICES

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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>
PAG123651	PAG-12 NPDES General Permit for CAFOs	Renewal	Nolt Lawrence 94 Creek Road East Berlin, PA 17316-9119	Washington Township York County	SCRO
PAG123752	PAG-12 NPDES General Permit for CAFOs	Renewal	Shelmar Acres LLC 580 Colebrook Road Mount Joy, PA 17552-9777	East Donegal Township Lancaster County	SCRO
PAG123762	PAG-12 NPDES General Permit for CAFOs	Renewal	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Tyrone Township Adams County	SCRO
PAG123763	PAG-12 NPDES General Permit for CAFOs	Renewal	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Tyrone Township Adams County	SCRO
PAG123838	PAG-12 NPDES General Permit for CAFOs	Renewal	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Reading Township Adams County	SCRO
PAG124854	PAG-12 NPDES General Permit for CAFOs	Renewal	Makin Bacon LLC 650 Beers Road Granville Summit, PA 16926-9354	Granville Township Bradford County	SCRO
PAG126101	PAG-12 NPDES General Permit for CAFOs	Renewal	Leydig Keith & Denise 594 Cumberland Highway Berlin, PA 15530-6002	Brothersvalley Township Somerset County	SCRO
PAG126102	PAG-12 NPDES General Permit for CAFOs	Renewal	Beachdale Farms Inc. 126 Bronco Drive Berlin, PA 15530-6530	Brothersvalley Township Somerset County	SCRO
PAG126103	PAG-12 NPDES General Permit for CAFOs	Renewal	Pennwood Farms 262 Sugar Grove School Road Berlin, PA 15530	Brothersvalley Township Somerset County	SCRO
PAG126107	PAG-12 NPDES General Permit for CAFOs	Renewal	Vangilder David C 582 Rocky Lane Berlin, PA 15530-6535	Brothersvalley Township Somerset County	SCRO
4123403	Pump Stations Individual WQM Permit	New	PA Department of Corr Muncy State Corr Institution P.O. Box 180 Muncy, PA 17756-0180	Clinton Township Lycoming County	NCRO
PA0238759	Single Residence STP Individual NPDES Permit	Transfer	Hodgkins Joshua 454 Keck Road Butler, PA 16002-1098	Summit Township Butler County	NWRO
PA0292818	Single Residence STP Individual NPDES Permit	Transfer	Joseph & Victoria Drusko 2244 US 62 Oil City, PA 16301-4118	Cranberry Township Venango County	NWRO
1002408	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Hodgkins Joshua 454 Keck Road Butler, PA 16002-1098	Summit Township Butler County	NWRO
1402402	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Patel Arpan P 18 Eagle Drive Towaco, NJ 07082-1282	Huston Township Centre County	NCRO
2018403	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Senger Paul 21638 Fry Road Saegertown, PA 16433-2716	Cussewago Township Crawford County	NWRO
2523432	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Gustin Nancy 9499 Oliver Road Waterford, PA 16441-3317	McKean Township Erie 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>
6122408	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Joseph & Victoria Drusko 2244 US 62 Oil City, PA 16301-4118	Cranberry Township Venango County	NWRO
6223405	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Frontera Chris 333 Picidilli Hill Road Corry, PA 16407-4007	Columbus Township Warren County	NWRO
2398404	Small Flow Treatment Facility Individual WQM Permit	Transfer	SG MF Glen Mills Investors LLC 3843 West Chester Pike Newtown Square, PA 19073-2304	Chester Heights Borough Delaware County	SERO
WQG02022301	WQG-02 WQM General Permit	New	Findlay Township Municipal Authority P.O. Box 409 Clinton, PA 15026-0809	Findlay Township Allegheny County	SWRO
WQG02462310	WQG-02 WQM General Permit	New	Franconia Township Sewer Authority 671 Allentown Road Telford, PA 18969-2205	Franconia Township Montgomery County	SERO

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.

Northeast Regional Office

PA0276065, Storm Water, SIC Code 4225, **Amazon.com Services, LLC**, P.O. Box 80842, Seattle, WA 98108-0842. Facility Name: Amazon.com Services, LLC—AVP3. This existing facility is located in Covington Township, **Lackawanna County**.

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

The receiving stream(s), Unnamed Tributary to Lake Run (HQ-CWF, MF), is located in State Water Plan watershed 5-A and is classified for High Quality—Cold 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 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Southcentral Regional Office

PA0020320, Sewage, SIC Code 4952, **Lititz Borough Sewer Authority**, 50 Lititz Run Road, Lititz, PA 17543-8503. Facility Name: Lititz Sewer Authority WWTP. This existing facility is located in Lititz Borough, **Lancaster County**.

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

The receiving stream, Lititz Run (CWF (existing use)), is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.85 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.04	XXX	0.14
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	480	720	XXX	15.0	22.5	30
Nov 1 - Apr 30						
May 1 - Oct 31	320	480	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	960	1,445	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	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	145	XXX	XXX	4.5	XXX	9
Nov 1 - Apr 30						
May 1 - Oct 31	48	XXX	XXX	1.5	XXX	3
Total Phosphorus	64	XXX	XXX	2.0	XXX	4
Selenium, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

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

Parameters	Mass Units (lbs)		Minimum	Concentrations (mg/L)	
	Monthly	Annual		Average Monthly	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrite-Nitrate as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	XXX	70,319	XXX	XXX	XXX
Net Total Phosphorus	XXX	9,376	XXX	XXX	XXX

* 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 717-705-4732.

The EPA Waiver is not in effect.

Southcentral Regional Office

PAI133522, MS4, Womelsdorf Borough, Berks County, 101 West High Street, Womelsdorf, PA 19567.

The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Womelsdorf Borough, **Berks County**. The receiving stream(s), Unnamed Tributary to Tulpehocken Creek (HQ-CWF, MF) and Tulpehocken Creek (TSF, MF), is located in State Water Plan watershed 3-C and is classified for Trout Stocking, High Quality—Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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 for small MS4s and is not in effect for large MS4s.

Southeast Regional Office

PA0054917, Sewage, SIC Code 4952, Uwchlan Township Municipal Authority, 715 N Ship Road, Exton, PA 19341-1940. Facility Name: Uwchlan Township Eagleview STP. This existing facility is located in Uwchlan 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), Shamona Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-H and is classified for Migratory Fishes and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .475 MGD.—Interim Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .475 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Copper, Total	0.11 Avg Qrtly	0.17 Daily Max	XXX	0.028 Avg Qrtly	0.043 Daily Max	0.07

The proposed effluent limits for Outfall 001 are based on a design flow of .475 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	Report Avg Qrtly	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .475 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
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	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	46.8	70	XXX	12	18	24
Nov 1 - Apr 30						
May 1 - Oct 31	23.4	35	XXX	6	9	12

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	79.2	118.8	XXX	20	30	40
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ultraviolet light intensity ($\mu\text{w}/\text{cm}^2$)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	198	XXX	XXX	50	XXX	XXX
Ammonia-Nitrogen	9.3	XXX	XXX	2.4	XXX	4.8
Nov 1 - Apr 30						
May 1 - Oct 31	3.1	XXX	XXX	0.8	XXX	1.6
Total Phosphorus	6.2	XXX	XXX	1.6	XXX	3.2
Nov 1 - Mar 31						
Apr 1 - Oct 31	3.1	XXX	XXX	0.8	XXX	1.6

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

- Dry stream discharge
- Notification of designation of responsible operator
- Development of an O&M manual
- Hauled-in waste restriction
- DRBC seasonal fecal coliform
- Solids management for non-lagoon system
- WQBEL for toxic pollutants

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

PA0056766, Storm Water, SIC Code 4581, **Philadelphia City Division of Aviation**, Terminal E, Philadelphia, PA 19153. Facility Name: Philadelphia International Airport. This existing facility is located in Philadelphia City, **Philadelphia 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), Delaware River (WWF, MF), Unnamed Tributary to Mingo Creek, and Unnamed Tributary to Delaware River (WWF), 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 001 are based on a stormwater flow.

<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
Dec 1 - May 31						
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dec 1 - May 31			Inst Min			
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Dec 1 - May 31						
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Dec 1 - May 31						
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Dec 1 - May 31						
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Dec 1 - May 31						
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Dec 1 - May 31					Daily Max	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Dec 1 - May 31						
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Dec 1 - May 31						

<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>	
Ammonia-Nitrogen Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Acetic Acid Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 005 are based on stormwater flow.

<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) Dec 1 - May 31	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.) Dec 1 - May 31	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅) Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD) Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Acetic Acid Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol Dec 1 - May 31	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for IMP 101.

<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 Quarterly</i>	<i>Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15.0	XXX	30.0

The proposed effluent limits for IMP 201.

<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 Quarterly</i>	<i>Daily Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15.0	30.0	XXX

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

- I. Other Requirements
- II. Stormwater Outfalls and Authorized Non-Stormwater Discharges
- III. BMPs
- IV. Preparedness, Prevention and Contingency (PPC) Plan
- V. Routine Inspections
- VI. Stormwater Monitoring Requirements

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

PA0244210, Storm Water, SIC Code 2841, **Crystal Inc. PMC**, 601 W 8th Street, Lansdale, PA 19446-1809. Facility Name: Crystal Inc. PMC. This existing facility is located in Lansdale Borough, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to West Branch Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 003, 004 and Internal Monitoring Point IMP 104 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	30	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
MBAS	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls
- Best Management Practices
- Stormwater Monitoring Requirements
- Chemical Additives Requirements
- Proper Sludge Disposal

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

PA0025798, Sewage, SIC Code 4952, **Centerville Borough Sanitary Authority**, 29 Richeyville Road, Richeyville, PA 15358. Facility Name: Centerville Borough Sanitary Authority WWTF. This existing facility is located in Centerville Borough, **Washington 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 Pike Run (TSF), is located in State Water Plan watershed 19-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.17 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .17 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
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 0.17 MGD.—Limits

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
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	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	35.0	53.0	XXX	25.0	38.0	50.0
Nov 1 - Apr 30						
May 1 - Oct 31	28.0	42.0	XXX	20.0	30.0	40.0
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	42.0	60.0	XXX	30.0	45.0	60.0
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Nov 1 - Apr 30				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	Geo Mean	XXX	XXX
Ammonia-Nitrogen	13.0	40.0	XXX	9.5	14.0	19.0
Nov 1 - Apr 30						
May 1 - Oct 31	3.5	5.0	XXX	2.5	3.5	5.0

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

PA0216739, Industrial, SIC Code 4953, **ATI Flat Rolled Products Holdings LLC**, 100 River Road, Brackenridge, PA 15014-1537. Facility Name: Rt 356 Landfill. This existing facility is located in Allegheny Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary to Allegheny River (WWF), is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.008 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average	Instant. Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	10.0	20.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.5	1.0	XXX
Chromium III, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	0.011	0.018	XXX
Iron, Dissolved	XXX	XXX	XXX	0.33	0.52	XXX
Iron, Total	XXX	XXX	XXX	1.5	2.6	XXX
Molybdenum, Total	XXX	XXX	XXX	0.18	0.36	XXX
Nickel, Total	XXX	XXX	XXX	0.051	0.080	XXX

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

The EPA Waiver is in effect.

Southwest Regional Office

PAI136129, MS4, **North Strabane Township, Washington County**, 1929 Route 519, Canonsburg, PA 15317-5128.

The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in North Strabane Township, **Washington County**. The receiving stream(s), Unnamed Tributaries to Chartiers Creek and Chartiers Creek, are located in State Water Plan watershed 20-F and are classified for High Quality—Warm Water Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

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 for small MS4s and is not in effect for large MS4s.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

Southeast Regional Office

Applicant: **City of Philadelphia Water Department**

Applicant Address: 1101 Market Street, 6th Floor, Philadelphia, PA 19107-2994

Application Number: **PAD510231**

Application Type: New

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

Project Site Name: PWD Southwest Water Pollution Control Plant

Total Earth Disturbance Area (acres): 2.21 acres

Surface Waters Receiving Stormwater Discharges: Delaware (WWF, MF)

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

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

Project Description: Primary Sedimentation Tank Expansion

Special Conditions: N/A

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

Regional Permit Coordination Office

Applicant: **Pennsylvania Turnpike Commission**

Applicant Address: 700 S Eisenhower Blvd, Middletown, PA 17057

Application Number: **PA390002D**

Application Type: New

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

Project Site Name: Lower Macungie Road Bridge Replacement

Total Earth Disturbance Area (acres): 15.88 acres

Surface Waters Receiving Stormwater Discharges: Tributary to Little Lehigh Creek (HQ-CWF, MF)

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

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

Project Description: This project consists of roadway and bridge replacement at Lower Macungie Road Bridge NB336 at Milepost A-53.36, in Lower Macungie Township, Lehigh County. The bridge replacement is necessitated by the widening of the Pennsylvania Turnpike Northeast Extension.

Special Conditions: none

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

Regional Permit Coordination Office

Applicant: **Outdoor Contractors, Inc.**

Applicant Address: 14703 Indian Springs Road, Hancock, MD 21750

Application Number: **PAD280018**

Application Type: New

Municipality/County: Greencastle Borough, **Franklin County**

Project Site Name: Greencastle DG

Total Earth Disturbance Area (acres): 1.28 acres

Surface Waters Receiving Stormwater Discharges: Muddy Run (HQ-CWF, MF)

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

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

Project Description: Outdoor Contractors, Inc. is proposing to construct a 55,725 square foot Dollar General store with driveways, parking areas, and stormwater management facilities.

Special Conditions: N/A

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

Southeast Regional Office

Applicant: **Trustees of the University of Pennsylvania**

Applicant Address: 3101 Walnut Street, Philadelphia, PA 19104

Application Number: **PAD510223 A-1**

Application Type: Major Amendment

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

Project Site Name: Pennovation

Total Earth Disturbance Area (acres): 3.4 acres

Surface Waters Receiving Stormwater Discharges: Lower Schuylkill River (WWF, MF)

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

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

Project Description: Construction of parking garage and upgrade of Sanitary, Storm, Water, Gas, Electric, and Telecomm utilities on site in proposed private roadways.

Special Conditions: N/A

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

Southeast Regional Office

Applicant: **Signature Group Holdings, LLC**

Applicant Address: 23 Mystic Lane, Frazer, PA 19355

Application Number: **PAD150313**

Application Type: New

Municipality/County: West Goshen Township, **Chester County**

Project Site Name: Kirkland Woods

Total Earth Disturbance Area (acres): 3.48 acres

Surface Waters Receiving Stormwater Discharges: Broad Run (HQ)

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

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

Project Description: Construction of 7 new single family homes on a 4.7-acre site. All driveway access will be from existing township roads.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Executive Land Holdings IV, LLC**

Applicant Address: 3843 West Chester Pike, Newtown Square, PA 19073-2304

Application Number: **PAD480198**

Application Type: New

Municipality/County: Allen Township, **Northampton County**

Project Site Name: Willowbrook Farm—Phase 3 (Multi-Family) and Phase 4 (Townhouse and Singles)

Total Earth Disturbance Area (acres): 83.16 acres

Surface Waters Receiving Stormwater Discharges: Catasauqua Creek (CWF, MF)

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

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

Project Description: The project involves the development of 256 apartment units, 225 townhomes, 108 twin homes and 56 single family homes. The site will also contain related improvements including parking areas, access roadways, lighting, landscaping, utilities and associated stormwater management facilities.

Special Conditions: M. Riparian Buffer Implementation Requirements. 1. The permittee shall maintain an existing riparian buffer or riparian forest buffer, convert a riparian buffer to a riparian forest buffer or establish a new riparian buffer or riparian forest buffer (either on the project site or at a separate off-site location within the same drainage list as the project site) in accordance with Riparian Buffer Module 4 (3800-PM-BCW0406d) and the approved PCSM Plan to satisfy riparian buffer requirements of 25 Pa. Code § 102.14 or Section 402(c) of Pennsylvania's Clean Streams Law. 2. An existing, converted or newly established riparian forest buffer must meet the requirements set forth in 25 Pa. Code § 102.14(b). 3. The permittee shall comply with the mandatory requirements for all riparian buffers at 25 Pa. Code § 102.14(c). 4. The permittee shall provide for permanent protection of riparian buffers in accordance with 25 Pa. Code § 102.14(g). 5. The permittee shall submit DEP Form ID 3000-FM-OWP0100, PA Stream Buffer Tracking form, or equivalent, to DEP/CCD within one year of establishment or protection of the riparian buffer.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northwest Regional Office

Applicant: **PTV 1276 LLC**

Applicant Address: 400 Penn Center Boulevard, Building 4, Suite 1000, Pittsburgh, PA 15235

Application Number: **PAD250023**

Application Type: New

Municipality/County: Platea Borough, **Erie County**

Project Site Name: Dollar General Girard PA

Total Earth Disturbance Area (acres): 2.65 acres

Surface Waters Receiving Stormwater Discharges: UNT to Crooked 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: Construct a 10,640 sq ft commercial retail store with parking lot and other site amenities including stormwater collect and conveyance.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **First Energy Corp**

Applicant Address: 76 South Main Street, Akron, OH 44308

Application Number: **PA440001D**

Application Type: New

Municipality/County: Grantville Township, Oliver Township, and Union Township, **Mifflin County**

Project Site Name: Belleville Structure 700A-Structure 800A 45kV Line Rebuild

Total Earth Disturbance Area (acres): 21.1 acres

Surface Waters Receiving Stormwater Discharges: Kishacoquillas Creek (CWF, MF)

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

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

Project Description: The Project consists of rebuilding approximately 3.1 miles of 46 kV overhead electric line within an existing right-of-way (ROW) of varying width. The Project will require temporary stream and wetland crossings to remove the existing poles, install the proposed poles, as well as the removal and installation of supporting guy wire and guy poles. The project also includes one temporary staging/laydown area outside of existing Penelec right of way, off Barnyard Boulevard.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Mechanicsburg Carlisle Pike Tract 2, LLC**

Applicant Address: 7248 Morgan Road, Liverpool, NY 13088

Application Number: **PAD210101**

Application Type: New

Municipality/County: Silver Spring Township, **Cumberland County**

Project Site Name: Raymour & Flanigan Store at 6441 Carlisle Pike

Total Earth Disturbance Area (acres): 3.52 acres

Surface Waters Receiving Stormwater Discharges: Trindle Spring Run, HQ-CWF, MF

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

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

Project Description: Construction of a furniture store, parking lot and associated improvements.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Terra Nova Capital, LLC**

Applicant Address: 5515 Lynch Lane, Baldwin, MD 21013

Application Number: **PAD670082**

Application Type: New

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

Project Site Name: Magnolia Groves

Total Earth Disturbance Area (acres): 11.87 acres

Surface Waters Receiving Stormwater Discharges: UNT to Ebaugh Creek (CWF, MF) and Ebaugh Creek (CWF, MF) via EV Wetlands

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

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

Project Description: Proposed residential development with 28 lots (single family attached dwellings and duplexes) with associated roads.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **PA DCNR**

Applicant Address: 400 Market Street, Harrisburg, PA 17101

Application Number: **PAD010017**

Application Type: New

Municipality/County: Menallen Township, **Adams County**

Project Site Name: Michaux ATV Trail System Remediation-Grave Ridge Trail

Total Earth Disturbance Area (acres): 7.51 acres

Surface Waters Receiving Stormwater Discharges: Mountain 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 will restore the existing Grave Ridge Trail. A new, roughly 0.5-mile trail will be constructed to connect the isolated Grave Ridge Trail to the nearby Log Sled Trail. This trail construction includes a single bridge crossing at Mountain Creek.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **UGI Utilities Inc., c/o Robert Davidson**

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

Application Number: **PA390001D**

Application Type: New

Municipality/County: Emmaus Borough, **Lehigh County**

Project Site Name: Emmaus POD NPDES

Total Earth Disturbance Area (acres): 1.40 acres

Surface Waters Receiving Stormwater Discharges: Little Lehigh Creek (HQ-CWF, MF) and UNT to Little Lehigh Creek (HQ-CWF, MF)

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

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

Project Description: Utility gas main maintenance/repair/replacement in residential area. Work is contained solely to areas of impervious roadway and will be replaced in kind.

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: **Air Products & Chemical Inc., c/o Patrick Garay**

Applicant Address: 1940 Air Products Boulevard, Allentown, PA 18106

Application Number: **PAD390111**

Application Type: Renewal

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

Project Site Name: Air Products & Chemical, Inc.—New Headquarters Facility

Total Earth Disturbance Area (acres): 57.5 acres

Surface Waters Receiving Stormwater Discharges: Little Lehigh Creek (HQ-CWF, MF)

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

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

Project Description: Air Products is proposing a new headquarters facility along with associated driveways, parking areas, and stormwater management structures.

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: **Philadelphia Water Department (PWD)**

Applicant Address: 1101 Market Street, 6th Floor, Philadelphia, PA 19107

Application Number: **PAD510234**

Application Type: New

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

Project Site Name: PWD Southwest Water Pollution Control Facility at the Biosolids Recycling Center (BRC)

Total Earth Disturbance Area (acres): 3.26 acres

Surface Waters Receiving Stormwater Discharges: Delaware River (WWF)

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

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

Project Description: Construction of a Sidestream Deammonification Treatment Facility at the PWD Southwest Water Pollution Control Plant Biosolids Recycling Center.

Special Conditions: N/A

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

PUBLIC WATER SUPPLY PERMITS

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

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

ments 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).

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Lorrie Fritz, Clerical Assistant 2, 570-830-3048.

Application No. 4023518, Construction, Public Water Supply.

Applicant	Can Do, Inc.
Address	One South Church Street Suite 200 Hazleton, PA 18201
Municipality	Butler Township
County	Luzerne County
Responsible Official	Ms. Raiana Nichols Can Do, Inc. One South Church Street Suite 200 Hazleton, PA 18201
Consulting Engineer	Ms. Staci Ann Hartz, P.E. HRG 369 East Park Drive Harrisburg, PA 17111
Application Received	November 20, 2023
Description	Application proposes the construction of Well No. 2, installation of Well No. 2 raw water line, and modifications to treatment plant ID 301.

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

Contact: David Sterrett, Environmental Engineer, 814-332-6899.

Application No. 0323504, Public Water Supply.

Applicant	Parker Area Authority
Address	P.O. Box 342 Parker, PA 16049
Municipality	City of Parker
County	Armstrong County
Responsible Official	Michael Weigle Chairman Parker Area Authority P.O. Box 342 Parker, PA 16049
Consulting Engineer	Paul J. Cornetti, P.E. 109 Dutchtown Road Butler, PA 16002
Application Received	December 11, 2023
Description	Water Treatment System Improvements Project—Water Treatment Plant modifications including chlorine contact loop.

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.

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

CORRECTION—previously published on December 9, 2023.

Industrial Piping Systems, Primary Facility ID # **870825**, 1309 Commerce Park Drive, Williamsport, PA 17701, Loyalsock Township, **Lycoming County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Industrial Piping Systems, Inc., 1250 Toronita Street, York, PA 17402, submitted a Notice of Intent to Remediate concerning soil contaminated with volatile organic compounds, semi-volatile organic compounds, inorganics, polychlorinated biphenyls and groundwater contaminated with volatile organic compounds and inorganics. The applicant proposes to remediate the site to meet the Statewide health and site-specific standards. The Notice of Intent to Remediate was published in *Williamsport Sun Gazette* on November 16, 2023. Application received: November 20, 2023.

Woolrich Mill and Treatment Plant Properties, Primary Facility ID # **845923**, 2 Mill Street, Woolrich, PA 17779, Pine Creek Township, **Clearfield County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Woolrich, Inc., 33 Boardman Drive, Woolrich, PA 17779, submitted a Notice of Intent to Remediate remediation of site soil and groundwater contaminated with volatile organic compounds, semi-volatile compounds, and metals. The applicant proposes to remediate the site to meet the site-specific standard. The Notice of Intent to Remediate was published in n/a on December 14, 2023. Application received: December 4, 2023.

Deremer 21HC on the Deremer BRA Well Pad, Primary Facility ID # **869220**, 149 Singer Road, Laceyville, PA 18623, Tuscarora Township, **Bradford County**. Creston Environmental, LLC, PO Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate concerning remediation of site soil contaminated with produced water. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Review* on November 21, 2023. Application received: December 1, 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.

A.S.K. Foods, Inc. East Plant, Primary Facility ID # **871205**, 134 North Locust Street, Palmyra, PA 17078, Palmyra Borough, **Lebanon County**. ARM Group, LLC, 1129 West Governor Road, Hershey, PA 17033 on behalf of A.S.K. Foods, Inc., 77 North Hetrick Avenue, Palmyra, PA 17078, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil contaminated with VOCs and Lead. The site will be remediated to the Statewide health standard. Future use of the site will remain nonresidential. The Notice of Intent to Remediate was published in *The Lebanon Daily News* on November 7, 2023. Application received: November 29, 2023.

Michael Black Property, Primary Facility ID # **871172**, 420 Willow Street, Highspire, PA 17034, Highspire Borough, **Dauphin County**. Environmental Maintenance Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Mr. Michael Black, 683 Sand Spur Drive, Etters, PA 17319, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil

and groundwater contaminated with No. 2 Fuel Oil. The site will be remediated to the Statewide health standard. Future use of the site is residential. The Notice of Intent to Remediate was published in *The Patriot News* on January 27, 2022. Application received: December 5, 2023.

Michael Black Property, Primary Facility ID # **871172**, 420 Willow Street, Highspire, PA 17034, Highspire Borough, **Dauphin County**. Environmental Maintenance Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of E&E Oil Company LLC, 1608 Walnut Street, Harrisburg, PA 17103, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil and groundwater contaminated with No. 2 Fuel Oil. The site will be remediated to the Statewide health standard. Future use of the site is residential. The Notice of Intent to Remediate was published in *The Patriot News* on January 27, 2022. Application received: December 5, 2023.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

EQT Iron Man Well Pad, Primary Facility ID # **870875**, 136 Amos Road, Scenery Hill, PA 15360, North Bethlehem Township, **Washington County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301 on behalf of EQT Corporation, 625 Liberty Avenue, 17th Floor, Pittsburgh, PA 15222, submitted a Notice of Intent to Remediate. Soils at the site were impacted by brine-related constituents following a release of produced fluid. The anticipated future use of the property is agricultural. The Notice of Intent to Remediate was published in *The Observer-Reporter* on November 16, 2023. Application received: November 16, 2023.

Former Ralph T Smith Property, Primary Facility ID # **871290**, 200 West 2nd Street, Derry, PA 15627, Derry Borough, **Westmoreland County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Redevelopment Authority of the County of Westmoreland, 40 North Pennsylvania Avenue, Suite 520, Greensburg, PA 15601, submitted a Notice of Intent to Remediate. Prior to 1911, the site consisted of undeveloped land. From circa 1911 to circa 1974, the site was utilized as a street car barn and garage. Westmoreland County Railway Company maintained ownership of the Property until 1940 and Chestnut Ridge Transportation Company from 1940 to 1974. The site then served as an automotive/truck repair facility (as Ralph T. Smith & Sons Inc.), with a mobile home dealership office located at the front of the building. A fire has since then occurred, and the building structure was demolished. Currently, the site is vacant. Soil and groundwater samples collected from the site in 2021 were analyzed for all constituents on the PA DEP's Short List of Petroleum Products for Leaded Gasoline and/or Diesel Fuel. Regarding soil, concentrations of lead, naphthalene, 2-methylnaphthalene, benzene, toluene, ethylbenzene, total xylenes, isopropylbenzene, 1,2,4-TMB, and 1,3,5-TMB were detected; however, only benzene in two locations and naphthalene in one location exceeded nonresidential MSCs. In groundwater, benzene, ethylbenzene, toluene, 1,2,4-TMB, and total xylenes were detected in MW-2; however, none of these

constituents exceed nonresidential MSCs for a used aquifer (TDS<2500). The intended future use of the site is for nonresidential purposes. The Notice of Intent to Remediate was published in *The Tribune-Review* on November 15, 2023. Application received: November 14, 2023.

Natrona Heights Aldi, Primary Facility ID # 871133, 4024 Freeport Road, Natrona Heights, PA 15065, Harrison Township, **Allegheny County**. ECS Mid-Atlantic, LLC, 100 East Kensinger Drive, Suite 300, Cranberry Township, PA 16066 on behalf of Aldi, Inc., 6000 North Noah Drive, Saxonburg, PA 16056, submitted a Notice of Intent to Remediate. The site formerly operated as a plant nursery with greenhouses. Surface soils around the northern greenhouse were impacted with arsenic. The subject property will be redeveloped into an Aldi grocery store. The Notice of Intent to Remediate was published in *The Valley News Dispatch* on November 7, 2023. Application received: November 16, 2023.

Olympus Energy Calliope Well Pad, Primary Facility ID # 871136, 812 White Cloud Road, New Kensington, PA 15068, Upper Burrell Township, **Westmoreland County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301 on behalf of Olympus Energy, LLC, 501 Technology Drive, Suite 1200, Canonsburg, PA 15317, submitted a Notice of Intent to Remediate. Soils at the site were impacted by inorganic constituents associated with production fluid. The intended future use of the property will be residential and will maintain continued production of the well. The Notice of Intent to Remediate was published in *The Tribune-Review* on November 13, 2023. Application received: November 27, 2023.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

Contact: Waste Program Manager.

WMGM055SW007. PSA South Hills Landfill Gas Venture, LLC, 200 Allegheny Drive, Suite 100, Warrendale, PA 15086, South Park Township, **Washington County**. Determination of Applicability for the USA South Hills Landfill, located at 3100 Hill Road. Application received: April 28, 2023. Permit issued: December 12, 2023.

Comments or questions concerning the application should be directed to Regional Files, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL 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 Residual Waste Regulations for Determination of Applicability for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

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

Contact: Waste Management Program Manager.

WMGR123SW015, Range Resources—Appalachia, LLC, 3000 Town Center Blvd, Canonsburg, PA 15317, Smith Township, **Washington County**. An application was received to modify the storage capacity of the Bare Tank Pad Reuse Water Storage Facility under General Permit No. WMGR123SW015. The modification application requests to increase storage capacity utilizing one 30,000 bbl nominal capacity open-air aboveground storage tank (AST) for the storage of reuse/production/flowback water in the AST only; the storage of drilling fluid (mud) in seven 500 bbl frac tanks only; or simultaneous storage of reuse/production/flowback water and drilling fluid (mud) in separate tank batteries. The maximum fluid stored at any one time at this location will be 30,000 bbl for reuse water and 3,500 bbl for drilling mud. The previously approved design that used twenty 350 bbl tanks for reuse water storage will not be installed. The Bare Tank Pad Reuse Water Storage Facility is located at 230 Bavington Road, Burgettstown, PA 15021. Application received: November 22, 2023. Deemed administratively complete: December 8, 2023.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@pa.gov, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. 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.

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.

101733. Crawford County Transfer Station, LLC, 500 Technology Drive, Canonsburg, PA 15317, Sparta Township, **Crawford County**. A permit application for a new municipal waste transfer station was received by the Department. Application received: December 13, 2023. Deemed administratively complete: December 13, 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.

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-PERMITTS@pa.gov.

101376. Waste Management of Pennsylvania, Inc., 100 Brandywine Blvd., Suite 300, Newtown, PA 18940, City of Philadelphia, **Philadelphia County.** This application is for a ten (10) year permit renewal to continue operation at the Forge Recycling and Resource Recovery Center, an existing municipal waste transfer facility, located at 5245 Bleigh Avenue in the City and County of Philadelphia. Application received: December 6, 2023. Deemed administratively complete: December 11, 2023.

Comments or questions concerning the application should be directed to Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMITTS@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. 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.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

Contact: Waste Management Program Manager.

WMGM055SW008. Chestnut Valley Biogas, LLC, 1192 McClellandtown Road, McClellandtown, PA 15458, German Township, **Fayette County.** A Determination of Applicability for coverage under General Permit No. WMGM055 was received. The application requests approval to construct a landfill gas (LFG) processing plant on property located contiguous to the existing Chestnut Valley Landfill. The final processed gas will be transmitted to a commercial pipeline for beneficial use as a natural gas equivalent fuel. Application received: November 22, 2023. Deemed administratively complete: December 8, 2023.

Questions concerning the application should be directed to Waste Management Program Manager, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL 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 Residual Waste Regulations for Determination of Applicability for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

Southcentral Region: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Carrie A. Fleming, Program Manager.

WMGR091SC001. Lucas Lane Inc., 10 Lucas Lane, Bernville, PA 19506, Upper Tulpehocken Township, **Berks County.** This application is for renewed coverage under WMGR091 which authorizes the processing of used oil filters and beneficial use of the resultant scrap metal and waste oil. The proposed processing is limited to crushing and a two-stage thermal treatment. Application received: October 10, 2023. Deemed administratively complete: December 13, 2023.

Questions concerning the application should be directed to John L. Oren, P.E., Permits Chief, 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.

HAZARDOUS WASTE TRANSPORTER LICENSE

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); and Hazardous Waste Regulations to Transport Hazardous Waste.

Renewal Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Environmental Services, Inc., 90 Brookfield Street, South Windsor, CT 06074. **License No. PA-AH 0725.** Accepted: November 27, 2023.

Manage Direct Systems Environmental, LLC, P.O. Box 471, Douglassville, PA 19518. **License No. PA-AH 0810.** Accepted: October 24, 2023.

LEI, Inc., P.O. Box 550, Independence, LA 70443. **License No. PA-AH 0811.** Accepted: November 15, 2023.

Graf Brothers Leasing, Inc., 166 Lafayette Road, Salisbury, MA 01952. **License No. PA-AH 0836.** Accepted: November 6, 2023.

D&A Contracting LLC, 322 Route 46 West, Parsippany, NJ 07054. **License No. PA-AH 0917.** Accepted: November 29, 2023.

The Environmental Service Group (NY), Inc., 177 Wales Avenue, Tonawanda, NY 14150. **License No. PA-AH S144.** Accepted: November 1, 2023.

**REGULATED MEDICAL AND
CHEMOTHERAPEUTIC WASTE TRANSPORTER
LICENSE**

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) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and Regulations to Transport Regulated Medical and Chemotherapeutic Waste License.

Renewal Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

MDB BioMed LLC, 116 Level Road, Collegeville, PA 19426. **License No. PA-HC 0269.** Accepted: November 1, 2023.

AIR QUALITY

**PLAN APPROVAL AND OPERATING
PERMIT APPLICATIONS**

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the DEP's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when DEP determines this type of notification is suffi-

cient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These Actions May Include the Administrative Amendments of an Associated Operating Permit.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

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

36-05152G: Kellogg USA, 2050 State Road, Lancaster, PA 17601, East Hempfield Township, **Lancaster County**. Application received: September 21, 2023. For the installation of a Wolverine Proctor, Model SBC 4.0 x 121 Suction Belt, Bumped Rice Cooler on the Combo Line, Source ID 100E, that will be controlled by an American Air Filter, Model W, Size 24, Rotocloner Wet Scrubber at the breakfast food processing facility. The expected increase in facility emissions as a result of the changes proposed is: potential emissions of PM 6.37 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 123.13 for particulate matter. 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.

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

46-00298, GlaxoSmithKline/Upper Merion East, 709 Swedeland Rd, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County.** Application received: July 14, 2023. The renewal of Title V Operation permit for the facility, whose facility-wide potential to emit NO_x emissions exceed the 25 tons per year (TPY) threshold. The facility is classified as an area source of hazardous air pollutants (HAP); facility-wide HAP emissions are less than ten (10) tpy of any individual HAP and twenty-five (25) tpy for any combination of HAPs. Source ID 101—250 kW Onan EGEN 4-3 (Cummins Engine) and Source ID 105—80 kW Onan EGEN 10-1 (Cummins Engine) are no longer onsite and have been removed from the permit. There are no new sources at this facility. The requirements of 40 CFR Part 60 Subpart Dc and 40 CFR Part 63 Subpart JJJJJ apply to the boilers. The requirements of 40 CFR Part 63 Subpart ZZZZ apply to the engines installed prior to 2006 and the requirements of 40 CFR Part 60 Subpart IIII apply to the newer engines installed after 2006. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. Compliance Assurance Monitoring (CAM) requirements (40 CFR Part 64) does not apply, as there are no add-on control devices to reduce emissions for which the facility is major. The facility is not a major source for Greenhouse Gases (GHG). 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.

46-00039, Constellation Generation Company LLC/Moser Generating Plant, 1595 Industrial Hwy, Pottstown, PA 19464, Lower Pottsgrove Township, **Montgomery County.** Application received: April 28, 2023. This action is a renewal of a Title V Operating Permit for an electrical power peak generating station. The facility has a potential to emit approximately 164.20 tons of NO_x per year. Therefore, the Moser facility is a major stationary source, as defined in the Clean Air Act. The main source of emissions at the facility are three (3) simply cycle combustion turbines. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief 412-442-4336.

65-00840, Eastern Gas Transmission and Storage, Inc., 267 McIlvaine Road, Greensburg, PA 15601,

Hempfield Township, **Westmoreland County.** Application received: November 7, 2022. Eastern Gas Transmission and Storage, Inc./South Oakford Compressor Station. In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice of intent to issue a permit renewal for the Title V Operating Permit for the continued operation of a natural gas compressor station located in Hempfield Township, Westmoreland County. The South Oakford Compressor Station is a natural gas transmission and storage facility. Natural gas fired (or fueled) reciprocating engines are used to drive compressors which compress the natural gas received at the location for the purpose of storage in nearby wells and/or transmission to other facilities via transmission pipelines. The main emissions sources at Holbrook Station are 2 compressor engines, 1 small boiler, and 1 emergency generator, all fired on natural gas. Other air contamination sources include a glycol dehydration system, storage tanks, facility fugitive emissions, and a pig launcher. The emergency generator is limited to 50 hours of non-emergency operation per 12-cmp and 100 total hours of maintenance activities. Annual facility-wide potential emissions are 159 tons of CO, 323 tons of NO_x, 128 tons of VOC, 0.5 tons of SO_x, 16 tons of PM₁₀, 32 tons of total HAPs, and 22 tons of formaldehyde. Annual emission of greenhouse gases is 49,719 tons per year. Sources at the South Oakford Compressor Station are subject to 40 CFR Part 60, Subpart A—General Provisions, 40 CFR Part 63 Subpart HHH—National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities, 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Part 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 CFR Part 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 60 Subpart OOOOc—Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities, and 25 Pa. Code Chapters 121—145. (Air Resources). The permit includes operational, monitoring, testing, recordkeeping, work practice, and reporting requirements for the plant. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> and by contacting Tom Joseph, Environmental Engineering Manager, at 412-442-4336 or tjoseph@pa.gov. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Title V Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed operating permit (TVOP-65-00840) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit. All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who

have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

OPERATING PERMITS

Notice of Intent to Issue Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

60-00012, Ritz Craft Corporation of PA, Inc., 15 Industrial Park Drive, Mifflinburg, PA 17844, Mifflinburg Borough, Union County, PA. Application received: May 24, 2023. The Department intends to issue a renewal State Only (Synthetic Minor) Operating Permit for the Mifflinburg Plant. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 60-00012. The facility's main sources include twenty-two LP gas/No. 2 oil-fired oil furnaces, one 0.61 million Btu per hour outdoor wood-fired boiler, several natural gas/LP gas-fired space heaters with total combined heat input of 20.50 million Btu per hour, Wood working equipment's under Plant 1 and 2 and a parts washer. The facility has taken synthetic minor restrictions to limit its volatile organic compounds, single hazardous air pollutant and total combined hazardous air pollutants emissions below the major emission thresholds. With synthetic minor restriction, the facility has potential to emit emissions of 6.47 TPY of carbon monoxide; 14.15 TPY of nitrogen oxides; 6.51 TPY of sulfur oxides; 1.21 TPY of particulate matter with an effective aerodynamic diameter of less than or equal to a nominal 10 micrometer; 36.49 TPY of volatile organic compounds; less than 10 TPY any single hazardous air pollutant (HAP); less than 13.05 TPY combined HAPs. The potential emissions of previously mentioned pollutants at the facility reduced as the facility removed one of existing 0.91 MMBtu per hour wood-fired boilers that was operated under Source ID 037, along with removal of a Specialty Paint Shop under Source ID P103 and one 30-gallon Zep Dyna-Brute parts washer operated under Source ID P105. No other significant emission or equipment changes are being proposed by this action. The wood fired boiler is subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Industrial, Commercial, and Institutional Boilers Area Sources. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Re-

gional 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: Norm Frederick 570-826-2409.

39-00041, Greenwood Cemetery Association, 2010 Chew Street, Allentown, PA 18104-5550, City of Allentown, Lehigh County. Application received: June 16, 2023. The Department intends to issue a renewal State-Only (Natural Minor) Permit for the funeral services and crematories facility in Allentown City, Lehigh County. The primary sources consist of three (3) human crematory incinerators. The control devices consist of secondary after burners. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

66-00005, H & K Group Inc./Hilltop Quarry, 2052 Lucon Rd, Skippack, PA 19474-0196, Falls Township, Wyoming County. Application received: October 26, 2023. The Department intends to issue a renewal State-Only (Natural Minor) Permit for the crushed and broken stone facility in Falls Township, Wyoming County. The sources consist of crushers, screens, and conveyors. The control device is a wet suppression system. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00082, H & K Group Inc. Asphalt Plt/Foster Twp, P.O. Box 196, 2052 Lucon Rd, Skippack, PA 19474-0196, Foster Township, Luzerne County. Application received: October 26, 2023. The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for the Asphalt Paving Mixtures and Blocks facility in Foster Township, Luzerne County. The sources consist of an Asphalt Plant and a RAP System. The control devices are baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

48-00113, Cantelmi Long Funeral Home, 500 Linden St., Bethlehem, PA 18018-6250, City of Bethlehem, Northampton County. Application received: November 2, 2023. The Department intends to issue a renewal State-Only Operating Permit for their cremation unit(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.

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

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

10-00350, Cloverleaf Group Inc. IDL Worldwide, 500 Grant Ave., P.O. Box 569, East Butler Boro, PA 16029, East Butler Borough, **Butler County**. Application received: December 21, 2022. The Department intends to issue a renewal of the State Only Operating Permit for the screen-printing facility (printing presses, a spray booth, and other insignificant sources). The sources were covered by plan approvals 10-350A and 10-350B. The permittee has a VOC emission limit of 49.5 TPY a single HAP emission limit of 9.8 TPY, and total HAPs emission limit of 24.8 TPY (each based on a consecutive 12-month rolling period). Each of the sources contains the restrictions, recordkeeping, reporting, work practice requirements, and additional requirements as established in the plan approvals.

25-00197, Erie Bronze & Aluminum Co., 6300 W. Ridge Rd, Erie, PA 16506, Fairview Township, **Erie County**. Application received: October 26, 2022. The Department intends to renew the State Only Operating Permit for the Erie Bronze & Aluminum facility which manufactures aluminum and bronze castings. The primary sources at the facility include 6 electric induction furnaces, 2 natural gas fueled crucible furnaces, 2 natural gas fueled ovens rated at 600,000 Btu/hr each, sand handling, foundry operations, saws and grinders, a parts washer, and a 32 hp natural gas fueled emergency generator. Particulate matter emissions from the sand handling are controlled by a dust collector. Particulate matter emissions from the induction furnaces, the saws and grinders, and the foundry operations are controlled by dust collectors. The facility is a Natural Minor. Potential emissions are as follows: PM 35.7 tpy; NO_x less than 1 tpy; SO_x less than 1 tpy; CO 3.5 tpy; VOC less than 1 tpy. The facility is subject to 40 CFR Part 63 Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries. The emergency generator is subject to 40 CFR Part 60 Subpart JJJJ, New Source Performance Standards for Stationary Spark Ignited Internal Combustion Engines. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

21-03033, Lane Enterprises, Inc., 1244 Claremont Road, Carlisle, PA 17015, Middlesex Township, **Cumberland County**. Application received: November 8, 2023. For the operation of a metal coating facility. This is for renewal of the existing state-only permit. Potential emissions from the facility are estimated at 46.56 tpy VOC, 4.96 tpy HAPs, 7.70 tpy CO, 9.17 tpy NO_x, 0.70 tpy PM₁₀, and 0.06 tpy SO_x. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52—Surface coating processes, 25 Pa. Code § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings, 25 Pa. Code § 129.63—Degreasing operations, and 40 CFR Part 63, Subpart ZZZZ—National Emissions

Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

22-03022, Wenger Feed Mill, Inc., 101 West Harrisburg Avenue, Rheems, PA 17570, Lykens Township, **Dauphin County**. Application received: January 31, 2023. For operation of their Spring Glen feed mill. This is for renewal of the existing State-Only Permit. Potential emissions are estimated at 5.61 tons per year of CO, 6.67 tons per year of NO_x, 30.46 tons per year of PM, and 17.03 tons per year of PM₁₀. 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 facility is also subject to 40 CFR 63 Subpart DDDDDDD, National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

22-05061, Mountain Ridge Metals Inc., 1517 State Route 209, Millersburg, PA 17061, Upper Paxton Township, **Dauphin County**. Application received: July 31, 2023. To issue a State Only Operating Permit for the aluminum extruded products manufacturing facility. The actual emissions from the facility in 2022 year are estimated at 5.2 tpy of NO_x, 0.9 tpy of CO, 5.7 tpy of PM₁₀, 0.03 tpy of SO_x, 36.3 tpy of VOCs and 9.4 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 25 Pa. Code § 129.52d Control of VOC emissions from miscellaneous metal parts surface coating processes.

06-03061, IFS Industries, Inc., 400 Orrton Ave., Reading, PA 19611, City of Reading, **Berks County**. Application received: June 1, 2023. For operation of an adhesive manufacturing facility. This is for renewal of the existing State-Only Permit. The facility potential emissions are 3.91 tons of CO, 4.55 tons of NO_x, 8.31 tons of PM, 0.03 ton of SO_x, 17.81 tons of VOC, and 4.46 tons 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 25 Pa. Code Chapter 130, Subchapter D Adhesives, Sealants, Primers and Solvents.

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.

15-00009, AGC Chemical, 255 S Bailey Rd, Downingtown, PA 19335-2003, Caln Township, **Chester County**. Application received: July 29, 2022. This action is for the renewal of the existing State-Only Operating Permit. AGC Chemicals manufactures fluoroproducts including fluoropolymer resins, enhanced fluorinated materials and compounds and fluoroelastomers. The facility is equipped with two resin production lines. Each production line is equipped with a separate air pollution control equipment configuration. The air pollution control equipment for one production line consists of a cyclone, baghouse unit and scrubber, which are operated in series. The second production line is equipped with a baghouse unit. The air pollution control equipment configurations were estab-

lished under best available technology requirements when the equipment was installed. The potential VOC emissions from the facility are 15 tons per 12-month rolling sum. The operating permit includes monitoring, recordkeeping and work practice requirements designed to ensure this facility complies with all applicable air quality regulations. Emissions of all other criteria pollutants are considered minor. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief, 412-442-4336.

30-00109, Equitrans, LP, 2200 Energy Drive, Canonsburg, PA 15317, Center Township, **Greene County**. Application received: April 25, 2023. In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice that it intends to issue a State Only Operating Permit renewal for the Rogersville Compressor Station in Center Township, Greene County. Equipment at this facility includes one (1) 83.4 bhp natural gas-fired emergency generator engine, one (1) 50 MMBscfd triethylene glycol dehydration unit controlled by a 7.0 MMBtu/hr natural gas-fired enclosed ground flare, one (1) 0.77 MMBtu/hr natural gas-fired dehydration unit reboiler, one (1) 2,000-gallon produced water storage tank, one (1) 5.38 MMBtu/hr natural gas-fired glycol line heater, pneumatic devices, blowdown emissions, pigging operations, and fugitive emissions. Potential annual emissions from this facility are as follows: 5.74 tons NO_x, 1.23 tons VOCs, and 5.67 tons CO, 0.42 ton PM₁₀, 0.42 ton PM_{2.5}, 0.18 ton SO₂, 0.11 ton HAPs, 0.05 ton methanol, and 8,524 tons CO₂e. The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The emergency generator is subject to 40 CFR Part 60, Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The proposed operating permit includes emissions limitations, monitoring, work practice standards, reporting, and recordkeeping requirements for the facility. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> and by calling Thomas J. Joseph, P.E., Environmental Engineer Manager, at 412-442-4336. Any person may submit comments, a request to the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 30-00109) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who

have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

PLAN APPROVALS

Receipt of Plan Approval Application(s) and Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These Actions May Include the Administrative Amendments of an Associated Operating Permit.

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

Contact: Shailesh Patel, New Source Review Chief, 570-826-2357.

40-00156A, Fabri-Kal, LLC, 955 Oak Hill Rd, Mountain Top, PA 18707, Wright Township, **Luzerne County**. Application received: August 2, 2023. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Fabri-Kal, LLC for their facility located in Wright Twp., Luzerne County. Plan Approval No. 40-00156A will be converted into an initial State-Only Operating Permit at a later date. Plan Approval No. 40-00156A is for a printing operation for plastic cups and containers. The primary emission sources at the facility consists of ten (10) UV-cured dry offset printing presses. The potential VOC emissions from the inks are 0.125 tpy, and potential VOC and HAP emissions from cleaning solvents are 10.14 tpy and 0.55 tpy, respectively, which established the facility as a natural minor source of emissions. The printing presses and cleaning solvents are subject to 25 Pa. Code § 129.67b for control of VOCs from offset lithographic printing operations. BAT for the printing operations shall be the continued use of low VOC inks and good operating practices. The plan approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00156A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or

requests for a public hearing should be directed to Shailesh Patel, EEM, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, phone number 570-826-2357 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (DEP). A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each

application within 30-days of this publication, or within 30-days after the last publication of the applicant’s newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must also contain a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

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

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

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

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8101.

Mining Permit No. 59960802. Michael R. Ackley, 323 Beechwood Lake Road, Westfield, PA 16950, Clymer Township, **Tioga County.** Final bond release for a Small Noncoal surface mining operation. Restoration of 3.0 acres. Application received: October 19, 2023. Approved: December 13, 2023.

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

Contact: Tracy Norbert, RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 63192001. NPDES No. PA0278360. Neiswonger Construction, Inc., 17592 Route 322, Strattanville, PA 16258, Deemston Borough, **Washington County.** Application received for commencement, operation and restoration of a large noncoal mine with surface mining and support activities on 110.1 acres and underground noncoal mining on 256.6 acres, affecting

359.1 acres. Receiving streams: Unnamed tributary to Tenmile Creek and Tenmile Creek; classified for the follow use: TSF. Application received: December 27, 2021.

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)).

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOGPRG@pa.gov.

E5929223-005. NFG Midstream Covington LLC, 6363 Main Street, Williamsville, NY 14221, Delmar Township, Chatham Township, and Middlebury Township, **Tioga County.** U.S. Army Corps of Engineers Baltimore District. Application received: September 27, 2023.

To construct, operate, and maintain:

1. (S18) One 16-inch diameter natural gas pipeline via horizontal directional bore impacting 49 linear feet of Crooked Creek (WWF) (Keeneyville, PA Quadrangle 41.8583°, -77.3337°);

2. (W21) A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 3,915 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41.8551°, -77.3372°);

3. (S15) A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 78 linear feet of an unnamed tributary to Crooked Creek (WWF) (Keeneyville, PA Quadrangle 41.8548°, -77.3388°);

4. (W17) A temporary road crossing using timber mats impacting 60 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41.8525°, -77.3431°);

5. (W18, W16) A temporary road crossing using timber mats impacting 1,460 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41.8524°, -77.3438°);

6. (W14) A temporary road crossing using timber mats impacting 1,825 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41.8528°, -77.3523°);

7. (W8) A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 1,748 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41.8500°, -77.3524°);

8. (S10) A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 88

linear feet of an unnamed tributary to Crooked Creek (WWF) (Keeneyville, PA Quadrangle 41.8488°, -77.3542°);

9. S7 A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 85 linear feet of an unnamed tributary to Crooked Creek (WWF) (Keeneyville, PA Quadrangle 41.8480°, -77.3546°);

10. (S8) A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 76 linear feet of an unnamed tributary to Crooked Creek (WWF) and 17 linear feet of another unnamed tributary to Crooked Creek (WWF) (Keeneyville, PA Quadrangle 41.8493°, -77.3547°);

11. (S5) A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 81 linear feet of an unnamed tributary to Norris Brook (EV) (Keeneyville, PA Quadrangle 41.8344°, -77.3554°);

12. (W5) A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 1,152 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41.8343°, -77.3549°);

13. (W3-1) A temporary road crossing using timber mats impacting 78 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Keeneyville, PA Quadrangle 41.8315°, -77.3550°);

14. (S5) A temporary road crossing using timber mats impacting 30 linear feet of an unnamed tributary to Norris Brook (EV) (Keeneyville, PA Quadrangle 41.8307°, -77.3554°);

15. (S5) A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 77 linear feet of Norris Brook (EV) (Keeneyville, PA Quadrangle 41.8277°, -77.3542°);

16. (S1B) A temporary road crossing using timber mats impacting 31 linear feet of Baldwin Run (HQ-CWF) (Keeneyville, PA Quadrangle 41.8208°, -77.3526°);

17. (S1A, W1-2) A temporary road crossing using timber mats and a 16-inch diameter natural gas pipeline impacting 56 linear feet of Baldwin Run (HQ-CWF) and 11,357 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Keeneyville, PA Quadrangle 41.8213°, -77.3574°).

The project will result in 668 linear feet of temporary stream impacts, 11,357 square feet (0.261 acre) of permanent wetland impacts and 10,238 square feet (0.235 acre) of temporary wetland impacts all for the purpose of installing a natural gas pipeline in Delmar, Chatham, and Middlebury Township, Tioga County. The permit applicant proposes to participate in the Pennsylvania Integrated Ecological Services, Capacity Enhancement and Support Program.

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.

E3502223-007. Sunnyside Road Associates, LLC, 100 Front Street, West Conshohocken, PA 19428, Jessup Borough, **Lackawanna County.** U.S. Army Corps of Engineers Baltimore District. Application received: September 28, 2023.

To construct and maintain the following water obstructions and encroachments associated with the Sunnyside Road Warehouse project consisting of construction of a 334,800 square foot warehouse, associated access drives,

parking areas and stormwater facilities: 1. To place fill in 0.03 acre of wetlands associated with site grading for parking areas. 2. To place fill in 0.13 acre of wetlands associated with site grading for parking areas and an access road. To compensate for the permanent wetland impacts, the applicant is proposing to purchase 0.19 acre of wetland mitigation banking credits. The project is located on the right of Sunnyside Road approximately 0.6 mile after turning onto Sunnyside Road from Moosic Lake Road (SR 247) (Olyphant, PA Quadrangle Latitude: 41° 28' 3", Longitude: -75° 32' 57") in Jessup Borough, Lackawanna County.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E2506223-006. New Realty LP, 8670 Peach Street, Erie, PA 16509, Summit Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: December 5, 2023.

To fill 0.04 acre of PEM/PSS wetland, permanently impact 456 feet of UNT Walnut Creek (CWF/MF) and 0.11 acre of floodway for expansion of asphalt parking lot at New Motors Subaru along the west side of Peach Street (SR 19) approximately 1.3 miles south of I-90. Latitude: 42.035858°, Longitude: -80.067624°.

E1006223-006. Pennsylvania American Water Company, 2736 Ellwood Road, New Castle, PA 16101, Oakland Township, **Butler County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: November 6, 2023.

To construct and maintain a chemical feed building addition and related activities on the north side of the existing water treatment plant resulting in a total impact to approximately 6,848 square feet (0.16 acre) of the 100-year flood plain of Connoquenessing Creek at the Oneida Valley Water Treatment Plant along the west side of SR 38 approximately 0.8 mile north of SR 68. Latitude: 40.887430°, Longitude: -79.875085°.

E2506223-007. Edinboro Borough, 124 Meadville Street, Edinboro, PA 16412, Edinboro Borough, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: December 5, 2023.

To construct and maintain a prefabricated steel modular beam pedestrian bridge on concrete abutments having a span of 30-feet and an underclearance of approximately 6.9-feet over Darrows Creek (WWF) in Edinboro Borough, to be located 25-feet downstream of the existing Route 6N culvert over Darrows Creek for the purpose of improving pedestrian mobility and safety along the corridor resulting in 40-feet of permanent stream impacts and 80-feet of temporary stream impacts. The proposed structure will be aligned parallel to Route 6N and will be no higher than the existing Route 6N bridge. No wetland impacts are proposed. Latitude: 41.877472°, Longitude: -80.120444°.

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

Contact: 717-705-4802.

E0603223-020. Mr. Johns Zuchowski, 2734 Moselem Springs Road, Fleetwood, PA 19522, Fleetwood Borough and Richmond Township, **Berks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 22, 2023.

To construct and maintain an 80-foot long, 14-foot wide, permanent stone ford stream crossing to be used for

agricultural equipment access and activities, resulting in 10 linear feet (140 square feet) of permanent impact to an Unnamed Tributary to Willow Creek (CWF, MF) and 0.02 acre of permanent impact and 0.002 acre of temporary impact to an emergent exceptional value wetland, all for the purpose of providing a stable crossing to reduce the sediment load to the stream and wetland and protect the stream banks from future erosion. The project is located to the east of Moselem Springs Road behind the Fleetwood Area Senior High School in Fleetwood Borough and Richmond Township, Berks County (Latitude: 40.461649°, Longitude: -75.827100°). Permanent wetland loss is less than 0.05 acre and replacement is not required.

E3603223-010. Manheim Township, 1840 Municipal Drive, Lancaster, PA 17601, Lancaster City and Manheim Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: September 28, 2023.

The applicant proposes to remove an existing concrete slab bridge and to install and maintain a new precast concrete box culvert in an Unnamed Tributary (UNT) to the Conestoga River. The proposed culvert will be 95.0-feet in length (upstream to downstream) and will span 12.0-feet across the watercourse. The project also proposes to realign the existing watercourse. The project will permanently impact 195.0-feet of stream channel (2,145.0-square feet) and 15,400.0-square feet of accompanying floodway. Wetlands will not be impacted as a result of this project. The project is located at the intersection of Pleasure Road and Deer Ford Road in Manheim Township and Lancaster City, Lancaster County (Latitude: 40.0532°, Longitude: -76.2790°).

E6703223-014. Inch's 700 LLC, 2950 Lewisberry Road, York, PA 17404, Spring Garden Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 6, 2023.

To place and maintain clean fill in a 6.79-acre quarry pond for the purposes of reclaiming the quarry and providing an area to dispose of clean fill. The project is located near the intersection of Olive Street and North Sherman Street (Latitude: 39.9773°N; Longitude: 76.7131°W) in Spring Garden Township, York County. No wetlands will be impacted by this project.

E6703223-012. Dover Township, 2480 West Canal Road, Dover, PA 17315, Dover Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: September 27, 2023.

To re-grade and maintain approximately 350 linear feet of an unnamed tributary to Conewago Creek (WWF, MF), including the creation of floodplain benches, permanently impacting 0.03 acre of palustrine emergent wetlands, for the purpose of reducing flooding on Piney Hollow Road. The project is located at the intersection of Piney Hollow Road and Conewago Road (Latitude: 40.0103°N; Longitude: 76.9130°W), in Dover Township, York County. Wetland impacts are de minimus and replacement is not required.

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

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

E0901223-012. Northampton Bucks County Municipal Authority, 815 Bustleton Pike, Richboro, PA 18954, Northampton Township, **Bucks County**. U.S.

Army Corps of Engineers Philadelphia District. Application received: November 29, 2023.

The Northampton Bucks County Municipal Authority is proposing to construct and maintain a watermain and sanitary sewer relocation project in and along the 100-year floodway of Mill Creek (WWF, MF), as a part of the Pennsylvania Department of Transportation District 6-0's Buck Road Bridge Replacement Project, which will be done under a separate permit. The proposed work will include a relocation of the existing 16-inch ductile water pipe with 30-inch casing pipe and the installation of an 8-inch sanitary sewer pipe utilizing the directional drilling method across Mill Creek (WWF, MF). The site is located near the intersection of Buck and Bristol Roads (Burlington, PA USGS map) in Northampton Township, Bucks County. Latitude: 40.171840°, Longitude: -74.986595°.

E1501223-018. Bondsville Road Realty Ventures, LLC, 2298 Horseshoe Pike, Honey Brook, PA 19344, Caln Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 29, 2023.

Bondsville Road Realty Ventures, LLC is requesting to reissue the existing expired permit number E15-895 to construct and maintain a 20-foot long by 51.5 feet wide by 7.87 feet high Con-Span Arch Bridge in and along Beaver Creek (CWF, MF) associated with the construction of new 57 units of the senior living facility. The proposed project will also include an additional utility stream crossing to

provide water, electrical, cable, sewer, and parking facilities with an outfall structure. The site is located approximately 1,200 linear feet south of the intersection of SR 0030 and the Bondsville Road exit (Downingtown, PA USGS map, Lat: 40.0016, Long: -75.74482) in Caln Township, Chester County.

E1501223-020. Grove Meadow Developers, LLC, 1171 Lancaster Avenue, Berwyn, PA 19312, East Goshen Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: December 13, 2023.

Grove Meadow Developers is proposing the following activities in and along the 100-year floodway of the UNT tributary of Ridley Creek (HQ-CWF) associated with Millstone Meadows Subdivision: 1) To construct and maintain a 23' wide × 7.5' high × 42' long open-bottom plate arch culvert to be installed over the watercourse and within Wetlands A. Associated with the placement of the culvert will be relocation of the existing stream channel to accommodate necessary placement of plate arch culvert at Millstone Circle. Additionally, within this impact area will be the installation of a storm sewer outfall (EW-1) and an 8" ductile iron water main. 2) The removal of the existing driveway concrete slab bridge, restoring the existing stream channel, and an installation of an 8" sanitary sewer main. The site is located near the intersection of Tanglewood Drive and Hershey Mill Road (Malvern, PA USGS map) in West Goshen Township, Chester County. Latitude: 40.01669°, Longitude: -75.56172°.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the "Final Actions Report" on DEP's website at www.dep.pa.gov/CWPublicNotice.

DEP office contact information to review official files relating to the final actions in Section I is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board. Individuals who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

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

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dept of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dept 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. Dept. 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. Dept 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>
PA360001D	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 827 Hausman Road Genn 4 Allentown, PA 18104-9392	Manor Township Lancaster County	SCRO
PAD090088	Chapter 102 Individual NPDES Permit	Issued	Np Falls Township Ind LLC 4805 Montgomery Road Cincinnati, OH 45212-2198	Falls Township Bucks County	SERO
PAD090095	Chapter 102 Individual NPDES Permit	Issued	6801 Bristol Properties LLC 6711 Columbia Gateway Drive Suite 130 Columbia, MD 21046-2294	Bristol Township Bucks County	SERO
PAD090096	Chapter 102 Individual NPDES Permit	Issued	Bucks County Redevelopment Authority 216 Pond Street Bristol, PA 19007-4923	Morrisville Borough Bucks County	SERO
PAD150138	Chapter 102 Individual NPDES Permit	Issued	Tredyffrin Easttown School District 940 West Valley Road Suite 1700 Wayne, PA 19087-1856	Tredyffrin Township Chester County	SERO
PAD150161	Chapter 102 Individual NPDES Permit	Issued	Lincoln University 1570 Baltimore Pike Lincoln University, PA 19352-9141	Lower Oxford Township Chester County	SERO
PAD180029	Chapter 102 Individual NPDES Permit	Issued	Wynn Tec Inc. 70 EJ Commerce Drive Loganton, PA 17747-7107	Greene Township Clinton County	NCRO

NOTICES

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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>
PAD230070	Chapter 102 Individual NPDES Permit	Issued	Keystone Sports & Entertainment LLC 2501 Seaport Drive Suite BH 100 Chester, PA 19013-2249	Chester City Delaware County	SERO
PAD230072	Chapter 102 Individual NPDES Permit	Issued	Honeywell International Inc. 6100 Philadelphia Pike Claymont, DE 19703-2716	Marcus Hook Borough Delaware County	SERO
PAD360093	Chapter 102 Individual NPDES Permit	Issued	Sun Comm Inc. 576 Yellow Hill Road Narvon, PA 17555-9335	Brecknock Township Lancaster County	SCRO
PAD380028	Chapter 102 Individual NPDES Permit	Issued	S Ramona 100 Real Estate, LLC 341 King Street Myerstown, PA 17067-2526	Jackson Township Lebanon County	SCRO
1519801	Joint DEP/PFBC Pesticides Permit	Issued	Chester County Parks 382 County Park Road Pottstown, PA 19465	West Nottingham Township Chester County	SERO
1523835	Joint DEP/PFBC Pesticides Permit	Issued	Chester County Parks 382 County Park Road Pottstown, PA 19465	West Caln Township Chester County	SERO
PA0004219	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Langeloth Metallurgical Co., LLC P.O. Box 608 Langeloth, PA 15054-0608	Smith Township Washington County	SWRO
PA0054526	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Unitech Service Group Inc. 401 North 3rd Avenue Royersford, PA 19468-1950	Royersford Borough Montgomery County	SERO
PA0104272	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	PA Fish & Boat Comm 595 E Rolling Ridge Drive Bellefonte, PA 16823	North East Township Erie County	NWRO
PA0285129	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Consol PA Coal Co., LLC 275 Technology Drive Suite 101 Canonsburg, PA 15317-9565	Aleppo Township Greene County	SWRO
PA0205681	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Somerset Township Municipal Authority P.O. Box 247 Somerset, PA 15501-0247	Black Township Somerset County	SWRO
PA0252581	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Mahoning Township 987 State Route 1025 New Bethlehem, PA 16242-7033	Mahoning Township Armstrong County	NWRO
0299202	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Ineos Composites US, LLC 5220 Blazer Parkway Dublin, OH 43017-3494	Neville Township Allegheny County	SWRO

<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>
3023400	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Consol PA Coal Co., LLC 275 Technology Drive Suite 101 Canonsburg, PA 15317-9565	Aleppo Township Greene County	SWRO
NOEXNW092	No Exposure Certification	Issued	Plastek Ind, Inc. 2425 W 23rd Street Erie, PA 16506-2920	Millcreek Township Erie County	NWRO
NOEXNW229	No Exposure Certification	Denied	Joy Global Underground Mining LLC 120 Liberty Street Franklin, PA 16323-1066	Franklin City Venango County	NWRO
NOEXSC126	No Exposure Certification	Issued	Bway Pkg Division Bway Corp 599 Davies Drive York, PA 17402-8630	Springettsbury Township York County	SCRO
NOEXSE212	No Exposure Certification	Issued	Depuy Synthes 1302 Wrights Lane E West Chester, PA 19380-3417	East Goshen Township Chester County	SERO
PAG030037	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cork Ind Inc. 500 Kaiser Drive Folcroft, PA 19032-2108	Folcroft Borough Delaware County	SERO
PAG030047	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Consolidated Rail Corp 330 Fellowship Road Mt. Laurel, NJ 08054	Philadelphia City Philadelphia County	SERO
PAG030220	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Archer Daniels Midland 100 Cabot Boulevard E Langhorne, PA 19047-1841	Falls Township Bucks County	SERO
PAG030244	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Specialty Ring Products 2374 State Road Bensalem, PA 19020-7326	Bensalem Township Bucks County	SERO
PAG032263	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: NA Environmental Dept Seattle, WA 98108-0842	Hazle Township Luzerne County	NERO
PAG032377	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Henkel US Operations Corp 125 Jaycee Drive West Hazleton, PA 18202-1145	West Hazleton Borough Luzerne County	NERO
PAG033626	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Corrstack d/b/a DS Smith 720 Laurel Street Reading, PA 19602-2718	Reading City Berks County	SCRO
PAG033631	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	AMZ Manufacturing Corp 100 Boxwood Lane York, PA 17402-9305	Springettsbury Township York County	SCRO
PAG033668	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	The Sherwin Williams Manufacturing Co. 3050 Hanford Drive Lebanon, PA 17046-2673	North Lebanon Township Lebanon County	SCRO
PAG033740	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Schneider National Inc. 1 Schneider Drive Carlisle, PA 17015-8880	Middlesex Township Cumberland 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>
PAG033761	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mars Wrigley US LLC 295 S Brown Street Elizabethtown, PA 17022-2127	Elizabethtown Borough Lancaster County	SCRO
PAG033766	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lapex Berks LLC 361 Walnut Hill Road Millersville, PA 17551-9605	Muhlenberg Township Berks County	SCRO
PAG033897	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Manchester Township York County	SCRO
PAG034009	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Brentwood Ind Inc. 621 Brentwood Drive Reading, PA 19611-2014	Reading City Berks County	SCRO
PAG034043	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Wolf Pak Transportation LLC 22 Blackhawk Lane Elizabethtown, PA 17022-8704	West Donegal Township Lancaster County	SCRO
PAG034878	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Russell Real Estate 2640 Greenville Pike Grampian, PA 16838-9201	Lawrence Township Clearfield County	NCRO
PAG034948	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Kawneer Co. Inc. 500 E 12th Street Bloomsburg, PA 17815-3900	Bloomsburg Town Columbia County	NCRO
PAG034975	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	PDF Inc. d/b/a Berman Truck Group 1844 Rich Highway DuBois, PA 15801-3970	Sandy Township Clearfield County	NCRO
PAG034987	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Northumberland Terminal DE LLC 900 S Eisenhower Boulevard Middletown, PA 17057-5503	Point Township Northumberland County	NCRO
PAG036460	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Greenridge Reclamation LLC 234 Ldfl Road Scottdale, PA 15683	East Huntingdon Township Westmoreland County	SWRO
PAG036558	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Swank Const Co. LLC 632 Hunt Valley Circle New Kensington, PA 15068-7067	Harmar Township Allegheny County	SWRO
PAG038445	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Altium PKG LLC 15 Mineral Street Oil City, PA 16301-3244	Oil City Venango County	NWRO
PAG038510	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	J M Manufacturing Co. Inc. d/b/a J M Eagle 15661 Delano Road Cochranton, PA 16314-4457	Greenwood Township Crawford County	NWRO
PAG046473	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Denied	Yakelis Joseph and Lisa 1504 State Route 18 Aliquippa, PA 15001-5996	Raccoon Township Beaver County	SWRO
PA0265462	Single Residence STP Individual NPDES Permit	Issued	Sanders Martin 2858 Master Road Emlenton, PA 16373-3424	Richland Township Clarion County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
WQG01042301	WQG-01 WQM General Permit	Denied	Yakelis Joseph and Lisa 1504 State Route 18 Aliquippa, PA 15001-5996	Raccoon Township Beaver County	SWRO

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>
PAC040053	PAG-02 General Permit	Issued	Stefanik Properties 2267 Todd Road Aliquippa, PA 15001	Center Township and Hopewell Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701 SWRO
PAC150363	PAG-02 General Permit	Issued	West Chester Area School District 782 Springdale Drive Exton, PA 19341	West Whiteland Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 484-250-5821 RA-EPNPDES_SERO@pa.gov
PAC150141	PAG-02 General Permit	Issued	Liberty Commercial Development Corporation, Ltd 1930 Route 309 Coopersburg, PA 19380	Valley Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 484-250-5821 RA-EPNPDES_SERO@pa.gov
PAC150356	PAG-02 General Permit	Issued	Delaney Investment Partners, LP 1595 Paoli Pike West Chester, PA 19380	Easttown Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 484-250-5821 RA-EPNPDES_SERO@pa.gov
PAC390064	PAG-02 General Permit	Issued	Saucon Enterprises c/o Eugene Jasin 199 Sellersville Rd. Chalfont, PA 18914	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
PAC460770	PAG-02 General Permit	Denied	Prestige Property Partners, LLC 1126 Horsham Road Maple Glenn, PA 19002-1178	Lower Frederick Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19428-3313 484-250-5821 RA-EPNPDES_SERO@pa.gov

NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC430049A1	PAG-02 General Permit	Issued	Welcome Solar LLC 1601 Utica Avenue South Suite 1000 Minneapolis, MN 55416	West Salem Township Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC200100	PAG-02 General Permit	Issued	Sycamore Trail Solar LLC 400 Montgomery Street San Francisco, CA 94104	Venango Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC050066	PAG-02 General Permit	Issued	Covered Bridge Partners, LLC 1036 Covered Bridge Road Osterburg, PA 16667	Bedford Township Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 3 Bedford, PA 15522 814-623-7900
PAC010246	PAG-02 General Permit	Issued	Isaac F, Lapp 215 North Star Road Ronks, PA 17572	Mount Pleasant Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC440016	PAG-02 General Permit	Issued	Rushmore Properties LLC 4021 Jacks Mountain Road Belleville, PA 17004	Union Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009 717-248-4695
PAC670075	PAG-02 General Permit	Issued	Stone Ridge Development Corporation 330 Dubs Church Road Hanover, PA 17331	West Manheim Township York County	York County Conservation District 2401 Pleasant Valley Road York, PA 17402 717-840-7430
PAC670668	PAG-02 General Permit	Issued	Bailey Self Storage LLC 1708 Route 116 Spring Grove, PA 17362	Jackson Township York County	York County Conservation District 2401 Pleasant Valley Road York, PA 17402 717-840-7430
PAC670640	PAG-02 General Permit	Issued	Wellspan Health 2500 South George Street York, PA 17403	City of York and Spring Garden Township York County	York County Conservation District 2401 Pleasant Valley Road York, PA 17402 717-840-7430
PAC360819	PAG-02 General Permit	Issued	Bent Creek Country Club 620 Bent Creek Drive Lititz, PA 17543	Manchester Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360896	PAG-02 General Permit	Issued	PPL Electric Utilities Corporation 1639 Church Road Allentown, PA 18104	East Lampeter Township Leacock Township Pequea Township Upper Leacock Township West Earl Township and West Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360314A-1	PAG-02 General Permit	Issued	KRM Ventures LP 1831 Auction Road Manheim, PA 17545	Rapho Township East Lampeter Township Leacock Township Pequea Township Upper Leacock Township West Earl Township and West Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360327	PAG-02 General Permit	Issued	Doug Lamb 1180 Zeager Road Elizabethtown, PA 17022	West Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC350158	PAG-02 General Permit	Issued	NDA Moosic, LLC 601 Gates Road Vestal, NY 13850-2288	City of Scranton Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Road South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@ pa.gov
PAC310031	PAG-02 General Permit	Issued	Casey C. McGraw 10826 Stone Creek Ridge Road Huntingdon, PA 16652	Henderson Township Huntingdon County	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652 814-627-1626
PAC250202	PAG-02 General Permit	Issued	Erie School District 148 West 21st Street Erie, PA 16502	City of Erie Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC410088	PAG-02 General Permit	Issued	Lycoming-Clinton Counties Commission for Community Actions (STEP) Inc. 2138 Lincoln Street Williamsport, PA 17701	City of Williamsport and Montoursville Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003
PAC170074	PAG-02 General Permit	Issued	Graig Catalone— Catalone Realty LLC 461 Hickory Ave Wierdville, PA 15688	Sandy Township Clearfield County	Clearfield County Conservation District 6395 Clearfield- Woodland Hwy Suite 2 Clearfield, PA 16830 814-765-2629

Permit Number	Permit Type	Action Taken	Applicant Name & Address	Municipality, County	Office
PAC600108	PAG-02 General Permit	Issued	Lewisburg Borough William Lowthert 539 Cherry Alley Lewisburg, PA 17837	Lewisburg Borough Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860

**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>
Colton Deppen 847 Imes Road McCoysville, PA 17058	Juniata County	7.43	716.05	Swine	NA	Approved
John Nolt 10190 Mountain Road Port Royal, PA 17082	Juniata County	9.8	491.16	Turkeys	NA	Approved
Barricks Dairy LLC 2653 Walnut Bottom Road Carlisle, PA 17015	Cumberland County	982.66	1,595.44	Dairy Nursery Swine	HQ	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a differ-

ent time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

SAFE DRINKING WATER

Actions Taken Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Lorrie Fritz, Clerical Assistant 2, 570-830.3048.

Operation Permit No. 3540804, Public Water Supply.

Applicant	Onvo Travel Plaza— Pine Grove
Address	2227 Scranton Carbondale Highway Scranton, PA 18508
Municipality	Tremont Township
County	Schuylkill County
Consulting Engineer	Charles A. Kehew, II, P.E. James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401
Application Received	November 16, 2023
Permit Issued	December 11, 2023
Description	Treatment upgrades involving water softener, soda ash addition, cartridge filter (2), and UV disinfection unit (2).

Operation Permit No. 3390044, Public Water Supply.

Applicant	Catasauqua Municipal Water Works
Address	90 Bridge Street Catasauqua, PA 18032
Municipality	Catasauqua Borough
County	Lehigh County
Consulting Engineer	Vanessa Nedrick, Remington & Vernick Engineers 1010 Stony Hill Road Suite 175 Yardley, PA 19067
Application Received	November 13, 2023
Permit Issued	December 11, 2023
Description	Removal of Fluoride Addition.

Contact: Ryan Fox, Env. Engineering Specialist, 570-826-2533.

Operation Permit No. 2359008, Public Water Supply.

Applicant	Pennsylvania American Water Company
Address	852 Wesley Dr. Mechanicsburg, PA 17055
Municipality	Roaring Brook Township
County	Lackawanna County

Consulting Engineer	Joseph Durkin 49 S. Main St. Suite 200 Pittston, PA 18640
Application Received	November 20, 2023
Permit Issued	December 11, 2023
Description	Operation Permit issued for sodium permanganate chemical feed improvements.

Contact: Ryan Fox, Environmental Engineering Specialist, 570-826-2533.

Construction Permit No. 3923507, Major Amendment, Public Water Supply.

Applicant	Blue Triton Brands, Inc.
Address	305 Nestle Way Breinigsville, PA 18031
Municipality	Lynn Township
County	Lehigh County
Consulting Engineer	Mark Pickering 225 Grandview Ave. Suite 403 Camp Hill, PA 17011
Application Received	May 24, 2023
Permit Issued	December 11, 2023
Description	Blue Triton Brands, Inc. Hoffman Springs booster pump improvement project. Replace- ment of old booster pump with new, larger capacity pump.

Operation Permit No. 2409011, Major Amendment, Public Water Supply.

Applicant	Pennsylvania American Water Company—Watres
Address	852 Wesley Dr. Mechanicsburg, PA 17055
Municipality	Pittston Township
County	Luzerne County
Consulting Engineer	Atlas Consultants 1001 Lackawanna Trail Clarks Summit, PA 18411
Application Received	December 6, 2023
Permit Issued	December 15, 2023
Description	Operation Permit for PAWC Watres Sathers Dr. Booster Pump Station Improvements.

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

Contact: Joseph Mattucci, Program Manager, 717-705-4931.

Construction Permit No. 3623543, Major Amendment, Public Water Supply.

Applicant	Farmersville Mennonite School
Address	65 East Farmersville Road Ephrata, PA 17522
Municipality	West Earl Township

County **Lancaster County**
 Consulting Engineer Charles A. Kehew, II, P.E.
 18 South George Street
 Suite 300
 Mechanicsburg, PA 17055

Application Received October 18, 2023
 Permit Issued December 12, 2023

Description This construction permit is for the removal of a carbon filter, the relocation of one (1) pressure tank, upgrades to the two (2) pressure tanks, the softener (cationic exchange unit), and the nitrate treatment.

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

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

Construction Permit No. 4623518, Major Amendment, Public Water Supply.

Applicant **Albertson-Lucerne Dairy**
 Address 847 Forty Foot Road
 Hatfield, PA 19440

Municipality Hatfield Township
 County **Montgomery County**
 Consulting Engineer KMJ, Inc.
 1036 Woods Lane
 Ambler, PA 19002

Application Received October 11, 2023
 Permit Issued December 1, 2023

Description For additional 2,500-gallon water storage and associated piping, installed at the Pine Valley Spring site.

Construction Permit No. 0923509, Major Amendment, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Address 852 Wesley Drive
 Mechanicsburg, PA 17055-4436

Municipality Lower Makefield Township
 County **Bucks County**
 Consulting Engineer Gannett Fleming, Inc.
 207 Senate Avenue
 Camp Hill, PA 17011

Application Received June 5, 2023
 Permit Issued December 12, 2023

Description The existing water storage tank and booster pump station will be replaced in kind. New pump station will include an additional second pump for redundancy. Booster pump station will include a new control panel and various instruments for the new pumps.

Actions Taken Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.

Operation Permit 0822501. PWSID No. **2080012**. **Kelly Rentals, LLC**, P.O. Box 35, Rome, PA 18837, Rome Borough, **Bradford County**. Application received: December 1, 2023. Permit Issued: December 14, 2023. This permit authorizes operation of the new 80 LF of 8-inch diameter above ground detention piping, two 2,500-gallon Norwesco finished water storage tanks, and a booster pump station to repressurize and transport finished water from the storage tanks to the distribution system.

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

Construction Permit 3623532 MA. PWSID No. **7360425**. **Chestnut Level Presbyterian Church**, 1068 Chestnut Level Rd, Quarryville, PA 17566, Drumore Township, **Lancaster County**. Application received: July 21, 2023. Permit Issued: December 11, 2023. This action approves a secondary flow control for caustic chemical addition, cartridge filters, and a new ultraviolet light disinfection system at Chestnut Level Presbyterian Church.

Transfer Permit 7360101. PWSID No. **7360101**. **Southern End Estates, LLC**, 496 Solanco Road, Quarryville, PA 17566, Providence Township, **Lancaster County**. Application received: November 20, 2023. Permit Issued: December 14, 2023. This permit transfers ownership of the Beaver Valley Mobile Home Park public water supply from Leon S. Lapp to Southern End Estates, LLC.

NCWSA Operation Permit 7670368. PWSID No. **7670368**. **Holy Infant Church**, 535 Conewago Creek Rd, Manchester, PA 17345, Conewago Township, **York County**. Application received: December 4, 2023. Permit Issued: December 14, 2023. This action authorizes the operation of a water softening system.

Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.

Emergency Permit 0123510 E. PWSID No. **7010055**. **Legacy Eagle View, LLC**, 32313 Broadway Street, Suite 101, Sebring, FL 33870, Berwick Township, **Adams County**. Application received: December 14, 2023. Permit Issued: December 14, 2023. Emergency operation permit for bulk hauling.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epsdsw@qjpa.gov.

Operation Permit 0422501. PWSID No. **5040039**. **Monaca Borough**, 928 Pennsylvania Avenue, Monaca, PA 15061, Monaca Borough, **Beaver County**. Application received: December 7, 2023. Permit Issued: December 14, 2023. Sodium hypochlorite system at the Monaca Borough Water Treatment Plant (Pumphouse).

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

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

Contact: Amy Bellanca P.E., Clean Water Program Manager, 570-826-2318.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Harveys Lake Borough	P.O. Box 60 Harveys Lake, PA 18618	Luzerne County

Plan Description:

Act 537 Plan Update—Harveys Lake Borough, The plan was disapproved because it is not implementable. Per 25 Pa. Code § 71.32(d)(4), the Department must consider “whether the official plan or official plan revision is able to be implemented.” The alternative chosen by Harveys Lake Borough to address its long-term sewage disposal needs in the Plan is the construction of a new sewage holding tank for storing peak sewage flows. The sewage holding tank is to be located in Kingston Township and to be constructed, owned and operated by the Dallas Area Municipal Authority (Authority) with a reserve volume of One Million Gallons for Harveys Lake Borough. The construction of the new sewage holding tank, to store peak sewage flows, was an alternative in the March 15, 2021, Act 537 Plan Update Revision application prepared on behalf of the Authority and the municipalities of Dallas Township, Dallas Borough, Kingston Township and Lehman Township. Harveys Lake’s chosen alternative is reliant upon the approval of the alternative in the Act 537 Plan Update Revision prepared on behalf of the Authority and the municipalities of Dallas Township, Dallas Borough, Kingston Township and Lehman Township. The Department is denying the March 15, 2021, Act 537 Plan Update Revision application prepared on behalf of the Authority and the municipalities of Dallas Township, Dallas Borough, Kingston Township and Lehman Township by letter dated October 16, 2023. Therefore, Harveys Lake Borough’s Plan cannot be implemented, is technically deficient and is disapproved.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Milford Borough	500 Broad Street Milford, PA 18337	Pike
Matamoras Borough	10 Avenue I Matamoras, PA 18336	
Milford Township	P.O. Box 366 Milford, PA 18337	
Westfall Township	P.O. Box 247 Matamoras, PA 18336	

Plan Description: The plan was disapproved because it is not implementable. Per 25 Pa. Code § 71.32(d)(4), the Department must consider “whether the official plan or official plan revision is able to be implemented.” The technical review of the Plan found that it was not presented as an implementable plan. See the following excerpts for evidence from the Plan that it is not implementable.

“The wastewater water planning needs and recommendations of the plan are listed below. However, without finalized inter-municipal agreements, development agreements, and favorable funding (private and public), alternatives may not be feasible. . . In addition, the four Municipalities may consider providing public sewer service in different areas if more funding becomes available through developers or private entities.” Page ES-1 of the Executive Summary

“Matamoras Borough will identify additional grants and funding to make it financially feasible upon implementation of the Plan.” Page ES-1 of the Executive Summary

“Milford Borough will identify additional grants and funding to make it financially feasible upon implementation of the Plan.” Page ES-2 of the Executive Summary

“Without a finalized inter-municipal agreement (including updates to the MATW rules and regulations), development agreement(s), and favorable funding (public and private) these alternatives may not be feasible and not be implemented.” Note (1) of the Selected Alternatives Phase II Implementation Schedule on Page ES-4 of the Executive Summary and on Page 8-3 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives

“The extensions are proposed for the 5-10 year planning window; depending on available funding.” Page 5-6 of Chapter 5: Wastewater Management Alternatives

“A wetland delineation to identify and define the actual locations of wetlands and their boundaries should be performed during the design phase if any expansion of the existing facilities implemented.” Page 6-2 of Chapter 6: Evaluation of Alternatives

“The funding options available to finance the proposed structural alternative been briefly examined in this chapter; however the four municipalities, MATW Milford Water Authority, and Matamoras Municipal Authority should involve their solicitors and financial advisor(s) to determine the most viable method of financing the project(s).” Page 6-9 of Chapter 6: Evaluation of Alternatives

“These alternatives are dependent upon finalization of inter-municipal agreement between each of the four municipalities, MATW, MWA, and MMA, availability of favorable funding with maximum grants, and the potential contributions made by land developers or private entities at the time of implementation.” Page 8-1 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives

“The implementation of Alternatives No. 2B, No. 3B, and No. 6F has been chosen and is anticipated to be completed in accordance with the projected implementation schedule assuming that a finalized inter-municipal agreement between all municipalities and authorities is finalized and funding is secured. Without the finalized inter-municipal agreement, development agreement(s), and favorable funding (public and private) these structural alternatives are not considered to be feasible and will not be implemented.” Page 8-1 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives

“In order to implement these structural alternatives while maintaining an affordable user rate, a more detailed financing plan consisting of the payment of tapping fees from new connections, grant money, capital contributions from developers, and a low interest (PENNVEST, R.U.S., County Grants, RCAP, etc.) loan or any combina-

tion is required.” Page 8-2 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives

“The project schedule for the proposed wastewater collection system extensions is contingent upon the receipt of affordable funding.” Page 8-3 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives

These excerpts from the Plan are evidence that it is not implementable. An implementable plan cannot be contingent on funding sources or an executed inter-municipal agreement.

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.

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Deremer 21HC on the Deremer BRA Well Pad, Primary Facility ID # **869220**, 149 Singer Road, Lacey-

ville, PA 18623, Tuscarora Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Crain BRA 4HC on the Crain BRA Well Pad, Primary Facility ID # **871149**, 80 West Parks Road, Rome, PA 18847, Rome Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with Methanol. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

EQT ARO LLC August 30, 2023 Bodine Mountain Road Release, Primary Facility ID # **870964**, 6483 Bodine Mountain Road, Trout Run, PA 17771, McIntyre Township, **Lycoming County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of EQT Corporation, 2462 Lycoming Creek Road, Williamsport, PA 17701, submitted a Final Report concerning remediation of soil contaminated with produced water spilled in a motor vehicle accident. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

EQT ARO LLC September 18, 2023 COP Tract 551 Pad A Release, Primary Facility ID # **869687**, 6483 Bodine Mountain Road, Trout Run, PA 17771, McIntyre Township, **Lycoming County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of EQT Corporation, 2462 Lycoming Creek Road, Williamsport, PA 17701, submitted a Final Report concerning remediation of soil contaminated with produced fluid resulting from a leak in the gas production unit. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

ELV Energy Services SR 14 Diesel Fuel Release, Primary Facility ID # **869215**, 2051 State Route 14, Roaring Branch, PA 17765, Union Township, **Tioga County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of ELV Energy Services, Inc., 43005 Lude Road, Belmont, OH 43718, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. 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.

Former Fincor Automation, Inc., Primary Facility ID # **676150**, 3750 East Market Street, York, PA 17402, Springettsbury Township, **York County**. WSP USA, Inc., 11 Stanwix Street, Suite 950, Pittsburgh, PA 15222, on behalf of Emerson Electric Company, 8000 West Florissant Avenue, Saint Louis, MO 63136, submitted a Cleanup Plan/Final Report concerning remediation of groundwater contaminated with VOCs. The Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

Michael Black Property, Primary Facility ID # **871172**, 420 Willow Street, Highspire, PA 17034, High-

spire Borough, **Dauphin County**. Environmental Maintenance Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Mr. Michael Black, 683 Sand Spur Drive, Etters, PA 17319, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 Fuel Oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Michael Black Property, Primary Facility ID # **871172**, 420 Willow Street, Highspire, PA 17034, Highspire Borough, **Dauphin County**. Environmental Maintenance Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of E&E Oil Company LLC, 1608 Walnut Street, Harrisburg, PA 17103, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 Fuel Oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Penneco Pettit # 6 Well Pad, Primary Facility ID # **716364**, 321 Shelleby Road, Holbrook, PA 15341, Richhill Township, **Greene County**. Woodard & Curran, 400 Penn Center Boulevard, Suite 600, Pittsburgh, PA 15235, on behalf of Penneco Oil Company, Inc., 6608 Route 22, Delmont, PA 15626, submitted a Final Report concerning remediation of soil contaminated with Acenaphthene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, biphenyl, chrysene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, 2-methylaphthalene, phenanthrene, pyrene, benzene, sec-butylbenzene, tert-butylbenzene, cyclohexane, ethylbenzene, isopropyl benzene (cumene), naphthalene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, xylene, and phenolics. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Former Horsehead Corp Facility, Primary Facility ID # **782002**, 300 Frankfort Road, Monaca, PA 15061, Potter Township, Center Township, **Beaver County**. Environmental Resources Management, Inc., 75 Valley Stream Parkway, Suite 200, Malvern, PA 19355, on behalf of Shell Chemical Appalachia, LLC, 300 Frankfort Road, Monaca, PA 15061, submitted a Final Report concerning remediation of soil and groundwater contaminated with For soil: beryllium, chromium, copper, silver, aroclor, 1016, aroclor, 1221, aroclor, 1232, aroclor, 1242, aroclor, 248, aroclor, 1254, aroclor, 1260, 1,2,4,5-tetrachlorobenzene, 1,2,4-trichlorobenzene, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 2,2-oxybis(1-chloropropane), 2,3,4,6-tetrachlorophenol, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, 2,4-dichlorophenol, 2,4-dimethylphenol, 2,4-dinitrophenol, 2,4-dinitrotoluene, 2,6-dinitrotoluene, 2-chloronaphthalene, 2-chlorophenol, 2-methylnaphthalene, 2-nitroaniline, 2-nitrophenol, 3-methylphenol, 3-nitroaniline, 3,3'-dichlorobenzidine, 4-methylphenol, 4-chloro-3-methylphenol, 4-nitrophenol, acenaphthene, acenaphthylene, acetophenone, anthracene, atrazine, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, benzyl, butyl phthalate, bis(2-chloroethoxy)methane, bis(2-ethylhexyl)phthalate, carbazole, chrysene, dibenzo(a,h)anthracene, dibenzofuran, dibutyl phthalate, dichloroethyl, ether, diethyl phthalate, dinitro-o-cresol, di-n-octyl phthalate, fluoranthene, fluorene, hexa-

chlorobenzene, hexachlorobutadiene, hexachlorocyclopentadiene, hexachloroethane, indeno(1,2,3-cd)pyrene, isophorone, naphthalene, nitrobenzene, n-nitrosodi-n-propylamine, n-nitrosodiphenylamine, o-cresol, p-chloroaniline, pentachlorophenol, phenanthrene, phenol, p-nitroaniline, pyrene, 1,1,1-trichloroethane, 1,1,2,2-tetrachloroethane, 1,1,2-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethane, 1,2-dichloropropane, 1,4-dioxane, 2-butanone, 2-hexanone, 4-methyl-2-pentanone, acetone, benzene, bromodichloromethane, bromoform, carbon, disulfide, carbon, tetrachloride, chlorobenzene, chlorobromomethane, chloroethane, chloroform, chloromethane, cis-1,2-dichloroethene, cis-1,3-dichloropropene, cumene, cyclohexane, dibromochloromethane, ethylbenzene, methyl, acetate, methyl, bromide, methyl, chloride, methyl, tert, butyl, ether, methylene, chloride, styrene, tetrachloroethene, toluene, trans-1,2-dichloroethene, trichloroethene, vinyl, chloride, xylenes, antimony, arsenic, cadmium, iron, lead, manganese, mercury, nickel, selenium, thallium, and zinc. For groundwater: beryllium, chromium, copper, 1,2,4,5-tetrachlorobenzene, 1,2,4-trichlorobenzene, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 2,2-oxybis(1-chloropropane), 2,3,4,6-tetrachlorophenol, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, 2,4-dichlorophenol, 2,4-dimethylphenol, 2,4-dinitrophenol, 2,4-dinitrotoluene, 2,6-dinitrotoluene, 2-chloronaphthalene, 2-chlorophenol, 2-methylnaphthalene, 2-nitroaniline, 2-nitrophenol, 3-methylphenol, 3-nitroaniline, 3,3'-dichlorobenzidine, 4-methylphenol, 4-chloro-3-methylphenol, 4-nitrophenol, acenaphthene, acenaphthylene, acetophenone, anthracene, atrazine, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, benzyl butyl phthalate, biphenyl, bis(2-chloroethoxy)methane, bis(2-ethylhexyl)phthalate, carbazole, chrysene, dibenzo(a,h)anthracene, dibenzofuran, dibutyl phthalate, dichloroethyl ether, diethyl phthalate, dinitro-o-cresol, di-n-octyl phthalate, fluoranthene, fluorene, hexachlorobenzene, hexachlorobutadiene, hexachlorocyclopentadiene, hexachloroethane, indeno(1,2,3-cd)pyrene, isophorone, naphthalene, nitrobenzene, n-nitrosodi-n-propylamine, n-nitrosodiphenylamine, o-cresol, p-chloroaniline, pentachlorophenol, phenanthrene, phenol, p-nitroaniline, pyrene, 1,1,1-trichloroethane, 1,1,2,2-tetrachloroethane, 1,1,2-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethane, 1,2-dichloropropane, 1,4-dioxane, 2-butanone, 2-hexanone, 4-methyl-2-pentanone, acetone, benzene, bromodichloromethane, bromoform, carbon disulfide, carbon tetrachloride, chlorobenzene, chlorobromomethane, chloroethane, chloroform, chloromethane, cis-1,2-dichloroethene, cis-1,3-dichloropropene, cumene, cyclohexane, dibromochloromethane, ethylbenzene, methyl acetate, methyl bromide, methyl chloride, methyl tert butyl ether, methylene chloride, styrene, tetrachloroethene, toluene, trans-1,2-dichloroethene, trichloroethene, vinyl chloride, xylenes, aluminum, antimony, arsenic, cadmium, cobalt, iron, lead, manganese, mercury, nickel, selenium, silver, and thallium. The Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

EQT Iron Man Well Pad, Primary Facility ID # **870875**, 136 Amos Road, Scenery Hill, PA 15360, North Bethlehem Township, **Washington County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of EQT Corporation, 625 Liberty Avenue, 17th Floor, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, chloride, iron, lithium, manganese, selenium, strontium, vanadium, and

zinc. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Scenic Drive Incident, Primary Facility ID # **870879**, 699 Scenic Drive, Avella, PA 15312, Independence Township, **Washington County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of McKissick Trucking, Inc., P.O. Box 62, Venus, PA 16364, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, chloride, iron, lithium, manganese, selenium, strontium, vanadium, and zinc. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

Olympus Energy Calliope Well Pad, Primary Facility ID # **871136**, 812 White Cloud Road, New Kensington, PA 15068, Upper Burrell Township, **Westmoreland County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Olympus Energy, LLC, 501 Technology Drive, Suite 1200, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with Aluminum, barium, boron, chloride, iron, lithium, manganese, selenium, strontium, vanadium, zinc, benzene, tert-butylbenzene, sec-butylbenzene, cyclohexane, ethylbenzene, isopropylbenzene (cumene), naphthalene, toluene, total xylenes, trimethylbenzene, 1,2,4-trimethylbenzene, 1,3,5-acenaphthene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, biphenyl, chrysene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, 2-methylnaphthalene, phenanthrene, phenol and pyrene. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department 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 poten-

tial 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.

Square One 103, Primary Facility ID # **687445**, 158-160 South Third Street, Easton, PA 18042, City of Easton, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Lisa Dell'Alba and Brenda Rosado, P.O. Box AA, Hellertown, PA 18055, submitted a Final Report concerning remediation of soil and groundwater contaminated with heating oil. The Final Report did not demonstrate attainment of the Statewide health and site-specific standards. Issued a technical deficiency letter: December 13, 2023.

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

Contact: Ben, 814-350-5132.

XPO Logistics Freight Inc Release, Primary Facility ID # **868739**, US Interstate 80 West, Mile Marker 3, West Middlesex, PA 16159, Shenango Township, **Mercer County**. Sovereign Consulting, Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341, on behalf of XPO Logistics Freight, Inc., 2211 Old Earhart Road, Ann Arbor, MI 48105, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethyl benzene, cumene, xylenes, methyl tert-butyl ether, naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,1,2-trichloroethane, methyl ethyl ketone, acetone, and tert-butylbenzene. The Final Report demonstrated attainment of the Statewide health standards. Approved: December 14, 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.

Richard Barley Property, Primary Facility ID # **870020**, 153 Lingenfelter Road, Bedford, PA 15522, Bedford Township, **Bedford County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Mr. Richard Barley, 7 Greenwich Drive, Carlisle,

PA 17015, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: December 7, 2023.

177 West Sun Hill Road, Primary Facility ID # **866104**, 177 West Sun Hill Road, Manheim, PA 17545, Penn Township, **Lancaster County**. Penn Environmental & Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901, on behalf of Mr. Robert Pierce, 177 West Sun Hill Road, Manheim, PA 17545, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: December 11, 2023.

177 West Sun Hill Road, Primary Facility ID # **866104**, 177 West Sun Hill Road, Manheim, PA 17545, Penn Township, **Lancaster County**. Penn Environmental & Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901, on behalf of Miller Pipeline, 8850 Crawfordsville Road, Indianapolis, IN 46234, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: December 11, 2023.

John Huber Property, Primary Facility ID # **856214**, 222 West Maple Avenue, Myerstown, PA 17067, Myerstown Borough, **Lebanon County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Mr. John Huber, 631 Weavertown Road, Myerstown, PA 17067, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: December 13, 2023.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

CNX NV 36HS Well Pad, Primary Facility ID # **869670**, 900 Farmer Lane, Prosperity, PA 15239, South Franklin Township, **Washington County**. Penn Environmental & Remediation, 111 Ryan Court, Pittsburgh, PA 15205, on behalf of CNX Gas Company, LLC, 1000 Horizon Vue Energy Drive, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, and zinc. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 21, 2023.

HAZARDOUS WASTE TRANSPORTER LICENSE

Action(s) Taken on Hazardous Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

Transporter License Reissued

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Environmental Services, Inc., 90 Brookfield Street, South Windsor, CT 06074. **License No. PA-AH 0725**. Application received: November 27, 2023. Effective December 12, 2023.

Manage Direct Systems Environmental, LLC, P.O. Box 471, Douglassville, PA 19518. **License No. PA-AH 0810**. Application received: October 24, 2023. Effective December 13, 2023.

LEI, Inc., P.O. Box 550, Independence, LA 70443. **License No. PA-AH 0811**. Application received: November 15, 2023. Effective December 12, 2023.

Graf Brothers Leasing, Inc., 166 Lafayette Road, Salisbury, MA 01952. **License No. PA-AH 0836**. Application received: November 6, 2023. Effective December 12, 2023.

D&A Contracting LLC, 322 Route 46 West, Parsippany, NJ 07054. **License No. PA-AH 0917**. Application received: November 29, 2023. Effective November 29, 2023.

The Environmental Service Group (NY), Inc., 177 Wales Avenue, Tonawanda, NY 14150. **License No. PA-AH S144**. Application received: November 1, 2023. Effective December 12, 2023.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Action(s) Taken on Regulated and Chemotherapeutic Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); Act 93 of June 28, 1988 (P.L. 525, No. 93); and Regulated Medical and Chemotherapeutic Regulations to Transport Regulated Medical and Chemotherapeutic Waste.

Transporter License Reissued

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

MDB BioMed LLC, 116 Level Road, Collegeville, PA 19426. **License No. PA-HC 0269**. Received on November 1, 2023. Effective December 12, 2023.

Transporter License Voluntarily Terminated

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

JPS Equipment Co., P.O. Box 788, Edgemont, PA 19028. **License No. PA-HC 0142**. Received on December 12, 2023. Effective December 12, 2023.

RESIDUAL WASTE GENERAL PERMITS

Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

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

Contact: Lisa D. Houser, P.E., Facilities Manager, 570 327-3740.

WMGR081NC003. Friendly Core, LLC, 1080 State Route 44 South, Shinglehouse, PA 16748, Sharon Township, **Potter County**. Solid Waste General Permit for the operation of a new processing facility for sorting and beneficial reuse of electronic devices. Application received: October 11, 2023. Issued: December 14, 2023/December 14, 2023.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, 570 327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Carrie A. Fleming, Program Manager.

100009. Lancaster County Solid Waste Management Authority, 1299 Harrisburg Pike, Lancaster, PA 17603, Manheim Township, **Lancaster County**. The PA DEP Solid Waste Management permit 100009 for the operation of the Lancaster County Solid Waste Management Authority Municipal Waste Transfer Station was renewed until April 12, 2034. Application received: March 6, 2023. Renewed: December 14, 2023.

Persons interested in reviewing the permit may contact John Oren, Permitting Section Chief, 717-705-4706, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. 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.

GP9-49-327I: Herndon Reload, 386 Pennsylvania Avenue, Herndon, PA 17830, Herndon Borough, **Northumberland County**. The Department authorized the construction and temporary operation of a 470 bhp Detroit Diesel model 6067MK28 diesel engine pursuant to

the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Herndon Reload facility. Application received: November 29, 2023. Authorized: December 12, 2023. Expiration date: December 11, 2028.

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

Contact: Shailesh Patel, P.E., Environmental Group Manager.

AG5-58-00007A: Bluestone Pipeline Company of Pennsylvania, LLC, 1000 Noble Energy Drive, Canonsburg, PA 15317, Harmony Township, Canonsburg, **Susquehanna County**. Renewal of their existing AG5-58-00007A General permit for the Comfort Lake Compressor Station. Application received: December 1, 2023. Issued: December 12, 2023.

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.

GP4-67-03169A: Strip-It-Clean, LLC, 605 Loucks Mill Road, York, PA 17403, Spring Garden Township, **York County**. For two existing burn-off ovens, under GP4, at the facility. The general permit authorization was renewed. Application received: November 20, 2023. Issued: December 14, 2023.

GP4-01-03035A: Sandusky Lee Corp., 80 Keystone Street, Littlestown, PA 17340, Littlestown Borough, **Adams County**. For the existing burn-off oven, under GP4, at the facility. The general permit authorization was renewed. Application received: December 5, 2023. Issued: December 14, 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.

GP3-09-0174: Hilltown Recycling & Materials, 375 Progress Dr, Telford, PA 18969, Hilltown Township, **Bucks County**. This action is for the issuance of a General Plan Approval and General Operating Permit (BAQ-GPA/GP3) to relocate 2 portable non-metallic mineral processing plants for construction activities at this location. Application received: November 22, 2023. Issued: December 14, 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.

AG5-56-00001A (GP5-56-00315C): Diversified Production, LLC, 101 McQuiston Drive, Jackson Center, PA 16133, Middlecreek Township, **Somerset County**. With expiration on December 11, 2028, received reauthorization to use GP-5 which also reflects a corporate name change for the owner/operator of the Eckhardt Compressor Station. Application received: April 19, 2023. Authorized: December 11, 2023.

GP13-26-00620A: North Fayette Supply, LLC, 415 Unity Center Road, Pittsburgh, PA 15239, Bullsken Township, **Fayette County**. On December 14, 2023 NFSL was allowed to continue the operation of their Bullsken West Pad Asphalt Plant, rated at 600 tph, equipped with packaged low NO_x multi-fuel burners, rated at 200 MMBtu/hr, and controlled by a dust collector, rated at

63,000 SCFM located in Bullsken Township, Fayette County. Application received: November 2, 2023. Authorized: December 14, 2023.

GP5-04-00747/AG5-04-00001A: MarkWest Liberty Midstream and Resources, LLC, 1515 Arapahoe Street, Tower 1, Suite 1600, Denver, CO 80202, Independence Township, **Beaver County**. On December 14, 2023, MarkWest Liberty Midstream and Resources, LLC was authorized to continue to operate: one (1) tri-ethylene glycol dehydrator, 230 MMscf/day, with a natural gas fired reboiler rated at 2.75 MMBtu/hr; three (3) G3608A4 Caterpillar, lean burn natural gas-fired compressor engines, each rated at 2,590 bhp; two (2) G3616A4 Caterpillar, lean burn natural gas-fired compressor engines, each rated at 5,000 bhp; four (4) storage tanks; each 400-bbl capacity; one (1) Gun-barrel tank, 500-bbl capacity; one (1) Vapor Recovery Unit (VRU) rated at 330,000 scfd; tanker truck load out operations; fugitive emissions components; one (1) Enclosed flares each rated at 7.0MMBtu/hr, and Pigging Operations controlled by Zeeco Flare at the McMichael Compressor Station located in Independence Township, Beaver County. Application received: September 26, 2023. Authorized: December 14, 2023.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

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

36-03202A: US Pipe Fabrication, LLC, 109 Fifth Street, Orlando, FL 32824, Ephrata Township, **Lancaster County**. For the construction and operation of an existing metal pipe coating booth controlled by dry filters, at the pipe manufacturing facility. Application received: August 1, 2023. Issued: December 15, 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-63-00646A: Ritchey Metals Company Inc., 30 Georgetown Road, Canonsburg, PA 15317, Cecil Township, **Washington County**. On December 14, 2023, the Department issued a Plan Approval PA-63-00646A to authorize the construction and temporary operation of a natural gas-fired Reverb Furnace E, rated at 6,000 lbs/hr, equipped with four (4) direct ignition burners, rated at 10.6 MMBtu/hr, and controlled by a baghouse rated at 25,000 SCFM. An existing rotary furnace B will be upgraded with an "Oxygen Additional System" to increase the efficiency and production of zinc alloys at its Hendersonville Plant located at 30 Georgetown Road in Canonsburg in Cecil Township, Washington County. Application received: July 22, 2022. Issued: December 14, 2023.

PA-65-00713E: Greenridge Reclamation, LLC, 234 Landfill Road, Scottdale, PA 15683, East Huntingdon Township, **Westmoreland County**. To allow continued operation of the trash dump until June 28, 2024. Application received: November 27, 2023. Issued: December 12, 2023.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

28-05002Q: Letterkenny Army Depot, One Overcash Avenue, Chambersburg, PA 17201, Greene Township and Letterkenny Township, **Franklin County**. For the construction of two replacement paint stripping tanks in Building 377 at the Letterkenny Army Depot. The two paint stripping tanks to be constructed in Building 377 will replace two existing paint stripping tanks in Building 370. The plan approval was extended. Application received: November 20, 2023. Issued: December 12, 2023.

05-03022A: Cronimet Specialty Metals USA, Inc., 172 Friendship Village Road, Bedford, PA 15522, Bedford Township, **Bedford County**. For four burnoff ovens at the metals recovery and recycling facility. The plan approval was extended. Application received: November 30, 2023. Issued: December 13, 2023.

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

36-03218A: East Penn Manufacturing Co., Inc., 2501 Horseshoe Road, Lancaster, PA 17601, Upper Leacock Township, **Lancaster County**. For the construction of eight (8) lid sealing units at the Lancaster Mold facility. The plan approval was extended. Application received: November 16, 2023. Issued: December 13, 2023.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

PA-65-00767B: Westmoreland Sanitary Landfill, LLC, 111 Conner Lane, Belle Vernon, PA 15012, Rostraver Township, **Westmoreland County**. To allow continued operation of the 2,128 bhp generator engine controlled by oxidation catalyst and SCR. The new expiration date is June 28, 2024. Application received: November 15, 2023. Issued: December 11, 2023.

Plan Approval(s) Denied, Terminated, Modified, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and the Provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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.

09-0240: Mazza Iron & Steel, 60 Solar Dr, Fairless Hills, PA 19030, Falls Township, **Bucks County**. This action is for the modification of Plan Approval No. 09-0240 for the Metal Shredder and Ferrous and Nonferrous metal recovery operation. The Plan Approval Modification addresses VOC emissions. The modification established a facility wide VOC emission limit of less than 24.9 tpy and included monitoring and recordkeeping conditions into the plan approval. Source ID 101 was restricted on throughput limits going from 120 tons per hour and 600,000 tons per year to 60 tons per hour and 300,000 tons per year. Mazza currently employs best management

practices and good operating procedures to control VOC emissions by limiting the amount of VOC containing materials through the shredders, depollution practices, and utilizing water sprays and a water foam injection system. Mazza will continue these best management practices and good operating procedures. Application received: September 13, 2023. Issued: December 11, 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.

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

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

42-00174: Casella Waste Management of PA, Inc., 19 Ness Lane, Kane, PA 16735, Sergeant Township, **McKean County**. The Department issued the renewal of the Title V Operating Permit to an active municipal solid waste (MSW) landfill. This facility has one permitted source, the landfill. The landfill gas generated is controlled and destroyed by an enclosed flare. With a design capacity exceeding 2.5 million megagrams or 2.5 million cubic meters, the facility is Title V because of rulemaking. The facility is subject to 40 CFR 63 Subpart AAAAA (National Emission Standards for Hazardous Air Pollutants for MSW Landfills). Effective June 21, 2021, the facility is also subject to 40 CFR 62 Subpart OOO (Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014), and is incorporated into the renewal permit. The Federal plan requirements of 40 CFR 62 Subpart OOO replaces the requirements of 40 CFR 60 Subpart WWW and Subpart Cf. Application received: May 19, 2022. Issued: November 27, 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, Borough of Athens, **Bradford County**. The Department issued a renewal State Only (Natural Minor) Operating Permit for the human crematory facility. The State Only Operating Permit contains all applicable regulatory requirements including monitoring and recordkeeping conditions to ensure compliance with all applicable State and Federal regulations. Application received: May 15, 2023. Renewal issued: December 12, 2023. New expiration date: December 11, 2028.

60-00001: Bucknell University, One Dent Drive, Lewisburg, PA 17837, Borough of Lewisburg and East Buffalo Township, **Union County**. The Department issued a renewal State Only Operating Permit for the university facility. All applicable Federal and State regulations, including appropriate emission limits, testing, monitoring, recordkeeping and reporting conditions, have been included in the renewal Operating Permit. Applica-

tion received: December 20, 2022. Renewal issued: December 14, 2023. New expiration date: December 13, 2028.

41-00070: PMF Industries, Inc., 2601 Reach Road, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. The Department issued a renewal State Only (Natural Minor) Operating Permit for their metal parts fabrication facility. The State Only Operating Permit contains all applicable regulatory requirements including monitoring and recordkeeping conditions to ensure compliance with all applicable State and Federal regulations. Application received: December 30, 2022. Renewal issued: December 14, 2023. New expiration date: December 13, 2028.

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

Contact: Norm Frederick, 570-826-2409.

54-00002: Honeywell Intl. Inc./Pottsville PLT, 98 Westwood Rd, Pottsville, PA 17901-1834, Norwegian Township, **Schuylkill County**. The Department issued a renewal State-Only (Synthetic Minor) Operating Permit for operation of a plastic film and sheet manufacturing facility located in Norwegian Township, Schuylkill County. The sources include pellet dryers, film extrusion lines, storage tanks, vacuum pumps, conveying systems, and a parts washer. The control devices are cyclones. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: February 23, 2023. Renewal issued: December 4, 2023.

40-00012: PA Dept of Corr/Retreat SCI, 660 State Route 11, Hunlock Creek, PA 18621-3136, Newport Township, **Luzerne County**. The Department issued a renewal State-Only (Natural Minor) Permit for the Correctional Institutions facility in Newport Township, Luzerne County. The sources consist of boilers and emergency generators. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: April 13, 2023. Renewal issued: December 5, 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.

15-00154: Jabil, Inc., 1303 Goshen Pkwy, West Chester, PA 19380-5986, East Goshen Township, **Chester County**. This action is for the renewal of a non-Title V, Natural Minor Operating Permit for the manufacturer of various medical products including implants and biomaterials for surgical fixation, correction, and regeneration of the human skeleton and its soft tissues. Application received: July 20, 2022. Issued: December 11, 2023.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

41-00017: Sunoco Midstream, LLC, 7 N Delaware Street, Paulsboro, NJ 08066, Armstrong Township, **Lycoming County**. The Department issued a revised State Only (Synthetic Minor) Operating Permit due to a change in ownership of the Williamsport—Sunoco LLC terminal gasoline and distillate fuels terminal facility from Zenith Energy Terminal PA Holdings, LLC to Sunoco Midstream, LLC. This State Only (Synthetic Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations. The State Only (Synthetic Minor) Operating Permit has been transferred. Application received: June 15, 2023. Transfer issued: December 12, 2023. Expiration date: March 8, 2026.

19-00001: Autoneum North America, Inc., 480 West Fifth Street, Bloomsburg, PA 17815, City of Bloomsburg, **Columbia County**. The Department issued a revised State-Only (Synthetic Minor) Operating Permit to incorporate the terms and conditions of Plan Approval 19-00001C for their Bloomsburg Plant. The revised State-Only (Synthetic Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: July 13, 2023. Revised: December 14, 2023. Expiration date: July 1, 2025.

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

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

10-00340: Eagle Printing Company, P.O. Box 271, Butler, PA 16003-0271, City of Butler, **Butler County**. The Department administratively amended the permit for the facility to incorporate the change of responsible official and permit contact. Application received: November 3, 2023. Revised: December 7, 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.

09-00243: Gelest, Inc., 1 Progress Dr, Morrisville, PA 19067-3702, Falls Township, **Bucks County**. This action is for the issuance of an administrative amendment to incorporate terms and conditions from Plan Approval No. 09-0243A for the RGS-504 process, which includes a 500-gallon glass-lined steel reactor manufactured by Pfaunder (Model No. E174-2586) and a 380-gallon Hastelloy Nutsche filter (FHJ-381), at the applicant's existing specialty chemical manufacturing plant. Application received: October 20, 2023. Issued: December 12, 2023. Issued: December 15, 2023.

Operating Permit(s) Denied, Terminated, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

25-00955: Foam Fabricators Inc., 6550 West Ridge Road, Erie, PA 16506, Fairview Township, **Erie County**. The facility produced the last part at the end of November and is working to remove all salvageable equipment by December 31, 2023. Since the permit is no longer necessary, it has been revoked. Application received: December 13, 2023. Revoked: December 31, 2023.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Janine Tulloch-Reid, Environmental Engineer Manager, 484-250-7505.

23-00073: Smyrna Ready Mix Concrete, 1250 Calcon Hook Road, Sharron Hill, PA 19076, Darby Township, **Delaware County**. Smyrna Ready Mix Concrete has removed 2 of the 3 concrete batching plants from their Sharron Hill facility located in Darby Township, Delaware County. Only one concrete batching plant remains and is exempt from permitting under 25 Pa. Code § 127.14(a)(8) since emissions from the plant, after fabric filter baghouse, is under 0.1 gr/dscf. Therefore, natural minor permit 23-00072 is being revoked at the request of the facility. The remaining source will still need to comply with all applicable regulations. Application received: November 30, 2023. Issued: December 15, 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

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

Contact: Tracy Norbert, RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 02880102. William J. Kisow, 82 South Petrie Road, Coraopolis, PA 15108, Kennedy and Robinson Townships, **Allegheny County**. Permit renewal issued for reclamation only to an existing bituminous surface mine, affecting 116.1 acres. Receiving streams: Unnamed tributary to Chartiers Creek to Chartiers Creek to Ohio River. Application received: June 28, 2021. Issued: December 13, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54151301. NPDES Permit No. PA0225533. Nova Coal, LLC, 668 Main Street, Tremont, PA 17981, Tremont Township, **Schuylkill County**. Renewal of an anthracite underground mine and NPDES Permit for discharge of treated mine drainage affecting 12.5 acres. Receiving streams: Baird Run and Lorberry Creek. Application received: January 10, 2023. Renewal issued: December 13, 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. 28220301. NPDES No. PAM422007. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17202, Hamilton Township, **Franklin County**. Commencement, operation and restoration of a large noncoal (industrial minerals) operation and Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) affecting 57.67 acres. Receiving stream(s): unnamed tributary to Black Creek classified for the following uses: TSF & MF. All stormwater facilities will utilize non-discharge alternatives. Application received: October 13, 2022. Permit issued: December 12, 2023.

Mining Permit No. 31970301. NPDES No. PA0234583. U.S. Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17042, Brady Township, **Huntingdon County**. NPDES renewal of an existing large industrial mineral permit. Receiving streams Mill Creek and Saddler Run classified for the following use: TSF. Application received: November 21, 2022. Permit issued: December 14, 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

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8101.

Permit No. 57234104. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Laporte Township, **Sullivan County**. Blasting for residential development. Application received: December 8, 2023. Issued: December 9, 2023. Expiration date: December 8, 2024.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 46234107. Rock Work, Inc., 1257 Dekalb Pike, Blue Bell, PA 19422, Lower Pottsgrove Township, Blue Bell, **Montgomery County**. Construction blasting for the 422 Reconstruction Project ECMS 16738. Application received: December 7, 2023. Permit issued: December 13, 2023. Expiration date: January 1, 2025.

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 one. 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.

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

Contact: Kipp Starks, Aquatic Biologist 2, 814-342-8110.

E1704223-005. Developac, Inc., 996 Beaver Drive, DuBois, PA 15801, Sandy Township, Marion Township and Spring Township, **Clearfield County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant is planning to create a commercial development on a vacant lot at the intersection of Midway Drive and Shaffer Road in DuBois. The lot contains a 0.13-acre palustrine emergent wetland. Upgradient stormwater runoff from other commercial developments is a significant source of hydrology for the wetland. The wetland is within the Sandy Lick Creek watershed (TSF, MF), and the entire wetland will be permanently filled. The wetland is not classified as exceptional value, there are no streams or floodways on the property, and no threatened or endangered species are known to exist within the project area. The impact will be mitigated by purchasing wetland credits from the In Lieu Fee Program. Latitude: 41° 7' 25.46", Longitude: -78° 43' 45.71". Application received: September 28, 2023. Issued: December 13, 2023.

Contact: Stephen Kardohely, Project Manager, 814-342-8216.

E5304223-003. Carl Butler, 3204 Trafalgar Cr, Saint Augustine, FL 32092, Hebron Township Saint Augustine, **Potter County**. U.S. Army Corps of Engineers Pittsburgh District.

The Department has issued Carl Butler a Chapter 105 small projects joint permit for construction of a driveway and bridge spanning Steer Brook for access to property. The proposed location is 0.8 mile north of the SR 44 intersection with SR 49. There are no anticipated adverse impacts to waters of the U.S. or aquatic resources from this construction project. The project is located within the floodway of Steer Brook which is listed in 25 Pa. Code Chapter 93 designation use of High Quality—Cold Water Fishery (HQ—CWF). Latitude: 41° 49' 32.45", Longitude: -78° 0' 50.97". Application received: July 20, 2023. Issued: December 1, 2023.

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E5202122-003. PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Milford Borough, Dingman Township, **Pike County**. U.S. Army Corps of Engineers Philadelphia District.

The following impacts are associated with the SR 0209 Section 450 project: 1. To rehabilitate a single span 43.3' wide reinforced concrete arch with a minimum under-clearance of 25' carrying SR 0209 over Sawkill Creek (EV, MF) and construct and maintain appurtenant structure features. The bridge deck will be replaced as part of the proposed rehabilitation. 2. To place streambank protection for approximately 75' along the northern bank of Sawkill Creek and for approximately 100' along the southern bank of Sawkill Creek. 3. To construct and maintain an outfall in the floodway of Sawkill Creek consisting of an 18" pipe and riprap protection. The project is located along 0209 Section 450, Segment 0010 Offset 0000, approximately 0.4 mile northeast of the SR 0209/SR 0206

intersection (Milford, PA Quadrangle; Latitude: 41.317076° N, Longitude: -74.799601° W) in Milford Borough and Dingman Township, Pike County. Application received: December 27, 2022. Issued: December 12, 2023.

E4002222-016. Hazleton Creek Commerce Holdings, LLC, 2747 Avenue Du Village, Bethlehem, PA 18015-9117, Hazle Township, Hazleton City, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Hazleton Creek Commerce Center Project: 1) A fill within 0.24 acre of PEM Wetlands (Other) for the purpose of site development. 2) A fill within 0.70 acre of PEM Wetlands (Other) for the purpose of site development. 3) A fill within 0.04 acre of PEM Wetlands (Other) for the purpose of site development. 4) An outfall within Cranberry Creek (CWF, MF) consisting of a 30-inch diameter HDPE stormwater pipe, concrete endwall, and R-4 riprap apron. 5) An outfall within Cranberry Creek (CWF, MF) consisting of a 5.5-foot wide trapezoid vegetated stormwater channel. 6) An outfall within Cranberry Creek (CWF, MF) consisting of a 20.0-foot wide trapezoid vegetated stormwater channel. 7) A fill in the floodway of Cranberry Creek consisting of grading associated with an access road adjacent to a proposed industrial building (Building No. 3). This impact will result in +2,560-ft³ of fill within the floodway. 8) An outfall within Cranberry Creek (CWF, MF) consisting of a 3.0-foot wide trapezoid vegetated stormwater channel. 9) A fill in the floodway of Cranberry Creek consisting of a parking lot, a 180-ft long, 30-ft high retaining wall, a stormwater management swale, and the southwest corner of a proposed industrial building (Building No. 5). This impact will result in +46,000-ft³ of fill within the floodway. 10) An 8-inch diameter ductile iron water line within the floodway of Cranberry Creek (CWF, MF). 11) A utility line crossing of Cranberry Creek (CWF, MF) with work consisting of an 8-inch diameter DIP water line. The applicant will provide wetland compensation by purchasing 3.47 function-based wetland credits as part of the In-Lieu Fee Program. The project is located approximately directly southeast of the intersection of Harwood Road and Crystal Ridge Road (Hazleton, PA Quadrangle Latitude: 40° 57' 1", Longitude: -75° 59' 52") in Hazle Township and City of Hazleton, Luzerne County. Application received: October 28, 2022. Issued: December 13, 2023.

ENVIRONMENTAL ASSESSMENTS

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

EA3306223-001. PA DCNR Bureau of State Parks, RCSOB, 400 Market Street, P.O. Box 8551, Harrisburg, PA 17105, Barnett Township, **Jefferson County**. U.S. Army Corps of Engineers Pittsburgh District.

Restore approximately 1,600 linear feet of the west bank of the Clarion River located in Clear Creek State Park. Work will include the placement of boulders, root wads, toe wood, brush lifts, and riparian plantings. The project is located 1.47 west of the intersection of Clear Creek Road and the intersection with SR 949. Latitude: 41.328368°, Longitude: -79.103808°. Application received: July 20, 2023. Issued: December 12, 2023.

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

Contact: 717-705-4802.

EA6703223-002. Watershed Alliance of York, 2401 Pleasant Valley Road, York, PA 17402, Spring Garden Township, **York County**. U.S. Army Corps of Engineers Baltimore District.

To conduct a stream restoration project along a UNT Tributary to South Branch Codorus Creek (WWF, MF) including 1.) the construction and maintenance of 2,200 feet of bankfull benches (left and right banks); and 2.) the installation and maintenance of eleven log grade control structures, all for the purpose of reducing sediment loading to the stream. Latitude: 39.92011°, Longitude: -76.74393°. Application received: October 19, 2023. Approved: December 14, 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 **ESG295923021-00**
Applicant Name **NFG Midstream Covington, LLC**
Contact Person Matt Hovis
Address 1100 State Street
City, State, Zip Erie, PA 16501
Township(s) Delmar Township and Shippen Township
County **Tioga County**
Receiving Stream(s) and Classification(s) West Branch Stony Fork (EV), Trib 21891 to Dantz Run (CWF)
Application received: September 26, 2023
Issued: December 11, 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 **ESG082423001-00**
Applicant Name **Seneca Resources Co., LLC**
Contact Person Josh McLaughlin
Address 51 Zents Blvd
City, State, Zip Brookville, PA 15825-2701
Township(s) Jones Township
County **Elk County**
Receiving Stream(s) and Classification(s) Trib of County Line Run (HQ—CWF)
Application received: August 18, 2023
Accepted: December 8, 2023

ESCGP # 3 **ESX180050005-01**
Applicant Name **Snyder Bros Inc.**
Contact Person Carl Rose
Address P.O. Box 1022
City, State, Zip Kittanning, PA 16201
Township(s) Rayburn Township
County **Armstrong County**
Receiving Stream(s) and Classification(s) Trib 46976 to Cowanshannock Creek (WWF); Trib 46977 to Cowanshannock Creek (WWF); Trib 46978 to Cowanshannock Creek (WWF); Trib 46995 to Cowanshannock Creek (WWF)
Application received: June 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.

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Quick Shop 7, Storage Tank Facility ID # **55-09006**, 960 Route 522, Selinsgrove, PA 17870, Penn Township, **Snyder County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Fl, Royersford, PA 19468, on behalf of KDA Petro Property LLC, 900 Spruce Street, Sunbury, PA 17801, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

Turkey Hill 207, Storage Tank Facility ID # **49-30642**, 122 East Valley Avenue, Elysburg, PA 17824, Ralpho Township, **Northumberland County**. Kleinfelder, Inc., 51 Dutilh Road, Suite 240, Cranberry Township, PA 16066, on behalf of TH Minit Markets LLC, 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline constituents. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

J&N Citgo/Marshalls Creek Texaco, Storage Tank Facility ID # **45-37117/45-16999**, 2601 Milford Road, Marshalls Creek, PA 18335, Smithfield Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of J&N Service Center, 2601 Milford Road, Marshalls Creek, PA 18335, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide health and site-specific standards.

Square One 103, Storage Tank Facility ID # **48-51488**, 158-160 South Third Street, Easton, PA 18042, City of Easton, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Square One Markets, Inc., P.O. Box AA, Hellertown, PA 18055, 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 Statewide health and site-specific standards.

Blakeslee Plaza, Storage Tank Facility ID # **13-37366**, 32 Blakeslee Boulevard Drive East, Lehigh, PA 18235, Lehigh Township, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Blakeslee Plaza, Inc., 955 Mount Bethel Highway, Bangor, PA 18013, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. 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: Gregory Bowman, Environmental Group Manager, 717-705-4705.

Keneco Oil Bulk Plant, Storage Tank Facility ID # **01-37038**, 6170 Baltimore Pike, Littlestown, PA 17340, Germany Township, **Adams County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Ejays Financial Group, 9 Westminster S/C # 371, Westminster, MD 21157, 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 Statewide health and site-specific standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Smith Propane & Oil, Storage Tank Facility ID # **11-37442**, 613 Napoleon Street, Johnstown, PA 15901, City of Johnstown, **Cambria County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Dell M. Cromie, P.O. Box 187, Curtisville, PA 15032, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential 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 construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Pocono Gas Station, Storage Tank Facility ID # **45-16990**, 834 Seven Bridge Rd, East Stroudsburg, PA 18301, Smithfield Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of JPSPA Realty, LLC, 561 Independence Road, East Stroudsburg, PA 18301, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of the Statewide health standards and was approved by DEP on December 14, 2023.

7 Eleven 40206, Storage Tank Facility ID # **48-24155**, 109 West Main Street, Bath, PA 18014, Bath Borough, **Northampton County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Wrighter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of the Statewide health standards and was approved by DEP on December 14, 2023.

RV Beverage/Vamco Fuel Route 6&11 Property, Storage Tank Facility ID # **35-27640**, 801 Northern Boulevard, Clarks Summit, PA 18411, South Abington Township, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Vamco Fuel Route 6&11, 107 Squirrel Run, Clarks Summit, PA 18411, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan was not acceptable to meet the site-specific standards and was disapproved by DEP on December 14, 2023.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

1001 Baltimore Ave East Lansdowne, Storage Tank Facility ID # **23-06906**, 1001 E. Baltimore Ave., Lansdowne, PA 19050, East Lansdowne Borough, **Delaware County**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of PALG UST VI, LLC, 600 Hamilton Street, Suite 500, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report residential demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on December 15, 2023.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

BFS # 34, Storage Tank Facility ID # **26-31136**, 456 Morgantown Street, Uniontown, PA 15401, City of Uniontown, **Fayette County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Bruceton Farm Service, Inc., 116 Shannon Drive, Morgantown, WV 26508, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The plan residential was acceptable to meet the Statewide health standards and was approved by DEP on November 21, 2023.

SPECIAL NOTICES

WASTE, AIR, RADIATION AND REMEDIATION

Hazardous Sites Clean-up Under the Act of October 18, 1988 Notice of Prompt Interim Response.

Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Dennis Low, delow@pa.gov

Newberry Township PFC Site

Newberry and Fairview Townships, York County, PA

The Pennsylvania Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) has initiated a prompt interim response at the Newberry Township PFC site (Site). The prompt interim response has been initiated pursuant to Sections 501(a) and 505(b) of the HSCA (35 P.S. §§ 6020.501(a) and 6020-505(b)).

The Site is located in Newberry and Fairview Townships, York County. Groundwater serving a number of residential and commercial wells and springs in the area of Newberry and Fairview Townships is contaminated with Per- and Polyfluoroalkyl Substances (PFAS), a large class of man-made synthetic chemicals. The Site includes a mix of residential, commercial, and light-industrial properties. Public-water supply is interspersed throughout much of the Site. At the present time, the source(s) and extent of PFAS contamination has not been identified or determined.

On January 14, 2023 the Pennsylvania Environmental Quality Board amended Chapter 109 (§ 109.202 amended under section 4 of the Pennsylvania Safe Drinking Water Act) by setting maximum contaminant level goals (MCLGs) and maximum contaminant levels (MCLs) for Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS) of 14 and 18 nanograms per liter (ng/L), respectively. Exposure to concentrations of PFOA and PFOS above the MCLs pose a threat to human health when ingested in water.

DEP has sampled private, commercial, and public-supply wells, monitor wells, springs, streams, and ponds since 2019 at the Site. The sampling has confirmed the presence of PFAS in groundwater and surface water. The sampling has identified 13 residential/commercial and 2 public-supply wells/springs that exceed the current Pennsylvania MCLs for PFOA and/or PFOS.

DEP considered three alternatives:

Alternative 1. No Action.

This alternative serves as a baseline and involves taking no action to remove, remediate, or contain the contaminated groundwater or reduce threats to human health at the Site. Risks posed by ingestion of water from contaminated private-water supplies would remain.

Alternative 2. Provision of Bottled Water and Institutional Controls.

This alternative provides for DEP to furnish commercial bottled water to impacted residences and businesses. Bottled water would be delivered regularly to each residence and business that has a water-supply contaminated in excess of the MCLs for PFOA and/or PFOS throughout the course of the Site investigation. This would reduce the risk posed by ingestion of water above the MCLs and thus provide an increase in protection of human health

and the environment. The present annual cost of this alternative for an assumed four-person residence is \$7,100. In addition, DEP would implement activity and use limitations (AULs) either through environmental covenants or administrative orders. Environmental covenants or administrative orders would be placed on deed records that would alert new property owners, and prospective property purchasers, of the health risks for continued use of contaminated private water-supplies.

Alternative 3. Installation of Point Of Entry Treatment (POET) Systems and Institutional Controls.

Under this alternative, POET systems would be installed by DEP at homes and businesses that utilize private-water supply wells or springs impacted by contamination above the established MCLs for PFOA and PFOS. DEP will provide bottled water until the POET systems are installed. Once installed, DEP will provide for the continuing operation and maintenance (O&M) of the POET systems throughout the course of the Site investigation. Should this alternative be selected as a final response action, then property owners would be responsible for continued O&M activities. In addition, DEP would implement AULs either through environmental covenants or administrative orders placed on deed records that would alert new property owners, and prospective property purchasers, of the health risks for continued use of contaminated private water-supplies. Notification will be placed on deed records and indicate that DEP has installed a POET system in order to mitigate potential threat to human health from the contaminated water-supply.

This alternative will be protective of human health. This alternative will comply with the applicable requirement that drinking-water use of groundwater meet the MCLs. The exhausted or "spent" carbon will be removed for regeneration or disposal in accordance with applicable regulations.

Initial installation of a POET system is estimated to cost \$6,000 per unit. Annual carbon change out and UV-light replacement is estimated at \$1,500. Annual sampling and analytical monitoring costs are estimated at \$1,000 per system.

DEP has selected Alternative 3 as the prompt interim response. Bottled water will be delivered for residences and businesses that exceed the MCLs for PFOA and/or PFOS until a POET can be installed at the impacted properties. These systems will be monitored and maintained by DEP until further notice.

DEP is providing this notice under sections 505(b) and 506(b) of HSCA (35 P.S. §§ 6020.505(b) and 6020.506(b)), and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under HSCA. The Administrative Record which contains information about this Site and which supports DEP's decision to perform this action at the Site is available for public review and comment. The Administrative Record can be examined Monday through Friday from 8:00 a.m. to 3:00 p.m. at the DEP's South Central Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Mr. Dennis Low at 717-705-4853. The Administrative Record can also be reviewed online at Newberry Township PFC Site (pa.gov).

The Administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* on 12-30-2023 and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before 03-31-2024, by

mailing them to Mr. Low at the DEP South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200 or email to delow@pa.gov.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for February 13, 2024 at 6:30 p.m. at Cross Roads Middle School Auditorium, 535 Fishing Creek Road, Lewisberry, PA. Persons wishing to present formal oral comment at the hearing should register before 4:00 p.m., February 13, 2024 by calling John Repetz at 717-705-4904 (jrepetz@pa.gov). There will be an informational presentation of the DEP's activities at this site prior to the public hearing.

If no person registers to present oral comments, by February 13, 2024 the hearing will not be held, but will be replaced with an informational meeting. Persons interested in finding out if anyone has registered, and if the hearing will be held, should also contact John Repetz at the number previously listed.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should call John Repetz at the previously listed number or through the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 23-1793. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Air Quality Small Business Technical Assistance Grant

The Department of Environmental Protection (Department) is announcing the availability of up to \$500,000 for a grant to fund the Air Quality Small Business Technical Assistance Program (Program). The Program provides free and confidential technical and environmental assistance to small businesses in this Commonwealth to help them improve their environmental performance.

Eligible applicants must be a nonprofit organization headquartered in this Commonwealth. The awarded grant funds will be used to cover costs of operating the Program.

To be eligible for the grant, applicants must complete an online application form through the Pennsylvania Electronic Single Application system at <https://www.esa.dced.state.pa.us>.

The application period begins January 2, 2024, and the deadline for submitting applications is March 1, 2024. For more information visit the Department's Grants, Loans and Rebates web site at www.dep.pa.gov under "Residents" or contact Lucas Hershey at (717) 787-7019.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1794. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of National Pollutant Discharge Elimination System General Permit for Discharges from Aquatic Animal Production Facilities (PAG-11)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current National Pollutant Discharge Elimination System General Permit for Discharges from Aquatic Animal Production Facilities (PAG-11). The PAG-11 General Permit is extended until the PAG-11 General Permit is reissued or revoked. During the period of administrative extension, no new coverage under the PAG-11 General Permit may be authorized by the Department.

To access the PAG-11 General Permit and related documents, visit the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," and then "PAG-11 NPDES General Permit for Discharges from Aquatic Animal Production Facilities 3800-PM-BCW0006").

Questions regarding the PAG-11 General Permit can be directed to Maria Schumack, PE, at maschumack@pa.gov or (717) 705-0486.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1795. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Proposed Reducing Industrial Sector Emission in Pennsylvania Grant Program; Request for Information

Description

The Department of Environmental Protection (Department) issues this Request for Information (RFI) to assist in the development of a grant solicitation entitled Reducing Industrial Sector Emissions in Pennsylvania (RISE PA). The availability of funding for RISE PA will be contingent upon the Department's receipt of an award under the United States Environmental Protection Agency's (EPA) Climate Pollution Reduction Grants Program (CPRG): Implementation Grants General Competition (CPRG Competition).

This RFI is intended for respondents to provide comment on the information specified in this notice. This RFI is also intended to communicate the Department's general goals and objectives for RISE PA program development. This RFI does not constitute a grant solicitation, nor does it represent a commitment to issue a grant solicitation in the future. This RFI does not commit the Department to any specific form of grant solicitation. Responding to this RFI is not a pre-requisite for participation in a future grant solicitation process. Persons and organizations who choose to not respond to this RFI may still participate in any subsequent grant solicitation process for RISE PA.

Respondents choosing to respond to this RFI will not, merely by submitting such a response, be deemed to be applicants to RISE PA and no respondent will have any preference, special designation, advantage or disadvantage whatsoever in any subsequent grantmaking process for RISE PA. Respondents should not anticipate a response from the Department regarding submitted materials.

Purpose

The purpose of this RFI is to solicit feedback from industry, academia, community-based organizations and other interested stakeholders on issues related to the design and implementation of RISE PA as they relate to the criteria of the CPRG Competition. The Department is specifically interested in receiving input on program design, size, scope, scale and award sizes as well as the potential outputs and metrics, including emissions reductions and community benefits.

Background

The 2022 Inflation Reduction Act (IRA) (Pub.L. No. 117-169) established the CPRG, which provides funds in two distinct but related phases:

1. *Planning grants*: \$250 million for States, United States territories, municipalities, air pollution control agencies, tribes and groups thereof to develop plans to reduce greenhouse gases (GHG). The Priority Climate Action Plan (PCAP) is the first deliverable due under the CPRG planning grants.

2. *Implementation grants*: \$4.6 billion for competitive grants to eligible applicants to implement GHG reduction programs, policies, projects and measures (collectively referred to as "GHG reduction measures," or "measures") identified in a PCAP developed under a CPRG planning grant.

The EPA issued a notice of funding opportunity on September 20, 2023, announcing the availability of up to \$4.3 billion¹ for the CPRG Competition. Lead organizations for CPRG planning grants must submit their PCAPs to the EPA by the deadline of March 1, 2024, for lead organizations and other eligible applicants to submit grant applications to fund measures contained in those plans. The EPA anticipates awarding approximately 30 to 115 grants ranging between \$2 million and \$500 million under the CPRG Competition. Applications are due on April 1, 2024. Entities eligible to apply for an implementation grant under the CPRG Competition include lead organizations that were direct recipients of CPRG planning grants and other State, municipal, tribal and territorial entities that seek to implement GHG reduction measures included in an applicable PCAP developed under a CPRG planning grant.

The CPRG Competition is designed to enable states, municipalities, tribes and territories to achieve the following goals:

1. Implement measures that will achieve significant cumulative GHG reductions by 2030 and beyond.

2. Pursue measures that will achieve substantial community benefits such as reduction of criteria air pollutants (CAP) and hazardous air pollutants (HAP), particularly in low-income and disadvantaged communities².

¹ Although the total amount funding available for Implementation grants is \$4.6 billion, \$300 million has been set aside for a separate competition in which tribes and territories are the only eligible applicants.

² A disadvantaged community may be either: (1) a group of individuals living in geographic proximity (for example, a census tract identified using the Climate and Economic Justice Screening Tool); or (2) a geographically dispersed set of individuals, where either type of group experiences common conditions.

3. Complement other funding sources to maximize these GHG reductions and community benefits.

4. Pursue innovative policies and programs that are replicable and can be scaled up across multiple jurisdictions.

The Department has received a \$3 million CPRG planning grant with which to develop a PCAP focused on reducing GHG and co-pollutant emissions from this Commonwealth's industrial sector. According to the 2023 Pennsylvania Greenhouse Gas Inventory Report, which the Department is statutorily required to prepare under the Pennsylvania Climate Change Act (Act 70 of 2008) and relies on emissions data from the year 2020, the industrial sector is the highest emitting sector, accounting for just over 30% of the Commonwealth's total GHG emissions. In 2020, emissions from the industrial sector totaled 73.56 million metric tons of carbon dioxide equivalent (MMT CO_2e). The emissions come from 4 separate subgroups: combustion of fossil fuels (32.89 MMT CO_2e); industrial processes (12.86 MMT CO_2e); activities involving coal mining and abandoned coal mines (11.62 MMT CO_2e); and activities involving natural gas and oil systems (16.20 MMT CO_2e). The emissions related to electricity usage within the industrial sector are accounted for in the electricity production sector and amount to approximately 16.2 MMT CO_2e ,³ bringing the total potential GHG emissions impact reduction from the industrial sector to 89.77 MMT CO_2e .

The emissions attributed to the combustion of fossil fuels subgroup result from fuels combusted to heat and cool industrial buildings and equipment within this Commonwealth and account for 36.6% of the total industrial sector emissions. Several factors influence the amount and type of a fuel being used, including the severity of the weather, efficiency of the heating or cooling system and fuel price and availability. The GHG emissions related to electricity usage within the industrial sector comprise 18.0% of the total GHG emissions. Some of the sources of GHG emissions within the industrial processes subgroup, which account for 14.3% of total emissions, include emissions from cement manufacturing, lime manufacturing, limestone and dolomite use, iron and steel production, substitutes for ozone-depleting substances and electric power transmission and distributions systems. Most emissions in the coal mining and abandoned coal mines subgroup, totaling 12.9% of industrial sector emissions, emanate from surface coal mining, coal processing and abandoned underground mines. Accounting for 18.0%⁴ of the total industrial sector emissions, the GHG emissions associated with natural gas production, transmission and distribution and oil production have been determined by means of emission factors based on the number of natural gas and oil wells, miles of transmission pipeline and number and types of services used for distribution in this Commonwealth. The natural gas and oil systems subgroup also includes emissions estimates from abandoned oil and gas wells.

Pennsylvania's Executive Order (EO) 2019-01 sets GHG emissions reduction goals for this Commonwealth at 26% by 2025 from 2005 levels and 80% by 2050 from 2005 levels. The year 2005 is used as a reference point for emissions reductions to maintain consistency with goals set forth in the Paris Climate Agreement. As of 2020, the

³ According to the United States Energy Information Administration's Form EIA-861 Annual Electric Power Industry Report, Pennsylvania's total electric power industry emission rate was 713 lbs/MWh in 2022. When multiplied by the 50.00 TWh of electricity the industrial sector consumed as reported in the 2023 Pennsylvania Greenhouse Gas Inventory Report and converted to MMT CO_2e , this equates to 16.2 MMT CO_2e .

⁴ The subgroup percentages do not exactly equal 100% due to rounding errors.

Commonwealth has achieved a 25.9% reduction in net GHG emissions compared to 2005.

While this significant emissions reduction in 2020 nearly achieves the 2025 emissions reduction goal, this reduction was driven by the impacts from the novel coronavirus (COVID-19) pandemic and the drop in emissions in the Commonwealth may not be durable. In the National 2021 Inventory of the United States Greenhouse Gas Emissions and Sinks, overall nationwide emissions increased by 5.2% between 2020 and 2021. This increase was driven by economic activity rebounding after the height of the COVID-19 pandemic. The Commonwealth's emissions, significantly reduced in 2020, will likely follow a similar pattern to the national trend with expected increases in emissions in 2021 from 2020 levels.

Even if the reductions seen in 2020 are durable, an additional reduction of 147.99 MMT CO_2e is needed to reach the 2050 goal. This underscores the need for more and continued actions aimed at reducing the Commonwealth's GHG emissions. The CPRG Competition offers the Department the opportunity to apply for up to \$500 million to reduce industrial sector emissions and help achieve the goals in EO 2019-01. The Department intends to apply for the maximum award size because the Commonwealth falls within the highest tier of emitters Nationally, ranking as the fourth highest emitter in the United States Energy Information Administration's 2023 State Energy Data System report and the Commonwealth's industrial sector emissions have increased from 2005 levels.

Opportunity

Under the CPRG Competition, the EPA encourages eligible applicants to seek implementation funds for GHG reduction measures that will significantly reduce cumulative GHG emissions by 2030 and beyond and that will accelerate decarbonization across one or more major sectors responsible for GHG emissions, including the industrial sector. The EPA will score grant applications based on multiple evaluation criteria, with an emphasis on the magnitude of near-term GHG reductions that will be achieved by the proposed measures. Applications that successfully address the specific evaluation criteria will also be consistent with the following program objectives:

- Stimulate transformation toward a decarbonized economy and demonstrate approaches that are replicable to unlock opportunities for even greater emissions reductions.
- Result in benefits and do not result in negative impacts, to low-income and disadvantaged communities, such as CAP and HAP reductions, equitable economic growth and improved quality of life outcomes, where applicable.
- Support measures for which dedicated funding or financing from other sources (for example, under other provisions of the 2022 IRA, the 2021 Bipartisan Infrastructure Law, the 2021 American Rescue Plan Act and the 2021 Creating Helpful Incentives to Produce Semiconductors and Science Act) is unavailable or that leverages other sources of public and private funding to the fullest extent possible prior to seeking CPRG funding.
- Achieve GHG emission reductions that are long-lasting and certain.
- Incorporate high labor standards, emphasize job quality and support equitable workforce development.

- Ensure accountability by providing clear assumptions, metrics, timelines, authorities and budget details.

Draft RISE PA Program Design

Topic Areas

The United States Department of Energy (DOE) identified the four decarbonization pillars in the DOE Industrial Decarbonization Roadmap, which represent interrelated, cross-cutting strategies that Greenhouse Gas Emission Reduction Projects (GERP) can incorporate individually or in parallel across one or more topic areas.

The four decarbonization pillars are:

1. Energy Efficiency
2. Industrial Electrification
3. Low-Carbon Fuels, Feedstocks and Energy Sources
4. Carbon Capture, Utilization and Storage (CCUS)

The Department will solicit proposals for GERPs that reduce emissions within one or more of the following topic areas:

<i>Topic Area</i>	<i>Topic Area Title</i>	<i>Total Emissions (MMTCO_{2e})</i>	<i>Percentage of Industrial Sector Emissions⁵</i>
1	Industrial Fossil Fuel Combustion	32.89	36.6%
2	Industrial Electricity Usage	16.2	18.0%
3	Natural Gas and Oil Systems	16.20	18.0%
4	Industrial Processes	12.86	14.3%
5	Coal Mining and Abandoned Coal Mines	11.62	12.9%

Funding Evaluation and Awards

The goal of RISE PA is to reduce the total industrial sector emissions by 5%, which equates to 4.5 MMTCO_{2e}. The Department therefore proposes to offer \$450 million⁶ at \$100 million per MMTCO_{2e} reduced over the 5-year period of performance for eligible GERPs that reduce 0.02 MMTCO_{2e} or more from a single facility or cumulatively across a portfolio of facilities. The Department will solicit GERP proposals that address emissions from one or more of the five topic areas. Proposals will be evaluated on a rolling basis until all funds have been awarded. To provide applicants with flexible funding, up to 70% of the overall award will be made available as project costs are incurred. Remaining funds will be awarded upon completion of a measurement and verification analysis conducted by a third-party evaluator and will be subject to readjustment based on the participant's performance relative to their stated carbon reduction goal.

Eligible Project Types

The Department intends to offer RISE PA to supplement by means of grant funding the incentive offered through the Internal Revenue Service's Advanced Energy Project Credit Allocation Program (Allocation Program) under section 48C(e) of the Internal Revenue Code. The Allocation Program offers a capped tax credit that is only guaranteed to have one additional round of funding in 2024. A project that applies for and receives the Advanced Energy Project Credit will be ineligible to receive an award under RISE PA; however, the requirements for eligible projects types under RISE PA will mirror those under the Allocation Program to provide additional opportunities to fund industrial decarbonization projects in this Commonwealth. Therefore, GERPs must satisfy the following requirements:

1. Re-equips any industrial⁷ or manufacturing⁸ facility, including but not limited to energy-intensive manufacturing sectors, such as cement, iron and steel, aluminum, chemicals and other sectors, with equipment designed to reduce GHG emissions by at least 0.02 MMTCO_{2e} through the installation of one or more of the following:

- a. *Low- or zero-carbon process heat systems.*
 - i. Examples of eligible equipment include electric heat pumps, combined heat and power (CHP) systems, thermal storage technologies and other heating systems based on electricity, clean hydrogen, biomass or waste heat recovery.
 - b. *CCUS systems.*
 - i. Examples of eligible equipment include carbon capture equipment necessary to compress, treat, process, liquefy, pump or perform some other physical action to capture carbon oxides and specialized equipment and materials needed for the transport and storage of carbon oxides.⁹
 - ii. Additional examples include equipment to convert carbon oxides through mineralization, thermochemical electrochemical, photochemical, plasma-assisted or other catalytic process approaches to carbon-based products such as synthetic fuels, chemicals, solid carbon products and inorganic materials.
 - iii. Examples of ineligible property include the following:
 1. Scrubbers for conventional air pollutants, except those that are required to remove pollutants upstream of carbon capture equipment for technical performance reasons.
 2. Energy generation equipment, except as related to energy recovery at carbon capture systems.
 3. Refining equipment.
 - c. *Energy efficiency and reduction in waste from industrial processes.*

⁵ These percentages are calculated by dividing the total emissions by 89.77, which is the sum of the industrial sector emissions (73.56 MMTCO_{2e}) plus the estimated emissions from industrial electricity usage (16.2 MMTCO_{2e}), multiplying by 100 and rounding to the nearest whole number.

⁶ This award structure is contingent on RISE PA receiving \$500 million of funding under the CPRG Competition and reserving 10% (\$50 million) of the total award for administrative costs.

⁷ The term industrial facility means a facility that produces, processes or refines materials or products from raw or manufactured inputs.

⁸ The term manufacturing facility means a facility that makes or processes raw materials into finished products (or accomplishes any intermediate stage in that process).

⁹ This includes carbon dioxide (CO₂) pipelines, monitoring equipment and injection equipment and well components such as packers, casing, strings, CO₂-resistant cement, steel tubulars, well heads, valves and sensors suitable for use in Underground Injection Control Class VI wells.

i. Examples of eligible equipment include technologies that reduce direct fuel use, electricity use or waste in industrial applications, such as industrial heat pumps, CHP systems, insulation, sensors, controls, advanced recycling approaches, smart energy management and similar advanced efficiency technologies.

d. *Other industrial technology designed to reduce GHG emissions, as determined by the Department.*

i. Examples of other eligible industrial technologies include electrification of direct fuel use processes, adoption of renewable or low-emissions fuels and feedstocks and other equipment replacement or process redesigns that reduce process- or fuel-related emissions or otherwise contribute to reducing GHG emissions by at least 0.02 MMTCO₂e.

ii. Projects in this category may qualify by installing equipment designed to achieve a minimum reduction in GHG emissions of .02 MMTCO₂e in one or more of the following ways:

1. Achieve a direct (Scope 1)¹⁰ GHG emissions reduction of .02 MMTCO₂e facility-wide or across a portfolio of facilities.

2. Achieve an indirect fuel or energy-related (Scope 2)¹¹ GHG emissions reduction of 0.02 MMTCO₂e facility-wide or across a portfolio of facilities.

3. Achieve a direct or indirect fuel- or energy-related GHG emissions reduction of 0.02 MMTCO₂e at a facility subunit, such as a particular process step or fuel combustion unit.

iii. While facilities may be eligible under this project category by achieving a 0.02 MMTCO₂e reduction threshold within a particular element of their process or emissions profile, overall combined Scope 1 and Scope 2 GHG emissions impacts for the full qualifying facility will be taken into account when evaluating each project.

2. Meets the prevailing wage requirement by ensuring that any laborers and mechanics employed by the project owner or any contractor or subcontractor in the re-equipping of a manufacturing or industrial facility that is part of a qualifying advanced energy project are paid wages at rates not less than the prevailing rates for construction, alteration or repair of a similar character in the locality in which this project is located as most recently determined by the Secretary of the United States Department of Labor.

3. Meets the apprenticeship requirements by ensuring that not less than 10%, 12.5% or 15% (depending on the beginning of construction date) of the total labor hours for the construction, alteration or repair work must be performed by qualified apprentices.

Evaluation Criteria

The Department proposes to issue awards under RISE PA on a rolling basis during the application period and is seeking comment on the following evaluation criteria. Respondents can provide feedback on the evaluation categories and suggest potential weighting structures for each of the following sections:

1. *Over-all Project Summary and Approach*

a. *Description of GHG Reduction Measures*

¹⁰ Direct greenhouse gas emissions that occur from the sources at the facility associated with the proposed project (for example, emissions from fuel combustion or chemical processes).

¹¹ Indirect greenhouse gas emissions that are associated with the use of energy or fuel at the facility, but do not occur at that facility (for example, emissions from a power plant that generates electricity for the facility).

- Provides a detailed description of each of the proposed GHG reduction measures to be undertaken.

- Describes the major features, tasks, milestones and potential risks for each measure.

- Describes the roles and responsibilities of each project team member in the project design and implementation.

- Explains how each GHG reduction measure will meet the goals of the CPRG Competition outlined in the bulleted list in the Purpose section of this RFI.

b. *Demonstration of Funding Need*

- Demonstrates a strong need for RISE PA funding.

- Explains if and how other funding streams have been explored and why these sources are not sufficient.

- Lists Federal and non-Federal funding sources the applicant has applied for, has secured or will secure to implement the GHG reduction measures, if applicable.

c. *Transformative Impact*

- Demonstrates that the GHG reduction measures have the potential to create transformative opportunities or impacts that can lead to significant additional GHG emissions reductions.

- The extent to which the proposed project enhances the Commonwealth's leadership in low-emissions industry or manufacturing by advancing the commercial viability and uptake of replicable decarbonization approaches in major industrial applications.

- The extent to which the project promotes the competitiveness of this Commonwealth's industrial base through the adoption of innovative technologies or processes.

- The extent to which the proposed project aligns with one or more cross-cutting industrial decarbonization techniques, such as energy efficiency, electrification, low-carbon fuels, feedstocks and energy sources, material efficiency or substitution and CCUS.

2. *Commercial Viability*

a. *Project schedule and time to completion*

- Readiness to proceed with the proposed project as evidenced by firmness of site selection and progress towards securing required permits, contracts, reviews and agreements.

- Reasonableness of the timeframe required for construction and commissioning of the project, including interim milestones and overall timeline.

- b. The extent to which risk management issues and mitigation strategies are identified and addressed, including the level of contingency proposed to address risk.

c. *Strength of the proposed business plan, including:*

- The source and certainty of funding for the equity that will be invested in the project, including private financing, Federal funding, State and local incentives and other sources.

- The strength of key arrangements, such as financing, acquisition/supply strategy and power purchase agreements for the proposed project, as well as offtake (sales) arrangements for the facility's product.

- The degree to which the application justifies the proposed project's economic viability, sustainability and potential growth.

- The degree to which the investment is profitable, based on the proposed budget and spending plan, as well as described cash flow analysis of the project.

- The leveled cost of measured reduction in GHG emissions.

- The potential for commercial deployment based on anticipated demand and cost premiums for lower-carbon industrial or manufacturing products.

d. Strength of the proposed management plan, including the management team's track record of success in areas relevant to the project and corporate health of the applicant.

3. *Impact of GHG Reduction Measures*

a. *Magnitude of GHG Reductions from 2025—2030*

- States the magnitude of cumulative GHG emission reductions and the durability of the reductions to be achieved by the proposed GHG reduction measures from 2025—2030, using appropriate methodologies and assumptions.

b. *Magnitude of GHG Reductions from 2025—2050*

- States the magnitude of cumulative GHG emission reductions and the durability of the reductions to be achieved by the proposed GHG reduction measures from 2025—2050, using appropriate methodologies and assumptions.

c. *Cost Effectiveness of GHG Reductions*

- States the cost effectiveness of the GHG reduction measures by means of a qualitative narrative explaining any factors that may affect the cost-effectiveness calculation.

d. *Documentation of GHG Reduction Assumptions*

- Provides comprehensive methodologies, assumptions and calculations used for developing the estimated GHG emission reductions for the GHG reduction measures included in the application, including GHG reductions from 2025—2030; GHG reductions from 2025—2050; and, the estimated cost per MMTCO₂e GHG reductions to be achieved from 2025—2030 for the collection of measures in the application.

4. *Environmental Results—Outputs, Outcomes and Performance Measures*

a. *Expected Outputs and Outcomes*

- Identifies expected outputs and outcomes for each GHG measure, including listing GHG emission reductions and listing co-pollution (CAP and HAP) emission changes as outcomes, among others.

- The extent to which the proposed project accounts for its environmental impact to the surrounding community by having clear plans to avoid or reduce local air pollution, land contamination or water contamination, or both.

- The extent to which the applicant identifies specific, measurable benefits for disadvantaged communities and how negative environmental impacts affecting disadvantaged communities will be mitigated.

b. *Performance Measures and Plan*

- Provides a clear description of the proposed performance measures to track, measure and report progress toward achieving the expected outputs and outcomes for each GHG reduction measure.

- Describes the plan for effectively tracking and measuring progress implementing each GHG reduction measure.

c. *Authorities, Implementation Timeline and Milestones*

- For each measure, describes whether the applicant has current permitting authority to carry out the measure, and if they do not, articulates the plan and timing for obtaining it.

- Provides the detailed implementation timeline for each measure, including key milestones for specific task and discusses the key action needed to meet the project goals and objectives.

5. *Low-Income, Disadvantaged and Energy Communities*

a. *Community Benefits*

- Provides a comprehensive discussion and assessment of expected benefits or avoided disbenefits, or both, to low-income and disadvantaged communities from the proposed GHG reduction measures.

- Lists Climate and Economic Justice Screening Tool Census tract IDs or the EPA's EJScreen Census block group IDs for areas that may be affected by GHG reduction measures.

- Describes the plan to assess, quantify and report a more thorough quantitative analysis of associated community benefits, including co-pollutant (CAP and HAP) emission reductions.

- The extent to which a project will generate economic prosperity in the local community.

b. *Community Engagement*

- Explains how input from low-income and disadvantaged communities was incorporated into the application.

- Describes how meaningful engagement with low-income and disadvantaged communities will be continuously included in the implantation of the GHG reduction measures.

- The extent of current and planned efforts to engage community stakeholders, including as it relates to the ability to execute the project on schedule and with adequate workforce.

- The extent to which community support for the project has been strengthened through benefit-sharing agreements, consideration of environmental impact, use of local resources and improved access to employment opportunities for the local workforce.

c. *Energy Community Transition*

- The extent to which the application includes specific and high-quality actions to support energy communities, including transition opportunities for workers in the coal and other energy sectors into clean energy transition opportunities.

- The extent to which a project will utilize existing local and regional resources that previously supported the local or regional coal industry or repurpose existing infrastructure/assets that have been abandoned due to closing of coal mines or coal plants.

6. *Workforce and Job Quality*

a. Describes concrete strategies and commitments to ensure job quality, strong labor standards and a diverse, highly skilled workforce for the implementation of the GHG reduction measures.

b. The number of jobs created in this Commonwealth (both direct and indirect): (a) during completion of the project (the credit period) and (b) during operation of the facility after it is placed in service, including jobs within

energy communities (if applicable) attained by locals or individuals previously employed by the local or regional coal industry.

c. The quality and manner in which the proposed project will create or retain, or both, high-quality, good-paying jobs (both direct and indirect) with employer-sponsored benefits for all classifications and phases of work.

d. The extent to which the applicant engaged key stakeholders to develop partnerships to better serve local and diverse workforce through training and support.

e. The extent to which the project provides employees with the ability to organize, bargain collectively and participate, through labor organizations of their choosing, in decisions that affect them and that contribute to the effective conduct of business and facilitates amicable settlements of any potential disputes between employees and employers, providing assurances of project efficiency, continuity and multiple public benefits.

f. The extent to which the applicant demonstrates that they are a responsible employer, with ready access to a sufficient supply of appropriately skilled labor and an effective plan to minimize the risk of labor disputes or disruptions.

7. Programmatic Capability

a. Past Performance

- Demonstrates that the applicant has past performance in successfully managing and completing a project of similar scope and size.

b. Staff Expertise

- Demonstrates that the applicant has the requisite organizational experience, including staff expertise and qualifications, staff knowledge and resources or ability to obtain them, to successfully achieve the goals of the proposed GERP.

8. Budget and Timely Expenditure of Award

a. Budget Detail

- Provides a detailed breakout for each activity for which the applicant is requesting funding.

b. Expenditure of Awarded Funds

- Demonstrates that the approach, procedures and controls described in the application will ensure that awarded funds will be expended in a timely and efficient manner.

c. Reasonableness of Cost

- Provides justification for the extent to which the proposed budget is reasonable for accomplishing the proposed goals, objectives and measurable environmental outcomes described in the application.

RFI Questions

The Department requests information on the following topics to inform the development of program solicitation guidelines for RISE PA. Responses are limited to 10 pages or fewer:

1. Should RISE PA give preference to one or more Topic Areas?

2. Is the 5% industrial sector emissions reduction target feasible?

a. Is 0.02 MMTCO₂e a feasible minimum threshold for a GERP?

3. Does offering an award structure of \$100 million per MMTCO₂e provide adequate incentive to fund GERPs?

a. Should the incentive be increased or decreased?

b. Should the Department consider an alternative award structure?

4. Should the Department consider adding or removing any evaluation criteria?

a. How should the proposed evaluation criteria be weighted?

b. Should applications be evaluated on a rolling basis?

c. If an application does not satisfy the evaluation criteria, should the applicant be allowed to revise their application and resubmit it for consideration?

5. Beyond those identified in the evaluation criteria, what additional goals or priorities should RISE PA seek to accomplish?

6. What are the most important results and associated metrics that communities impacted by industrial emissions would want to see generated from projects funded under RISE PA?

7. How should RISE PA encourage or give preference to projects that provide significant benefits to low-income, disadvantaged and energy communities beyond those identified in the evaluation criteria?

a. What types of benefits should flow to low-income, disadvantaged and energy communities?

b. How can these benefits be measured?

8. Should RISE PA give preference to equipment that is partially or wholly produced in this Commonwealth as part of the application review criteria beyond IRA Federal requirements?

a. If yes, how and to what extent?

b. How should this be documented and verified?

9. What other program details, requirements, considerations or flexibilities should the Department incorporate into RISE PA?

10. Would you be willing to submit a letter of support for the RISE PA program for the Department to include in its application to the CPRG Competition?

Interested persons may submit information by e-mail at RA-EP-CPRG@pa.gov. Information must be received no later than Monday, January 22, 2024. Use "Request for Information: Proposed RISE PA Grant Program" as the subject line in written communication.

Questions concerning this RFI should be directed to Louie Krak at lkrak@pa.gov or (717) 787-6107.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1796. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved and Required Medications Lists for Emergency Medical Service Agencies and Emergency Medical Service Providers

Under 28 Pa. Code §§ 1027.3(c) and 1027.5(b) (relating to licensure and general operating standards; and medication use, control and security), the Department of Health (Department) has approved the following medications for administration by emergency medical responders (EMR), emergency medical technicians (EMT), advanced emergency medical technicians (AEMT), paramedics (P), pre-hospital registered nurses (PHRN), prehospital physician extenders (PHPE), and prehospital emergency medical services physicians (PHP) when functioning on behalf of

an emergency medical service (EMS) agency. The approvals are based upon the type of EMS service an EMS agency is licensed to provide under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies). This notice also specifies the minimum required medications to be stocked on a specified EMS vehicle based upon the type of EMS service the EMS agency is licensed to provide.

Under 28 Pa. Code § 1027.5(d), EMS providers, other than a PHP, may administer to a patient medications, or assist the patient to administer medications previously prescribed for that patient, as specified in the Statewide EMS protocols or as authorized by a medical command physician. An EMS provider may administer medications contained on this list if the EMS provider is credentialed to do so and the EMS vehicle on which they are providing EMS is properly licensed to carry the medication.

Unless otherwise stated or restricted to a specific level of provider, listed medications may be given by any acceptable route as listed in protocol or as ordered by a medical command physician.

Medications that are listed as required must be carried on the specified level of EMS vehicle and must be carried in a quantity sufficient to treat at least one adult using the Statewide EMS protocols. If the protocol identifies repeat doses, then additional medication must be carried. When a pediatric dose option is available (for example a pediatric EPINEPHrine autoinjector), then both the adult and pediatric options must be carried.

During interfacility transport, all medications given by continuous infusion (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be regulated by an electronic infusion pump. For prehospital transport, continuous infusions of crystalloid solutions containing medication (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) and all vasoactive medications must be rate controlled by electronic IV pump or a manual flow control device capable of setting specific numeric flow rates. Nitroglycerin and norepinephrine infusions must be regulated with an electronic pump.

Table 1. Medications that may be administered by EMS providers when functioning on behalf of an EMS agency based upon the type of EMS service an EMS agency is licensed to provide.

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Abciximab	NO	NO	NO	YES ⁵	YES ⁵ or ⁶	YES ⁵ or ⁶
Acetaminophen	NO	YES	YES	YES	YES	YES
Acetylcysteine	NO	NO	NO	YES ⁵	YES ⁵	YES ^{5,6}
Activated Charcoal	NO	YES	YES	YES	YES	YES
Adenosine	NO	NO	NO	YES	YES	YES
Albumin	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}
Albuterol (nebulizer solution)	NO	YES	YES	YES	YES	YES
Albuterol with ipratropium bromide (nebulizer solution)	NO	YES	YES	YES	YES	YES
Alcohol prep pad	YES	YES	YES	YES	YES	YES
Amiodarone	NO	NO	NO	YES	YES	YES
Anticoagulants/Platelet Inhibitors: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ^{5,6}	YES ^{5,6}
Anticonvulsants: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁶	YES ⁶
Anti-emetics: all types (not otherwise specifically listed)	NO	NO	NO	NO	YES ^{5,6}	YES ^{5,6}
Anti-hypertensives: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁶	YES ⁶
Antimicrobials: all types	NO	NO	NO	YES	YES	YES
Antivenom: all types	NO	NO	NO	NO	YES ^{5,6}	YES ^{5,6}

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Aspirin, oral	NO	YES	YES	YES	YES	YES
Atropine sulfate	NO	NO	NO	YES	YES	YES
Barbiturates: all types	NO	NO	NO	NO	YES ⁶	YES ⁶
Benzocaine, topical	NO	NO	NO	YES	YES	YES
Bivalirudin	NO	NO	NO	YES ⁵	YES ⁶	YES ⁶
Blood products: all types	NO	NO	NO	YES ^{4,5}	YES ⁵	YES ⁶
Bronchodilators, short-acting medications listed in Statewide BLS protocol and contained in multidose inhaler (MDI), assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Calcium chloride/calcium gluconate	NO	NO	NO	YES	YES	YES
Captopril	NO	NO	NO	YES	YES	YES
Clevidipine	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}
Clopidogrel	NO	NO	NO	NO	YES ⁶	YES ⁶
Crystalloid hypertonic solutions	NO	NO	NO	NO	YES ⁶	YES ⁶
Crystalloid isotonic solutions, including but not limited to: Isolyte, Lactated Ringers, Normosol, saline (NaCl) (unless otherwise specifically listed). <i>Note</i> —Normal Saline Solution and Dextrose listed separately	NO	NO	YES	YES	YES	YES
Crystalloid solution containing potassium, interfacility transport only, potassium concentration may not exceed 20 mEq/kg unless managed by qualified CCT or Air Medical provider	NO	NO	NO	YES ⁵	YES ⁵	YES ⁵
Dexamethasone sodium phosphate	NO	NO	NO	YES	YES	YES
Dextran	NO	NO	NO	NO	YES ^{5,6}	YES ^{5,6}
Dextrose (for intravenous bolus in concentrations between 5%—50%)	NO	NO	YES	YES	YES	YES
Diazepam	NO	NO	NO	YES	YES	YES
Digoxin	NO	NO	NO	NO	YES ⁶	YES ⁶
Diltiazem	NO	NO	NO	YES	YES	YES
DiphenhydrAMINE HCl	NO	NO	YES	YES	YES	YES
DOBUtamine	NO	NO	NO	YES	YES	YES
DOPamine	NO	NO	NO	YES	YES	YES

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
droPERidol	NO	NO	NO	YES	YES	YES
EMLA Cream	NO	NO	NO	YES	YES	YES
Enalapril	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl 1 mg/mL (unless otherwise specifically listed)	NO	YES ⁴	YES	YES	YES	YES
EPINEPHrine HCl 0.1 mg/mL solution and diluted concentrations for intravenous infusion	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl 0.1 mg/mL for cardiac arrest	NO	NO	YES	YES	YES	YES
EPINEPHrine HCl autoinjector, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
EPINEPHrine HCl autoinjector (adult and pediatric dose sizes), (unless otherwise specifically listed)	NO	YES ⁴	YES	YES	YES	YES
EPINEPHrine HCl, including racemic (by nebulizer)	NO	NO	YES	YES	YES	YES
Eptifibatide	NO	NO	NO	YES ⁵	YES ⁵ or ⁶	YES ⁵ or ⁶
Esmolol	NO	NO	NO	YES ⁵	YES ⁶	YES ⁶
Etomidate	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
FentaNYL	NO	NO	NO	YES	YES	YES
Fibrinolytics/thrombolytics: all types	NO	NO	NO	NO	YES ⁶	YES ⁶
Furosemide	NO	NO	NO	YES	YES	YES
Flumazenil	NO	NO	NO	NO	YES ⁵	YES ⁵
Glucagon	NO	NO	YES	YES	YES	YES
Glucagon intranasal (nasal powder spray) or intramuscular autoinjector. <i>Note</i> —EMTs must complete additional required education	NO	YES ^{2,4}	YES	YES	YES	YES
Glucocorticoids/mineralocorticoids (unless otherwise specifically listed)	NO	NO	NO	NO	YES ^{5,6}	YES ^{5,6}
Glucose, oral	NO	YES	YES	YES	YES	YES
Heparin (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁶	YES ⁶
Heparin (by continuous intravenous infusion)	NO	NO	NO	YES ⁵	YES ⁵ or ⁶	YES ⁵ or ⁶
Hetastarch	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Hydrocortisone sodium succinate	NO	NO	NO	YES	YES	YES
Hydromorphone	NO	NO	NO	YES ⁵	YES ⁵ or ⁶	YES ⁵ or ⁶
Hydroxocobalamin	NO	NO	NO	YES	YES	YES
Ibuprofen	NO	YES	YES	YES	YES	YES
Immunizations	NO	NO	NO	YES ¹⁰	YES ¹⁰	YES ¹⁰
Insulin	NO	NO	NO	NO	YES ⁶	YES ⁶
Isoproterenol HCl	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}
Ketamine	NO	NO	NO	YES ⁴	YES ^{4,5}	YES ^{4,5}
Ketorolac	NO	NO	YES	YES	YES	YES
Levalbuterol	NO	YES	YES	YES	YES	YES
Levetiracetam	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}
Lidocaine HCl	NO	NO	NO	YES	YES	YES
LORazepam	NO	NO	NO	YES	YES	YES
Magnesium Sulfate	NO	NO	NO	YES	YES	YES
Mannitol	NO	NO	NO	NO	YES ⁶	YES ⁵
Metaproterenol	NO	NO	NO	NO	YES ^{5,6}	YES ^{5,6}
MethylPREDNISolone	NO	NO	YES	YES	YES	YES
Midazolam	NO	NO	NO	YES	YES	YES
Milrinone	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}
Morphine sulfate	NO	NO	NO	YES	YES	YES
Naloxone (unless otherwise specifically listed). <i>Note</i> —autoinjector listed separately	NO	NO	YES	YES	YES	YES
Naloxone, intranasal or autoinjector. <i>Note</i> —EMRs and EMTs must complete additional required education with QRS or BLS service participating in naloxone program	YES ¹	YES ¹	YES	YES	YES	YES
Nerve agent antidote kit, autoinjector only (may include atropine, pralidoxime and diazepam)	NO	YES ⁸	YES ⁸	YES	YES	YES
Nicardipine	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}
Nondepolarizing neuromuscular blocking agents: all types, intravenous bolus during rapid sequence induction, assisting PHRN, PHPE or PHP	NO	NO	NO	NO	YES ⁶	YES ⁶

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Nondepolarizing neuromuscular blocking agents: all types, intravenous infusion during interfacility transport	NO	NO	NO	NO	YES ⁵	YES ⁵
Nitroglycerin, intravenous and topical	NO	NO	NO	YES	YES	YES
Nitroglycerin, sublingual (unless otherwise specifically listed)	NO	NO	YES	YES	YES	YES
Nitroglycerin, sublingual, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Nitrous oxide	NO	NO	YES	YES	YES	YES
Norepinephrine	NO	NO	NO	YES	YES	YES
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)	NO	NO	YES	YES	YES	YES
Ondansetron	NO	NO	YES	YES	YES	YES
Oxygen, delivered by devices within the published scope of practice for the EMS provider	YES	YES	YES	YES	YES	YES
Oxytocin	NO	NO	NO	YES	YES	YES
Pantoprazole	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}
Phenylephrine	NO	NO	NO	YES ⁵	YES ⁵	YES ⁵
Potassium Cl (in concentrations above 20 mEq/L)	NO	NO	NO	NO	YES ^{5,6}	YES ^{5,6}
Plasma Protein Fraction	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}
Pralidoxime	NO	NO	NO	YES	YES	YES
Procainamide	NO	NO	NO	YES	YES	YES
Propofol	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}
Prostaglandins: all types	NO	NO	NO	NO	YES ⁶	YES ⁶
Quinidine sulfate/quinidine gluconate	NO	NO	NO	NO	YES ⁶	YES ⁶
Sodium bicarbonate	NO	NO	NO	YES	YES	YES
Sodium thiosulfate	NO	NO	NO	YES	YES	YES
Sterile water, for injection	NO	NO	NO	YES	YES	YES
Succinylcholine	NO	NO	NO	NO	YES ⁶	YES ⁶
Terbutaline	NO	NO	NO	YES	YES	YES
Tetracaine, topical, ophthalmic	NO	NO	YES	YES	YES	YES
Theophylline	NO	NO	NO	NO	YES ^{5,6}	YES ^{5,6}
Tirofiban	NO	NO	NO	YES ⁵	YES ^{5,6}	YES ^{5,6}

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Tocolytics: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁶	YES ⁶
Total Parenteral Nutrition	NO	NO	NO	YES ^{5,14}	YES ⁵	YES ⁵
Tranexamic Acid	NO	NO	NO	YES	YES	YES
Verapamil	NO	NO	NO	YES	YES	YES
Medications not listed previously, but within Department-approved air ambulance service protocol for use by PHRN, PHPE and PHP	NO	NO	NO	NO	NO	YES ⁶

Table 2. Medications required to be carried by a specified EMS vehicle based upon the type of EMS service an EMS agency is licensed to provide. (R=Required)

<i>Medication</i>	<i>QRS</i>	<i>BLS</i>	<i>IALS</i>	<i>ALS</i>	<i>CCT</i>	<i>Air</i>
Adenosine				R	R	R
Alcohol prep pad		R	R	R	R	R
Aspirin, oral		R	R	R	R	R
Atropine sulfate				R	R	R
Benzodiazepines (diazepam, lorazepam or midazolam)—At least one type must be carried.				R ^{11,13}	R ^{11,13}	R ^{11,13}
Bronchodilators (nebulizer solution), (albuterol, albuterol with ipratropium or levalbuterol)—At least one type must be carried.			R	R	R	R
Dextrose (for intravenous bolus in concentration between 10%—50%)			R	R	R	R
DiphenhydrAMINE HCl				R	R	R
EPINEPHrine HCl, 1 mg/mL concentration (IALS may meet requirement with EPINEPHrine as autoinjector—both adult and pediatric dose sizes—or as solution in vial/ampoule; ALS, CCT, and Air must carry 1 mg/mL in vial or ampoule)			R	R	R	R
EPINEPHrine HCl, 0.1 mg/mL concentration				R	R	R
Glucagon					R	R
Glucose, oral		R	R	R	R	R
Lidocaine HCl				R	R	R

<i>Medication</i>	<i>QRS</i>	<i>BLS</i>	<i>IALS</i>	<i>ALS</i>	<i>CCT</i>	<i>Air</i>
Naloxone (restrictions on forms for QRS/BLS services listed separately)			R	R	R	R
Narcotic analgesics (fentaNYL or morphine sulfate)—At least one type must be carried.				R ^{12,13}	R ^{12,13}	R ^{12,13}
Nitroglycerin, sublingual			R	R	R	R
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)			R ¹⁵	R ¹⁵	R ¹⁵	R ¹⁵
Oxygen		R	R	R	R	R
Sodium bicarbonate				R	R	R
Medications within Department-approved air ambulance service protocol for use by PHRN, PHPE and PHP.						R

QRS—Quick Response Service; BLS—Basic Life Support ambulance service; IALS—Intermediate Advanced Life Support ambulance service; ALS—Advanced Life Support ambulance service; CCT—Critical Care Transport ambulance service; Air—Air ambulance service.

1. EMRs and EMTs are restricted to administering this medication by intranasal and intramuscular autoinjector routes only, consistent with Statewide BLS protocols.

2. EMTs are restricted to administering this medication by intranasal and intramuscular autoinjector routes only, consistent with Statewide BLS protocols.

3. AEMTs are restricted to administering this medication by intramuscular route only, consistent with Statewide AEMT protocols. AEMTs may not administer this medication by intravenous or intraosseous route.

4. Permitted for services that meet Department requirements for training, medication stocking, and any agency or quality improvement requirements, as verified by the agency's assigned regional EMS council.

5. During interfacility transport, Ps who are authorized to function for an EMS agency that has been licensed as an ALS, CCT or air ambulance service are restricted to the maintenance and monitoring of medication and blood administration that is initiated at the sending medical facility.

6. If carried on a CCT ambulance, this medication must be secured so that it is only accessible when a PHRN, PHPE or PHP is part of the crew. Ps who are authorized to function for an EMS agency that has been licensed as a CCT or air ambulance service may only administer this medication when in the direct physical presence of, and supervised by, a PHRN, PHPE or PHP.

7. May administer to a patient when assisting an EMS provider above the level of AEMT who has determined the dose for the patient consistent with Statewide ALS protocols.

8. For self or peer rescue only.

9. One listed type of bronchodilator medication must be carried on each licensed vehicle.

10. Appropriate for community or peer programs under the oversight of the EMS Agency Medical Director, but not for responses to 9-1-1 calls.

11. One benzodiazepine class medication must be carried on each licensed vehicle.

12. One opioid class medication must be carried on each licensed vehicle.

13. For additional information relating to security and medication tracking requirements for controlled substances, see 28 Pa. Code § 1027.5.

14. May be continued by a P if potassium concentration is 20 mEq/L or less.

15. May substitute an isotonic crystalloid solution in accordance with written medical director agreement and Statewide protocols.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Jenni Hoffman, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Persons with a speech or hearing impairment may call by using V/TT at (717) 783-6154 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1797. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the Renal Disease Treatment Act (35 P.S. § 6204), will hold its quarterly public meeting on Friday, January 19, 2024, from 10 a.m. to 12 p.m. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment.

To join the call, dial (267) 332-8737 and when prompted, enter the following conference code: 77709457#. Attendees can participate in the conference call on location at the Bureau of Family Health Office, 625 Forster Street, Harrisburg, PA 17120. In-person participants are asked to RSVP to Josh Goodling, josgoodlin@pa.gov, (717) 772-2762, by close of business on January 12, 2024. Upon arrival, sign in at the front desk in the lobby of the building by 9:45 a.m. to await an escort to the meeting room. The meeting agenda will be posted on the Chronic Renal Disease Program's web site at <https://www.health.pa.gov/topics/programs/Chronic-Renal-Disease/Pages/Advisory-Committee.aspx> at least 24 hours prior to the meeting date and time.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathy Jo Stence, Director, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, 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).

This meeting is subject to cancellation without notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1798. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Scope of Practice for Emergency Medical Service Providers

Under 35 Pa.C.S. Chapter 81 (relating to the Emergency Medical Services System Act) and the Department of Health's (Department) regulations in 28 Pa. Code §§ 1023.24(d)(1), 1023.25(d)(1), 1023.26(d)(1), 1023.27(d)(1), 1023.28(d), 1023.29(d) and 1023.30(e), the Department is publishing the scope of practice for emergency medical responders (EMR), emergency medical technicians (EMT), advanced emergency medical technicians (AEMT), paramedics (P), prehospital registered nurses (PHRN), prehospital physician extenders (PHPE) and prehospital physicians (PHP).

Skills identified may be performed by an emergency medical service (EMS) provider at the provider's level of

certification or registration only if the provider has successfully completed the approved education (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate. EMRs, EMTs, AEMTs and Ps may only perform the skills identified, through either Statewide or other Department-approved protocols, or skills that may be ordered online by a medical command physician.

As the following chart indicates, a PHRN, PHPE and PHP may perform all skills identified as within a P's scope of practice. Each of these EMS providers may perform additional skills as outlined as follows.

A PHRN who is appropriately credentialed by the EMS agency medical director, may perform other services authorized by The Professional Nursing Law (63 P.S. §§ 211—225.5), when authorized by a medical command physician through either online medical command or through the applicable Statewide or Department-approved EMS protocols.

A PHPE who is appropriately credentialed by the EMS agency medical director may perform services within the scope of practice of a physician assistant under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18), when authorized by a medical command physician through either online medical command or through applicable Statewide or Department-approved EMS protocols. When a PHPE functions as an EMS provider, the physician supervision requirements applicable to a physician assistant under the Medical Practice Act of 1985 and the Osteopathic Medical Practice Act do not apply.

A PHP who is appropriately credentialed by the EMS agency medical director may perform skills within a P's scope of practice and other skills within the practice of medicine or osteopathic medicine. A PHP may not perform a skill that the PHP has not been educated and trained to perform.

Under 28 Pa. Code § 1023.1(a)(1)(vi) and (vii) (relating to EMS agency medical director), the EMS agency medical director must make an initial assessment of each EMS provider at or above the AEMT level, and then within 12 months of each prior assessment, to determine whether the EMS provider has the knowledge and skills to competently perform the skills within the EMS provider's scope of practice, and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level. EMS providers at or above the AEMT level may only perform skills that the EMS agency medical director has credentialed them to perform.

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<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>	
1	Airway/Ventilation/Oxygenation	Nonsurgical Supraglottic Airway	No	No	Yes	Yes
2	Airway/Ventilation/Oxygenation	Nasopharyngeal	Yes	Yes	Yes	Yes
3	Airway/Ventilation/Oxygenation	Oropharyngeal	Yes	Yes	Yes	Yes
4	Airway/Ventilation/Oxygenation	Pharyngeal Tracheal lumen	No	No	No	No
5	Airway/Ventilation/Oxygenation	BVM-ETT/Nonsurgical Supraglottic Airway	Yes ²	Yes ²	Yes	Yes
6	Airway/Ventilation/Oxygenation	BVM with in line small volume nebulizer	No	Yes ²	Yes	Yes
7	Airway/Ventilation/Oxygenation	Bag Valve Mask (BVM)	Yes	Yes	Yes	Yes
8	Airway/Ventilation/Oxygenation	Chest decompression—needle	No	No	No	Yes
9	Airway/Ventilation/Oxygenation	Chest tube thoracostomy monitoring closed (clamped or water seal)	No	No	No	Yes ¹
10	Airway/Ventilation/Oxygenation	Chest tube thoracostomy monitoring closed (attached to suction)	No	No	No	No
11	Airway/Ventilation/Oxygenation	Chest tube thoracostomy monitoring open	No	No	No	Yes
12	Airway/Ventilation/Oxygenation	Chest tube thoracotomy, acute insertion	No	No	No	No
13	Airway/Ventilation/Oxygenation	Continuous Positive Airway Pressure (CPAP)	No	Yes ¹	Yes	Yes
14	Airway/Ventilation/Oxygenation	BiPAP	No	No	No	Yes ¹
15	Airway/Ventilation/Oxygenation	Cricothyrotomy	No	No	No	Yes
16	Airway/Ventilation/Oxygenation	End tidal CO ₂ monitoring/capnography	No	No	Yes	Yes
17	Airway/Ventilation/Oxygenation	EOA/EGTA	No	No	No	No
18	Airway/Ventilation/Oxygenation	Extubation—removal of ETT	No	No	No	Yes
19	Airway/Ventilation/Oxygenation	Removal of Supraglottic Airway	No	No	Yes	Yes
20	Airway/Ventilation/Oxygenation	Gastric decompression by OG tube insertion	No	No	No	Yes
21	Airway/Ventilation/Oxygenation	Gastric decompression by NG tube insertion	No	No	No	Yes
22	Airway/Ventilation/Oxygenation	Gastric decompression by alternative airway	No	No	Yes	Yes
23	Airway/Ventilation/Oxygenation	Head-tilt chin lift	Yes	Yes	Yes	Yes
24	Airway/Ventilation/Oxygenation	Inspiratory Impedance Threshold Device (ITD)	No	No	Yes ¹	Yes
25	Airway/Ventilation/Oxygenation	Endotracheal Intubation by direct laryngoscopy (including video intubation devices), nasotracheal, digital and transillumination/lighted stylet techniques	No	No	No	Yes
26	Airway/Ventilation/Oxygenation	Endotracheal Intubations—paralytic assisted, rapid sequence induction (RSI)	No	No	No	No
27	Airway/Ventilation/Oxygenation	Ventilation—maintenance of previous initiated neuro blocker	No	No	No	No
28	Airway/Ventilation/Oxygenation	Endotracheal Intubation retrograde	No	No	No	No
29	Airway/Ventilation/Oxygenation	Mouth to mouth	Yes	Yes	Yes	Yes
30	Airway/Ventilation/Oxygenation	Mouth to nose	Yes	Yes	Yes	Yes
31	Airway/Ventilation/Oxygenation	Mouth to stoma	Yes	Yes	Yes	Yes
32	Airway/Ventilation/Oxygenation	Mouth to barrier	Yes	Yes	Yes	Yes
33	Airway/Ventilation/Oxygenation	Obstruction—direct laryngoscopy (remove with forceps)	No	No	No	Yes
34	Airway/Ventilation/Oxygenation	Obstruction-manual (abdominal thrusts, finger sweep, chest thrusts) upper airway	Yes	Yes	Yes	Yes

Category		Skill	EMR	EMT	AEMT	P*
35	Airway/Ventilation/Oxygenation	Oxygen therapy—blow by	Yes	Yes	Yes	Yes
36	Airway/Ventilation/Oxygenation	Oxygen therapy—humidifiers	No	Yes	Yes	Yes
37	Airway/Ventilation/Oxygenation	Oxygen therapy—nasal cannulas	Yes	Yes	Yes	Yes
38	Airway/Ventilation/Oxygenation	Oxygen therapy—nonrebreather	Yes	Yes	Yes	Yes
39	Airway/Ventilation/Oxygenation	Oxygen therapy—partial rebreather	No	Yes	Yes	Yes
40	Airway/Ventilation/Oxygenation	Oxygen therapy—regulators	Yes	Yes	Yes	Yes
41	Airway/Ventilation/Oxygenation	Oxygen therapy—simple face mask	No	Yes	Yes	Yes
42	Airway/Ventilation/Oxygenation	Oxygen therapy—Venturi mask	No	Yes	Yes	Yes
43	Airway/Ventilation/Oxygenation	Peak expiratory flow assessment	No	No	Yes	Yes
44	Airway/Ventilation/Oxygenation	Suctioning—meconium aspiration	No	No	No	Yes
45	Airway/Ventilation/Oxygenation	Suctioning—stoma/tracheostomy	Yes	Yes	Yes	Yes
46	Airway/Ventilation/Oxygenation	Suctioning—tracheobronchial by advanced airway	No	Yes ²	Yes	Yes
47	Airway/Ventilation/Oxygenation	Suctioning—upper airway (nasal)	Yes	Yes	Yes	Yes
48	Airway/Ventilation/Oxygenation	Suctioning—upper airway (oral)	Yes	Yes	Yes	Yes
49	Airway/Ventilation/Oxygenation	Transtracheal jet ventilation	No	No	No	Yes
50	Airway/Ventilation/Oxygenation	Single mode, volume controlled auto vent without blender	No	No	Yes ¹	Yes ¹
51	Airway/Ventilation/Oxygenation	Ventilator, transport single of multimodal with/without blender. Volume control mode only, on patients >1 year of age with no anticipated need to actively titrate ventilator settings during transport.	No	No	No	Yes
52	Airway/Ventilation/Oxygenation	Ventilators, that are portable, that are portable and capable of being transported with a patient and are multi-modal, with a blender, that are used on patients requiring pressure control, pressure support or other advanced setting, or when there is an anticipated need by a healthcare provider involved with the care of the patient to actively titrate ventilator settings during transport, regardless of ventilation mode.	No	No	No	No
53	Cardiovascular/Circulation	Blood pressure—auscultation	Yes	Yes	Yes	Yes
54	Cardiovascular/Circulation	Blood pressure—electronic noninvasive	Yes	Yes	Yes	Yes
55	Cardiovascular/Circulation	Blood pressure—palpation	Yes	Yes	Yes	Yes
56	Cardiovascular/Circulation	Electrocardiogram (ECG) monitoring applying leads single lead	No	Yes ²	Yes ²	Yes
57	Cardiovascular/Circulation	Electrocardiogram (ECG) monitoring obtain and transmit 12 lead ECG	No	Yes ¹	Yes	Yes
58	Cardiovascular/Circulation	Cardiac monitoring—single lead (interpret)	No	No	No	Yes
59	Cardiovascular/Circulation	Manual chest compressions—adult, child, infant	Yes	Yes	Yes	Yes
60	Cardiovascular/Circulation	Precordial thump	No	No	No	Yes
61	Cardiovascular/Circulation	Cardioversion—synchronized	No	No	No	Yes
62	Cardiovascular/Circulation	Defibrillation—counter shock manual	No	No	No	Yes
63	Cardiovascular/Circulation	Transcutaneous cardiac pacing	No	No	No	Yes
64	Cardiovascular/Circulation	Transvenous or Epicardial pacing, Management of	No	No	No	No
65	Cardiovascular/Circulation	Defibrillation—automated external defibrillator (AED)	Yes	Yes	Yes	Yes

Category		Skill	EMR	EMT	AEMT	P*
66	Cardiovascular/Circulation	Hemodynamic monitoring/assist (Swan Ganz, central venous pressure)	No	No	No	No
67	Cardiovascular/Circulation	Intra-aortic balloon pump or invasive cardiac assist device monitoring/assist	No	No	No	No
68	Cardiovascular/Circulation	Mechanical chest compression device application and use	Yes ¹	Yes ¹	Yes ¹	Yes ¹
69	Cardiovascular/Circulation	Thrombolytic therapy—initiation	No	No	No	No
70	Cardiovascular/Circulation	Thrombolytic therapy—monitoring	No	No	No	No
71	IV Initiation/Maintenance/Fluid	Central venous cannulation/insertion	No	No	No	No
72	IV Initiation/Maintenance/Fluid	Central venous line-access of existing catheters with external ports	No	No	No	Yes
73	IV Initiation/Maintenance/Fluid	External jugular vein cannulation	No	No	No	Yes
74	IV Initiation/Maintenance/Fluid	Saline lock insertions as no-flow IV	No	No	Yes	Yes
75	IV Initiation/Maintenance/Fluid	Intraosseous-needle placement and infusion-tibia, femur and humerus	No	No	Yes	Yes
76	IV Initiation/Maintenance/Fluid	IV insertion, peripheral venous initiation (cannulation)	No	No	Yes	Yes
77	IV Initiation/Maintenance/Fluid	Sub-cutaneous indwelling catheters—access of existing catheters	No	No	No	No
78	IV Initiation/Maintenance/Fluid	Venous blood sampling, peripheral—for clinical diagnostic purposes only	No	No	Yes	Yes
79	IV Initiation/Maintenance/Fluid	Venous blood sampling, peripheral—for legal purposes only (Applies to Paramedics only, as defined and permitted by Act 142 of 2016)	No	No	No	Yes
80	IV Initiation/Maintenance/Fluid	Venous central line (blood sampling) obtaining	No	No	No	No
81	IV Initiation/Maintenance/Fluid	Arterial line—capped—transport	No	Yes	Yes	Yes
82	IV Initiation/Maintenance/Fluid	Arterial line—monitoring/assist	No	No	No	No
83	IV Initiation/Maintenance/Fluid	Blood/Blood-by-products administration (initiation)	No	No	No	Yes ¹
84	IV Initiation/Maintenance/Fluid	Blood/Blood-by-products administration (monitoring)	No	No	No	Yes ¹
85	Lifting and moving	Patient lifting, moving and transfers	Yes	Yes	Yes	Yes
86	Lifting and moving	Patient restraints on transport devices	Yes	Yes	Yes	Yes
87	Medication administration routes	Endotracheal (ET)	No	No	No	Yes
88	Medication administration routes	Inhalation (aerosolized/nebulized)	No	Yes	Yes	Yes
89	Medication administration routes	Intramuscular (IM)	No	No	Yes	Yes
90	Medication administration routes	Intranasal (IN)	No	No	Yes	Yes
91	Medication administration routes	Intraosseous (IO)—tibia, humerus or femur	No	No	Yes	Yes
92	Medication administration routes	Intravenous (IV)—fluid bolus	No	No	Yes	Yes
93	Medication administration routes	Intravenous (IV)—monitoring or maintaining existing IV infusions, (crystalloid fluid as published in the EMS medication list in the <i>Pennsylvania Bulletin</i>), during interfacility transport	No	No	Yes	Yes
94	Medication administration routes	Intravenous (IV) infusion with added medication, including by intravenous pump	No	No	No	Yes
95	Medication administration routes	Nasogastric	No	No	No	Yes
96	Medication administration routes	Enteral feeding devices, Management of	No	No	No	No
97	Medication administration routes	Oral—over-the-counter medications for pain, fever and hypoglycemia (as listed in the approved medication list)	No	Yes	Yes	Yes

Category		Skill	EMR	EMT	AEMT	P*
98	Medication administration routes	Inhalation over-the-counter medication inhalation of alcohol prep pad	Yes	Yes	Yes	Yes
99	Medication administration routes	Rectal	No	No	No	Yes
100	Medication administration routes	Subcutaneous	No	No	Yes	Yes
101	Medication administration routes	Sublingual (<i>Note: EMT may only assist patient with his/her prescribed Nitroglycerin (NTG)</i>)	No	Yes	Yes	Yes
102	Medication administration routes	Topical	No	No	No	Yes
103	Medications	Auto-injector benzodiazepine for seizure	No	No	No	Yes
104	Medications	Auto-injector epinephrine (assist patient with his/her prescribed medication)	No	Yes	Yes	Yes
105	Medications	Auto-injected epinephrine—primary use—not patients own prescription	No	Yes ¹	Yes	Yes
106	Medications	IM injection of Epinephrine as approved by PA EMS protocol	No	Yes ¹	Yes	Yes
107	Medications	Medications as published in the <i>Pennsylvania Bulletin</i> by the Department	Yes	Yes	Yes	Yes
108	Medications	Immunizations as published in the <i>Pennsylvania Bulletin</i> by the Department	No	No	No	Yes
109	Medications	Over the counter (OTC) medications (except as listed elsewhere for pain, fever, hypoglycemia)	No	No	No	No
110	Medications	Oxygen	Yes ¹	Yes	Yes	Yes
111	Medications	Auto-injector nerve agent antidote—self or peer rescue	Yes	Yes	Yes	Yes
112	Medications	Auto-injector nerve agent antidote—patient treatment	No	Yes ³	Yes ³	Yes
113	Medications	Metered-dose inhaler (MDI) bronchodilator (EMT may only assist patient with their own prescribed inhaler)	No	Yes	Yes	Yes
114	Medications	Naloxone—Intranasal or intramuscular auto injector	Yes ^{1,4}	Yes ^{1,4}	Yes	Yes
115	Medications	Glucagon—Intranasal (powder spray) or intramuscular auto-injector	No	Yes ¹	Yes	Yes
116	Patient assessment/management	Behavioral—restrain violent patient	Yes ¹	Yes	Yes	Yes
117	Patient assessment/management	Blood glucose assessment	No	Yes ¹	Yes	Yes
118	Patient assessment/management	Portable blood analysis devices, use of (glucometer covered elsewhere)	No	No	No	No
119	Patient assessment/management	Childbirth—umbilical cord cutting	Yes	Yes	Yes	Yes
120	Patient assessment/management	Childbirth—(abnormal/complications)	No	Yes	Yes	Yes
121	Patient assessment/management	Childbirth (normal)—cephalic	Yes	Yes	Yes	Yes
122	Patient assessment/management	Carbon Monoxide CO—oximetry monitoring	No	Yes ¹	Yes ¹	Yes ¹
123	Patient assessment/management	Carbon Monoxide CO—exhaled analysis device	No	Yes ¹	Yes ¹	Yes ¹
124	Patient assessment/management	Carbon Monoxide with environmental surveillance devices	Yes	Yes	Yes	Yes
125	Patient assessment/management	Hemodynamic monitoring/assist (Swan Ganz, central venous pressure)	No	No	No	No
126	Patient assessment/management	Dislocation reduction	No	No	No	No

Category		Skill	EMR	EMT	AEMT	P*
127	Patient assessment/management	Eye irrigation (irrigation through corneal contact device limited to AEMT and P)	Yes	Yes	Yes	Yes
128	Patient assessment/management	Intracranial monitoring/assist	No	No	No	No
129	Patient assessment/management	Patient management per Statewide EMS protocols and Department approved protocols	Yes	Yes	Yes	Yes
130	Patient assessment/management	Pulse oximetry monitoring	No	Yes	Yes	Yes
131	Patient assessment/management	Splinting, extremity—manual, rigid, soft, vacuum	Yes	Yes	Yes	Yes
132	Patient assessment/management	Splinting, femur—traction	No	Yes	Yes	Yes
133	Patient assessment/management	Urinary catheterization	No	No	No	No
134	Patient assessment/management	Wound care, dressing bandaging	Yes	Yes	Yes	Yes
135	Patient assessment/management	Wound care, removal of Taser probe/barb	No	No	No	No
136	Patient assessment/management	Wound drain—vacuum devices, monitoring	No	Yes	Yes	Yes
137	Patient assessment/management	Wound care, hemorrhage control—direct pressure, wound packing, tourniquet, bandaging, hemostatic agents	Yes	Yes	Yes	Yes
138	Patient assessment/management	Wound care, irrigation and skin closure with tape or adhesive glue	No	No	No	No
139	Spinal Care	Restrict spinal motion—Cervical collar application	Yes	Yes	Yes	Yes
140	Spinal Care	Restrict spinal motion—Helmet removal or stabilization	No	Yes	Yes	Yes
141	Spinal Care	Restrict spinal motion—manual cervical spine stabilization	Yes	Yes	Yes	Yes
142	Spinal Care	Restrict spinal motion—rapid extrication with precautions to restrict spinal movement	No	Yes	Yes	Yes
143	Spinal Care	Devices to restrict spinal motion, vacuum mattress, extrication device, scoop stretcher and spine board	No	Yes	Yes	Yes

EMR—Emergency Medical Responder;

EMT—Emergency Medical Technician;

AEMT—Advanced Emergency Medical Technician;

*P**—Paramedic (*includes—PHRN/PHPE/PHP)

No—The skill is not in the scope of practice for the level certification.

Yes—The skill is in the scope of practice for the level of certification.

1. Additional training and authorization by EMS agency medical director is required, and this skill may only be used when functioning with a licensed EMS agency that complies with Department requirements for providing this skill.

2. May assist a P, PHRN, PHPE or PHP with this skill only in the physical presence of and under the direct supervision of the higher-level provider.

3. May perform this skill only in the physical presence of and under the direct supervision of a P, PHRN, PHPE or PHP.

4. Department-approved Act 139 training required and approval of the EMS medical director, and this skill may only be used when functioning with a licensed EMS agency that complies with Department requirements for providing this skill.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1799. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C. § 300ff-26), will hold a public teleconference meeting on Thursday, January 25, 2024, from 10 a.m. to 12 p.m. Persons may participate by dialing in by location at (412) 648-8888 or (866) 588-4789. The meeting ID is 165 276 406#. The meeting will begin promptly at 10 a.m. and participants are urged to call in by 9:50 a.m. Attendees can participate in the conference call on location at the Bureau of Communicable Diseases, 625 Forster Street, Harrisburg, PA 17120. In-person participants are asked to RSVP to Sandy Brosius, sabrosius@pa.gov, (717) 547-3419 by close of business on January 23, 2024. Upon arrival, sign in at the front desk in the lobby of the building by 9:45 a.m. to await an escort to the meeting room.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

For additional information, contact Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419. For persons with speech and/or hearing impairment call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without prior notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1800. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Vehicle, Equipment and Supply Requirements for Emergency Medical Services

Under 28 Pa. Code § 1027.3(c) (relating to licensure and general operating standards), the Department of Health (Department) has the authority to publish in the *Pennsylvania Bulletin*, and update as necessary, vehicle construction and equipment and supply requirements for emergency medical services (EMS) agencies based upon the types of services they provide and the EMS vehicles they operate. An EMS agency that is licensed to operate as a quick response service (QRS), basic life support ambulance, intermediate life support ambulance, advanced life support ambulance, critical care ambulance,

air ambulance, basic life support squad, intermediate life support squad and advanced life support squad service by the Department under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies), shall maintain and have readily available in working order the following vehicle, equipment and supply requirements.

A. Ground Ambulance Requirements

Ground Ambulances: QRS/Basic Life Support/Intermediate Life Support/Advanced Life Support/Critical Care Transport/Basic Life Support Squad/Intermediate Life Support Squad/Advanced Life Support Squad

1. The ambulance must meet the requirements of Federal Specifications KKK 1822 and Ambulance Manufacturers Division (AMD) Standards in effect at the time of the vehicles manufacture. (Does not apply to a Squad Vehicle.)

2. The ambulance must meet the requirements in 75 Pa.C.S. (relating to Vehicle Code) for vehicle registration, annual safety inspection and liability insurance, and the requirements of all Department of Transportation regulations relating to flashing and revolving lights, including intersection lights.

3. Emblems and markings must be affixed to the ambulance exterior as follows:

a. The word "AMBULANCE" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "AMBULANCE" shall be on the rear of the vehicle and the curved surface of the hood or can be placed on a flat bug screen. (Does not apply to a Squad Vehicle or QRS Vehicle.)

b. The words "EMS SQUAD," "PARAMEDIC," "ALS SQUAD," "BLS SQUAD" or "PARAMEDIC RESCUE," shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the wording identified in this section shall be on the rear of the vehicle and the curved surface of the hood, front bumper or can be placed on a flat bug screen. (Does not apply to ambulances, Fire Apparatus (for example, Rescue, Engine, Ladder, Tower and the like) that is primarily used for fire suppression or QRS Vehicle.)

c. "Star of Life" shall appear on the ambulance in the following sizes and numbers

* Two 3" size "Stars of Life" on each side of the word "AMBULANCE" on the hood of the vehicle or on a bug screen.

* Two 16" size "Stars of Life" on the right and left side panels.

* Two 12" size "Star of Life" on the rear of the vehicle.

* One 32" size "Star of Life" on the vehicle rooftop.

Note: Squad units must have at least 3" size "Stars of Life," one on each side, and two in front and two on the rear of the vehicle. (Does not apply to QRS Vehicles.)

d. The Department issued licensure decal must be applied to right and left exterior sides of the vehicle in a conspicuous place.

e. A reflective chevron is not required. If used, a reflective chevron may be placed on the rear vertical surface of the exterior of the vehicle. The chevron pattern shall slant downward on both sides of the vehicle at an angle of 45° pointing in the direction of the bottom rear corner of the tailboard. The pattern shall resemble an inverted V with the point at the top center of the vehicle. The chevron shall use an alternating color pattern. The vertical panels shall be 8" to 12" wide and at least 24" in

height and consist of alternating color retro-reflective stripes at least 4" in width. If the panel height is greater than 36" the stripes shall be 6" wide, shall slope down at 45° and have a minimum of 270 square inches of retro-reflective area facing traffic.

4. The name of the EMS agency or its registered fictitious name in letters at least 3" in size must appear on both the right and left exterior sides of the vehicle. The name must be the dominant lettering. Reference the Agency Name and Fictitious Name FAQ published on January 20, 2017.

a. The word "Ambulance" or words such as "Emergency Medical Services", "EMS" and "Rescue" must also appear on both exterior sides and rear of the vehicle. (Does not apply to Squad Vehicle.)

5. The EMS vehicle must be equipped with an electronically operated audible warning device with a 100-watt or higher watt speaker.

6. The ambulance must have overhead interior lighting that illuminates the entire top surface of the patient litter, stair-well lighting and courtesy lights that must illuminate the ambulance's controls. (Does not apply to a Squad Vehicle or QRS Vehicle.)

7. The ambulance must have a dual battery system. (Does not apply to Squad Vehicle or QRS Vehicle.)

8. The ambulance must have two minimum 5 pound unit fire extinguishers (ABC dry chemical or carbon dioxide) in a quick-release bracket, one in the driver/cab compartment or in the body of the ambulance reachable from outside the vehicle and one in the patient compartment. When located in either the driver or patient compartment the mounting bracket shall be of a stable design. Each fire extinguisher must be intact with a safety seal, have been inspected within the previous 12 calendar months and have the appropriate completed inspection tag attached. (Squad and QRS Vehicles are only required to have one.)

9. The ambulance must have a power supply to generate sufficient current to operate all accessories without excessive demand on the generating system. Exterior and interior lighting and onboard equipment shall be able to run for at least 5 minutes without placing a demand on the engine.

10. The ambulance must have a nonskid floor that is flat, reasonably unencumbered, free of equipment in the walk-through areas and well maintained. (Does not apply to a Squad Vehicle or QRS Vehicle.)

11. The finished floor (loading) height shall be compatible with the litter fastener assembly system specified for the cot system. (Does not apply to a Squad Vehicle or QRS Vehicle.)

12. The ambulance must have a patient partition to separate the patient area from the driver area. (Does not apply to a Squad Vehicle or QRS Vehicle.)

13. The ambulance must have storage cabinets with sliding doors or with latches or have a cargo-type netting or other means to ensure against opening during vehicle movement. (Does not apply to a Squad Vehicle or QRS Vehicle.)

14. Bulky items such as portable radios and AEDs, oxygen equipment and jump bags must be secured at all times during patient transport to prevent them from falling on patients or crew or becoming projectiles if the

vehicle is involved in an accident. Equipment on a Squad Vehicle or QRS must be in cabinets or otherwise secured at all times.

15. The ambulance must have two IV hangers mounted flush with the ceiling. (Does not apply to a Squad Vehicle or QRS Vehicle.)

16. The ambulance must have a litter for transporting a patient and at least four or five patient restraint straps (which includes a minimum of two shoulder restraint straps) in good operating condition that are secured to the litter based upon manufacturers' specifications. (Does not apply to a Squad Vehicle or QRS Vehicle.)

17. The ambulance must have a stair chair designed for patient extrication.

18. The ambulance must have a pediatric safe transport device. (Does not apply to a Squad Vehicle or QRS Vehicle.)

19. The ambulance must have doors that function properly with door seals that are not cracked, broken or missing pieces, and are otherwise in good condition.

20. The ambulance must have both "No Smoking Oxygen Equipped" and "Fasten Seat Belts" signs (in English) in both the driver and the patient compartment. A Squad and QRS Vehicle is required to have these signs in the driver compartment.

21. The ambulance must have operational heating, cooling and ventilation equipment meeting GSA KKK-1822 Standard. Must be capable of maintaining patient compartment temperature of 68°F to 78°F.

22. Required equipment and supplies shall be carried and readily available in working order and maintained in accordance with manufactures recommended/required operating standards.

23. The EMS vehicle must have current vehicle inspection validation issued by the state where the vehicle is registered.

24. The EMS vehicle must have communication equipment that is in compliance with the regional communication plan. This equipment shall allow for direct communication with a public safety answering point (PSAP) and hospitals in the agency response/service areas. A cellular phone may be used as a backup means of communication and not as the primary means of communication.

25. The ambulance must have an installed, onboard oxygen system with the following: (Does not apply to a Squad Vehicle or QRS Vehicle.)

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The oxygen cylinders shall be mounted with restraining devices, as required for the crashworthiness tests of AMD Standard 003, Oxygen Tank Retention System. A liquid oxygen system that provides the same volume of oxygen and meets AMD Standard 003 is also acceptable. Critical Care Transport ambulance must have onboard oxygen system with a capacity of a minimum of 6,800 liters.

b. The cylinder must have more than 500 liters of oxygen at all times (Critical Care Transport ambulance must have more than 1,750 liters of oxygen at all times.) and be secured with at least three metal or nylon brackets while in the compartment.

c. The unit must be equipped with a reducing valve (from 2,000 psi to 50 psi line pressure).

d. The unit must be equipped with one flow meter with a range of 0—25 lpm delivery.

26. The ambulance must have an installed onboard suctioning system with the following components or capabilities; or both: (Does not apply to Squad Vehicle.)

- a. It is fitted with a large bore, nonkinking tubing.
- b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.
- c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum needed to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

B. Air (Rotorcraft) Ambulance Requirements

The following will apply to all air ambulances. The air ambulance must have:

- 1. The name of the air ambulance service or its registered fictitious name prominently displayed on the exterior of the aircraft. Reference the Agency Name and Fictitious Name FAQ published on January 20, 2017.
- 2. Exterior lighting that illuminates the tail rotor and pilot controllable search/spot/landing lights.
- 3. An “Air Worthiness Certificate” from the Federal Aviation Administration (FAA).
- 4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.
- 5. An FAA Form 337 with items 1 (which identifies the aircraft), 2 (which identifies the aircraft owner) and 7 (which shows that the aircraft is approved to “Return to Service”) completed and signed by the appropriate FAA official.

6. Climate controls for maintaining an ambient cabin temperature of between 60°—85° during flight.

7. Sufficient interior lighting to allow for close observation of patients.

8. A physical barrier between the pilot, throttle, flight controls and radios and the patients.

9. Patient litter with manufacture approved straps.

10. A 110-volt electrical outlet for each patient transported.

11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances in areas to which the air ambulance routinely provides service.

12. At least one headset per crew member with built in communication among the crew when the aircraft is operating and noise levels prevent normal conversation.

13. One fully charged fire extinguisher rated at least 5 B:C securely mounted where it can be reached by the pilot or crewmembers. The fire extinguisher must be intact with safety seal, have been inspected within the previous 12 calendar months and have the appropriate inspection tag attached.

14. Installed onboard suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirements under Ground Ambulances.)

15. Must have a pediatric safe transport device.

16. An onboard oxygen system with the following:

- a. Cylinders with a capacity of 1,200 liters.
- b. The cylinders must have at least 1,650 psi at the time of inspection.
- c. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity.
- d. A flow meter with a range of 0—25 lpm delivery.

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Portable Suction Unit with wide-bore tubing. Must achieve 300 mm/HG or 11.8" in 4 seconds	X	X	X	X	X	X	X	X	X
<i>Suction catheters, pharyngeal: (Must be sterile) Size is FR:</i>									
Rigid (2)	X	X	X	X	X	X	X	X	X
Flexible 6 and 8 (1 each)		X	X	X	X	X	X	X	X
Flexible 10 or 12 (2)		X	X	X	X	X	X	X	X
Flexible 14 or 16 (2)		X	X	X	X	X	X	X	X
<i>Airways:</i>									
Nasopharyngeal (5 different sizes—1 each size—Size 16, Size 24, Size 26, Size 32, Size 34)	X	X	X	X	X	X	X	X	X

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Oropharyngeal (6 different sizes—1 each size—Size 0, Size 1, Size 2, Size 3, Size 4, Size 5)	X	X	X	X	X	X	X	X	X
<i>Assessment:</i>									
Sphygmomanometer Child, Adult, Thigh (large)—1 each—interchangeable gauges are permitted	X	X	X	X	X	X	X	X	X
Stethoscope (1) Adult and (1) Pediatric or (1) Double bell with adult and pediatric bell	X	X	X	X	X	X	X	X	X
Stethoscope Doppler								X	X
Penlight (1)	X	X	X	X	X	X	X	X	X
<i>Oxygen Delivery:</i>									
Nasal Cannulas adult/pediatric—1 each	X	X	X	X	X	X	X	X	X
High concentration mask capable of providing 80% or greater concentration adult, pediatric, infant—1 each	X	X	X	X	X	X	X	X	X
Humidifier bottle—(1)		X		X		X		X	
Adhesive Tape (4 rolls assorted)—1 roll must be hypoallergenic	X	X	X	X	X	X	X	X	X
<i>Dressings:</i>									
Multi Trauma (10 × 30) (4)	X	X	X	X	X	X	X	X	X
Occlusive (3 × 4) (4)	X	X	X	X	X	X	X	X	X
Sterile Gauze Pads (4 × 4) (25)	X	X	X	X	X	X	X	X	X
Soft self-adhering (6 rolls)	X	X	X	X	X	X	X	X	X
Bandage Shears (1)	X	X	X	X	X	X	X	X	X
<i>Immobilization Devices:</i>									
Cervical spine device (1)		X		X		X		X	
Long spine board (1)		X		X		X		X	
Rigid/Semi-rigid neck immobilizer S, M, L, pediatric (1 each). Multi-size are permitted for S, M, L (3 each).		X	X	X	X	X	X	X	X

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
<i>Bag-Valve-Mask Devices:</i>									
Hand operated infant/pediatric (450—700 cc) (1). Must be capable of high concentration oxygen delivery with adult and pediatric masks to include neonatal, infant and child sizes.	X	X	X	X	X	X	X	X	X
Pediatric length-based Drug Dosing/ Equipment Sizing Tape—most current version				X	X	X	X	X	X
Straps—must have one of the following: 9' straps (5) or Spider Straps (1) and 9' Straps (2) or Speed clip straps (4) and 9' Straps (2)		X		X		X		X	
<i>Splinting Devices:</i>									
Lower extremity mechanical traction splint adult and pediatric (1 each or combination)		X		X		X		X	
Upper and lower extremity splints (2 each)		X		X		X		X	
Sterile Water/Normal Saline (2 liters)		X	X	X	X	X	X	X	X
Sterile Burn Sheet (4' × 4") (2)	X	X	X	X	X	X	X	X	X
Cold packs, Chemical (4)		X	X	X	X	X	X	X	X
Heat packs, Chemical (4)		X	X	X	X	X	X	X	X
Triangular Bandages (8)	X	X	X	X	X	X	X	X	X
Sterile OB Kits (2) (Air 1)		X	X	X	X	X	X	X	X
Separate Bulb Syringe (1) Sterile		X	X	X	X	X	X	X	X
Sterile Thermal Blanket (Silver Swaddle) (1) or 1 roll of sterile aluminum foil		X	X	X	X	X	X	X	X
Blankets (2)	X	X	X	X	X	X	X	X	X
Sheets (4)		X		X		X		X	
Pillowcases (2)		X		X		X		X	
Pillow (1)		X		X		X		X	
Towels (4)		X		X		X		X	

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Appropriate patient coverings capable of maintaining body temperature based on anticipated weather conditions									X
Disposable Tissues (1 box)		X		X		X		X	
Emesis Container (1)		X		X		X		X	
Urinal (1)		X		X		X		X	
Bed Pan (1)		X		X		X		X	
Disposable Paper Drinking Cups (3 oz.) (4)		X		X		X		X	
Regional Approved Triage Tags (20)	X	X	X	X	X	X	X	X	
Hand-lights (2)	X	X	X	X	X	X	X	X	
Hazard Warning Device (3)		X	X	X	X	X	X	X	
Emergency BLS/ALS Jump Kit (1)	X	X	X	X	X	X	X	X	
Survival Bag									X
Emergency Response Guidebook (1) Current edition	X	X	X	X	X	X	X	X	
Thermometer—electronic digital, non-tympanic		X	X	X	X	X	X	X	X
Sharps Receptacle—Secured		X		X		X		X	
Instant Glucose (40% dextrose-d-glucose gel) or food grade substitute (for example, cake frosting) 45 grams		X	X	X	X	X	X	X	X
Personal Protective Equipment (PPE) helmet, eye protection, gloves and high visibility safety apparel (1 per crew member)	X	X	X	X	X	X	X	X	X
Flight Helmet (1 per crew member)									X
<i>Personal Infection Control Kit, which includes the following:</i>									
Eye protection, clear, disposable (1 per crew member)	X	X	X	X	X	X	X	X	X
Gown/coat (1 per crew member)	X	X	X	X	X	X	X	X	X
Surgical Cap/foot coverings, disposable (1 set per crew member)	X	X	X	X	X	X	X	X	X
Exam gloves (1 set per crew member)	X	X	X	X	X	X	X	X	X

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Sharps Containers and Red Bags per Infectious Control Plan	X	X	X	X	X	X	X	X	X
N95 respirator (1 per crew member)	X	X	X	X	X	X	X	X	X
Hand Disinfectant—Nonwater hand disinfectant (1 container)	X	X	X	X	X	X	X	X	X
Sponges, Alcohol, Prep (10)		X	X	X	X	X	X	X	X
<i>Endotracheal Tubes Sizes/Quantities:</i>									
2.5 mm or 3.0 mm (2 uncuffed)						X	X	X	X
3.5 mm or 4.0 mm (2 uncuffed)						X	X	X	X
4.5 mm or 5.0 mm (2)						X	X	X	X
5.5 mm or 6.0 mm (2)						X	X	X	X
6.5 mm or 7.0 mm (2)						X	X	X	X
7.5 mm or 8.0 mm (2)						X	X	X	X
(3) King LT™ Size 3, 4, and 5 or (3) i-gel® Size 3, 4 and 5 or (2) Combi tubes™ Size 37 Fr and 41 Fr				X	X	X	X	X	X
Electronic Wave-Form Capnography				X	X	X	X	X	X
<i>Laryngoscope handle with batteries and spare batteries and bulbs and the following blades. (May be disposable):</i>									
<i>Straight</i>									
# 1 (S)						X	X	X	X
# 2 (M)						X	X	X	X
# 3 (L)						X	X	X	X
<i>Curved</i>									
# 3						X	X	X	X
# 4						X	X	X	
Lubrication (2 cc or larger tubes) sterile water soluble		X	X	X	X	X	X	X	X
Forceps, Magill (adult/pediatric) (1 each)						X	X	X	X
<i>Medication and Supplies:</i>									
Per Statewide protocols, approved medications that must be kept within expiration dates		X	X	X	X	X	X	X	X
Nebulizer System (1)				X	X	X	X	X	X

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
<i>Hypodermic needles:</i>									
16—18 gauge (4), 20—22 gauge (4), 23—25 gauge (4). Total of 12 and each must be individually wrapped and sterile. Two syringes of assorted sizes, including at least one with a 1 mL volume.				X	X	X	X	X	X
<i>Defibrillator / Monitor: (FDA approved):</i>									
Higher than IALS only: Battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout, 12 lead electro- cardiogram with immediate transmit capabilities and pediatric/adult pads with pacing capabilities						X	X	X	X
<i>12-Lead ECG:</i>									
Battery powered, 12 lead electrocardiogram with paper printout and immediate transmit capabilities (optional for BLS ambulance and BLS squad)				X*	X*				
<i>Defibrillator / Monitor Supplies:^{1,2}</i>									
Defibrillator pads, (1) set of adult and (1) set of pediatric, electrodes (ECG, adult and pediatric sizes—12 each)				X	X	X	X	X	X
Automated External with pads, (1) set adult and (1) set of pediatric pads	X	X	X	X*	X*				
CPAP Ventilation—portable equipment with (2) disposable masks (optional for BLS ambulance and BLS squad)				X	X	X	X	X	X
Stylette, Malleable adult (1) must be sterile						X	X	X	X
Phlebotomy Equipment (per protocols)						X	X	X	
Pulse Oximetry		X	X	X	X	X	X	X	X

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Electronic Glucose Meter (Optional for BLS ambulance and BLS squad)				X	X	X	X	X	X
“IV” fluid Therapy Supplies Catheters over the Needle sized 14, 16, 18, 20, 22 (4 each) and 24 (2)				X	X	X	X	X	X
Micro drip 50—60 drops/ml (2)						X	X	X	X
Macro drip 10—20 drops/ml (2)				X	X	X	X	X	X
IV solutions (2,000) ml total per Statewide protocols				X	X	X	X	X	X
Tourniquets for IV (2)				X	X	X	X	X	X
Intraosseous Needle 14—18 gauge (1 of each)				X	X	X	X	X	X
Commercial “Tactical” Tourniquet (2)	X	X	X	X	X	X	X	X	X
Copy of most current version of Statewide EMS protocols	X	X	X	X	X	X	X	X	X
Aspirin, chewable, one small bottle		X	X	X	X	X	X	X	X
Bougie endotracheal tube introducer (1)								X	X
Video capable laryngoscope with appropriately sized blades (1)								X	X
Electronic wave-form capnography, nonintubated patient, capable of waveform display (1)								X	X
Electronic waveform capnograph, including gas sampler for intubated patient, capable of waveform display (1)				X	X	X	X	X	X
Portable transport ventilator which must have the capabilities that include, but are not limited to, controlling rate, volume, FiO ₂ , I:E Ratio, PEEP and volume control, pressure control, SIMV and NPPV modes. Device must have both volume and pressure modes and low/high pressure warning alarms (1).								X	X

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Portable transport ventilator circuits appropriately sized for patient being transported (2)								X	X
3 1/4" over the needle catheter in 10, 12 or 14 gauge (2)						X	X	X	X
Automated noninvasive blood pressure monitoring device (1)								X	X
Endotracheal cuff pressure manometer (1)								X	X
Invasive pressure monitoring, electronic waveform, two-channel capability (1)								X	X
Portable Doppler (1)								X	X
Pelvic stabilization device (1)								X	X
Blood administration sets only if agency provides or maintains blood products (2)								X	X
Intravenous infusion pumps or one multi-channel unit capable of managing three simultaneous infusions (3)								X	X
Onboard oxygen with a capacity of a minimum of 6,800 liters								X	
Portable oxygen with a capacity of a minimum of 1,800 liters								X	
Inverter or generator capability of supporting all required equipment electrical needs								X	

* Intermediate advanced life support (IALS) vehicles must be capable of obtaining and transmitting a 12-lead ECG and have an AED. To meet this requirement the AED and 12-Lead ECG can be met with a single device or by having two separate devices.

¹ Dual function adult and pediatric AED is acceptable. Key to change from adult to pediatric must be kept with the AED case and readily available.

² Follow manufacturers' instructions for battery life span recommendations.

QRS, basic life support, IALS, and advanced life support (ALS) ambulances services, which also includes air (rotorcraft) agencies that are licensed to operate in this Commonwealth, shall collect, maintain and report accurate and reliable patient data and information for calls of assistance in the format prescribed using electronic forms provided or approved by the Department. An EMS agency shall file the report for any call to which it responds that results in patient care, assessment, or refusal of the patient to be assessed. The report shall be made by completing an EMS patient care report and filing it, within 30 days, with the regional EMS council that is assigned responsibilities for the region in which the ambulance is based. It shall contain information specified by the Department. The Department will publish a list of the data elements and the form specifications for the EMS patient care report form in a notice in the *Pennsylvania Bulletin* and on the Department's web site. Electronic reporting shall conform with the requirements published in the *Pennsylvania Bulletin* notice. NEMSIS approved software is accepted in this Commonwealth.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Jenni Hoffman, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Persons with a speech or hearing impairment may use V/TT (717) 783-6154 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1801. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Program Payment for Ambulance Transportation

Background

Act 15 of 2023 (P.L. 63, No. 15), enacted on October 23, 2023, provides for the payment of ground mileage for every loaded mile and that the fees for ambulance services are the greater of the highest Medicare rates published in the Ambulance Fee Schedule Public Use File for calendar year 2023 or the current Medicaid Ambulance Fees as updated by Medical Assistance (MA) Bulletin 26-22-07, titled "2023 Ambulance Fee Increases," in both the Fee-for-Service (FFS) and managed care delivery systems, subject to Federal approval as may be necessary and contingent on the availability of Federal financial participation, beginning January 1, 2024.

Discussion

The Department of Human Services (Department) will be submitting a State Plan Amendment to the Centers for Medicare & Medicaid Services (CMS) seeking approval of these payment changes. Upon approval by the CMS of the State Plan Amendment, the Department will update the (MA) Fee Schedule, for dates of service on and after January 1, 2024, as follows:

<i>Procedure Code</i>	<i>Procedure Code Definition</i>	<i>Pricing Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective January 1, 2024</i>
A0425	Ground mileage, per statute mile	U8	\$4 per mile for each loaded mile beyond 20 loaded miles of a trip	\$13.20 per mile for each loaded mile of a trip
A0427	Ambulance service, advanced life support, emergency transport, level 1 (ALS 1—emergency)		\$400	\$607.23
A0429	Ambulance service, basic life support, emergency transport (BLS, emergency)		\$325	\$511.35
A0430	Ambulance service, conventional air services, transport, one way (fixed wing)		\$3,325.53	\$5,224.15
A0431	Ambulance service, conventional air services, transport, one way (rotary wing)		\$3,325.53	\$6,073.86
A0432	Paramedic intercept (PI), rural area, transport furnished by a volunteer ambulance company which is prohibited by state law from billing third-party payers		\$80	\$456.19
A0433	Advanced life support, level 2 (ALS 2)		\$400	\$878.88
A0434	Specialty care transport (SCT)		\$400	\$1,038.68
A0436	Rotary wing air mileage, per statute mile		\$22.45 per mile for each loaded mile beyond 20 loaded miles of a trip	\$40.92 per mile for each loaded mile beyond 20 loaded miles of a trip

Upon CMS approval, the Department will issue an MA Bulletin advising ambulance providers of the change.

Fiscal Impact

The overall estimated fiscal impact for Fiscal Year (FY) 2023-2024 is \$2.313 million (\$0.634 million in State funds and \$1.678 million in Federal funds) for FFS, \$41.561 million (\$13.161 million in State funds and \$28.400 million in Federal funds) for Capitation, and \$13.935 million (\$6.394 million in State funds and \$7.542 million in Federal funds) for Community HealthChoices (CHC). The overall annualized amount is \$4.625 million (\$1.268 million in State funds and \$3.357 million in Federal funds) for FFS, \$99.747 million (\$30.850 million in State funds and \$68.897 million in Federal funds) for Capitation and \$33.445 million (\$15.101 million in State funds and \$18.344 million in Federal funds) for CHC.

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 RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1605. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund;

(7) (MA)—FFS; (2) Implementing Year 2023-24 is \$634,000; (3) 1st Succeeding Year 2024-25 through 5th Succeeding Year 2028-29 are \$1,268,000; (4) 2022-23 Program—\$589,137,000; 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000;

(7) MA—Capitation; (2) Implementing Year 2023-24 is \$13,161,000; (3) 1st Succeeding Year 2024-25 through 5th Succeeding Year 2028-29 are \$30,850,000; (4) 2022-23 Program—\$4,557,000,000; 2021-22 Program—\$3,060,000,000; 2020-21 Program—\$2,508,000,000;

(7) MA—Community HealthChoices; (2) Implementing Year 2023-24 is \$6,394,000; (3) 1st Succeeding Year 2024-25 through 5th Succeeding Year 2028-29 are \$15,101,000; (4) 2022-23 Program—\$4,252,000,000; 2021-22 Program—\$3,166,000,000; 2020-21 Program—\$2,329,000,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 23-1802. Filed for public inspection December 29, 2023, 9:00 a.m.]

**DEPARTMENT OF
LABOR AND INDUSTRY**

Appendix A

**Unemployment Compensation; Table Specified for
Determination of Rate and Amount of Benefits**

The purpose of this notice is to announce the Table Specified for the Determination of Rate and Amount of Benefits (Table) and the maximum weekly unemployment compensation (UC) benefit rate for calendar year 2024.

The Table, found in section 404(e)(1) of the Unemployment Compensation Law (law) (43 P.S. § 804(e)(1)), shall be extended or contracted annually to the point where the maximum weekly benefit rate for a calendar year equals 66 2/3% of the average weekly wage for the 36-month period ending on the previous June 30. 43 P.S. § 804(e)(2)(i)(A). The Table was amended by the act of November 3, 2016 (P.L. 1100, No. 144) (Act 144), which imposed limitations on the maximum weekly benefit rate. For calendar year 2024, Act 144 limits the maximum weekly benefit rate to the same amount as the maximum weekly benefit rate of the preceding year if the trigger percentage calculated by the Secretary on July 1, 2023, is less than 215%. 43 P.S. § 804(e)(2)(iv)(B). Because the trigger percentage calculated on July 1, 2023, was less than 215%, the maximum weekly benefit rate for calendar year 2024 will remain at \$605. As a result, the Table will remain the same for calendar year 2024 as published in this notice.

The Table, as amended by Act 144, was published at 47 Pa.B. 362 (January 21, 2017) and codified in 34 Pa. Code Chapter 65, Appendix A. Under section 201(a) of the law (43 P.S. §§ 761(a)), section 404(e)(2) of the law and 34 Pa. Code § 65.111 (relating to benefit table), the Table for 2024 is being adopted by this notice and will be codified in 34 Pa. Code Chapter 65, Appendix A.

Under section 404(e)(2) of the law, this Table is effective for claimants whose benefit years begin on or after January 1, 2024.

Questions concerning this notice should be directed to Maria Macus, Deputy Secretary for Unemployment Compensation Programs, 651 Boas Street, Room 1700, Harrisburg, PA 17121.

NANCY WALKER,
Secretary

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$1,688—\$1,712	\$68	\$2,718
\$1,713—\$1,737	\$69	\$2,758
\$1,738—\$1,762	\$70	\$2,797
\$1,763—\$1,787	\$71	\$2,837
\$1,788—\$1,812	\$72	\$2,877
\$1,813—\$1,837	\$73	\$2,916
\$1,838—\$1,862	\$74	\$2,956
\$1,863—\$1,887	\$75	\$2,996
\$1,888—\$1,912	\$76	\$3,035
\$1,913—\$1,937	\$77	\$3,075
\$1,938—\$1,962	\$78	\$3,115
\$1,963—\$1,987	\$79	\$3,154
\$1,988—\$2,012	\$80	\$3,194
\$2,013—\$2,037	\$81	\$3,234
\$2,038—\$2,062	\$82	\$3,274
\$2,063—\$2,087	\$83	\$3,313
\$2,088—\$2,112	\$84	\$3,353
\$2,113—\$2,137	\$85	\$3,393
\$2,138—\$2,162	\$86	\$3,432
\$2,163—\$2,187	\$87	\$3,472
\$2,188—\$2,212	\$88	\$3,512
\$2,213—\$2,237	\$89	\$3,551
\$2,238—\$2,262	\$90	\$3,591
\$2,263—\$2,287	\$91	\$3,631
\$2,288—\$2,312	\$92	\$3,670
\$2,313—\$2,337	\$93	\$3,710
\$2,338—\$2,362	\$94	\$3,750
\$2,363—\$2,387	\$95	\$3,789
\$2,388—\$2,412	\$96	\$3,829
\$2,413—\$2,437	\$97	\$3,869
\$2,438—\$2,462	\$98	\$3,908
\$2,463—\$2,487	\$98	\$3,948
\$2,488—\$2,512	\$99	\$3,988
\$2,513—\$2,537	\$100	\$4,027
\$2,538—\$2,562	\$101	\$4,067
\$2,563—\$2,587	\$102	\$4,107
\$2,588—\$2,612	\$103	\$4,147
\$2,613—\$2,637	\$104	\$4,186
\$2,638—\$2,662	\$105	\$4,226
\$2,663—\$2,687	\$106	\$4,266
\$2,688—\$2,712	\$107	\$4,305
\$2,713—\$2,737	\$108	\$4,345

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$2,738—\$2,762	\$109	\$4,385	\$4,363—\$4,387	\$173	\$6,964
\$2,763—\$2,787	\$110	\$4,424	\$4,388—\$4,412	\$174	\$7,004
\$2,788—\$2,812	\$111	\$4,464	\$4,413—\$4,437	\$175	\$7,043
\$2,813—\$2,837	\$112	\$4,504	\$4,438—\$4,462	\$176	\$7,083
\$2,838—\$2,862	\$113	\$4,543	\$4,463—\$4,487	\$177	\$7,123
\$2,863—\$2,887	\$114	\$4,583	\$4,488—\$4,512	\$178	\$7,162
\$2,888—\$2,912	\$115	\$4,623	\$4,513—\$4,537	\$179	\$7,202
\$2,913—\$2,937	\$116	\$4,662	\$4,538—\$4,562	\$180	\$7,242
\$2,938—\$2,962	\$117	\$4,702	\$4,563—\$4,587	\$181	\$7,281
\$2,963—\$2,987	\$118	\$4,742	\$4,588—\$4,612	\$182	\$7,321
\$2,988—\$3,012	\$119	\$4,781	\$4,613—\$4,637	\$183	\$7,361
\$3,013—\$3,037	\$120	\$4,821	\$4,638—\$4,662	\$184	\$7,400
\$3,038—\$3,062	\$121	\$4,861	\$4,663—\$4,687	\$185	\$7,440
\$3,063—\$3,087	\$122	\$4,900	\$4,688—\$4,712	\$186	\$7,480
\$3,088—\$3,112	\$123	\$4,940	\$4,713—\$4,737	\$187	\$7,520
\$3,113—\$3,137	\$124	\$4,980	\$4,738—\$4,762	\$188	\$7,559
\$3,138—\$3,162	\$125	\$5,020	\$4,763—\$4,787	\$189	\$7,599
\$3,163—\$3,187	\$126	\$5,059	\$4,788—\$4,812	\$190	\$7,639
\$3,188—\$3,212	\$127	\$5,099	\$4,813—\$4,837	\$191	\$7,678
\$3,213—\$3,237	\$128	\$5,139	\$4,838—\$4,862	\$192	\$7,718
\$3,238—\$3,262	\$129	\$5,178	\$4,863—\$4,887	\$193	\$7,758
\$3,263—\$3,287	\$130	\$5,218	\$4,888—\$4,912	\$194	\$7,797
\$3,288—\$3,312	\$131	\$5,258	\$4,913—\$4,937	\$195	\$7,837
\$3,313—\$3,337	\$132	\$5,297	\$4,938—\$4,962	\$196	\$7,877
\$3,338—\$3,362	\$133	\$5,337	\$4,963—\$4,987	\$196	\$7,916
\$3,363—\$3,387	\$134	\$5,377	\$4,988—\$5,012	\$197	\$7,956
\$3,388—\$3,412	\$135	\$5,416	\$5,013—\$5,037	\$198	\$7,996
\$3,413—\$3,437	\$136	\$5,456	\$5,038—\$5,062	\$199	\$8,035
\$3,438—\$3,462	\$137	\$5,496	\$5,063—\$5,087	\$200	\$8,075
\$3,463—\$3,487	\$138	\$5,535	\$5,088—\$5,112	\$201	\$8,115
\$3,488—\$3,512	\$139	\$5,575	\$5,113—\$5,137	\$202	\$8,154
\$3,513—\$3,537	\$140	\$5,615	\$5,138—\$5,162	\$203	\$8,194
\$3,538—\$3,562	\$141	\$5,654	\$5,163—\$5,187	\$204	\$8,234
\$3,563—\$3,587	\$142	\$5,694	\$5,188—\$5,212	\$205	\$8,274
\$3,588—\$3,612	\$143	\$5,734	\$5,213—\$5,237	\$206	\$8,313
\$3,613—\$3,637	\$144	\$5,774	\$5,238—\$5,262	\$207	\$8,353
\$3,638—\$3,662	\$145	\$5,813	\$5,263—\$5,287	\$208	\$8,393
\$3,663—\$3,687	\$146	\$5,853	\$5,288—\$5,312	\$209	\$8,432
\$3,688—\$3,712	\$147	\$5,893	\$5,313—\$5,337	\$210	\$8,472
\$3,713—\$3,737	\$147	\$5,932	\$5,338—\$5,362	\$211	\$8,512
\$3,738—\$3,762	\$148	\$5,972	\$5,363—\$5,387	\$212	\$8,551
\$3,763—\$3,787	\$149	\$6,012	\$5,388—\$5,412	\$213	\$8,591
\$3,788—\$3,812	\$150	\$6,051	\$5,413—\$5,437	\$214	\$8,631
\$3,813—\$3,837	\$151	\$6,091	\$5,438—\$5,462	\$215	\$8,670
\$3,838—\$3,862	\$152	\$6,131	\$5,463—\$5,487	\$216	\$8,710
\$3,863—\$3,887	\$153	\$6,170	\$5,488—\$5,512	\$217	\$8,750
\$3,888—\$3,912	\$154	\$6,210	\$5,513—\$5,537	\$218	\$8,789
\$3,913—\$3,937	\$155	\$6,250	\$5,538—\$5,562	\$219	\$8,829
\$3,938—\$3,962	\$156	\$6,289	\$5,563—\$5,587	\$220	\$8,869
\$3,963—\$3,987	\$157	\$6,329	\$5,588—\$5,612	\$221	\$8,908
\$3,988—\$4,012	\$158	\$6,369	\$5,613—\$5,637	\$222	\$8,948
\$4,013—\$4,037	\$159	\$6,408	\$5,638—\$5,662	\$223	\$8,988
\$4,038—\$4,062	\$160	\$6,448	\$5,663—\$5,687	\$224	\$9,027
\$4,063—\$4,087	\$161	\$6,488	\$5,688—\$5,712	\$225	\$9,067
\$4,088—\$4,112	\$162	\$6,527	\$5,713—\$5,737	\$226	\$9,107
\$4,113—\$4,137	\$163	\$6,567	\$5,738—\$5,762	\$227	\$9,147
\$4,138—\$4,162	\$164	\$6,607	\$5,763—\$5,787	\$228	\$9,186
\$4,163—\$4,187	\$165	\$6,647	\$5,788—\$5,812	\$229	\$9,226
\$4,188—\$4,212	\$166	\$6,686	\$5,813—\$5,837	\$230	\$9,266
\$4,213—\$4,237	\$167	\$6,726	\$5,838—\$5,862	\$231	\$9,305
\$4,238—\$4,262	\$168	\$6,766	\$5,863—\$5,887	\$232	\$9,345
\$4,263—\$4,287	\$169	\$6,805	\$5,888—\$5,912	\$233	\$9,385
\$4,288—\$4,312	\$170	\$6,845	\$5,913—\$5,937	\$234	\$9,424
\$4,313—\$4,337	\$171	\$6,885	\$5,938—\$5,962	\$235	\$9,464
\$4,338—\$4,362	\$172	\$6,924	\$5,963—\$5,987	\$236	\$9,504

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$5,988—\$6,012	\$237	\$9,543	\$7,613—\$7,637	\$300	\$12,123
\$6,013—\$6,037	\$238	\$9,583	\$7,638—\$7,662	\$301	\$12,162
\$6,038—\$6,062	\$239	\$9,623	\$7,663—\$7,687	\$302	\$12,202
\$6,063—\$6,087	\$240	\$9,662	\$7,688—\$7,712	\$303	\$12,242
\$6,088—\$6,112	\$241	\$9,702	\$7,713—\$7,737	\$304	\$12,281
\$6,113—\$6,137	\$242	\$9,742	\$7,738—\$7,762	\$305	\$12,321
\$6,138—\$6,162	\$243	\$9,781	\$7,763—\$7,787	\$306	\$12,361
\$6,163—\$6,187	\$244	\$9,821	\$7,788—\$7,812	\$307	\$12,400
\$6,188—\$6,212	\$245	\$9,861	\$7,813—\$7,837	\$308	\$12,440
\$6,213—\$6,237	\$245	\$9,900	\$7,838—\$7,862	\$309	\$12,480
\$6,238—\$6,262	\$246	\$9,940	\$7,863—\$7,887	\$310	\$12,520
\$6,263—\$6,287	\$247	\$9,980	\$7,888—\$7,912	\$311	\$12,559
\$6,288—\$6,312	\$248	\$10,020	\$7,913—\$7,937	\$312	\$12,599
\$6,313—\$6,337	\$249	\$10,059	\$7,938—\$7,962	\$313	\$12,639
\$6,338—\$6,362	\$250	\$10,099	\$7,963—\$7,987	\$314	\$12,678
\$6,363—\$6,387	\$251	\$10,139	\$7,988—\$8,012	\$315	\$12,718
\$6,388—\$6,412	\$252	\$10,178	\$8,013—\$8,037	\$316	\$12,758
\$6,413—\$6,437	\$253	\$10,218	\$8,038—\$8,062	\$317	\$12,797
\$6,438—\$6,462	\$254	\$10,258	\$8,063—\$8,087	\$318	\$12,837
\$6,463—\$6,487	\$255	\$10,297	\$8,088—\$8,112	\$319	\$12,877
\$6,488—\$6,512	\$256	\$10,337	\$8,113—\$8,137	\$320	\$12,916
\$6,513—\$6,537	\$257	\$10,377	\$8,138—\$8,162	\$321	\$12,956
\$6,538—\$6,562	\$258	\$10,416	\$8,163—\$8,187	\$322	\$12,996
\$6,563—\$6,587	\$259	\$10,456	\$8,188—\$8,212	\$323	\$13,035
\$6,588—\$6,612	\$260	\$10,496	\$8,213—\$8,237	\$324	\$13,075
\$6,613—\$6,637	\$261	\$10,535	\$8,238—\$8,262	\$325	\$13,115
\$6,638—\$6,662	\$262	\$10,575	\$8,263—\$8,287	\$326	\$13,154
\$6,663—\$6,687	\$263	\$10,615	\$8,288—\$8,312	\$327	\$13,194
\$6,688—\$6,712	\$264	\$10,654	\$8,313—\$8,337	\$328	\$13,234
\$6,713—\$6,737	\$265	\$10,694	\$8,338—\$8,362	\$329	\$13,274
\$6,738—\$6,762	\$266	\$10,734	\$8,363—\$8,387	\$330	\$13,313
\$6,763—\$6,787	\$267	\$10,774	\$8,388—\$8,412	\$331	\$13,353
\$6,788—\$6,812	\$268	\$10,813	\$8,413—\$8,437	\$332	\$13,393
\$6,813—\$6,837	\$269	\$10,853	\$8,438—\$8,462	\$333	\$13,432
\$6,838—\$6,862	\$270	\$10,893	\$8,463—\$8,487	\$334	\$13,472
\$6,863—\$6,887	\$271	\$10,932	\$8,488—\$8,512	\$335	\$13,512
\$6,888—\$6,912	\$272	\$10,972	\$8,513—\$8,537	\$336	\$13,551
\$6,913—\$6,937	\$273	\$11,012	\$8,538—\$8,562	\$337	\$13,591
\$6,938—\$6,962	\$274	\$11,051	\$8,563—\$8,587	\$338	\$13,631
\$6,963—\$6,987	\$275	\$11,091	\$8,588—\$8,612	\$339	\$13,670
\$6,988—\$7,012	\$276	\$11,131	\$8,613—\$8,637	\$340	\$13,710
\$7,013—\$7,037	\$277	\$11,170	\$8,638—\$8,662	\$341	\$13,750
\$7,038—\$7,062	\$278	\$11,210	\$8,663—\$8,687	\$342	\$13,789
\$7,063—\$7,087	\$279	\$11,250	\$8,688—\$8,712	\$343	\$13,829
\$7,088—\$7,112	\$280	\$11,289	\$8,713—\$8,737	\$343	\$13,869
\$7,113—\$7,137	\$281	\$11,329	\$8,738—\$8,762	\$344	\$13,908
\$7,138—\$7,162	\$282	\$11,369	\$8,763—\$8,787	\$345	\$13,948
\$7,163—\$7,187	\$283	\$11,408	\$8,788—\$8,812	\$346	\$13,988
\$7,188—\$7,212	\$284	\$11,448	\$8,813—\$8,837	\$347	\$14,027
\$7,213—\$7,237	\$285	\$11,488	\$8,838—\$8,862	\$348	\$14,067
\$7,238—\$7,262	\$286	\$11,527	\$8,863—\$8,887	\$349	\$14,107
\$7,263—\$7,287	\$287	\$11,567	\$8,888—\$8,912	\$350	\$14,147
\$7,288—\$7,312	\$288	\$11,607	\$8,913—\$8,937	\$351	\$14,186
\$7,313—\$7,337	\$289	\$11,647	\$8,938—\$8,962	\$352	\$14,226
\$7,338—\$7,362	\$290	\$11,686	\$8,963—\$8,987	\$353	\$14,266
\$7,363—\$7,387	\$291	\$11,726	\$8,988—\$9,012	\$354	\$14,305
\$7,388—\$7,412	\$292	\$11,766	\$9,013—\$9,037	\$355	\$14,345
\$7,413—\$7,437	\$293	\$11,805	\$9,038—\$9,062	\$356	\$14,385
\$7,438—\$7,462	\$294	\$11,845	\$9,063—\$9,087	\$357	\$14,424
\$7,463—\$7,487	\$294	\$11,885	\$9,088—\$9,112	\$358	\$14,464
\$7,488—\$7,512	\$295	\$11,924	\$9,113—\$9,137	\$359	\$14,504
\$7,513—\$7,537	\$296	\$11,964	\$9,138—\$9,162	\$360	\$14,543
\$7,538—\$7,562	\$297	\$12,004	\$9,163—\$9,187	\$361	\$14,583
\$7,563—\$7,587	\$298	\$12,043	\$9,188—\$9,212	\$362	\$14,623
\$7,588—\$7,612	\$299	\$12,083	\$9,213—\$9,237	\$363	\$14,662

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$9,238—\$9,262	\$364	\$14,702	\$10,863—\$10,887	\$428	\$17,281
\$9,263—\$9,287	\$365	\$14,742	\$10,888—\$10,912	\$429	\$17,321
\$9,288—\$9,312	\$366	\$14,781	\$10,913—\$10,937	\$430	\$17,361
\$9,313—\$9,337	\$367	\$14,821	\$10,938—\$10,962	\$431	\$17,400
\$9,338—\$9,362	\$368	\$14,861	\$10,963—\$10,987	\$432	\$17,440
\$9,363—\$9,387	\$369	\$14,900	\$10,988—\$11,012	\$433	\$17,480
\$9,388—\$9,412	\$370	\$14,940	\$11,013—\$11,037	\$434	\$17,520
\$9,413—\$9,437	\$371	\$14,980	\$11,038—\$11,062	\$435	\$17,559
\$9,438—\$9,462	\$372	\$15,020	\$11,063—\$11,087	\$436	\$17,599
\$9,463—\$9,487	\$373	\$15,059	\$11,088—\$11,112	\$437	\$17,639
\$9,488—\$9,512	\$374	\$15,099	\$11,113—\$11,137	\$438	\$17,678
\$9,513—\$9,537	\$375	\$15,139	\$11,138—\$11,162	\$439	\$17,718
\$9,538—\$9,562	\$376	\$15,178	\$11,163—\$11,187	\$440	\$17,758
\$9,563—\$9,587	\$377	\$15,218	\$11,188—\$11,212	\$441	\$17,797
\$9,588—\$9,612	\$378	\$15,258	\$11,213—\$11,237	\$441	\$17,837
\$9,613—\$9,637	\$379	\$15,297	\$11,238—\$11,262	\$442	\$17,877
\$9,638—\$9,662	\$380	\$15,337	\$11,263—\$11,287	\$443	\$17,916
\$9,663—\$9,687	\$381	\$15,377	\$11,288—\$11,312	\$444	\$17,956
\$9,688—\$9,712	\$382	\$15,416	\$11,313—\$11,337	\$445	\$17,996
\$9,713—\$9,737	\$383	\$15,456	\$11,338—\$11,362	\$446	\$18,035
\$9,738—\$9,762	\$384	\$15,496	\$11,363—\$11,387	\$447	\$18,075
\$9,763—\$9,787	\$385	\$15,535	\$11,388—\$11,412	\$448	\$18,115
\$9,788—\$9,812	\$386	\$15,575	\$11,413—\$11,437	\$449	\$18,154
\$9,813—\$9,837	\$387	\$15,615	\$11,438—\$11,462	\$450	\$18,194
\$9,838—\$9,862	\$388	\$15,654	\$11,463—\$11,487	\$451	\$18,234
\$9,863—\$9,887	\$389	\$15,694	\$11,488—\$11,512	\$452	\$18,274
\$9,888—\$9,912	\$390	\$15,734	\$11,513—\$11,537	\$453	\$18,313
\$9,913—\$9,937	\$391	\$15,774	\$11,538—\$11,562	\$454	\$18,353
\$9,938—\$9,962	\$392	\$15,813	\$11,563—\$11,587	\$455	\$18,393
\$9,963—\$9,987	\$392	\$15,853	\$11,588—\$11,612	\$456	\$18,432
\$9,988—\$10,012	\$393	\$15,893	\$11,613—\$11,637	\$457	\$18,472
\$10,013—\$10,037	\$394	\$15,932	\$11,638—\$11,662	\$458	\$18,512
\$10,038—\$10,062	\$395	\$15,972	\$11,663—\$11,687	\$459	\$18,551
\$10,063—\$10,087	\$396	\$16,012	\$11,688—\$11,712	\$460	\$18,591
\$10,088—\$10,112	\$397	\$16,051	\$11,713—\$11,737	\$461	\$18,631
\$10,113—\$10,137	\$398	\$16,091	\$11,738—\$11,762	\$462	\$18,670
\$10,138—\$10,162	\$399	\$16,131	\$11,763—\$11,787	\$463	\$18,710
\$10,163—\$10,187	\$400	\$16,170	\$11,788—\$11,812	\$464	\$18,750
\$10,188—\$10,212	\$401	\$16,210	\$11,813—\$11,837	\$465	\$18,789
\$10,213—\$10,237	\$402	\$16,250	\$11,838—\$11,862	\$466	\$18,829
\$10,238—\$10,262	\$403	\$16,289	\$11,863—\$11,887	\$467	\$18,869
\$10,263—\$10,287	\$404	\$16,329	\$11,888—\$11,912	\$468	\$18,908
\$10,288—\$10,312	\$405	\$16,369	\$11,913—\$11,937	\$469	\$18,948
\$10,313—\$10,337	\$406	\$16,408	\$11,938—\$11,962	\$470	\$18,988
\$10,338—\$10,362	\$407	\$16,448	\$11,963—\$11,987	\$471	\$19,027
\$10,363—\$10,387	\$408	\$16,488	\$11,988—\$12,012	\$472	\$19,067
\$10,388—\$10,412	\$409	\$16,527	\$12,013—\$12,037	\$473	\$19,107
\$10,413—\$10,437	\$410	\$16,567	\$12,038—\$12,062	\$474	\$19,147
\$10,438—\$10,462	\$411	\$16,607	\$12,063—\$12,087	\$475	\$19,186
\$10,463—\$10,487	\$412	\$16,647	\$12,088—\$12,112	\$476	\$19,226
\$10,488—\$10,512	\$413	\$16,686	\$12,113—\$12,137	\$477	\$19,266
\$10,513—\$10,537	\$414	\$16,726	\$12,138—\$12,162	\$478	\$19,305
\$10,538—\$10,562	\$415	\$16,766	\$12,163—\$12,187	\$479	\$19,345
\$10,563—\$10,587	\$416	\$16,805	\$12,188—\$12,212	\$480	\$19,385
\$10,588—\$10,612	\$417	\$16,845	\$12,213—\$12,237	\$481	\$19,424
\$10,613—\$10,637	\$418	\$16,885	\$12,238—\$12,262	\$482	\$19,464
\$10,638—\$10,662	\$419	\$16,924	\$12,263—\$12,287	\$483	\$19,504
\$10,663—\$10,687	\$420	\$16,964	\$12,288—\$12,312	\$484	\$19,543
\$10,688—\$10,712	\$421	\$17,004	\$12,313—\$12,337	\$485	\$19,583
\$10,713—\$10,737	\$422	\$17,043	\$12,338—\$12,362	\$486	\$19,623
\$10,738—\$10,762	\$423	\$17,083	\$12,363—\$12,387	\$487	\$19,662
\$10,763—\$10,787	\$424	\$17,123	\$12,388—\$12,412	\$488	\$19,702
\$10,788—\$10,812	\$425	\$17,162	\$12,413—\$12,437	\$489	\$19,742
\$10,813—\$10,837	\$426	\$17,202	\$12,438—\$12,462	\$490	\$19,781
\$10,838—\$10,862	\$427	\$17,242	\$12,463—\$12,487	\$490	\$19,821

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$12,488—\$12,512	\$491	\$19,861	\$14,038—\$14,062	\$552	\$22,321
\$12,513—\$12,537	\$492	\$19,900	\$14,063—\$14,087	\$553	\$22,361
\$12,538—\$12,562	\$493	\$19,940	\$14,088—\$14,112	\$554	\$22,400
\$12,563—\$12,587	\$494	\$19,980	\$14,113—\$14,137	\$555	\$22,440
\$12,588—\$12,612	\$495	\$20,020	\$14,138—\$14,162	\$556	\$22,480
\$12,613—\$12,637	\$496	\$20,059	\$14,163—\$14,187	\$557	\$22,520
\$12,638—\$12,662	\$497	\$20,099	\$14,188—\$14,212	\$558	\$22,559
\$12,663—\$12,687	\$498	\$20,139	\$14,213—\$14,237	\$559	\$22,599
\$12,688—\$12,712	\$499	\$20,178	\$14,238—\$14,262	\$560	\$22,639
\$12,713—\$12,737	\$500	\$20,218	\$14,263—\$14,287	\$561	\$22,678
\$12,738—\$12,762	\$501	\$20,258	\$14,288—\$14,312	\$562	\$22,718
\$12,763—\$12,787	\$502	\$20,297	\$14,313—\$14,337	\$563	\$22,758
\$12,788—\$12,812	\$503	\$20,337	\$14,338—\$14,362	\$564	\$22,797
\$12,813—\$12,837	\$504	\$20,377	\$14,363—\$14,387	\$565	\$22,837
\$12,838—\$12,862	\$505	\$20,416	\$14,388—\$14,412	\$566	\$22,877
\$12,863—\$12,887	\$506	\$20,456	\$14,413—\$14,437	\$567	\$22,916
\$12,888—\$12,912	\$507	\$20,496	\$14,438—\$14,462	\$568	\$22,956
\$12,913—\$12,937	\$508	\$20,535	\$14,463—\$14,487	\$569	\$22,996
\$12,938—\$12,962	\$509	\$20,575	\$14,488—\$14,512	\$570	\$23,035
\$12,963—\$12,987	\$510	\$20,615	\$14,513—\$14,537	\$571	\$23,075
\$12,988—\$13,012	\$511	\$20,654	\$14,538—\$14,562	\$572	\$23,115
\$13,013—\$13,037	\$512	\$20,694	\$14,563—\$14,587	\$573	\$23,154
\$13,038—\$13,062	\$513	\$20,734	\$14,588—\$14,612	\$574	\$23,194
\$13,063—\$13,087	\$514	\$20,774	\$14,613—\$14,637	\$575	\$23,234
\$13,088—\$13,112	\$515	\$20,813	\$14,638—\$14,662	\$576	\$23,274
\$13,113—\$13,137	\$516	\$20,853	\$14,663—\$14,687	\$577	\$23,313
\$13,138—\$13,162	\$517	\$20,893	\$14,688—\$14,712	\$578	\$23,353
\$13,163—\$13,187	\$518	\$20,932	\$14,713—\$14,737	\$579	\$23,393
\$13,188—\$13,212	\$519	\$20,972	\$14,738—\$14,762	\$580	\$23,432
\$13,213—\$13,237	\$520	\$21,012	\$14,763—\$14,787	\$581	\$23,472
\$13,238—\$13,262	\$521	\$21,051	\$14,788—\$14,812	\$582	\$23,512
\$13,263—\$13,287	\$522	\$21,091	\$14,813—\$14,837	\$583	\$23,551
\$13,288—\$13,312	\$523	\$21,131	\$14,838—\$14,862	\$584	\$23,591
\$13,313—\$13,337	\$524	\$21,170	\$14,863—\$14,887	\$585	\$23,631
\$13,338—\$13,362	\$525	\$21,210	\$14,888—\$14,912	\$586	\$23,670
\$13,363—\$13,387	\$526	\$21,250	\$14,913—\$14,937	\$587	\$23,710
\$13,388—\$13,412	\$527	\$21,289	\$14,938—\$14,962	\$588	\$23,750
\$13,413—\$13,437	\$528	\$21,329	\$14,963—\$14,987	\$588	\$23,789
\$13,438—\$13,462	\$529	\$21,369	\$14,988—\$15,012	\$589	\$23,829
\$13,463—\$13,487	\$530	\$21,408	\$15,013—\$15,037	\$590	\$23,869
\$13,488—\$13,512	\$531	\$21,448	\$15,038—\$15,062	\$591	\$23,908
\$13,513—\$13,537	\$532	\$21,488	\$15,063—\$15,087	\$592	\$23,948
\$13,538—\$13,562	\$533	\$21,527	\$15,088—\$15,112	\$593	\$23,988
\$13,563—\$13,587	\$534	\$21,567	\$15,113—\$15,137	\$594	\$24,027
\$13,588—\$13,612	\$535	\$21,607	\$15,138—\$15,162	\$595	\$24,067
\$13,613—\$13,637	\$536	\$21,647	\$15,163—\$15,187	\$596	\$24,107
\$13,638—\$13,662	\$537	\$21,686	\$15,188—\$15,212	\$597	\$24,147
\$13,663—\$13,687	\$538	\$21,726	\$15,213—\$15,237	\$598	\$24,186
\$13,688—\$13,712	\$539	\$21,766	\$15,238—\$15,262	\$599	\$24,226
\$13,713—\$13,737	\$539	\$21,805	\$15,263—\$15,287	\$600	\$24,266
\$13,738—\$13,762	\$540	\$21,845	\$15,288—\$15,312	\$601	\$24,305
\$13,763—\$13,787	\$541	\$21,885	\$15,313—\$15,337	\$602	\$24,345
\$13,788—\$13,812	\$542	\$21,924	\$15,338—\$15,362	\$603	\$24,385
\$13,813—\$13,837	\$543	\$21,964	\$15,363—\$15,387	\$604	\$24,424
\$13,838—\$13,862	\$544	\$22,004	\$15,388 or more	\$605	Amount required under section 401(a)(2) (43 P.S. § 801(a)(2))
\$13,863—\$13,887	\$545	\$22,043			
\$13,888—\$13,912	\$546	\$22,083			
\$13,913—\$13,937	\$547	\$22,123			
\$13,938—\$13,962	\$548	\$22,162			
\$13,963—\$13,987	\$549	\$22,202			
\$13,988—\$14,012	\$550	\$22,242			
\$14,013—\$14,037	\$551	\$22,281			

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DEPARTMENT OF REVENUE

Pennsylvania Lava You Lots Fast Play Game 5223

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Lava You Lots (“Lava You Lots”). The game number is PA-5223.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(f) *MIXTAPE MULTIPLIER*: The area at the top of a Lava You Lots Fast Play lottery game ticket that contains a multiplier symbol that will multiply any prize won in the “YOUR NUMBERS” area by the multiplier shown.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *LAVA WINS-ALL*: The area at the bottom of a Lava You Lots Fast Play lottery game ticket, in the shape of a lava lamp, containing one play symbol that, when matched according to the instructions, determines whether the player wins all 12 prizes shown in the “YOUR NUMBERS” area.

(l) *WINNING NUMBERS*: The play symbols found in the play area that, when matched against the number symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The play symbols found in the play area that, when matched against the number sym-

bols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Lava You Lots ticket is \$5.

4. *Description of the Lava You Lots Fast Play lottery game*:

(a) The Lava You Lots lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Lava You Lots tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Lava You Lots is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) Lava You Lots tickets contain a “MIXTAPE MULTIPLIER” area, where the player multiplies any prize won in the “YOUR NUMBERS” area by the multiplier shown. “LAVA WINS-ALL” prizes cannot be multiplied.

(d) Lava You Lots tickets also contain a “LAVA WINS-ALL NUMBER” area. Whenever the “LAVA WINS-ALL NUMBER” play symbol at the bottom of a Lava You Lots ticket matches any of the “WINNING NUMBERS” play symbols, the player wins all 12 prizes shown in the “YOUR NUMBERS” area. “LAVA WINS-ALL” prizes cannot be multiplied.

(e) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(f) Lava You Lots tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(g) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Lava You Lots ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(h) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Lava You Lots ticket and select the Lava You Lots option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Lava You Lots ticket characteristics*:

(a) Lava You Lots tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Lava You Lots tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area, a “MIXTAPE MULTIPLIER” area and a “LAVA WINS-ALL NUMBER” area. The play symbols and their captions located in the “WINNING NUMBERS” area, the “YOUR NUMBERS” area and the “LAVA WINS-ALL NUMBER” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV),

26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRT). The play symbols and their captions, located in the "MIXTAPE MULTIPLIER" area, are: 1X (NOMULT) symbol, 2X (2TIMES) symbol, 4X (4TIMES) symbol and a 5X (5TIMES) symbol.

(c) *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and \$40,000 (FRY THO).

(d) *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$50, \$100, \$200, \$1,000 and \$40,000. A player can win up to 12 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 480,000 tickets will be available for sale for the Lava You Lots lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Perfect Match Second-Chance Drawing for which non-winning Lava You Lots lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All Lava You Lots prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40,000 (FRY THO) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 1X (NOMULT) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$40,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 1X (NOMULT) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 5X (5TIMES) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which the "LAVA WINS-ALL NUMBER" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in five of the Prize areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in six of the Prize areas and a prize symbol of \$200 (TWO HUN) appears in one of the Prize areas, and upon which a 1X (NOMULT) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 1X (NOMULT) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 2X (2TIMES) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 4X (4TIMES) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which the "LAVA WINS-ALL NUMBER" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in six of the Prize areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in five of the Prize areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in one of the Prize areas, and upon which a 1X (NOMULT) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which the "LAVA WINS-ALL NUMBER" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the Prize areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in four of the Prize areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the Prize areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in one of the Prize areas, and upon which a 1X (NOMULT) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 1X (NOMULT) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 2X (2TIMES) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 5X (5TIMES) symbol appears in the "MIXTAPE MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which the "LAVA WINS-ALL NUMBER" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in two of the Prize areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in four of the Prize areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in six of the Prize areas, and upon which a 1X

(NOMULT) symbol appears in the “MIXTAPE MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 2X (2TIMES) symbol appears in the “MIXTAPE MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MIXTAPE MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“MIXTAPE MULTIPLIER”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 480,000 Tickets:</i>
\$5		\$5	10	48,000
\$5 × 2		\$10	100	4,800
\$5	2X	\$10	15.38	31,200
\$10		\$10	100	4,800
\$5 × 3		\$15	100	4,800
\$10 + \$5		\$15	100	4,800
\$15		\$15	1,000	480
\$5 × 4		\$20	666.67	720
\$10 × 2		\$20	666.67	720
\$5 × 2	2X	\$20	166.67	2,880
\$5	4X	\$20	100	4,800
\$10	2X	\$20	166.67	2,880
\$20		\$20	666.67	720
\$10 × 5		\$50	10,000	48
(\$15 × 3) + \$5		\$50	10,000	48
\$20 + \$15 + \$10 + \$5		\$50	10,000	48
\$5 × 2	5X	\$50	500	960
\$5 × 5	2X	\$50	10,000	48
\$15 + \$10	2X	\$50	10,000	48
\$20 + \$5	2X	\$50	10,000	48
\$10	5X	\$50	500	960
\$50		\$50	10,000	48
LAVA WINS-ALL MATCH w/ ((\$10 × 5) + (\$5 × 6) + \$20)		\$100	1,500	320
LAVA WINS-ALL MATCH w/ ((\$10 × 6) + (\$5 × 5) + \$15)		\$100	1,500	320
LAVA WINS-ALL MATCH w/ ((\$10 × 8) + (\$5 × 4))		\$100	1,500	320
LAVA WINS-ALL MATCH w/ ((\$15 × 2) + (\$10 × 4) + (\$5 × 6))		\$100	1,500	320
\$15 + \$10	4X	\$100	1,200	400
\$20 + \$5	4X	\$100	1,200	400
\$20	5X	\$100	2,182	220
\$50	2X	\$100	2,400	200
\$100		\$100	2,400	200

When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:	"MIXTAPE MULTIPLIER":	Win:	Approximate Chances Of Winning Are 1 In:	Approximate No. Of Winners Per 480,000 Tickets:
LAVA WINS-ALL MATCH w/ (($\$20 \times 5$) + ($\10×4) + ($\$5 \times 2$) + $\$50$)		\$200	2,400	200
LAVA WINS-ALL MATCH w/ (($\$20 \times 6$) + ($\15×5) + $\$5$)		\$200	2,400	200
$\$20 \times 2$	5X	\$200	12,000	40
\$50	4X	\$200	12,000	40
\$100	2X	\$200	12,000	40
\$200		\$200	24,000	20
LAVA WINS-ALL MATCH w/ (($\$100 \times 5$) + ($\50×6) + $\$200$)		\$1,000	60,000	8
\$200	5X	\$1,000	60,000	8
\$1,000		\$1,000	120,000	4
\$40,000		\$40,000	160,000	3

MIXTAPE MULTIPLIER: Multiply any prize won by the multiplier shown in the MIXTAPE MULTIPLIER area! LAVA WINS-ALL prizes cannot be multiplied.

LAVA WINS-ALL: When any WINNING NUMBER matches the LAVA WINS-ALL NUMBER, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's Perfect Match Second-Chance Drawing for qualifying Fast Play lottery game tickets ("Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5223 Lava You Lots (\$5), PA-5224 Love is Sweet (\$2) and PA-5225 Struck by Cupid (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.PAiLottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.PAiLottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or

register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(7) Only one claimant per entry allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Perfect Match Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 4:59:59 a.m. January 2, 2024, through 11:59:59 p.m. February 15, 2024, will be entered into the Drawing tentatively scheduled to be held between February 20, 2024 and March 4, 2024.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5223 Lava You Lots (\$5) = five entries, PA-5224 Love is Sweet (\$2) = two entries and PA-5225 Struck by Cupid (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first through the fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(ii) The fifth through the fourteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(iii) The fifteenth through the sixty-fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure. Entries not received for any other reason will not be considered entries.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Lava You Lots lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Lava You Lots lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in

a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Lava You Lots or through normal communications methods.

21. *Applicability:* This notice applies only to the Lava You Lots lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1804. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Love is Sweet Fast Play Game 5224

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Love is Sweet (“Love is Sweet”). The game number is PA-5224.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *DONUTS 4 DOLLARS:* A feature of the Love is Sweet game that, when four of the play symbols in the “YOUR NUMBERS” area appear printed with a Donut symbol, the player wins a prize of \$14. DONUTS 4 DOLLARS is played separately.

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *Play:* A chance to participate in a particular Fast Play lottery game.

(h) *Play Area:* The area on a ticket which contains one or more play symbols.

(i) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize:* A non-monetary item, money or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING NUMBERS:* The play symbols found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(l) *Winning ticket:* A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS:* The play symbols found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price:* The price of a Love is Sweet ticket is \$2.

4. *Description of the Love is Sweet Fast Play lottery game:*

(a) The Love is Sweet lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Love is Sweet tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Love is Sweet is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) Love is Sweet tickets contain a “DONUTS 4 DOLLARS” feature. Whenever four of the play symbols in the “YOUR NUMBERS” appear printed with a Donut symbol the player wins a prize of \$14. DONUTS 4 DOLLARS is played separately.

(d) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(e) Love is Sweet tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Love is Sweet ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Love is Sweet ticket and select the Love is Sweet option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Love is Sweet ticket characteristics:*

(a) Love is Sweet tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* Love is Sweet tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "DONUTS 4 DOLLARS" area. The play symbols and their captions located in the "WINNING NUMBERS" and the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the "YOUR NUMBERS" area and printed with a Donut symbol are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV).

(c) *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$14⁰⁰ (FOURTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$14,000 (FRNTHO).

(d) *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$14, \$20, \$40, \$50, \$100, \$400 and \$14,000. The prize that can be won in the "DONUTS 4 DOLLARS" area is \$14. A player can win up to seven times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 720,000 tickets will be available for sale for the Love is Sweet lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Perfect Match Second-Chance Drawing for which non-winning Love is Sweet lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All Love is Sweet prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$14,000 (FRNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$14,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$14⁰⁰ (FOURTEEN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(i) Holders of tickets upon which four of the play symbols in the "YOUR NUMBERS" area are printed with a Donut, on a single ticket, shall be entitled to a prize of \$14.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

NOTICES

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<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"DONUTS 4 DOLLARS":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
\$2		\$2	9.09	79,200
\$2 × 2		\$4	25	28,800
\$4		\$4	45.45	15,840
\$5		\$5	38.46	18,720
\$5 × 2		\$10	142.86	5,040
(\$4 × 2) + \$2		\$10	200	3,600
\$10		\$10	1,000	720
(\$4 × 3) + \$2		\$14	1,000	720
(\$5 × 2) + (\$2 × 2)		\$14	1,000	720
	\$14 w/ 4 DONUTS	\$14	58.82	12,240
\$14		\$14	1,000	720
\$2 × 3	\$14 w/ 4 DONUTS	\$20	714.29	1,008
\$10 × 2		\$20	5,000	144
(\$5 × 2) + \$10		\$20	10,000	72
\$4 + \$2	\$14 w/ 4 DONUTS	\$20	588.24	1,224
\$14 + \$4 + \$2		\$20	2,500	288
\$20		\$20	10,000	72
\$20 × 2		\$40	12,000	60
(\$5 × 2) + (\$2 × 3) + \$10	\$14 w/ 4 DONUTS	\$40	2,222	324
(\$10 × 2) + (\$2 × 3)	\$14 w/ 4 DONUTS	\$40	2,222	324
(\$10 × 3) + (\$4 × 2) + \$2		\$40	12,000	60
(\$14 × 2) + (\$5 × 2) + \$2		\$40	12,000	60
\$20 + \$4 + \$2	\$14 w/ 4 DONUTS	\$40	2,222	324
\$20 + \$14 + \$4 + \$2		\$40	12,000	60
\$40		\$40	24,000	30
(\$10 × 3) + (\$2 × 3)	\$14 w/ 4 DONUTS	\$50	6,000	120
(\$14 × 2) + (\$2 × 4)	\$14 w/ 4 DONUTS	\$50	6,000	120
(\$14 × 2) + (\$4 × 2)	\$14 w/ 4 DONUTS	\$50	6,000	120
(\$20 × 2) + (\$5 × 2)		\$50	24,000	30
(\$20 × 2) + \$10		\$50	24,000	30
\$20 + \$10 + \$4 + \$2	\$14 w/ 4 DONUTS	\$50	6,000	120
\$20 + \$14 + \$10 + \$4 + \$2		\$50	24,000	30
\$50		\$50	40,000	18
(\$40 × 2) + (\$10 × 2)		\$100	60,000	12
(\$10 × 3) + \$50 + \$4 + \$2	\$14 w/ 4 DONUTS	\$100	17,143	42
(\$14 × 2) + (\$2 × 2) + \$50 + \$4	\$14 w/ 4 DONUTS	\$100	17,143	42
(\$14 × 2) + (\$4 × 2) + \$50	\$14 w/ 4 DONUTS	\$100	17,143	42
(\$20 × 2) + \$40 + \$4 + \$2	\$14 w/ 4 DONUTS	\$100	17,143	42
\$50 + \$20 + \$14 + \$10 + \$4 + \$2		\$100	60,000	12
\$100		\$100	120,000	6
\$400		\$400	120,000	6
\$14,000		\$14,000	180,000	4

DONUTS 4 DOLLARS: When 4 Donut symbols appear in the YOUR NUMBERS area, win \$14 instantly! DONUTS 4 DOLLARS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing*: The Pennsylvania Lottery's Perfect Match Second-Chance Drawing for qualifying Fast Play lottery game tickets ("Drawing").

(a) *Qualifying Tickets*: Non-winning PA-5223 Lava You Lots (\$5), PA-5224 Love is Sweet (\$2) and PA-5225 Struck by Cupid (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry*:

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.PAiLottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.PAiLottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(7) Only one claimant per entry allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description*:

(1) The Lottery will conduct one Perfect Match Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 4:59:59 a.m. January 2, 2024, through 11:59:59 p.m. February 15, 2024, will be entered into the Drawing tentatively scheduled to be held between February 20, 2024 and March 4, 2024.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5223 Lava You Lots (\$5) = five entries, PA-5224 Love is Sweet (\$2) = two entries and PA-5225 Struck by Cupid (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning*:

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first through the fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(ii) The fifth through the fourteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(iii) The fifteenth through the sixty-fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions*:

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet brows-

ers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure. Entries not received for any other reason will not be considered entries.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times pay

through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Love is Sweet lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Love is Sweet lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Love is Sweet or through normal communications methods.

21. *Applicability:* This notice applies only to the Love is Sweet lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1805. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania MONOPOLY™ Free Parking Progressive Fast Play Game 5222

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania MONOPOLY™ Free Parking Progressive (“MONOPOLY™ Free Parking Progressive”). The game number is PA-5222.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *GAME TOKEN*: The play symbol in the "FREE PARKING PROGRESSIVE" area that, when matched with the "YOUR GAME TOKEN" symbol in the "YOUR NUMBERS" area, determines whether the player wins the "PROGRESSIVE TOP PRIZE."

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *PROGRESSIVE TOP PRIZE*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased and then resets to the minimum prize amount whenever a top prize-winning ticket is sold.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *FREE PARKING PROGRESSIVE*: The area on a MONOPOLY™ Free Parking Progressive Fast Play lottery game ticket containing one "GAME TOKEN" play symbol that, when matched with the "YOUR GAME TOKEN" play symbol in the "YOUR NUMBERS" area, determines whether the player wins the current "PROGRESSIVE TOP PRIZE."

(m) *WINNING NUMBERS*: The play symbols found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(n) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS*: The play symbols found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

(p) *YOUR GAME TOKEN*: The area within the "YOUR NUMBERS" area on a MONOPOLY™ Free Parking Progressive Fast Play lottery game ticket containing one play symbol that, when matched with the "GAME TOKEN" symbol in the "FREE PARKING PROGRESSIVE" area, determines whether the player wins the "PROGRESSIVE TOP PRIZE."

3. *Price*: The price of a MONOPOLY™ Free Parking Progressive ticket is \$10.

4. *Description of the MONOPOLY™ Free Parking Progressive Fast Play lottery game*:

(a) The MONOPOLY™ Free Parking Progressive lottery game is an instant win game printed from a Lottery Terminal. With the exception of the "PROGRESSIVE TOP PRIZE," all prizes are predetermined, and the player does not have the ability to select their own play symbols. MONOPOLY™ Free Parking Progressive tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) MONOPOLY™ Free Parking Progressive is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. A bet slip is not used to play this game.

(c) MONOPOLY™ Free Parking Progressive tickets contain a "FREE PARKING PROGRESSIVE" area. Whenever the "GAME TOKEN" symbol in the "FREE PARKING PROGRESSIVE" area matches the "YOUR GAME TOKEN" symbol in the "YOUR NUMBERS" area, the player wins the current "PROGRESSIVE TOP PRIZE."

(d) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(e) MONOPOLY™ Free Parking Progressive tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a MONOPOLY™ Free Parking Progressive ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a MONOPOLY™ Free Parking Progressive ticket and select the MONOPOLY™ Free Parking Progressive option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *MONOPOLY™ Free Parking Progressive ticket characteristics*:

(a) MONOPOLY™ Free Parking Progressive tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: MONOPOLY™ Free Parking Progressive tickets will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area containing one "YOUR GAME TOKEN" play symbol, and a "FREE PARKING PROGRESSIVE" area containing one "GAME TOKEN" play symbol. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN),

12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), Community Chest (CHEST) symbol and a GO (WIN200) symbol. The play symbols and their captions located in the "GAME TOKEN" area within the "FREE PARKING PROGRESSIVE" area, and the "YOUR GAME TOKEN" within the "YOUR NUMBERS" area are: Shoe (SHOE) symbol, Electric Company (ELECTRIC) symbol, Battleship (BATTLESHIP) symbol, Wheelbarrow (WHEELBARROW) symbol, MONOPOLY Money (MONEY) symbol, Thimble (THIMBLE) symbol, Water Works (WATER WORKS) symbol, Penguin (PENGUIN) symbol, Hat (HAT) symbol, Duck (DUCK) symbol, Car (CAR) symbol and a Dog (DOG) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

(d) *Prizes:* The prizes that can be won in this game, are: \$10, \$15, \$20, \$30, \$50, \$100, \$200, \$500 and \$1,000. The prize that can be won in the "FREE PARKING PROGRESSIVE" area is the "PROGRESSIVE TOP PRIZE." The "PROGRESSIVE TOP PRIZE" amount starts at \$150,000 and increases by \$0.60 every time a MONOPOLY™ Free Parking Progressive ticket is purchased. When a "PROGRESSIVE TOP PRIZE" winning ticket is sold, the "PROGRESSIVE TOP PRIZE" resets to \$150,000. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate chances of winning). A player can win up to 15 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 720,000 tickets will be available for sale for the MONOPOLY™ Free Parking Progressive lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct one ADVANCE TO GO™ Second-Chance Drawing for which non-winning MONOPOLY™ Free Parking Progressive instant lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All MONOPOLY™ Free Parking Progressive prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which the "GAME TOKEN" play symbol in the "FREE PARKING PROGRESSIVE" area matches the "YOUR GAME TOKEN" play symbol in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of a "PROGRESSIVE TOP PRIZE." The amount won under this paragraph is the amount of the "PROGRESSIVE TOP PRIZE," determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$150,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a Community Chest (CHEST) symbol appears in the "YOUR NUMBERS" area

and a prize symbol of \$1,000 (ONE THO) appears in the Prize area under that Community Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which a Community Chest (CHEST) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$500 (FIV HUN) appears in the Prize area under that Community Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which a Community Chest (CHEST) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$200 (TWO HUN) appears in the Prize area under that Community Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which a GO (WIN200) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$200 (TWO HUN) appears in the Prize area under that GO (WIN200) symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which a Community Chest (CHEST) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the Prize area under that Community Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which a Community Chest (CHEST) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under that Community Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(o) Holders of tickets upon which a Community Chest (CHEST) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the Prize area under that Community Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$30.

(p) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which a Community Chest (CHEST) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the Prize area under that Community Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which a Community Chest (CHEST) symbol appears in the “YOUR NUMBERS” area

and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the Prize area under that Community Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which a Community Chest (CHEST) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the Prize area under that Community Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“FREE PARKING PROGRESSIVE”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
\$10 w/ COMMUNITY CHEST		\$10	33.33	21,600
\$10		\$10	12.5	57,600
\$15 w/ COMMUNITY CHEST		\$15	100	7,200
\$15		\$15	25.64	28,080
\$10 × 2		\$20	50	14,400
(\$10 w/ COMMUNITY CHEST) + \$10		\$20	50	14,400
\$20 w/ COMMUNITY CHEST		\$20	50	14,400
\$20		\$20	166.67	4,320
\$10 × 3		\$30	500	1,440
\$15 × 2		\$30	500	1,440
(\$10 w/ COMMUNITY CHEST) + (\$10 × 2)		\$30	125	5,760
(\$15 w/ COMMUNITY CHEST) + \$15		\$30	142.86	5,040
\$30 w/ COMMUNITY CHEST		\$30	250	2,880
\$30		\$30	666.67	1,080
\$10 × 5		\$50	1,000	720
(\$15 × 2) + (\$10 × 2)		\$50	1,000	720
\$30 + \$20		\$50	1,000	720
(\$10 w/ COMMUNITY CHEST) + (\$20 × 2)		\$50	333.33	2,160
(\$20 w/ COMMUNITY CHEST) + (\$15 × 2)		\$50	333.33	2,160
(\$30 w/ COMMUNITY CHEST) + (\$10 × 2)		\$50	333.33	2,160
\$50 w/ COMMUNITY CHEST		\$50	500	1,440
\$50		\$50	1,000	720
\$20 × 5		\$100	4,800	150
\$50 × 2		\$100	4,800	150
(\$10 × 5) + \$50		\$100	2,400	300
(\$15 × 4) + (\$10 × 4)		\$100	2,400	300

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"FREE PARKING PROGRESSIVE":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
$(\$20 \times 2) + (\$15 \times 2) + (\$10 \times 3)$		\$100	2,400	300
$(\$30 \times 2) + (\$20 \times 2)$		\$100	2,400	300
$(\$20 \text{ w/ COMMUNITY CHEST}) + (\$10 \text{ w/ COMMUNITY CHEST}) + (\$15 \times 2) + (\$10 \times 2) + \20		\$100	2,400	300
$(\$30 \text{ w/ COMMUNITY CHEST}) + (\$20 \text{ w/ COMMUNITY CHEST}) + (\$10 \times 5)$		\$100	2,400	300
$(\$50 \text{ w/ COMMUNITY CHEST}) + \50		\$100	2,400	300
\$100 w/ COMMUNITY CHEST		\$100	2,400	300
\$100		\$100	4,800	150
$\$50 \times 4$		\$200	2,400	300
$\$100 \times 2$		\$200	2,400	300
$(\$10 \times 5) + \$100 + \$50$		\$200	2,400	300
$(\$20 \times 5) + (\$15 \times 4) + (\$10 \times 4)$		\$200	6,000	120
$(\$30 \times 5) + (\$15 \times 2) + (\$10 \times 2)$		\$200	6,000	120
$((\$50 \text{ w/ COMMUNITY CHEST}) \times 2) + (\$20 \times 5)$		\$200	8,000	90
$(\$100 \text{ w/ COMMUNITY CHEST}) + \100		\$200	12,000	60
\$200 w/ GO		\$200	1,200	600
\$200 w/ COMMUNITY CHEST		\$200	12,000	60
\$200		\$200	120,000	6
$\$100 \times 5$		\$500	60,000	12
$(\$200 \times 2) + \100		\$500	60,000	12
$(\$20 \times 5) + (\$15 \times 4) + (\$10 \times 4) + \$200 + \$100$		\$500	24,000	30
$(\$30 \times 5) + (\$20 \times 5) + \$200 + \50		\$500	24,000	30
$((\$100 \text{ w/ COMMUNITY CHEST}) \times 2) + (\$50 \times 2) + (\$20 \times 5) + \100		\$500	12,000	60
$(\$200 \text{ w/ GO}) + (\$100 \text{ w/ COMMUNITY CHEST}) + (\$20 \times 5) + (\$15 \times 4) + (\$10 \times 4)$		\$500	12,000	60
$(\$200 \text{ w/ GO}) + (\$100 \times 2) + (\$20 \times 5)$		\$500	12,000	60
$(\$200 \text{ w/ COMMUNITY CHEST}) + (\$200 \text{ w/ GO}) + \$100$		\$500	12,000	60
\$500 w/ COMMUNITY CHEST		\$500	12,000	60
\$500		\$500	60,000	12
$\$200 \times 5$		\$1,000	120,000	6
$\$500 \times 2$		\$1,000	120,000	6
$(\$100 \times 5) + (\$50 \times 4) + (\$20 \times 5) + \200		\$1,000	40,000	18
$(\$200 \text{ w/ GO}) + (\$50 \times 6) + \$500$		\$1,000	40,000	18
$(\$200 \text{ w/ GO}) + (\$100 \times 5) + (\$20 \times 5) + \200		\$1,000	40,000	18
$(\$200 \text{ w/ COMMUNITY CHEST}) + (\$200 \text{ w/ GO}) + \$500 + \100		\$1,000	40,000	18
$(\$500 \text{ w/ COMMUNITY CHEST}) \times 2$		\$1,000	40,000	18

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"FREE PARKING PROGRESSIVE":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
\$1,000 w/ COMMUNITY CHEST		\$1,000	40,000	18
\$1,000		\$1,000	120,000	6
	\$150,000 w/ GAME TOKEN MATCH	\$150,000*	240,000	3

When a "COMMUNITY CHEST" (CHEST) symbol appears, win prize shown under that symbol automatically. When a "GO" (WIN200) symbol appears, win \$200 instantly!

FREE PARKING PROGRESSIVE: When the GAME TOKEN in the FREE PARKING PROGRESSIVE area matches YOUR GAME TOKEN in the YOUR NUMBERS area, win the current PROGRESSIVE TOP PRIZE amount instantly!

***PROGRESSIVE TOP PRIZE:** The minimum value of the PROGRESSIVE TOP PRIZE is \$150,000. The PROGRESSIVE TOP PRIZE increases by \$0.60 every time a ticket is purchased, and resets to \$150,000 whenever a top prize winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The ADVANCE TO GO™ Second-Chance Drawing from the Pennsylvania Lottery for qualifying instant and Fast Play lottery game tickets ("Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1668 MONOPOLY™ Own It All (\$50) Instant lottery game tickets and PA-5222 MONOPOLY™ Free Parking Progressive (\$10) Fast Play lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.PAiLottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.pailottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(7) Only one claimant per entry is allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one ADVANCE TO GO™ Second-Chance Drawing for from among all qualifying Instant and Fast Play lottery game qualifying tickets. All time references are Eastern Prevailing Time.

(2) The entry period for qualifying PA-1668 MONOPOLY™ Own It All Instant lottery game tickets will begin after 11:59:59 p.m. December 25, 2023 and will end at 11:59:59 p.m. February 29, 2024. The entry period for qualifying PA-5222 MONOPOLY™ Free Parking Progressive Fast Play lottery game tickets will begin after 4:59:59 a.m. January 2, 2024 and will end at 11:59:59 p.m. February 29, 2024. All entries received during the entry periods will be entered into the Drawing tentatively scheduled to be held between March 4, 2024 and March 15, 2024.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corre-

sponding number of entries for the Qualifying Ticket is as follows: PA-1668 MONOPOLY™ Own It All (\$50) = 50 entries; and PA-5222 MONOPOLY™ Free Parking Progressive (\$10) = ten entries.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$200,000, less required income tax withholding.

(ii) The second through the fifty-first entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), Hasbro, Inc., Scientific Games, LLC and MDI Entertainment, LLC, (collectively "SG") and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of

residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within one (1) year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the

winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *"PROGRESSIVE TOP PRIZE" restrictions:*

(a) An amount of \$0.60 from the sale of each MONOPOLY™ Free Parking Progressive ticket will be accumulated in the "PROGRESSIVE TOP PRIZE" pool.

(b) *Prize Amount:* The amount of the "PROGRESSIVE TOP PRIZE" at the time a ticket is purchased can only be verified through the Lottery's Central Computer System. Any advertisement or any materials describing the amount of the "PROGRESSIVE TOP PRIZE" are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the MONOPOLY™ Free Parking Progressive game, this notice and the data contained in the Lottery's Central Computer System shall govern.

(c) The "PROGRESSIVE TOP PRIZE" and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a "PROGRESSIVE TOP PRIZE" being reset without the actual sale of a "PROGRESSIVE TOP PRIZE" winning ticket, all prize money that had accumulated into the "PROGRESSIVE TOP PRIZE" pool (i.e., \$0.60 from the sale of each ticket) shall be awarded as part of the next "PROGRESSIVE TOP PRIZE" won.

(d) Prizes payable to "PROGRESSIVE TOP PRIZE" winners will be paid as a one-time cash payment. For the purposes of calculation of the prize to be paid to "PROGRESSIVE TOP PRIZE" winners, the "PROGRESSIVE TOP PRIZE" amount will be rounded up to the nearest \$0.50.

17. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play MONOPOLY™ Free Parking Progressive lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in inter-

pretation of this notice are final and binding on players and persons making a claim in respect thereof.

18. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

19. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play MONOPOLY™ Free Parking Progressive lottery game tickets.

20. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

21. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote MONOPOLY™ Free Parking Progressive or through normal communications methods.

22. *Applicability:* This notice applies only to the MONOPOLY™ Free Parking Progressive lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1806. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Struck by Cupid Fast Play Game 5225

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Struck by Cupid ("Struck by Cupid"). The game number is PA-5225.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *CUPID CASH:* The area at the bottom of a Struck by Cupid game ticket containing five play symbols that, when three matching prize amounts appear automatically award the player the matching prize amount and when a Cupid Arrow (CPDRW) symbol appears awards the player all four prize amounts shown in the "CUPID CASH" area. "CUPID CASH" is played separately.

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *Play:* A chance to participate in a particular Fast Play lottery game.

(h) *Play Area:* The area on a ticket which contains one or more play symbols.

(i) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize:* A non-monetary item, money or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING NUMBERS:* The number symbols found in the play area that, when matched against the number symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(l) *Winning ticket:* A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS:* The number symbols found in the play area that, when matched against the number symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price:* The price of a Struck by Cupid ticket is \$1.

4. *Description of the Struck by Cupid Fast Play lottery game:*

(a) The Struck by Cupid lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined and the player does not have the ability to select their own play symbols. Struck by Cupid tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an autho-

rized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Struck by Cupid is played by matching any of the number symbols located in the "YOUR NUMBERS" area to any of the number symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" number symbol. A bet slip is not used to play this game.

(c) Struck by Cupid tickets contain a "CUPID CASH" area. Whenever three matching prize amounts appear in the "CUPID CASH" area, the player wins that amount. When a Cupid Arrow (CPDRW) symbol appears in the "CUPID CASH" area, the player wins all four prize amounts in the "CUPID CASH" area. "CUPID CASH" is played separately.

(d) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(e) Struck by Cupid tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Struck by Cupid ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Struck by Cupid ticket and select the Struck by Cupid option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Struck by Cupid ticket characteristics:*

(a) Struck by Cupid tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* Struck by Cupid tickets will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area and one "CUPID CASH" area. The "CUPID CASH" area is played separately. The play symbols and their captions located in the "WINNING NUMBERS" and the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbol and prize amounts and their captions located in the "CUPID CASH" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and a Cupid Arrow (CPDRW) symbol.

(c) *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE TICKET (FREE TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$1,400 (FRTNHUN).

(d) *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$400 and \$1,400. A player can win up to ten times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 840,000 tickets will be available for sale for the Struck by Cupid lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Perfect Match Second-Chance Drawing for which non-winning Struck by Cupid lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All Struck by Cupid prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" number symbols match any of the "WINNING NUMBERS" number symbols and a prize symbol of \$1,400 (FRTNHUN) appears in the "Prize" area under the matching "YOUR NUMBERS" number symbol, on a single ticket, shall be entitled to a prize of \$1,400.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" number symbols match any of the "WINNING NUMBERS" number symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" number symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which a Cupid Arrow (CPDRW) symbol, two prize amounts of \$50⁰⁰ (FIFTY) and two prize amounts of \$20⁰⁰ (TWENTY) appear in the "CUPID CASH" area, on a single ticket, shall be entitled to a prize of \$140.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" number symbols match any of the "WINNING NUMBERS" number symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" number symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which three matching prize amounts of \$100 (ONE HUN) appear in the "CUPID CASH" area, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which a Cupid Arrow (CPDRW) symbol, two prize amounts of \$20⁰⁰ (TWENTY), one prize amount of \$50⁰⁰ (FIFTY) and one prize amount of \$10⁰⁰ (TEN DOL) appear in the "CUPID CASH" area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" number symbols match any of the "WINNING NUMBERS" number symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" number symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which three matching prize amounts of \$50⁰⁰ (FIFTY) appear in the "CUPID CASH" area, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which a Cupid Arrow (CPDRW) symbol, two prize amounts of \$20⁰⁰ (TWENTY) and two prize amounts of \$5⁰⁰ (FIV DOL) appear in the "CUPID CASH" area, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which a Cupid Arrow (CPDRW) symbol, two prize amounts of \$10⁰⁰ (TEN DOL), one prize amount of \$4⁰⁰ (FOR DOL) and one prize amount of \$1⁰⁰ (ONE DOL) appear in the "CUPID CASH" area, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$20.00 (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which three matching prize amounts of \$20.00 (TWENTY) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which a Cupid Arrow (CPDRW) symbol, two prize amounts of \$4.00 (FOR DOL), one prize amount of \$10.00 (TEN DOL) and one prize amount of \$2.00 (TWO DOL) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which a Cupid Arrow (CPDRW) symbol two prize amounts of \$5.00 (FIV DOL) and two prize amounts of \$4.00 (FOR DOL) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$18.

(p) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$10.00 (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which three matching prize amounts of \$10.00 (TEN DOL) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which a Cupid Arrow (CPDRW) symbol two prize amounts of \$4.00 (FOR DOL) and two prize amounts of \$1.00 (ONE DOL) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which a Cupid Arrow (CPDRW) symbol, two prize amounts of \$2.00 (TWO DOL) and two prize amounts of \$1.00 (ONE DOL) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$5.00 (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” number symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which three matching prize amounts of \$5.00 (FIV DOL) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$4.00 (FOR DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets upon which three matching prize amounts of \$4.00 (FOR DOL) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$4.

(x) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$2.00 (TWO DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets upon which three matching prize amounts of \$2.00 (TWO DOL) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$2.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of \$1.00 (ONE DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(aa) Holders of tickets upon which three matching prize amounts of \$1.00 (ONE DOL) appear in the “CUPID CASH” area, on a single ticket, shall be entitled to a prize of \$1.

(bb) Holders of tickets upon which any of the “YOUR NUMBERS” number symbols match any of the “WINNING NUMBERS” number symbols and a prize symbol of FREE TICKET (FREE TICKET) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Struck by Cupid Fast Play Game Ticket.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“CUPID CASH”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 840,000 Tickets:</i>
FREE TICKET		FREE \$1 TICKET	10	84,000
	3—\$1s	\$1	33.33	25,200
\$1		\$1	50	16,800
\$1 × 2		\$2	100	8,400
\$1	3—\$1s	\$2	100	8,400
	3—\$2s	\$2	71.43	11,760
\$2		\$2	1,000	840

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<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"CUPID CASH":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 840,000 Tickets:</i>
\$2 × 2		\$4	1,000	840
\$2	3—\$2s	\$4	83.33	10,080
	3—\$4s	\$4	83.33	10,080
\$4		\$4	1,000	840
(\$2 × 2) + \$1		\$5	10,000	84
\$4 + \$1		\$5	10,000	84
\$1	3—\$4s	\$5	243.9	3,444
	3—\$5s	\$5	250	3,360
\$5		\$5	10,000	84
\$4	CUPID ARROW w/ ((\$2 × 2) + (\$1 × 2))	\$10	526.32	1,596
	CUPID ARROW w/ ((\$4 × 2) + (\$1 × 2))	\$10	526.32	1,596
\$5 × 2		\$10	10,000	84
(\$2 × 3) + (\$1 × 3)	3—\$1s	\$10	2,000	420
\$4 × 2	3—\$2s	\$10	2,000	420
\$5	3—\$5s	\$10	2,000	420
	3—\$10s	\$10	2,500	336
\$10		\$10	10,000	84
\$1 × 2	CUPID ARROW w/ ((\$5 × 2) + (\$4 × 2))	\$20	1,200	700
	CUPID ARROW w/ ((\$4 × 2) + \$10 + \$2)	\$20	1,200	700
\$10 × 2		\$20	4,000	210
(\$4 × 3) + (\$1 × 3)	3—\$5s	\$20	2,000	420
\$5 × 3	3—\$5s	\$20	2,000	420
\$10	3—\$10s	\$20	2,000	420
	3—\$20s	\$20	2,000	420
\$20		\$20	2,400	350
\$20 + \$5	CUPID ARROW w/ ((\$10 × 2) + \$4 + \$1)	\$50	2,000	420
	CUPID ARROW w/ ((\$20 × 2) + (\$5 × 2))	\$50	2,000	420
(\$20 × 2) + \$10		\$50	12,000	70
(\$10 × 2) + (\$5 × 4)	3—\$10s	\$50	6,000	140
\$10 × 3	3—\$20s	\$50	6,000	140
	3—\$50s	\$50	6,000	140
\$50		\$50	12,000	70
	CUPID ARROW w/ ((\$20 × 2) + \$50 + \$10)	\$100	12,000	70
\$50 × 2		\$100	30,000	28
(\$10 × 2) + (\$4 × 2) + \$50 + \$2	3—\$20s	\$100	24,000	35
(\$20 × 2) + \$10	3—\$50s	\$100	24,000	35

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"CUPID CASH":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 840,000 Tickets:</i>
	3—\$100s	\$100	24,000	35
\$100		\$100	30,000	28
$(\$100 \times 2) + (\$20 \times 2) + (\$10 \times 2)$	CUPID ARROW w/ $((\$50 \times 2) + (\$20 \times 2))$	\$400	60,000	14
\$400		\$400	120,000	7
\$1,400		\$1,400	210,000	4

CUPID CASH: Match 3 like amounts, win that amount. When a "CUPID ARROW" (CPDRW) symbol appears, win the 4 prizes shown below! CUPID CASH is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's Perfect Match Second-Chance Drawing for qualifying Fast Play lottery game tickets ("Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5223 Lava You Lots (\$5), PA-5224 Love is Sweet (\$2) and PA-5225 Struck by Cupid (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.PAiLottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.PAiLottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may

be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(7) Only one claimant per entry allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Perfect Match Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 4:59:59 a.m. January 2, 2024, through 11:59:59 p.m. February 15, 2024, will be entered into the Drawing tentatively scheduled to be held between February 20, 2024 and March 4, 2024.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5223 Lava You Lots (\$5) = five entries, PA-5224 Love is Sweet (\$2) = two entries and PA-5225 Struck by Cupid (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first through the fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(ii) The fifth through the fourteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(iii) The fifteenth through the sixty-fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure. Entries not received for any other reason will not be considered entries.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto

for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Struck by Cupid lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Struck by Cupid lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Struck by Cupid or through normal communications methods.

21. *Applicability*: This notice applies only to the Struck by Cupid lottery game announced in this notice

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1807. Filed for public inspection December 29, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Realty Transfer Tax; 2022 Common Level Ratio; Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2022. These factors are the mathematical reciprocals of the actual common level ratio (CLR). For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2023, to June 30, 2024. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>CLR Factor</i>
Adams	1.19
Allegheny	1.83
Armstrong	2.20
Beaver ¹	6.80 ^a
Beaver ¹	1.00 ^b
Bedford	1.58
Berks	2.51
Blair	1.10
Bradford	4.78
Bucks	14.93
Butler	15.38
Cambria	6.99
Cameron	4.95
Carbon	4.81
Centre	5.41
Chester	2.78
Clarion	3.89
Clearfield	7.52
Clinton	1.71
Columbia	6.25
Crawford	5.24
Cumberland	1.24
Dauphin	2.15
Delaware	1.52
Elk	4.55
Erie	1.58
Fayette	2.04

<i>County</i>	<i>CLR Factor</i>
Forest	6.25
Franklin	11.63
Fulton	4.35
Greene	2.58
Huntingdon	7.19
Indiana	1.11
Jefferson	3.92
Juniata	9.90
Lackawanna	14.71
Lancaster	1.66
Lawrence	1.86
Lebanon	1.59
Lehigh	1.76
Luzerne	1.44
Lycoming	1.95
McKean	1.74
Mercer	7.69
Mifflin	3.91
Monroe	1.78
Montgomery	2.82
Montour	1.98
Northampton	5.15
Northumberland	9.17
Perry	1.51
Philadelphia	1.00
Pike	9.62
Potter	5.56
Schuylkill	4.37
Snyder	9.52
Somerset	4.74
Sullivan	1.96
Susquehanna	5.10
Tioga ²	2.12 ^a
Tioga ²	1.00 ^b
Union	1.92
Venango	1.74
Warren	5.88
Washington	1.33
Wayne	1.00
Westmoreland	10.00
Wyoming	7.46
York	1.76

⁽¹⁾ Adjusted by the Department of Revenue (Department) to reflect an assessment base change effective January 1, 2024.

^(a) The previous assessed value and CLR of 6.80 applies to documents accepted from July 1, 2023, to December 31, 2023.

^(b) The new assessed value and CLR of 1.00 applies to

documents accepted from January 1, 2024, to June 30, 2024.

(2) Adjusted by the Department to reflect an assessment base change effective January 1, 2024.

(a) The previous assessed value and CLRF of 2.12 applies to documents accepted from July 1, 2023, to December 31, 2023.

(b) The new assessed value and CLRF of 1.00 applies to documents accepted from January 1, 2024, to June 30, 2024.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1808. Filed for public inspection December 29, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Exemptions to Allow for the Continued Stocking of Class A Stream Sections

The Fish and Boat Commission (Commission) intends to consider at its meeting on January 22, 2024, whether to allow trout stocking to continue on the Class A wild trout stream listed as follows. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), the Executive Director will obtain approval of the Commission prior to granting permission to stock a Class A wild trout stream under 58 Pa. Code § 71.4 (relating to stocking of designated waters) which will be replaced by § 71a.8 (relating to stocking of designated waters) effective January 1, 2024. See 53 Pa.B. 5914 (September 23, 2023).

On September 30, 2014 (effective January 1, 2015), the Statement of Policy at 58 Pa. Code § 57.8a was amended to require the Executive Director to obtain approval from the Commission prior to granting permission to stock a Class A wild trout stream section. Following the update to 58 Pa. Code § 57.8a, Commission staff developed internal decision-making criteria to allow continued Commission stocking of a limited number of Class A wild trout stream sections. Subsequently, 13 stream sections that support strong Class A wild brown trout populations were officially designated as Class A wild trout streams during the 2015–2017 timeframe following updated wild trout surveys and stocking was continued. Stream sections where stocking was continued are heavily fished waters, most located in high-density human population centers, of a size and character that can support a fishery featuring both stocked and wild trout components.

Historically, there have been very few streams where stocking of trout following Class A designation was considered and warranted. However, there are rare cases, beyond the current 13 stocked Class A wild trout stream sections, where a stocking exemption should be considered. To account for these rare circumstances, Commission staff developed additional decision-making criteria to consider internal and external requests for continued stocking of newly designated Class A wild trout streams. These criteria provide Commission staff direction to guide decisions when unusual situations arise but do not automatically result in continued stocking when criteria are met, as most Class A stream sections are best managed solely for wild trout with no stocking. They offer a mechanism for transparent, timely and consistent consideration of requests to continue the stocking of newly designated Class A wild trout streams. These criteria,

listed as follows, are detailed in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters, 5th Edition* available at www.fishandboat.com.

1. Pre-existing youth fishing derbies and special use areas that were properly permitted by the Commission and have a history of more than one past occurrence.

2. Pre-existing private stockings on private property on recently designated (that is, within 1 year of posting in the *Pennsylvania Bulletin*) Class A stream sections that have been closed to public angling at the time of Class A designation and at least since 2010. Historic stockings need to be verifiable by documentation, stocking records and have a history of more than one past occurrence.

3. Stream sections stocked by the Commission, a cooperative nursery, or a private group, or both, or individual the year prior to Class A designation, have a history of more than one past occurrence, and meet the following subcriteria.

a) The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

b) Angler use (anglers/mile of stream) in the stream section equals or exceeds the Statewide 50th percentile of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under 58 Pa. Code Chapter 65 (relating to special fishing regulations) that was stocked by the Commission the year immediately prior to its designation as a Class A wild trout stream.

c) The trout species to be stocked are not the same species as the primary component of the wild trout population.

d) The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.

e) Stream sections where a component of the wild trout population is comprised of wild brook trout will not be considered for stocking.

f) Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Commission.

4. Previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking of a Class A wild trout stream section. If the exemption was time-limited and not renewed before expiration, it will be considered a new request and a determination will be made according to other exemption criteria.

Exemptions to the prohibition of stocking hatchery trout into Class A wild trout stream sections will be granted only under rare circumstances. Consideration is only given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*. However, entities that previously received an exemption or a Special Activities Permit from the Commission between 2010 and the effective date (April 3, 2021) of the amendment to the statement of policy at 58 Pa. Code § 57.8a adopted at the January 2021 quarterly Commission meeting and published at 51 Pa.B. 1828 (April 3, 2021) will be eligible for consideration.

Should an exemption be granted, the Commission will determine the species of trout, number of trout and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to

minimize impacts to the Class A wild trout population. Stocking provisions will be communicated in writing by the Commission to the entity receiving the exemption for continued stocking on Class A designated waters. Stocking exemptions will be valid for no more than 5 years at which time the need for continuance may be evaluated.

Commission staff have identified one potential exemption to 58 Pa. Code § 57.8a that meets the criteria to consider the continuance of trout stocking at one Class A stream section. The general exemption classification, stream name, stream section and county are listed as follows.

Other matters

- Proposed exemptions to 58 Pa. Code § 57.8a to allow for the continued stocking of trout at Big Moores Run, Section 03, Potter County.

Persons with comments, objections or suggestions concerning the classification of the stream listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, prior to the January 22, 2024, Commission meeting. Comments submitted by facsimile will not be accepted.

Comments may also be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Editor's Note: See 53 Pa.B. 8037 (December 23, 2023) for a notice referencing this notice.

[Pa.B. Doc. No. 23-1809. Filed for public inspection December 29, 2023, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled Council meetings on January 4, 2024, and March 7, 2024, at 10 a.m., and Payment Data Advisory Group meetings on January 23, 2024, February 13, 2024, and March 14, 2024, at 10 a.m. Agendas will be available 24 hours in advance at <https://www.phc4.org/about-the-council/council-meetings/>.

The public is invited to participate. Contact rgreenawalt@phc4.org at least 24 hours in advance for participation instructions.

BARRY BUCKINGHAM,
Executive Director

[Pa.B. Doc. No. 23-1810. Filed for public inspection December 29, 2023, 9:00 a.m.]

HOUSING FINANCE AGENCY

2024 Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund Plan; Draft

The Pennsylvania Housing Affordability and Rehabilitation Enhancement (PHARE) Fund was established by the act of November 23, 2010 (P.L. 1035, No. 105) (Act 105) to

provide the mechanism by which certain allocated State or Federal funds, as well as funds from other outside sources, would be used to assist with the creation, rehabilitation and support of affordable housing throughout this Commonwealth.

Act 105 outlines specific requirements that include preferences, considerations, match funding options and obligations to utilize a percentage of the funds to assist households below 50% of the median area income. Act 105 provides a broad canvas regarding the types of programs and the specific uses of any funding to allow flexibility in working with other State and Federal acts and programs.

For Program Year 2022-2023, the PHARE Fund includes funds available through Marcellus Shale (Act 13 of 2012), the Realty Transfer Tax (RTT) (Act 58 of 2015) and the National Housing Trust Fund (HTF), authorized by the Housing and Economic Recovery Act of 2008 (Pub.L. No. 110-289).

As additional PHARE funding sources become available, the Housing Finance Agency (Agency) will administer them in accordance with this plan and without the need for additional notices or amendments.

This plan includes the following general sections: principles of PHARE, elements of the plan, application requirements and timeline. Thereafter, the plan includes specific information and program requirements relating to each of the Marcellus Shale (Act 13 of 2012) funds, the RTT funds and the HTF funds.

Principles of PHARE

In accordance with Act 105, the moneys will be used to address significant and persistent housing needs in communities with the following additional criteria:

1) *Maximize resource leveraging*—To the greatest extent possible, the resources allocated will be used as leverage for other public and private resources. Additionally, local nonfinancial assets should be identified and leveraged where possible—including transportation, schools, recreation, employment, health, community and economic development support and other amenities.

• *Maintenance of Effort/Resource Coordination*—The Agency is seeking to ensure that PHARE applicants, where practical and relevant, are utilizing all other available sources of funding (Community Development Block Grant, HOME Community Services Block Grant, AHP, Emergency Solutions Grant, Continuum of Care, Housing of Urban Development (HUD), Neighborhood Assistance Program, Keystone Communities and the like). The Agency will review applications with an emphasis on ensuring maximum leveraging of other available resources. PHARE funds are not intended to substitute for, or supplant, other currently available sources of program/project funding. This provision is primarily intended to address local municipal or county-based real estate development projects where other Federal/non-Federal sources of funding may be applicable. Multicounty, regional or Statewide proposals addressing critical housing needs are still encouraged to apply.

2) *Affordability*—The Agency encourages applicants to address the issue of long-term affordability based on the local housing market conditions. To the greatest extent possible, programs and projects will be designed in ways to both maintain the investment made in the housing stock and to continue affordability after initial assistance. This could include revolving loan programs, shared equity homeownership and other strategies for addressing this objective.

3) *Address greatest need*—PHARE funds will be allocated in communities where the greatest housing needs are identified based on studies and assessments, interviews, real estate price factors, housing stock analysis and market studies. The limited resources available will be used to meet the most significant and pressing housing needs or to address longer term housing needs.

Funding Priority: Proposals that: 1.) Assist with the rehabilitation of blighted, abandoned or otherwise at-risk housing and the reuse of vacant land where housing was once located; 2.) Provide funding for owner-occupied rehabilitation, first time homebuyers and rental assistance; or 3.) Address ongoing needs for homeless families and individuals including veterans.

4) *Foster partnerships*—The funds will be used to maximize sustainable partnerships that will be committed to addressing the housing needs in these communities over a significant period of time. While the funds are to be used to directly support housing to meet community needs, the projects will also help establish capacity to address those needs over the long term.

Funding Priority: Proposals that incorporate whole person care including health care or social service entities, or both, offering additional holistic services to respond to the needs of residents within the community where the project or program is located.

5) *Effective and efficient implementation*—Ensure that the resources are used effectively and efficiently to meet the housing needs. Given the expected demand for many types of housing will greatly exceed the program funds available, it is critical that the Agency dollars are used to maximize housing investments efficiently and effectively.

Funding Priority: Proposals that assist residents with the greatest need in that region and can document highly effective strategies to address unmet needs.

6) *Equitable and transparent allocation of funds*—Support activities that address systemic barriers and promote access to equitable and inclusive housing in well-resourced communities. The Agency will provide an annual report on the use of PHARE funds in accordance with legislative requirements.

Funding Priority: Proposals that decrease concentrated poverty, economic or racial segregation, address historic disparities in housing and improve living conditions for protected classes and marginalized populations.

7) *Emergency response to critical needs*—Providing immediate and necessary funding to address an emergent crisis, emergency housing needs or other unanticipated issues that may arise over the course of the year. The PHARE funds could be rapidly deployed to address these significant, unmet and emergency housing needs in this Commonwealth as determined by the Agency.

Elements of the Plan

Analysis of need—One of the most critical components of the plan is to continually assess housing needs throughout this Commonwealth. From both a quantitative and qualitative perspective the requirement to have accurate, reliable data from which funding decisions can be made is imperative.

It is important to recognize that this data will need to be municipality-specific to capture the unique and likely different housing needs in the various communities. In addition, the housing/real estate markets are diverse across communities and the analysis of need will require

an understanding (qualitative and quantitative) of individual markets to make appropriate resource allocation decisions.

Building upon analysis already undertaken by the Agency and the Commonwealth, additional analysis may be performed to assess specific housing issues to identify housing needs (individuals with special needs, elderly, larger households, physical disabilities, homeless and the like) to appropriately target PHARE Fund resources to those in greatest need of housing. In addition to multiple types of housing analysis, the Agency will consider different income levels, nature of housing stock and the housing needs of those across a broad spectrum (homeless, near homeless, very low income, low income, temporary and seasonal workers, and permanent work force and the like).

Understanding of real estate market dynamics—The plan for the utilization of these resources has been developed to address and continuously reevaluate the specific housing real estate markets in each community. The housing and real estate development “capacity” will also have significant impact on the ability of these funds to be used effectively and efficiently to meet the needs of the communities.

There will be need for ongoing analysis of capacity (private, nonprofit and public) as part of the plan. Some communities may not have had a significant housing market in decades while in others there may be a robust market addressing a significant portion of housing needs. The plan will help determine where additional housing development may be necessary or where other strategies may be implemented for meeting the housing needs in those communities.

Allocation and use—The funding vehicle’s allocation process, created by the plan, must also be supportive of and responsive to the needs of the housing and real estate development market to foster and coordinate local housing plans and resources. Funds may be used to support predevelopment, site acquisition and infrastructure development, planning and preconstruction activity in addition to direct support of development and operation of projects and housing programs including employee assisted housing programs. Funds may be provided in various forms designed to best support the activity including grants; market rate, amortizing, balloon, bridge or soft loans; capital contributions; capital financing subsidy support; operating and supportive service reserve funding; and rental or homeowner assistance. Funds may be specifically allocated to address timing issues presented in the development of affordable housing projects, for example, when other financing is available, construction season, local zoning or other approvals. Funds may also be directed for administration by the Agency for certain projects approved for low income housing tax credits or other Agency resources. Preliminary allocations may be made for projects/programs awaiting approval of additional resources.

Funds will have expenditure deadlines and approved programs/projects must begin within 2 years of funding award. Additional requirements for application submission will be outlined in the annual Request for Proposal (RFP).

High quality design and construction—A vital element of the plan will be the development of housing that is both of good quality design and construction and will be sustainable over a long period of time.

The opportunity to meet the growing housing needs in these communities will necessitate that this housing be

available as an asset for the community for many generations. To meet this objective the Agency requires that projects, funded with these resources, meet the highest design and construction quality standards available and that all projects ensure sustainability to the long term (both financial and physical). Funds may be specifically allocated to support green and renewable energy sources and as leverage to consumer programs available through utility companies or other business partners.

PHARE Application Process

The elements of the application and allocation process include:

- Adoption of “plan” for managing the anticipated PHARE funds by the Agency each year.
- The Agency will establish an annual application process that will allow the Agency to address local housing needs.
 - The Agency may amend the plan, application and the allocation process at any time, upon written publication of such amendments.
- Announcement of application and possible training/information session concerning the elements of the application.
- Applications accepted and reviewed by the Agency staff based on the application and plan requirements.
- As part of the RFP process, the Agency will require that all applicants target a minimum of 30% of their awarded PHARE funds to support households with incomes below 50% of median area income.
 - Project recommendations reviewed by the Agency.
 - Announcement of preliminary funding approval.

The Agency may allocate existing funds, or funds that may become available, at any time outside of the application cycle but consistent with the principles, goals and elements of this plan.

Applicants are expected to satisfy the affordability requirements of the PHARE program and commit to a long-term sustainable program to maintain affordability (which may be documented with restrictive covenants or other program documents). Successful applicants must abide by all applicable Commonwealth laws relating to public sources of funds (fair housing, accessibility, wage rates, labor standards, and the like).

Timeline

The Agency will align the application and funding timelines of its programs that support multifamily affordable rental housing—tax credits, PennHOMES and PHARE (Marcellus Shale, RTT and HTF)—to strategically and efficiently allocate these resources.

The following is the proposed timeline for 2023 program administration:

PHARE Plan—Draft	December 2023
PHARE Plan—Final	February 2024
PHARE RFP—Issued	September 2024
PHARE Applications Due	November 2024
PHARE Funding Awards Announced	June/July 2025

Monitoring and Compliance

The Agency monitors the use of all awarded PHARE funds and provides technical assistance to grantees throughout the application, funding, grant implementa-

tion and closeout process. The Agency team reviews semiannual reports—submitted by all grantees twice per year, at the ends of January and July—to ensure grantee compliance with contract requirements and ensure the anticipated outcomes and local housing impact of their funded initiatives are in line with the grantees’ approved use of funds.

Grantees are required to meet all PHARE funding requirements and report on the following data for each awarded grant.

- Total amount of PHARE funds expended.
- Number of households served/impacted.
- Amount and percentage of funds used to benefit households below 50% of median area income.
- Amount and percentage of funds used to benefit households below 30% of median area income.
- Household income of each individual households assisted.
- Amount of funds used to assist each impacted household.
- Amount of administrative funds expended (capped at 5% of the total awarded funds).
- Sources and amounts of all matching/leveraged funds.
- Amount of funds used to remove barriers and support fair housing.

Grantees are also being asked to provide voluntary demographic information on the types of households benefitting from the use of PHARE funds. Organizations will provide data on the following household classifications.

- Military/Veterans status.
- Persons with disabilities.
- Race and ethnicity.

PHARE staff maintain constant contact with grantees until all funds are expended, all households are served or newly created or rehabbed housing units are housed and the final closeout report is submitted and approved for compliance. The Agency is in regular communication with grantees to provide technical assistance as needed to ensure grantees understand and comply with reporting requirements during all aspects of the grant period.

Organizations are advised to contact the Agency as soon as possible if their grant needs to be modified due to staff capacity/workforce issues or if there are any changes in economic conditions or local housing needs at any point during the grant term.

PHARE/Marcellus Shale Impact Fee (Act 13 of 2012)

Purpose and Priorities for Funding

The Marcellus Shale Impact Fee (Act 13 of 2012) provides the funding mechanism to address the housing needs in impacted counties/communities of the Marcellus Shale region. Fifty percent of the awarded funds must be spent in fifth through eighth class counties.

The Marcellus Shale Impact Fee legislation (Impact Fee Act) specifically allocates certain amounts from the impact fee into the PHARE Fund to address the following needs, including:

1. Support for projects that increase the availability of affordable housing for low-income and moderate-income individuals and families, persons with disabilities and

elderly people in counties where unconventional gas wells have been drilled (regardless of production levels).

2. Provide rental assistance, in counties where unconventional gas wells have been drilled, for individuals or families whose household income does not exceed the area median income.

3. Specifies that no less than 50% of the funds are to be used in fifth, sixth, seventh and eighth class counties.

Direct Allocation—The PHARE Fund will receive a direct yearly allocation from the portion of funds set aside for local distribution. The direct allocation is as follows: \$5.0 million each fiscal year beginning in 2013 and thereafter.

Windfall/Spillover Funds—Additional funds may become available because the Impact Fee Act limits amounts allocated to qualifying municipalities (as defined in the Impact Fee Act) and provides that any money remaining, after all allocations have been made to qualified municipalities, would also be deposited into the PHARE Fund.

Agency proposals that exhibit readiness for implementation and which include significant leveraging of funds from public/private funding sources will be prioritized. It is likely that the funds in this program will not be sufficient to meet all the housing needs and mitigate every housing impact created by the shale gas development; therefore, investment decisions will target the limited funds to projects that meet the principles previously outlined and most comprehensively address the elements of the plan.

Where possible, these funds will be targeted and stay focused on mitigating the very specific housing impacts created by the shale development in the impacted and designated communities. This element will likely result in the determination that while there may be worthy housing projects that could be funded with these resources, the focus of development will be on most comprehensively addressing the direct and tangible housing impacts. Priority may be given to target resources in tandem with approved county housing trust fund plans or plans for the utilization of local share impact fee funds, or both.

Eligible Applicants

Applicants eligible to receive PHARE/Marcellus Shale funds include counties that have adopted impact fees as well as municipalities who have further contributed to PHARE by means of windfall/spill over funds from the impact fee. While only eligible applicants may apply, nonprofit and for-profit organizations may be part of the application process.

Counties and municipalities may also delegate the role of “applicant” to a nonprofit or for-profit organization for purposes of the application. In the case where a county or municipality has designated another organization, agency or department to apply on their behalf, documentation identifying such must be included in the application.

There are many diverse interests that are concerned about the anticipated housing impact and therefore how these resources will be allocated to address the need. To the greatest extent possible opportunities will be created for relevant and legitimate stakeholders to comment and advise the plan. This element will need to be managed for practicality and efficiency to maximize input.

Funding Priorities:

- Proposals which include a process where members of the community and other stakeholders may provide input on the application prior to submission.

- Proposals which include Optional Affordable Housing funds (Act 137 of 1989) or local share portions of the impact fee, or both.

The Agency also requests that applicants include information on how the county is using local shares of public resources, including local Act 13 of 2012 funds and Act 137 of 1989 (county-based housing trust fund) moneys, to address housing needs in the community.

Preliminary approval and funding of applications is contingent upon receipt of funds under Act 13 of 2012.

PHARE/RTT Fund (Act 58 of 2015)

In November 2015, Governor Wolf signed Act 58 of 2015, which, in part, directs certain RTT receipts to the PHARE Fund. This revenue source is available in all 67 counties of this Commonwealth.

Under Act 58 of 2015 (RTT), the Agency’s PHARE program will receive an allocation of funds based on a formula using 2014 year as a base. (The annual amount available for the PHARE program will be equal to the lesser of 40% of the difference between the total dollar amount of the RTT (imposed under section 1102-C of the Tax Reform Code of 1971 (72 P.S. § 8102-C) collected for the prior fiscal year and the total amount of RTT estimated from the fiscal year beginning July 1, 2014.) The PHARE/RTT funds are capped at \$40 million annually.

In 2022, the legislature approved an additional increase to the cap on RTT funds to be allocated to the Agency from the Fiscal Year 2022-2023 budget. Funds allocated to the Agency will be capped at \$60 million beginning with the 2023-2024 PHARE program year.

Purpose and Priorities for Funding

The PHARE/RTT Program will provide funds to projects/programs providing sustainable and comprehensive solutions to address housing and community development needs across this Commonwealth.

These funds will be directed to address clearly articulated needs in communities based on the following priorities.

1. Preservation of the current stock of rental housing or the development/creation of new affordable rental housing to address unmet local need. This includes projects/programs for the elderly in danger of losing their homes and rental assistance to help families remain in their residence.

2. Funding for projects/programs to address ongoing housing needs for reducing homelessness, including specific and targeted vulnerable populations (veterans, people with disabilities, supportive housing for the elderly, re-entry population, families and youth).

3. Funding for comprehensive housing and redevelopment efforts that address blighted and abandoned properties impacting concerted community revitalization efforts, supported by clearly articulated community plans. This could include a variety of housing/redevelopment strategies such as acquisition, demolition, construction, rehabilitation, site remediation and other efforts.

4. Creating new opportunities for affordable homeownership. This may include closing cost/ down payment assistance, financial education/counseling or other forms of assistance to potential first-time homebuyers as well as the development/construction of new homes and rehabilitation of existing housing.

5. Other efforts that address unmet housing and community development needs. This could include projects and programs to assist people living in manufactured communities, homeowners to remain in their homes through renovation/mortgage/utilities or other forms of housing services and assistance, addressing environmental conditions such as lead paint abatement, rapid rehousing efforts and emergency temporary housing needs resulting from disasters.

PHARE Funding Categories

The Agency will prioritize funding for proposals targeting at least one of the following housing initiatives (all proposals must fall under one of the seven funding categories):

- *4% Tax Credit Projects*—Projects submitted must include a minimum of 50 units. Projects with greater than 75 units will be prioritized for funding.

*The Agency anticipates a commitment of up to \$10 million to support 4% tax credit developments.

- *Preservation/Rehabilitation/Renewal*—Rehabilitation of existing housing stock, demolition of blighted, at-risk housing and renewal of brownfields or vacant land for green space.

- *Rental Housing Creation*—Development of new and affordable rental units. This may include costs for acquisition, predevelopment, construction or significant rehabilitation, or both, and demolition where the development of affordable housing is the end goal.

- *Homelessness Prevention*—Address ongoing needs for individuals and families at risk for homelessness, including (but not limited to) rapid rehousing, rent/utility/transportation assistance, landlord outreach, case management and short-term emergency shelter care.

- Increase the availability of integrated housing opportunities, supportive services and resources for vulnerable populations such as veterans, the re-entry population, persons dealing with addiction disorders, people with disabilities and at-risk youth.

- *Innovative Housing Solutions*—Piloting unique and creative approaches to addressing unmet housing needs and historic disparities in housing.

- *Health and Housing*—Targeted partnerships with health care providers to support and monitor the success of interventions related to housing determinants of health. Solutions to create new health care referral mechanisms with preference for programs that track and monitor community impacts to show structural system changes that build equity.

- Solutions to create new health care referral mechanisms to show structural community changes. Preference will be given to programs that track and monitor structural community impact.

- *Climate Resiliency*—Adaptive strategies for affordable housing that aim to address and mitigate the growing effects of climate change on housing access and affordability. This may include the use of environmentally conscious housing design and construction and the use of renewable energy sources and sustainable materials.

- *Trauma Informed Housing*—Social or environmental housing design strategies to build social cohesion, de-escalate chaos and stress, and foster resiliency to address the challenges trauma poses to traditional housing models and long-term individual and community success.

- *Homeownership*—Development of additional affordable for-sale housing units, also to include support for down payment and closing cost assistance programs for first-time homebuyers and vulnerable/underrepresented communities.

- *Housing Counseling and Financial Education*—Activities providing various types of housing counseling, including pre and post purchase, financial education, foreclosure prevention and other forms of direct client counseling to assist homeowners or renters.

- *Healthy Housing Investments*—Providing support to new construction and housing rehabilitation activities that include a capital contribution from a partnering health care organization. Participating entities may include hospital systems, health conversion foundation or insurers providing a financial contribution to the project in the form of a grant, loan, debt or the contribution of land or existing structures, or both.

Priorities for Selection

PHARE/RTT awards will be directed to projects and programs based on the following criteria for selection:

- Proposals that show significant leveraging of other funds (local, State and Federal, public and private) to ensure maximum impact.

- Proposals that have all funding committed and can move rapidly to implementation and utilization.

- Proposals that embrace, partner with or are incorporated, or both, into a larger local, county or regional housing development plan.

- Proposals that satisfy local planning/zoning ordinances.

- Proposals that affirmatively further fair housing.

- Proposals that are specifically designed to address a clearly articulated need in a community or specific population.

- Housing activities must be ready to address how PHARE funding will be used to address persistent, historical and significant disparities and inequities that exist by race, class, income, culture and education.

- Proposals that embrace innovative approaches to Statewide housing and community development issues, address underserved and unmet housing needs across this Commonwealth and otherwise meet overall Agency goals for tackling community redevelopment.

- Documented capacity of applicant and ability to proceed with the project/program in a timely manner.

Eligible Applicants

Applicants eligible to receive PHARE/RTT funds include units of local government (counties, cities, boroughs, townships, town and home rule municipalities), nonprofit and for-profit entities, and economic, community and housing developments organizations in all 67 counties of this Commonwealth.

Applicants are expected to satisfy the affordability requirements of the PHARE program and commit to a long-term sustainable program to maintain affordability (which may be documented with restrictive covenants or other program documents). Applicants must abide by prevailing wage labor payment standards where applicable.

Preliminary approval and funding of applications is contingent upon receipt of funds under Act 58 of 2015.

PHARE/HTF

The HTF was enacted as part of the Housing and Economic Recovery Act of 2008 to provide resources to develop, preserve and rehabilitate housing for very low income and extremely low-income households. Funding for the HTF is derived from Fannie Mae and Freddie Mac earnings.

HTF funding will be made available to provide additional financial support to tax credit properties which increase the number of units set aside for extremely low-income tenants. The Agency received approval from the United States Department of HUD of the Commonwealth's HTF Allocation Plan and is awaiting release of funding from HUD. Upon receipt of HUD program documents and release of funding, the Agency will announce the application process in accordance with the HTF Allocation Plan.

A copy of the approved HUD HTF Allocation Plan can be found at <http://www.phfa.org/legislation/act105.aspx>.

Date: December 18, 2023

ROBIN L. WIESSMANN,
Executive Director

[Pa.B. Doc. No. 23-1811. Filed for public inspection December 29, 2023, 9:00 a.m.]

HOUSING FINANCE AGENCY

Homeowner's Emergency Mortgage Assistance Program (HEMAP); Interest Rate for HEMAP Loans Closed in 2024 and Updates to List of Consumer Credit Counseling Agencies for 2024

Interest Rate for HEMAP Loans Closed in 2024

Under section 406-C of the Housing Finance Agency Law (35 P.S. § 1680.406c), the Housing Finance Agency (Agency) is to determine prior to the end of each calendar year the rate of interest for HEMAP loans closed in the next calendar year, which rate is not to exceed the rate of

interest established by the Department of Banking and Securities under section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), referred to as the Loan Interest and Protection Law, and referred to commonly as the Usury Law.

The Agency has determined that the rate of interest for HEMAP loans closed during calendar year 2024 shall be 4.75%.

Attorneys' Fees and Costs Reimbursement Rate for HEMAP Loans Closed in 2024

Under 12 Pa. Code §§ 31.201—31.211 (relating to policy statement on Homeowner's Emergency Mortgage Assistance Program), the Agency shall reimburse lenders for reasonable attorneys' fees and reasonable and necessary costs, which are actually incurred by a mortgagee, in beginning or pursuing an action of mortgage foreclosure and which meet the requirements or limitations on the Agency's web site at www.phfa.org. The Agency will reimburse lenders based upon a reasonable hourly rate as may be established by the Agency annually and published by the Agency in the *Pennsylvania Bulletin*.

The Agency has determined the rate of reimbursement of attorneys' fees and costs incurred during the calendar year 2024 shall be \$150 per hour.

Schedule of Updates to the List of Consumer Credit Counseling Agencies for the Year 2024

Under 12 Pa. Code §§ 31.201—31.211, the Agency will annually publish a schedule for updates to the list of consumer credit counseling agencies required to be attached to the uniform Appendix A notice.

Updates to the list of consumer credit counseling agencies shall occur on the following dates: March 31, 2024; June 30, 2024; September 30, 2024; and December 31, 2024.

This notice shall take effect immediately.

ROBIN L. WIESSMANN,
Executive Director

[Pa.B. Doc. No. 23-1812. Filed for public inspection December 29, 2023, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-7031	State Board of Certified Real Estate Appraisers Federally Mandated Revisions	12/13/23	01/25/24

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 23-1813. Filed for public inspection December 29, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

The Prudential Insurance Company of America; Rate Increase Filing for Group LTC Form 83500 COV 5027 (PRUD-133920496); Rate Filing

The Prudential Insurance Company of America is requesting approval to increase the premium 10% on 2,234 policy holders of Prudential Group LTC form 83500 COV 5027, also called the GLTC4 Series.

Unless formal administrative action is taken prior to March 5, 2024, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over the word "Consumers," then select "Other Rate Filings," then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Grant Leonard, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, graleonard@pa.gov within 20 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1814. Filed for public inspection December 29, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Review of Matters Regarding Highmark, Inc., Highmark Health and Allegheny Health Network in Connection with the Insurance Department's Approving Determination and Order Issued on April 29, 2013—Extension of Comment Period (Order No. ID-RC-13-06); Notice 2023-20

Highmark, Inc. (Highmark) has filed a request for modification of the Insurance Department's (Department) Approving Determination and Order dated April 29, 2013, (Order No. ID-RC-13-06) (2013 Order) under Condition 27 of the 2013 Order.

The request for modification was filed with the Department on October 16, 2023, and is available on the Department's web site at www.insurance.pa.gov. Persons wishing to comment on the request, on the grounds of public or private interest, are invited to submit a written statement to the Department. Comments were originally due on or before January 16, 2024. By this notice, the Department is extending the original 45-day comment period announced in Notice 2023-17 for an additional 30 days; all comments are now due on or before February 15, 2024.

Each written statement must include the name, address and telephone number of the interested party; identify "Highmark modification request" as the topic to which the comment is addressed; and provide a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be e-mailed to Kimberly Sheaffer at kimsheaffe@pa.gov.

Comments received will be part of the public record regarding this filing and will be made available on the

Department's web site. Additionally, copies of the comments received will be forwarded to Highmark for appropriate response. Highmark's responses will also be made available on the Department's web site.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1815. Filed for public inspection December 29, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Jason Todd Young; Consent Order; Doc. No. CO21-02-007

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 11, 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 9, 2024. A hearing will occur on January 24, 2024, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before January 3, 2024. 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, shall be electronically filed on or before January 12, 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 should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1816. Filed for public inspection December 29, 2023, 9:00 a.m.]

INTERGOVERNMENTAL COOPERATION AUTHORITY FOR THE CITY OF HARRISBURG

Financial Statement

Under section 207 of the Intergovernmental Cooperation Authorities Act for Cities of the Third Class (53 P.S. § 42207) the Intergovernmental Cooperation Authority for Harrisburg (Authority) is required to publish a "concise financial statement" annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2023, which includes an audit for this period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual

report of the Authority may be obtained from the Authority's web site at www.hbgica.org or from the Authority Manager at (717) 645-5431.

JEFFREY M. STONEHILL,
Authority Manager

**INTERGOVERNMENTAL COOPERATION
 AUTHORITY FOR HARRISBURG CONCISE
 STATEMENT OF CASH RECEIPTS, CASH
 DISBURSEMENTS AND CASH BALANCES AS OF
 AND FOR THE YEAR ENDED JUNE 30, 2023**

Total Cash Receipts	\$ 100,032
Total Cash Disbursements	(82,123)
Excess of Cash Receipts over Cash Disbursements	17,909
Cash—Beginning of Year	116,999
Cash—End of Year	\$ 134,908

[Pa.B. Doc. No. 23-1817. Filed for public inspection December 29, 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 15, 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 15, 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.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2023-3044888. Allegheny Black Car Service, LLC (264 Mingo Road, Wexford, Allegheny County, PA 15090) to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Pennsylvania; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* John A. Pillar, Esquire, 150 Green Commons Drive, Pittsburgh, PA 15243.

Application of the following for the approval of the *transfer of stock as described under the application.*

A-2023-3044808. Super Cab, Inc. (28 East Cumberland Street, Lebanon, Lebanon County, PA 17042) a corporation of this Commonwealth for the approval of the transfer of 1,000 shares of issued stock, from Kenneth Miller, III (200 shares), M. Jacquelyn Miller (600 shares), Kenneth Miller (100 shares) and Kaylee R. Miller (100 shares), to James Halkias (1,000 shares). *Attorney:* Craig A. Doll, Esquire, P.O. Box 403, Hummelstown, PA 17036.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1818. Filed for public inspection December 29, 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 15, 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. Extreme Health Care Services, LLC and Lamont Palmer;
 Doc. No. C-2023-3042503**

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 Extreme Health Care Services, LLC, Respondent, maintains its principal place of business at 320 Muench Street, York, PA 17402 and Mr. Lamont Palmer, owner, resides at 2011 Clayton Ave, Harrisburg, PA 17109.

2. That Respondent was issued a certificate of public convenience by this Commission on November 26, 2013, at Docket No. A-2013-2344796-3021044, to transport, as a common carrier, by motor vehicle, persons, in paratransit service, from points in the counties of Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York, to points in Pennsylvania, and return.

3. On September 19, 2023, Pa PUC Enforcement Supervisor Timothy Troxell received a complaint regarding a 2013 Ford registered to the Respondent. Supervisor Troxell contacted Mr. Lamont Palmer, owner, informing

him of the complaint and requesting the driver information and trip sheet/log sheet for the date of the alleged incident. Mr. Palmer understood the request and the same request was sent in an email.

4. On October 5, 2023, another phone call was placed to Mr. Palmer requesting the information and Supervisor Troxell was assured that the information would be sent "by the end of the day". No information was provided to Supervisor Troxell.

5. On October 19, 2023, a warning letter was sent to the Respondent's two (2) addresses requesting compliance with Supervisors Troxell's request and the resulting penalty for failure to do so. Supervisor Troxell has confirmed today that he has had no communication or compliance from Mr. Palmer/Extreme Health Care Services, LLC.

6. That Respondent, by failing to provide information to an officer of the PA PUC in furtherance of an investigation, has violated Pa. Code 66 § 505. The penalty for this violation is \$500.00 per day.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Extreme Health Care Services, LLC, the sum of five hundred dollars per day (\$500 per day) 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: November 7, 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. 23-1819. Filed for public inspection December 29, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications Services

A-2023-3041821. Pennsylvania MSA, LLC. Application of Pennsylvania MSA, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of: Armstrong Telephone Company of Pennsylvania; Consolidated Communications of Pennsylvania; Frontier Communications of Pennsylvania, LLC; Frontier Communications—Lakewood, Inc.; Mahanoy & Mahantongo Telephone Company; Palmerton Telephone Company; Pennsylvania Telephone Company; Pymatuning Independent Telephone Company; Sugar Valley Telephone Company; Venus Telephone Corporation; Verizon Pennsylvania, LLC; Verizon North, LLC; The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink; Windstream Buffalo Valley and Windstream Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 16, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Pennsylvania MSA, LLC

Through and By Counsel: Margaret Morris, 7 Cira Centre, 13th Floor, 2929 Arch Street, Philadelphia, PA 19104

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1820. Filed for public inspection December 29, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2023-3044864. C.E. Dunmire and Nancy F. Dunmire. Joint application of C.E. Dunmire and Nancy F. Dunmire for certificates of public convenience evidencing the Pennsylvania Public Utility Commission's (Commission) approval of the transfer by sale of all stock and interest including all tangible and intangible assets of C.E. Dunmire Gas Company, a public utility providing natural gas distribution service in this Commonwealth from Nancy F. Dunmire to L & J Gas Co., approval of certain affiliated interest filings and all other approvals or certificates appropriate, customary or necessary under the Public Utility Code (66 Pa.C.S. §§ 101—3316) to carry out the transactions described in the application.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 15, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Commission's web site at www.puc.pa.gov and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or they may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicants: L & J Gas Co., Jesse Colangelo, President, L & J Gas Co.'s attorney is Todd S. Stewart, Hawke McKeon & Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101, tsstewart@hmslegal.com, (717) 236-1300; Edward Andrew Dunmire, Power of Attorney for Nancy F. Dunmire, C.E. Dunmire Gas Company and Nancy F.

Dunmire's attorney is Todd S. Stewart, Hawke McKeon & Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101, tsstewart@hmslegal.com, (717) 236-1300

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1821. Filed for public inspection December 29, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2023-3044894 and U-2023-3044895. Peco Energy Company. Application of Peco Energy Company for approval of the transfer by sale to Avondale Borough of street lighting facilities located in Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 15, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or they may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Peco Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699

Through and By Counsel for: Caroline S. Choi, Assistant General Counsel, Peco Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699, (267) 533-1775, Caroline.Choi@exeloncorp.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1822. Filed for public inspection December 29, 2023, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101.

February 28, 2024	Account of Mirek Chmielewski (Effective Date of Retirement)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to attend the proceeding should contact the Appeal Docket Clerk at (717) 720-4888 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,
Executive Director

[Pa.B. Doc. No. 23-1823. Filed for public inspection December 29, 2023, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
David Blank—Blank's Valley Farm 2593 West Valley Road Loganton, PA 17747	Clinton County/ Logan Township	91	Veal	Amended	Approved
Emway Pullets, LLC—Pullet Farm 460 Klingers Church Road Lykens, PA 17048	Dauphin County/ Lykens Township	386.78	Pullets	Amended	Approved
Tyler Lafferty—Poultry Farm 544 Shankle Road Schellsburg, PA 15559	Bedford County/ Napier Township	85.5	Duck	New	Approved
Pleasant View Farms, Inc.— Frosty Hollow Farm 623 Frosty Hollow Road Roaring Spring, PA 16673	Bedford County/ Woodbury Township	397.3	Cattle	New	Approved
Daniel L. King—Dairy Farm 147 Amishtown Road New Holland, PA 17557	Lancaster County/ Ear Township	139.1	Cattle	Amended	Approved

NOTICES

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Shale-Rock Acres, LLC— Mountain Drive Farm 230 Mountain Drive Fredericksburg, PA 17026	Lebanon County/ Swatara Township	130.56	Broilers	Amended	Approved

RUSSELL REDDING,
Chairperson

[Pa.B. Doc. No. 23-1824. Filed for public inspection December 29, 2023, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Proposed Amendment of Pa.R.Civ.P. 1023.1 and 1023.4

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 1023.1 and 1023.4 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 indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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

Karla M. Shultz, Deputy Chief Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by February 29, 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 Civil Procedural
Rules Committee*

MAUREEN MURPHY McBRIDE,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

PLEADINGS

(Editor's Note: Rule 1023.1 as printed in 231 Pa. Code reads "Official Note" rather than "Note" and the Explanatory Comment as follows is not currently codified.)

Rule 1023.1. Scope. Signing of Documents. Representations to the Court. Violation.

(a) **Scope.** Rules 1023.1 through 1023.4 do not apply to disclosures and discovery requests, responses, objections, and discovery motions that are subject to the provisions of general rules.

(b) **Signing of Documents.** Every pleading, written motion, and other paper directed to the court shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. This rule shall not be construed to suspend or modify the provisions of Rule 1024 or Rule 1029(e).

(c) **Representations to the Court.** The signature of an attorney or [**pro se**] **self-represented** party constitutes a certificate that the signatory has read the pleading, motion, or other paper. By signing, filing, submitting, or later advocating such a document, the attorney or [**pro se**] **self-represented** party certifies that, to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances,

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation[,];

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a non-frivolous argument for the extension, modification or reversal of existing law, or the establishment of new law[,];

(3) the factual allegations have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual allegations are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(d) **Violation.** If, after notice and a reasonable opportunity to respond, the court determines that subdivision (c) has been violated, the court [**may**] **shall**, subject to the conditions stated in Rules 1023.2 through 1023.4, impose an appropriate sanction upon any attorneys, law firms, and parties that have violated subdivision (c) or are responsible for the violation.

[Note: The court in its discretion at any stage of the proceedings may deny a motion for sanctions without hearing or argument.

The grant or denial of relief (e.g., grant or denial of preliminary objections, motion for summary judgment or discovery application) does not, of itself, ordinarily warrant the imposition of sanctions against the party opposing or seeking the relief.

In most circumstances, a motion for sanctions with respect to factual allegations should be addressing whether there is evidentiary support for claims or defenses rather than whether there is evidentiary support for each specific factual allegation in a pleading or motion.

The inclusion in the rule of a provision for "an appropriate sanction" is designed to prevent the abuse of litigation. The rule is not a fee-shifting rule per se although the award of reasonable attorney's fees may be an appropriate sanction in a particular case.

The provision requiring that a motion under this rule be filed before the entry of final judgment in the trial court is intended to carry out the objective

of expeditious disposition and to eliminate piecemeal appeals. Where appropriate, such motions should be filed as soon as practicable after discovery of the violation.

The following provisions of the Judicial Code, 42 Pa.C.S., provide additional relief from dilatory or frivolous proceedings: (1) Section 2503 relating to the right of participants to receive counsel fees and (2) Section 8351 et seq. relating to wrongful use of civil proceedings.]

(e) *Suspended Statute.* Section 8355 of the Judicial Code, 42 Pa.C.S. § 8355, is suspended absolutely, in accordance with the provisions of the Constitution of 1968, Article V, Section 10(c).

[Note] Comment:

The court in its discretion at any stage of the proceedings may deny a motion for sanctions without hearing or argument.

The grant or denial of relief, e.g., grant or denial of preliminary objections, motion for summary judgment or discovery application, does not, of itself, ordinarily warrant the imposition of sanctions against the party opposing or seeking the relief.

In most circumstances, a motion for sanctions with respect to factual allegations should be addressing whether there is evidentiary support for claims or defenses rather than whether there is evidentiary support for each specific factual allegation in a pleading or motion.

The inclusion in the rule of a provision for “an appropriate sanction” is designed to prevent the abuse of litigation. The rule is not a fee-shifting rule per se although the award of reasonable attorney’s fees may be an appropriate sanction in a particular case.

The provision requiring that a motion under this rule be filed before the entry of final judgment in the trial court is intended to carry out the objective of expeditious disposition and to eliminate piecemeal appeals. Where appropriate, such motions should be filed as soon as practicable after discovery of the violation.

The following provisions of the Judicial Code, 42 Pa.C.S., provide additional relief from dilatory or frivolous proceedings: (1) Section 2503 relating to the right of participants to receive counsel fees and (2) Section 8351 et seq. relating to wrongful use of civil proceedings.

Section 8355 of the Judicial Code provides for the certification of pleadings, motions, and other papers.

Historical Commentary

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

EXPLANATORY COMMENT—2003

I. Obligations under the rule

New Rule 1023.1 requires that a pleading, written motion or other paper directed to the court be signed. The signing, or the filing, submitting or later advocating, a document is a certification as described in the rule. A court may impose sanctions for violation of the certification. Thus the rule imposes the duty on the attorney or, if

unrepresented, the party signing the document to satisfy himself or herself that there is a basis in fact and in law for the claim or defense set forth in the document.

Rule 1023.1, therefore, requires some prefiling inquiry into both the facts and the law to satisfy the affirmative duty imposed by the rule. However, this rule is not intended to chill an attorney’s enthusiasm or creativity in pursuing factual or legal theories. The standard is one of reasonableness under the circumstances.

A court should avoid using the wisdom of hindsight and should test the signer’s conduct by inquiring what was reasonable to believe at the time the pleading, motion, or other paper was submitted. What constitutes a reasonable inquiry depends on factors which may include

- how much time for investigation was available to the signer;
- whether the signer had to rely on a client for information as to the facts underlying the pleading, motion, or other paper;
- whether the pleading, motion, or other paper was based on a plausible view of the law; or
- whether the signer depended on forwarding counsel or another member of the bar.

This rule recognizes that sometimes a litigant may have good reason to believe that a claim or defense is valid but may need discovery, formal or informal, to gather and confirm the evidentiary basis for the claim or defense. If evidentiary support is not obtained after a reasonable opportunity for further investigation or discovery, the party has a duty under the rule not to persist with that contention. Rule 1023.1(c) does not require a formal amendment to pleadings for which evidentiary support is not obtained, but rather calls upon a litigant not thereafter to advocate such claims or defenses.

II. Practice under the rule

The rule leaves for resolution on a case-by-case basis, considering the particular circumstances involved, the question as to when Rule 1023.1 should be invoked. Ordinarily the written notice and demand for withdrawal or correction of the paper should be served promptly after the inappropriate paper is filed, and, if delayed too long, may be viewed as untimely. In other circumstances, it should not be served until the other party has had a reasonable opportunity for discovery. Given the “safe harbor” provisions discussed below, a party cannot delay invoking Rule 1023.1 until conclusion of the case (or judicial rejection of the offending contention).

Rule 1023.1 motions should not be made or threatened for minor, inconsequential violations of the standards prescribed by subdivision (c). They should not be employed as a discovery device or to test the legal sufficiency or efficacy of allegations in the pleadings; other motions are available for those purposes. Nor should Rule 1023.1 motions be prepared to emphasize the merits of a party’s position, to exact an unjust settlement, to intimidate an adversary into withdrawing contentions that are fairly debatable, to increase the costs of litigation, to create a conflict of interest between attorney and client, or to seek disclosure of matters otherwise protected by the attorney-client privilege or the work-product doctrine. The court may defer its ruling (or its decision as to the identity of the persons to be sanctioned) until final resolution of the case in order to avoid immediate conflicts of interest and to reduce the disruption created if a disclosure of attorney-client communications is needed to determine whether a violation occurred or to identify the person responsible for the violation.

The rule provides that requests for sanctions must be made as a separate motion, i.e., not simply included as an additional prayer for relief contained in another motion. The motion for sanctions cannot be filed until at least 28 days after service of a written notice and demand, upon the party whose conduct is claimed to violate the rule, that the offending document or portion of the document be withdrawn or appropriately corrected. If, during this period, the alleged violation is corrected, as by withdrawing (whether formally or informally) some allegation or contention, the motion may not be filed with the court. These provisions are intended to provide a type of “safe harbor” against motions under Rule 1023.1 in that a party will not be subject to sanctions under Rule 1023.1 on the basis of another party’s motion unless, after having been served with the written notice and demand, it refuses to withdraw that allegation or contention or to acknowledge that it does not currently have evidence to support it. The timely withdrawal of an allegation or contention will protect a party against a motion for sanctions.

To stress the seriousness of a motion for sanctions and to define precisely the conduct claimed to violate the rule, the “safe harbor” period begins to run only upon service of the written notice and demand. In most cases, however, counsel should give informal notice to the other party, whether in person or by a telephone call or letter, of a potential violation before proceeding to prepare and serve the written notice and demand.

III. Sanctions

The rule does not attempt to enumerate the factors a court should consider in deciding whether to impose a sanction or what sanctions would be appropriate in the circumstances. The factors that a court may consider include the following:

- whether the improper conduct was willful or negligent;
- whether it was part of a pattern of activity or an isolated event;
- whether it infected the entire pleading or only one particular count or defense;
- whether the person has engaged in similar conduct in related litigation;
- whether it was intended to injure;
- what effect it had on the litigation process in time or expense;
- whether the responsible person is trained in the law;
- what amount is needed to deter that person from repetition in the same case; and
- what amount is needed to deter similar activity by other litigants.

The court has significant discretion in determining what sanctions, if any, should be imposed for a violation, subject to the principle that the sanctions should not be more severe than reasonably necessary to deter repetition of the conduct by the offending person or comparable conduct by similarly situated persons.

There are two provisions for the award of attorney’s fees and expenses. The first provision, Rule 1023.2(b), authorizes the court, if requested in a motion and if so warranted, to award to the prevailing party “the reasonable expenses and attorney’s fees incurred in presenting or opposing the motion.”

The second provision, Rule 1023.4(a)(2)(iii), however, authorizes the court, “if imposed on motion and warranted for effective deterrence”, to order payment to the movant of “some or all of the reasonable attorney’s fees and other expenses incurred as a direct result of the violation.” Any such award to the movant, however, should not exceed the expenses and attorney’s fees for the services directly and unavoidably caused by the violation of the certification requirement. If, for example, a wholly unsupported count is included in a multi-count complaint or counterclaim for the purpose of needlessly increasing the cost of litigation, any award of expenses should be limited to those directly caused by inclusion of the improper count, and not those resulting from the filing of the complaint or answer itself. The award should not provide compensation for services that could have been avoided by an earlier disclosure of evidence or an earlier challenge to the groundless claims or defenses. Moreover, partial reimbursement of fees may constitute a sufficient deterrent.

The sanction should be imposed on the persons—whether attorneys, law firms, or parties—who have violated the rule or who may be determined to be responsible for violation. The person signing, filing, submitting, or advocating a document has a nondelegable responsibility to the court and, in most situations, is the person to be sanctioned for a violation. Absent exceptional circumstances, a law firm is to be held also responsible when one of its partners, associates, or employees is determined to have violated the rule. Since such a motion may be filed only if the offending paper is not withdrawn or corrected within 28 days after service of the written notice and demand, it is appropriate that the law firm ordinarily be viewed as jointly responsible under established principles of agency.

Explicit provision is made for litigants to be provided notice of the alleged violation and an opportunity to respond before sanctions are imposed. Whether the matter should be decided solely on the basis of written submissions or should be scheduled for oral argument (or for evidentiary presentation) will depend on the circumstances. If the court imposes a sanction, it must, unless waived, indicate its reasons in a written order or on the record; a court is not required to explain its denial of a motion for sanctions.

(Editor’s Note: The Explanatory Comment as follows is not currently codified in Rule 1023.4.)

Rule 1023.4. Sanctions.

(a) Nature of a Sanction.

(1) A sanction imposed for violation of Rule 1023.1 shall be limited to that which is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated.

[(2) Subject to the limitations in subdivision (b), the sanction may consist of, or include,

(i) directives of a nonmonetary nature, including the striking of the offensive litigation document or portion of the litigation document,

(ii) an order to pay a penalty into court, or,

(iii) if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys’ fees and other expenses incurred as a direct result of the violation.]

(2) Subject to the limitations in subdivision (b), a sanction imposed for violation of Rule 1023.1 shall consist of an award of costs and reasonable attorney's fees. The court may impose additional sanctions, which are sufficient to deter the repetition of such conduct or comparable conduct by others similarly situated, and may consist of, or include:

(i) directives of a nonmonetary nature, including the striking of the offending litigation document or portion of the litigation document; or

(ii) an order to pay a penalty into court.

(3) Except in exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

(b) Limitations on Monetary Sanctions.

(1) Monetary sanctions [**may**] **shall** not be awarded against a represented party for violation of Rule 1023.1(c)(2).

(2) Monetary sanctions [**may**] **shall** not be awarded on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.

(c) **Requirements for Order.** When imposing sanctions, the court shall describe the conduct determined to be a violation of Rule 1023.1 and explain the basis for the sanction imposed.

Historical Commentary

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

EXPLANATORY COMMENT—2003

See Explanatory Comment following Rule 1023.1.

SUPREME COURT OF PENNSYLVANIA CIVIL PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P. 1023.1 and 1023.4

The Civil Procedural Rules Committee is considering recommending the amendment of Pennsylvania Rules of Civil Procedure 1023.1 and 1023.4 relating to sanctions for violating the certification of pleadings, written motions, or other papers subject to Pa.R.Civ.P. 1023.1.

In *Raynor v. D'Annunzio*, 243 A.3d 41 (Pa. 2020), a majority of the Supreme Court held that a post-trial motion for contempt and sanctions based on a violation of an order *in limine* did not constitute "civil proceedings" actionable under the Dragonetti Act, 42 Pa.C.S. §§ 8351 *et seq.* In a concurring opinion, Justice Wecht suggested that he would explore amending Pa.R.Civ.P. 1023.1 to strengthen it to deter abuse of civil process:

I would be remiss were I to overlook this Court's role in displacing the Dragonetti Act's legislatively designed sanctions. Compared to the now-suspended Section 8355 of the Judicial Code, this Court's equivalent, Pennsylvania Rule of Civil Procedure 1023.1, is a weak sister indeed. Significantly, Section 8355 contained an express penalty for the violation of its provisions. Had this provision stood, it would have been a more robust deterrent to vexatious litigation tactics than Rule 1023.1. But this Court holds exclusive constitutional authority "to prescribe general

rules governing. . . all officers of the Judicial Branch." PA. CONST. art. V, § 10(c). Consequently, Section 8355 was displaced by this Court's enactment of Rule 1023.1, which, like its federal analogue, Rule 11 of the Federal Rules of Civil Procedure, leaves the question of sanctions entirely discretionary, rendering it toothless, or at least defanged. I do not question this Court's broad rule-making powers; it is well-established that the General Assembly lacks the plenary rulemaking authority that the United States Congress possesses. Rather, I believe that this Court should revisit Rule 1023.1. We should explore giving the rule the sort of bite that might ensure its deterrent component registers among those who need the inducement not to abuse civil process.

Raynor, 243 A.3d at 57 (footnotes omitted). The Committee undertook review pursuant to Justice Wecht's suggestion.

Current Pa.R.Civ.P. 1023.1(c) requires at least one attorney of record, or a self-represented party, to sign a pleading, motion, or other legal paper directed to the court certifying that to the best of the signatory's knowledge, information, or belief, formed after an inquiry reasonable under the circumstances, (1) the document is not being presented for any improper purpose; (2) the claims, defenses, and other legal contentions in the document are warranted by existing law or by a non-frivolous argument for the extension, modification or reversal of existing law or the establishment of new law; (3) the factual allegations have evidentiary support or are likely to have evidentiary support after reasonable opportunity for further investigation or discovery; and (4) the denials of factual allegations are warranted on the evidence or are reasonably based on a lack of information or belief. Pa.R.Civ.P. 1023.1(d) then provides that if a trial court determines there is a violation of subdivision (c), it may, but is not required to, impose an appropriate sanction.

Current Pa.R.Civ.P. 1023.4 provides for the type of sanction that a court may impose. It may consist of directives of a nonmonetary nature, paying a penalty into court, or if warranted for effective deterrence, an order directing payment to the moving party of some or all of the reasonable attorneys' fees and other expenses incurred as a result of the violation.

The Committee reviewed the now-suspended portion of the Dragonetti Act, 42 Pa.C.S. § 8355:

Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name and his address shall be stated. A party who is not represented by an attorney shall sign his pleading, motion or other paper and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certification by him that he has read the pleading, motion or other paper; that, to the best of his knowledge, information and belief, it is well-grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not interposed in bad faith or for any improper purpose, such as to harass another, to maliciously injure another or to cause unnecessary delay or increase in the cost of litigation. If a pleading, motion or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention

of the pleader or movant. If a pleading, motion or other paper is signed in violation of this section, the court shall award to the successful party costs and reasonable attorney fees and may, in addition, impose a civil penalty which shall not exceed \$10,000. Such costs, fees and civil penalty shall be in addition to any other judgment awarded to the successful party and shall be imposed upon the person who signed the pleading, motion or other paper, or a represented party, or both. This section is in addition to and shall not be construed to limit any other remedies or sanctions provided by law.

The Committee observed that most of Section 8355 has been incorporated into present Pa.R.Civ.P. 1023.1—1023.4 with the exception of requiring the trial court to award costs and reasonable attorney's fees when sanctions are imposed for effective deterrence.

Following review, the Committee concluded that the best approach to strengthen these rules in order to deter abuse of civil proceedings would be to mandate that sanctions in the form of costs and attorneys' fees be imposed when a violation of Pa.R.Civ.P. 1023.1(c) has been determined. Accordingly, the Committee proposes amendments in two respects. First, Pa.R.Civ.P. 1023.1(d) would be amended to state that "the trial court shall impose an appropriate sanction. . ." for violation of subdivision (c).

Second, Pa.R.Civ.P. 1023.4(a)(2) would be amended to govern how the court would calculate the sanction. Subdivision (a)(2) would be revised to mandate that a sanction imposed for violation of Pa.R.Civ.P. 1023.1 consist of an award of costs and attorney's fees. Other sanctions of a nonmonetary nature or paying a penalty into court currently set forth in the rule would remain within the court's discretion to impose.

* * *

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

[Pa.B. Doc. No. 23-1825. Filed for public inspection December 29, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN COUNTY

Adoption of 39th Jud.Dis.R.Crim.P. 576.1. Electronic Filing and Service of Legal Papers; Administrative Order AD 115-2023

Order

And Now, this 7th day of December, 2023, the Court having received the Criminal Rules Committee's letter dated December 7, 2023 indicating the following local rule of criminal procedure is not inconsistent with Statewide procedure, the Franklin County Branch of the 39th Judicial District hereby adopts 39th Jud.Dis.R.Crim.P. 576.1, effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

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

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

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

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

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

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

6. Incorporate and publish the following rule into the 39th Judicial District's set of local rules on the Franklin County Court website not later than Tuesday, January 30, 2024.

By the Court

SHAWN D. MEYERS,
President Judge

39th Jud.Dis.R.Crim.P. 576.1. Electronic Filing and Service of Legal Papers.

(a) *Electronic Filing.* Pursuant to Pa.R.Crim.P. 576.1, the Administrative Office of Pennsylvania Courts and the 39th Judicial District agreed upon an implementation plan for electronic filing of criminal legal papers through the statewide system, PACFile, effective February 1, 2024. This Rule is applicable only to the Franklin County branch of the 39th Judicial District. The applicable, general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(b) Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pa.R.Crim.P. 576.1(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

(c) *Legal Papers.* Any party identified as an electronic filing participant by Pa.R.Crim.P. 576.1(D) may utilize PACFile for legal papers including pleadings or other submissions to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments, except the following:

1. exhibits offered into evidence, whether or not admitted, in a court proceeding pursuant to Pa.R.J.A. 5104(c),
2. all documents prohibited by Pa.R.Crim.P. 576.1(C) in the definition of "legal papers,"
3. applications for search warrants,
4. applications for arrest warrants,
5. any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
6. submissions filed ex parte as authorized by law,
7. submissions filed or authorized to be filed under seal including but not limited to the AOPC Confidential Information Form submitted pursuant to the Public Access Policy,

8. confidential documents including but not limited to drug and alcohol assessments and reports, mental health evaluations and reports, and medical records,

9. Wiretap Act submissions related to cell phone, tracker, and internet petitions,

10. Notice of Appeals,

11. motions for the appointment of new counsel,

12. any matter requiring the assignment of a Miscellaneous Docket number including but not limited to expungements filed pursuant to Pa.R.Crim.P. 490 or petitions for modification of bail in matters still pending in the Magisterial District Court,

13. initial filings for Summary Appeals, and

14. third party filings and amicus briefs or other third party filings.

(d) Electronic filing is permissive within Franklin County.

1. Any party who declines to participate in the PACFile system, or who is unable to electronically file or accept service of legal papers filed electronically, shall be permitted to file and serve legal papers in a physical paper format consistent with the Pennsylvania Rules of Criminal Procedure 576 and 576.1.

2. Any party not utilizing PACFile shall notify the Clerk of Courts utilizing the "Notice of Non-Participation in PACFile" form following this Rule and shall serve a copy of the completed form to all parties and/or counsel of record, and Court Administration.

3. Once a party declines participation in PACFile by serving the Notice required by subdivision (d)(2), all electronically filed legal papers shall be served on them in paper format consistent with the Pennsylvania Rules of Criminal Procedure 114(B) and 576(b).

4. If a party files a "Notice of Non-Participation in PACFile" and thereafter elects to participate in PACFile by establishing a PACFile account pursuant to subdivision (b) of this Rule, the party shall immediately cease filing written legal papers, where not excluded under this rule, and service shall be made upon the party electronically.

5. In the event an attorney enters an appearance for a defendant who was previously unrepresented and said defendant established a PACFile account while unrepresented, said defendant shall no longer be permitted to utilize their PACFile account while represented by counsel, as defined under Pa.R.Crim.P. 576.1(D).

(e) *Service Pursuant to Pa.R.Crim.P. 576.* Notwithstanding a party's election to participate in PACFile, Court Administration must be served with paper copies of all legal papers filed electronically in accordance with

Pa.R.Crim.P. 576(b). This subdivision shall also apply to the service of court orders and notices. In instances where legal papers must be served upon parties not automatically served via PACFile, those legal papers must be filed with the Clerk of Courts and include a complete distribution legend listing the names of all parties required to be served with a paper copy.

(f) *Clerk of Courts Maintenance of Files.*

1. The Clerk of Courts shall maintain an electronic file, and in instances where PACFile is not utilized by all parties or where documents are not permitted to be electronically filed under subdivision (c) of this Rule, a paper physical file shall be maintained.

2. Any legal paper submitted for filing to the Clerk of Courts in a paper format, whether required or permitted under this rule, shall be accepted by the Clerk of Courts in that format. The Clerk of Courts shall convert such hard copy legal paper to portable document format ("pdf"), add it to the electronic system, and return the paper copy to the filer, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C) and subdivision (c) of this Rule. Once converted to pdf, the pdf version of the legal paper shall be deemed and treated as the original legal paper and may be used by the parties and the Court for all purposes and proceedings.

3. The legal files contained in the record shall be maintained and retained consistent with the records retention schedule outlined in the County Records Manual and/or other applicable records retention schedule.

(g) *Filing Fees.* Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and amount as required by statute, Court rule or order, or published fee schedule. A party who has been granted in forma pauperis status shall not pay filing fees to the Clerk of Courts.

(h) *Record on Appeal.* Electronically filed legal papers, and copies of legal papers filed in a paper format shall become the record on appeal.

(i) *Confidential Information.* Counsel and unrepresented parties must adhere to the PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in paper format. Counsel and unrepresented parties must include confidential information relevant to the case on the approved AOPC Confidential Information Form. The Confidential Information Form shall not be filed electronically in PACFile and shall be served on and made available to the parties to the case, the Court and appropriate Court staff, as provided in the Public Access Policy.

**THE COURT OF COMMON PLEAS OF THE 39th JUDICIAL DISTRICT OF PENNSYLVANIA—
FRANKLIN COUNTY**

(Caption:)

Notice of Non-Participation in PACFile

To the Court:

Franklin County Clerk of Courts
14 N. Main St.
Chambersburg, PA 17201

_____(Printed Party or Counsel Name) declines to participate in the PACFile electronic filing system for the above captioned matter consistent with 39th Jud.Dist.R.Crim.P. 576.1(d). The party agrees

to file, serve, and receive service of legal papers in physical paper format consistent with the Pennsylvania Rules of Criminal Procedure, specifically Rule 576, and any applicable local rules.

Date: _____

Party Signature, OR Attorney Signature

Party Name or Attorney for _____

(party's name if so represented)

Address

Distribution:
District Attorney
Court Administration

[Pa.B. Doc. No. 23-1826. Filed for public inspection December 29, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Booking Center Fee; No. 951-2023 105 MD 2023

Administrative Order of Court

And Now, this 13th day of December, 2023, it is hereby *Ordered and Directed* that pursuant to 42 Pa.C.S.A. §§ 1725.5 and 1725.6, a booking center fee of Three Hundred Dollars (\$300) shall be imposed against defendants who are placed on Probation Without Verdict, received Accelerated Rehabilitative Disposition for, plead guilty or nolo contendere to, or are convicted of a misdemeanor or felony offense in accordance with 42 Pa.C.S.A. § 1725.5.

The fee shall be assessed as a cost of prosecution and collected by the Luzerne County Clerk of Courts. The fee shall be allocated to a Central Booking Center Fund for the implementation, start-up, operation and maintenance of the booking center which shall be in the control of the District Attorney's office.

The booking center shall be available for all law enforcement agencies having arrest powers in Luzerne County. The adoption of the fee shall be effective January 1, 2024.

It is further *Ordered and Directed* that the Court Administrator distribute this Order as follows:

1. File one (1) copy of this Order with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies and one (1) electronic copy in Microsoft Word format to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Order in the *Luzerne County Law Journal*.

4. Copies of the Order shall be kept continuously available for public inspection in the office of the Luzerne County Clerk of Courts.

5. Serve one (1) filed copy on the District Attorney.

6. Serve one (1) filed copy on Adult Probation and Parole.

By the Court

MICHAEL T. VOUGH,
President Judge

[Pa.B. Doc. No. 23-1827. Filed for public inspection December 29, 2023, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

Child Abuse Reporting Requirements

The State Board of Osteopathic Medicine (Board) amends Chapter 25 to read as set forth in Annex A. Specifically, the Board amends §§ 25.1, 25.161, 25.163, 25.241—25.244, 25.246, 25.271, 25.301—25.304, 25.401, 25.411—25.416, 25.507, 25.509a, 25.603, 25.605, 25.704, 25.708, 25.803, 25.810, 25.903 and 25.909 and adds §§ 25.417 and 25.418 (relating to child abuse recognition and reporting—mandatory training requirement; and child abuse recognition and reporting course approval process).

Effective Date

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

Statutory Authority

Section 16 of the Osteopathic Medical Practice Act (act) (63 P.S. § 271.16) sets forth the Board's general rulemaking authority. Under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) (CPSL), specifically section 6383(b)(2) of the CPSL (relating to education and training), the Board is required to promulgate regulations to implement the mandatory reporting requirements for Board-regulated practitioners.

Background and Need for this Final-Form Rulemaking

Since 2014, the General Assembly has made numerous amendments to the CPSL, including the requirement imposed by the act of April 15, 2014 (P.L. 411, No. 31) (Act 31) on all health-related boards to require training in child abuse recognition and reporting. Section 2 of Act 31 provided that these training requirements would apply to all persons applying for a license or applying for renewal of a license on or after January 1, 2015, and were implemented as of that date. These amendments are required to update the Board's existing regulations relating to child abuse reporting requirements to comport to the numerous amendments made to the CPSL, and to incorporate the mandatory training requirements required by Act 31 for all Board-regulated practitioners.

Specifically, in Subchapter A (relating to general provisions), the Board is amending § 25.1 (relating to definitions) to update the definition of "board-regulated practitioner" to add acupuncturists, perfusionists and genetic counselors to the list. In Subchapter C (relating to physician assistant provisions), the Board is amending §§ 25.161 and 25.163 (relating to criteria for licensure as a physician assistant; and approval and effect of licensure; biennial renewal of physician assistants; registration of supervising physicians) to incorporate the mandatory training requirements in section 6383(b)(3)(i) and (ii) of the CPSL. Similarly, the Board is amending Subchapter G (relating to licensing, education and graduate training), specifically §§ 25.241—25.244 and 25.246, to incorporate the mandatory 3 hours of approved training in child abuse recognition and reporting for applicants for unrestricted physician licenses, boundary licenses, temporary licenses and short-term camp physician li-

censes. The Board also amends § 25.271 (relating to requirements for renewal) to incorporate the 2 hours of mandatory training in child abuse recognition and reporting as a portion of the 100 hours of continuing medical education required for osteopathic physicians.

The Board is amending Subchapter I (relating to licensure and practice of acupuncturists) to update terminology and to incorporate the mandatory 3 hours of training in child abuse recognition and reporting required by section 6383(b)(3)(i) of the CPSL in § 25.303 (relating to requirements for licensure as an acupuncturist and registration as an acupuncturist supervisor). Further, § 25.304 (relating to biennial registration requirements) is amended to incorporate the 2 hours of continuing education in child abuse recognition and reporting required by section 6383(b)(3)(ii) of the CPSL.

The Board is adding comprehensive amendments to the child abuse reporting requirements in Subchapter J (relating to child abuse reporting requirements) to comport to the amendments made to the CPSL since 2014. In addition, the Board is adding two new sections setting forth the mandatory training requirements in section 6383(b)(3)(i) and (ii) of the CPSL. Section 25.417 sets forth the requirements that all individuals applying to the Board for an initial license are required to complete at least 3 hours of approved training in child abuse recognition and reporting; and that all licensees and certificate holders seeking renewal of a license or certificate complete at least 2 hours of continuing education in approved courses in child abuse recognition and reporting as a requirement of renewal. These 2 hours of training would be accepted as a portion of the total continuing education required for biennial renewal, and not an additional requirement. This section also includes a subsection setting forth the process for applying for an exemption from the mandatory training requirements as set forth in section 6383(b)(4) and (6) of the CPSL, for individuals who have already completed similar training or who otherwise should be exempt from the training requirements.

The Board is also adding § 25.418 to set forth the process developed by the Bureau of Professional and Occupational Affairs (Bureau), in conjunction with the Department of Human Services, for individuals, entities and organizations to apply for approval to deliver training required under Act 31. The Bureau has incorporated a requirement that to be approved to provide Act 31 training in child abuse recognition and reporting, an applicant must be able to report participation/attendance electronically to the Bureau. In this manner, the completion of the training is automatically imported into the licensee's record with the Board at the time the course is completed. Then, at the time of renewal, the system verifies that the training was completed as required prior to renewing the license. Thus, the Board will not renew a license unless an electronic report has been received from an approved course provider documenting the required attendance/participation in an approved course or the licensee has received an exemption from the mandatory training requirement.

The Board is amending Subchapter K (relating to respiratory therapists) to incorporate the mandatory child abuse training requirements in §§ 25.507 and 25.509a (relating to criteria for licensure as a respiratory therapist; and requirement of continuing education). Similarly,

the Board amends Subchapter L (relating to volunteer license) in §§ 25.603 and 25.605 (relating to applications; and biennial renewal). In Subchapter M (relating to athletic trainers), the Board is likewise amending §§ 25.704 and 25.708 (relating to application for licensure; and renewal of license). Further, the Board amends Subchapter N (relating to perfusionists), specifically §§ 25.803 and 25.810 (relating to application for perfusionist license; and continuing education for licensed perfusionist) to incorporate the mandatory training in child abuse recognition and reporting. Finally, the Board is amending Subchapter O (relating to genetic counselors), specifically §§ 25.903 and 25.909 (relating to application for genetic counselor license; and continuing education for genetic counselors) to incorporate the mandated reporter training.

Summary and Response to Comments

Notice of the proposed rulemaking was published at 52 Pa.B. 6537 (October 22, 2022). Publication was followed by a 30-day public comment period during which the Board received no public comments. Additionally, there were no comments received from Independent Regulatory Review Commission (IRRC) other than to say that they have no objections, comments or recommendations to offer. IRRC further advised that if the final-form rulemaking is delivered without revisions and the committees do not take any action, it will be deemed approved. The Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) and the Professional Licensure Committee of the House of Representatives (HPLC) did not submit comments. For these reasons, the Board makes no changes to this final-form rulemaking.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. Most of the Board’s licensees are already required to complete mandatory continuing education, and as these 2 hours are incorporated in the existing requirement, there would be no increased burden. Only acupuncturists do not currently have continuing education requirements, therefore, the mandatory 2 hours in child abuse recognition and reporting would be an additional requirement for biennial renewal for that licensure classification. Additionally, all applicants for licensure are impacted by the costs associated with completing at least 3 hours of approved training in child abuse recognition and reporting. Because there are many low-cost and free options available to complete the training, the Board anticipates this impact to be minimal. Because approved Act 31 training providers are required to report attendance/participation electronically, there are no additional paperwork requirements imposed on licensees. In addition, the implementation of an electronic reporting system for mandatory reporters of child abuse under the CPSL by the Department of Human Services has decreased the paperwork requirements related to the mandatory reporting requirements.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 15, 2023, the Board submitted a copy of this rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the chairper-

sons of the SCP/PLC and the HPLC. A copy of this material is available to the public upon request.

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

Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on November 15, 2023, the final-form rulemaking was deemed approved by the SCP/PLC and the HPLC. Under section 5.1(e) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective November 15, 2023.

Additional Information

Additional information may be obtained by writing to Priscilla Turek, Board Administrator, State Board of Osteopathic Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-OSTEOPATHIC@pa.gov.

Findings

The State Board of Osteopathic Medicine finds that:

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

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

(3) Amendments were not made to this final-form rulemaking and therefore this final-form rulemaking does not enlarge the original purpose of the proposed rulemaking published at 52 Pa.B. 6537.

(4) This final-form rulemaking is necessary and appropriate for the administration of the relevant provisions of the CPSL.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by amending §§ 25.1, 25.161, 25.163, 25.241—25.244, 25.246, 25.271, 25.301—25.304, 25.401, 25.411—25.416, 25.507, 25.509a, 25.603, 25.605, 25.704, 25.708, 25.803, 25.810, 25.903 and 25.909 and adding §§ 25.417 and 25.418.

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

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

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

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

WILLIAM B. SWALLOW, DO,
Chairperson

(Editor’s Note: See 53 Pa.B. 7475 (December 2, 2023) for IRRC’s approval.)

Fiscal Note: Fiscal Note 16A-5326 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

Subchapter A. GENERAL

§ 25.1. Definitions.

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

* * * * *

Board-regulated practitioner—An osteopathic physician, physician assistant, respiratory therapist, athletic trainer, acupuncturist, perfusionist, genetic counselor or an applicant for a license issued by the Board.

* * * * *

Subchapter C. PHYSICIAN ASSISTANT PROVISIONS

LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS

§ 25.161. Criteria for licensure as a physician assistant.

(a) The Board has approved as a proficiency examination the National certification examination on primary care developed by the NCCPA. The Board will maintain a current register of approved proficiency examinations. This register will list the full name of the examination, the organization giving the examination, the mailing address of the examination organization and the date the proficiency examination received Board approval. This register shall be available for public inspection.

(b) The clinical experience required by the Board is at present identical to the clinical experience required by the NCCPA for taking the NCCPA examination on primary care. To qualify for an NCCPA proficiency examination, the applicant's employment history must be verified by the NCCPA in cooperation with the Board and must be evaluated by the NCCPA in relation to specific work criteria.

(c) The Board will approve for licensure as a physician assistant an applicant who:

- (1) Is of good moral character and reputation.
- (2) Has graduated from a physician assistant training program certified by the Board.
- (3) Has submitted a completed application detailing his education and work experience, together with the required fee.
- (4) Has passed a proficiency examination approved by the Board.
- (5) Has completed at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(d) The physician assistant may amend information regarding his education and work experience submitted

under the requirements of subsection (c)(3), by submitting to the Board in writing additional detailed information. No additional fee will be required. The file for each physician assistant will be reviewed by the Board to determine whether the physician assistant possesses the necessary skills to perform the tasks that a physician, applying for registration to supervise and utilize the physician assistant, intends to delegate to him as set forth in the protocol contained in the physician's application for registration.

(e) A person who has been licensed as a physician assistant by the State Board of Medicine shall make a separate application to the Board if he intends to provide physician assistant services for a physician licensed to practice osteopathic medicine and surgery without restriction.

(f) An application for licensure as a physician assistant by the Board may be obtained by writing to the Harrisburg office of the Board.

§ 25.163. Approval and effect of licensure; biennial renewal of physician assistants; registration of supervising physicians.

(a) Upon approval of an application for licensure as a physician assistant, the Board will issue a physician assistant license which contains the licensee's name, license number and the date of issuance, after payment of the fee required under § 25.231 (relating to schedule of fees).

(b) A physician assistant's right to continue practicing is conditioned upon biennial renewal and the payment of the fee required under § 25.231. Upon receipt of the form provided to the physician assistant by the Board in advance of the renewal period and the required fee, the Board will issue the physician assistant a biennial renewal certificate containing the licensee's name, license number and the beginning and ending dates of the biennial renewal period.

(c) To be eligible for renewal of a physician assistant license, the physician assistant shall complete continuing medical education as required by NCCPA, including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 25.417(b) (relating to child abuse recognition and reporting—mandatory training requirement) and maintain National certification by completing current certification and recertification mechanisms available to the profession, identified on NCCPA's web site and recognized by the Board. The Board recognizes certification through NCCPA and its successor organizations and certification through any other National organization for which the Board publishes recognition of the organization's certification of physician assistants on the Board's web site.

(d) Upon approval of an application for registration as a supervising physician, the Board will issue a supervising physician registration certificate which contains the name of the supervising physician, his registration number and the name of the physician assistant that he is authorized to supervise under that specific registration. The registration is not subject to renewal. When the physician submits a request to modify a protocol with respect to a physician assistant he is already registered to utilize, no new registration certificate will be issued; however, the physician will receive a letter from the Board confirming its approval of the expanded utilization.

* * * * *

Subchapter G. LICENSING, EDUCATION AND GRADUATE TRAINING

LICENSURE REQUIREMENTS

§ 25.241. Unrestricted license by examination.

To secure an unrestricted license for the practice of osteopathic medicine and surgery by examination, the applicant shall meet the following educational and professional requirements. The applicant shall have:

- (1) Graduated from an approved osteopathic medical college.
- (2) Received passing scores on Parts I, II and III of the National Board Examination. The applicant shall pay the required examination fee at the direction of the National Board.
- (3) Received a passing score on the practical examination in osteopathic diagnosis and manipulative therapy developed and administered by the Board or a designated professional testing organization.
- (4) Successfully completed an approved internship.
- (5) Complied with the malpractice insurance requirements of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910) and regulations thereunder.
- (5.1) Completed at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).
- (6) Completed an application obtained from the Board detailing education and experience and indicating compliance with the applicable provisions of the act and this chapter, submitted with the required fees.

§ 25.242. Unrestricted license by endorsement.

To secure an unrestricted license for the practice of osteopathic medicine and surgery by endorsement, the applicant shall meet the following educational and professional requirements. The applicant shall have:

- (1) Provided evidence of a valid license in good standing to practice osteopathic medicine and surgery in another state or territory of the United States or Canada whose standards are substantially equivalent to those established by the Board and who reciprocate with the Commonwealth.
- (2) Graduated from an approved osteopathic medical college.
- (3) Received a passing score on the National Board Examination, FLEX or a written state or territorial examination developed by the NBOME or otherwise acceptable to the Board.
- (4) Received a passing score on the practical examination in osteopathic diagnosis and manipulative therapy developed and administered by the Board or a designated professional testing organization.
- (5) Successfully completed an approved internship.
- (6) Complied with the malpractice insurance requirements of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910) and regulations thereunder.
- (6.1) Completed at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(7) Completed an application obtained from the Board detailing education and experience and indicating compliance with the applicable provisions of the act and this chapter, submitted with the required fees.

§ 25.243. Boundary license.

(a) A licensed osteopathic physician residing in or maintaining an office of practice in an adjoining state near the boundary line between that state and this Commonwealth whose practice extends into this Commonwealth shall apply for the privilege, in the form of a boundary license, to practice osteopathic medicine and surgery in this Commonwealth.

(b) Specific requirements for boundary licensure are as follows. The applicant shall:

(1) Possess a valid, current and unrestricted license in the physician's state of residence and primary practice. The physician shall arrange for certification of licensure to be transmitted to the Board by the authorized licensing body of that state.

(2) Comply with the malpractice insurance requirements of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910) and regulations thereunder.

(2.1) Complete at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(3) Submit an application obtained from the Board, together with the required fee.

(c) The issuance of a boundary license depends upon whether the adjoining state of licensure reciprocates by extending similar privileges to licensees of the Commonwealth.

(d) A record of persons granted a boundary license will be maintained in the office of the Board.

(e) Since a boundary license is invalidated by practice location changes, a person granted a boundary license shall inform the Board within 10 days of changes in residence or office of practice location which affect the maintenance of the license.

§ 25.244. Temporary license.

(a) A temporary license is required of an osteopathic medical college graduate for permission to participate in an approved graduate osteopathic or medical training program in this Commonwealth.

(b) Specific requirements for temporary training licensure are as follows.

The applicant shall have:

(1) Graduated from an approved osteopathic medical college.

(1.1) Completed at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) Submitted an application obtained from the Board, together with the required fee.

(c) The temporary training license permits the graduate to train only within the complex of the hospital and its affiliates where the graduate is engaged in an approved graduate osteopathic or medical training program.

(d) The temporary training license is valid for 1 year, after which it shall be surrendered to the Board. The Board may extend the validity of the temporary training license within its discretion.

§ 25.246. Short-term camp physician license.

(a) A short-term license valid for a period not exceeding 3 months may be granted by the Board to an osteopathic physician licensed in good standing in another state or Canada who intends to practice osteopathic medicine and surgery in camps in this Commonwealth.

(b) Specific requirements for short-term camp licensure are as follows. The applicant shall:

(1) Possess a valid, current and unrestricted license in another state or territory of the United States or Canada. The physician shall arrange for certification of licensure to be transmitted to the Board by the authorized licensing body of the other jurisdiction.

(2) Comply with the malpractice insurance requirements of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910) and regulations thereunder.

(2.1) Complete at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(3) Submit an application obtained from the Board, together with the required fee.

LICENSURE RENEWAL AND CONTINUING EDUCATION

§ 25.271. Requirements for renewal.

* * * * *

(b) A penalty fee as specified by § 25.231 (relating to schedule of fees) will be imposed on a licensee who continued to practice without having timely renewed his license. The licensee may also be subject to other criminal, civil or administrative penalties.

(c) Proof of completion of 100 credit hours of continuing medical education, including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 25.417(b) (relating to child abuse recognition and reporting—mandatory training requirement), in the preceding biennial period will be required for licensure renewal for osteopathic physicians.

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Subchapter I. LICENSURE AND PRACTICE OF ACUPUNCTURISTS

§ 25.301. Definitions.

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Acupuncturist—An individual licensed to practice acupuncture by the Board.

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§ 25.302. Licensure as an acupuncturist and registration as an acupuncturist supervisor.

(a) An osteopathic physician who intends to practice acupuncture and other individuals who intend to practice acupuncture at the direction and under the supervision of an osteopathic physician shall be licensed by the Board as an acupuncturist.

(b) Only an osteopathic physician registered as an acupuncturist supervisor may delegate the performance of acupuncture services to an acupuncturist. An acupunctur-

ist who is not an osteopathic physician may only perform acupuncture services under the direction and supervision of an acupuncturist supervisor, unless otherwise authorized by statute.

§ 25.303. Requirements for licensure as an acupuncturist and registration as an acupuncturist supervisor.

(a) The Board will register as an acupuncturist a nonosteopathic physician who satisfies the following requirements:

(1) Has successfully completed an acupuncture program which includes a course in needle sterilization techniques.

(i) If the acupuncture education program is taken within the United States, the applicant shall complete 2 academic years of acupuncture training and shall complete 2 academic years of a college level educational program.

(ii) If the educational program is taken outside of the United States, an applicant shall graduate from a college with a program of study including Oriental medicine and document 300 class hours of study in acupuncture training.

(2) Has obtained a passing grade on an acupuncture examination or has been certified by the NCCA by credential review. The Board accepts the passing grade on the certifying examination of the NCCA as determined by the NCCA, and accepts a passing grade on any state's acupuncture examination taken prior to January 1, 1987, as determined by the licensing or registering authority in the other state. If the examination was not taken in English, but is otherwise acceptable and a passing score was secured, the Board will accept the examination result if the applicant has also secured a passing score on the test of English as a Foreign Language (TOEFL®).

(2.1) Completes at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(3) Submits an application for licensure as an acupuncturist accompanied by the required fee.

(b) The Board will license as an acupuncturist an osteopathic physician who satisfies the following requirements:

(1) Has successfully completed 200 hours of training in acupuncture medical programs including examinations required by those programs or has engaged in clinical acupuncture practice for at least 3 years prior to January 1, 1987, documented to the satisfaction of the Board.

(1.1) Completes at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) Submits an application for licensure as an acupuncturist accompanied by the required fee.

(c) The Board will register as an acupuncturist supervisor an osteopathic physician who satisfies the following requirements:

(1) Possesses a license without restriction.

(2) Submits an application to register as an acupuncturist supervisor accompanied by the required fee.

§ 25.304. Biennial registration requirements.

(a) An acupuncturist shall register biennially, complete at least 2 hours of approved courses in child abuse

recognition and reporting in accordance with § 25.417(b) (relating to child abuse recognition and reporting—mandatory training requirement) and submit the appropriate registration fee to engage in the practice of acupuncture for the biennial period.

(b) There is no biennial registration requirement for an acupuncturist supervisor.

Subchapter J. CHILD ABUSE REPORTING REQUIREMENTS

GENERAL

§ 25.401. Definitions.

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

Bodily injury—Impairment of physical condition or substantial pain.

Child—An individual under 18 years of age.

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

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

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

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

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

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

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

(vii) Causing serious physical neglect of a child.

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

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

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

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

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

(E) Interfering with the breathing of a child.

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

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

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

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

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

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

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

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

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

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

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

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

(i) This term includes only the following:

(A) A parent of the child.

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

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

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

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

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

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

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

(A) A parent of the child.

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

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

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

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

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

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

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

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

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

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

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

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

Sexual abuse or exploitation—Any of the following:

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

- (A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
- (B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

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

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

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

- (A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).
- (B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

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

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

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

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

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

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

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

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

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

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

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

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

CHILD ABUSE REPORTING REQUIREMENTS

§ 25.411. Suspected child abuse—mandated reporting requirements.

(a) *General rule.*

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Where the suspected child abuse occurred.

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

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

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

(6) Family composition.

(7) The source of the report.

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

(9) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law).

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

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

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

A Board-regulated practitioner may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 25.411(c)(2) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. Medical summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6340(a)(9) or (10) (relating to release of information in confidential reports).

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

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

§ 25.414. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a Board-regulated practitioner who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law), shall have immunity from civil and criminal liability that might otherwise result by reason of the Board-regulated practitioner's actions. For the purpose of any civil or criminal proceeding, the good faith of the Board-regulated practitioner shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a Board-regulated practitioner's actions under §§ 25.411—25.413 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

§ 25.415. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 25.411—25.413 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the confidentiality provisions in § 25.213(c) (relating to medical records) and any other ethical principle or professional standard that might otherwise apply to Board-regulated practitioners. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient

do not apply to a situation involving child abuse and do not relieve the mandated reporter of the duty to make a report of suspected child abuse. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503), by releasing information necessary to complete the report.

§ 25.416. Noncompliance.

(a) *Disciplinary action.* A Board-regulated practitioner who willfully fails to comply with the reporting requirements in §§ 25.411—25.413 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 15(a)(6) or (b)(7) of the act (63 P.S. § 271.15(a)(6) or (b)(7)).

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

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

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

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

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

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

§ 25.417. Child abuse recognition and reporting—mandatory training requirement.

(a) Except as provided in subsection (c), individuals applying to the Board for an initial license shall have completed at least 3 hours of training in child abuse recognition and reporting requirements which have been approved by the Department of Human Services and the Bureau, as set forth in § 25.418 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license unless the Bureau has received an electronic report from an approved course

provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensees seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, at least 2 hours of approved continuing education in child abuse recognition and reporting, as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 25.418. The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course within the applicable biennial renewal period or the licensee has obtained an exemption under subsection (c). If a licensee holds more than one license issued by the Board, or holds a license issued by another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.

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

(1) The applicant or licensee submits documentation demonstrating all of the following:

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

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

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

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

(2) The applicant or licensee submits documentation demonstrating all of the following:

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

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

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

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

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

training or continuing education requirement is duplicative or unnecessary under the circumstances.

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

§ 25.418. Child abuse recognition and reporting course approval process.

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

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

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

(b) Submissions shall include the following:

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

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

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) Course related materials, including as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

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

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

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

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

(10) Printed materials used to market the training.

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

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

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

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

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

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

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

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

Subchapter K. RESPIRATORY THERAPISTS

§ 25.507. Criteria for licensure as a respiratory therapist.

The Board will approve for licensure as a respiratory therapist an applicant who:

(1) Submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(i) Has graduated from a respiratory care program approved by the CoARC and passed the entry level credentialing examination as determined by the NBRC.

(ii) Holds a valid license, certificate or registration as a respiratory therapist in another state, territory or the District of Columbia which has been issued based on requirements substantially the same as those required by the Commonwealth, including the examination requirement.

(1.1) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) Has paid the appropriate fee in a form acceptable to the Board.

§ 25.509a. Requirement of continuing education.

(a) An applicant for biennial renewal or reactivation of licensure is required to complete a minimum of 30 hours of continuing education as set forth in section 10.2(f)(2) of the act (63 P.S. § 271.10b(f)(2)) subject to the following:

(1) At least 10 continuing education hours shall be obtained through traditional continuing education such as classroom lecture, clinical presentation, real-time webcast or other live sessions where a presenter is involved. For nontraditional continuing education such as prerecorded presentations, Internet-based presentations and journal review programs, to qualify for credit, the provider shall make available documented verification of completion of the course or program.

(2) One hour must be completed in medical ethics, and 1 hour must be completed in patient safety. In addition, at least 2 hours must be completed in approved courses in child abuse recognition and reporting in accordance with § 25.417(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(3) Credit will not be given for continuing education in basic life support, including basic cardiac life support and cardiopulmonary resuscitation. In any given biennial renewal period, a licensee may receive credit for no more

than 8 continuing education hours in advanced life support, including advanced cardiac life support, neonatal advanced life support/neonatal resuscitation and pediatric advanced life support.

(4) A licensee will not receive continuing education credit for participating in a continuing education activity with objectives and content identical to those of another continuing education activity within the same biennial renewal period for which credit was granted.

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Subchapter L. VOLUNTEER LICENSE

§ 25.603. Applications.

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

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice exclusively:

(i) Without personal remuneration for professional services.

(ii) In an approved clinic.

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

(3) Evidence that the applicant has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 25.605. Biennial renewal.

A volunteer license shall be renewed biennially on forms provided by the Board.

(1) As a condition of biennial renewal, the applicant shall satisfy the same continuing education requirements as the holder of an active, unrestricted license under § 25.271 (relating to requirements for renewal), including at least 2 hours in approved courses in child abuse recognition and reporting in accordance with § 25.417(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) The applicant shall be exempt from § 25.231 (relating to schedule of fees) pertaining to the biennial renewal fee and shall be exempt from § 25.283 (relating to biennial renewal of license) with regard to the maintenance of liability insurance coverage under section 711 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.711) as provided in section 9 of the Volunteer Health Services Act (35 P.S. § 449.49).

Subchapter M. ATHLETIC TRAINERS

§ 25.704. Application for licensure.

(a) The applicant shall submit, or cause to be submitted, the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 25.231 (relating to schedule of fees).

(2) Verification of professional education in athletic training in accordance with § 25.705 (relating to educational requirements).

(3) Documentation of passage of the National examination in accordance with § 25.706 (relating to examination requirement).

(3.1) Verification of having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in another jurisdiction, and verification as to whether there has been disciplinary action taken in that jurisdiction.

(b) To qualify for licensure, an applicant shall be at least 20 years of age and may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

§ 25.708. Renewal of license.

(a) A license issued under this subchapter shall be renewed biennially. An application form will be mailed to the most recent address of the licensee as it appears on the records of the Board. The licensee shall complete the renewal application and return it to the Board with a renewal fee before December 31 of the year in which the application was received. Licenses other than temporary licenses expire on December 31 of each even-numbered year. Upon receipt of an application and renewal fee, the Board will verify the accuracy of the application and issue to the applicant a license of renewal for the next biennial period.

(b) When a license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee, as set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225).

(c) As a condition of renewal, a licensee shall comply with the continuing education requirements in § 25.711 (relating to continuing education), including at least 2 hours in approved courses in child abuse recognition and reporting in accordance with § 25.417(b) (relating to child abuse recognition and reporting—mandatory training requirement).

Subchapter N. PERFUSIONISTS

§ 25.803. Application for perfusionist license.

(a) An applicant for a license to practice as a perfusionist shall submit or cause to be submitted, on forms made available by the Board, a completed application, including the necessary supporting documents, for a license to practice as a perfusionist and pay the fee in § 25.231 (relating to schedule of fees) for application for a perfusionist license.

(b) The Board may issue a license to practice as a perfusionist to an applicant who:

(1) Demonstrates that the applicant holds a current certification by a certifying agency approved by a Nationally-recognized accrediting agency approved by the Board.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P.S. § 271.13c(k)).

(4.1) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for licensure as a perfusionist upon the grounds for disciplinary action in § 25.809 (relating to disciplinary action for licensed perfusionist).

§ 25.810. Continuing education for licensed perfusionists.

(a) *Credit hour requirements.* A licensed perfusionist shall satisfy the following continuing education credit hour requirements.

(1) As a condition for biennial registration, a licensee shall complete at least 30 hours of continuing education applicable to the practice of perfusion, including at least 10 hours of category I continuing education, and at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 25.417(b) (relating to child abuse recognition and reporting—mandatory training requirement). A licensee is not required to complete continuing education during the biennium in which the licensee is first licensed.

(2) Except when reactivating an inactive license, when the Board has granted a waiver or when ordered by the Board, continuing education credits may be used to satisfy the continuing education credit hour requirements only for the biennial period in which the credits were earned. An hour of continuing education may not be used to satisfy the requirement of paragraph (1) for more than one biennium.

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Subchapter O. GENETIC COUNSELORS

§ 25.903. Application for genetic counselor license.

(a) An applicant for a license to practice as a genetic counselor shall submit or cause to be submitted, on forms made available by the Board, a completed application for a license to practice as a genetic counselor, including the necessary supporting documents, and pay the application fee in § 25.231 (relating to schedule of fees).

(b) The Board may issue a license to practice as a genetic counselor to an applicant who demonstrates that the applicant:

(1) Is at least 21 years of age and of good moral character, as required under section 10.3(e)(1) and (2) of the act (63 P.S. § 271.10c(e)(1) and (2)).

(2) Has received a master’s degree or doctoral degree in human genetics or genetic counseling from an ABGC-accredited or ABMG-accredited educational program or has met the requirements for certification by the ABGC or the ABMG. Proof of the degree, if applicable, shall be sent directly from the applicant’s education program and include an official transcript.

(3) Has passed the examination for certification as a genetic counselor by the ABGC or the ABMG or has passed the examination for certification as a Ph.D. medical geneticist by the ABMG. Proof that the applicant has

passed the examination shall be sent directly from the ABGC or the ABMG and may include proof of current certification.

(3.1) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(4) Has obtained professional liability insurance, or is exempt from the requirement to obtain professional liability insurance, as set forth in § 25.910 (relating to professional liability insurance coverage for genetic counselors).

(c) The Board may deny an application for licensure as a genetic counselor upon the grounds for disciplinary action in § 25.908 (relating to disciplinary action for applicants and genetic counselors).

§ 25.909. Continuing education for genetic counselors.

(a) *Credit hour requirements.* A genetic counselor shall satisfy the following continuing education credit hour requirements:

(1) As a condition for biennial renewal, a genetic counselor shall complete at least 30 hours of continuing education applicable to the practice of genetic counseling, including at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 25.417(b) (relating to child abuse recognition and reporting—mandatory training requirement); credit will not be given for a course in office management or practice building. With the exception of the 2 hours in mandatory child abuse training, a genetic counselor is not required to complete continuing education during the biennium in which the licensee was first licensed if licensure occurred within 3 years of completion of the degree.

(2) Except when reactivating an inactive license, when the Board has granted a waiver or when ordered by the Board, continuing education credits may be used to satisfy the continuing education credit hour requirements only for the biennial period in which the credits were earned. No hour of continuing education may be used to satisfy the requirement of paragraph (1) for more than one biennium.

* * * * *

[Pa.B. Doc. No. 23-1828. Filed for public inspection December 29, 2023, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Child Abuse Reporting Requirements

The State Board of Psychology (Board) amends §§ 41.1, 41.11, 41.13, 41.30, 41.52, 41.59, 41.71—41.76 and adds §§ 41.77 and 41.78 (relating to child abuse recognition and reporting—mandatory training requirement; and child abuse recognition and reporting course approval process) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3.2(2) of the Professional Psychologists Practice Act (63 P.S. § 1203.2(2)) sets forth the Board's general rulemaking authority. Under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) (CPSL), specifically section 6383(b)(2) of the CPSL (relating to education and training), the Board is required to promulgate regulations to implement the mandatory reporting requirements for licensees of the Board.

Background and Purpose

Since 2014, the General Assembly has made numerous amendments to the CPSL, including the requirement imposed by the act of April 15, 2014 (P.L. 411, No. 31) (Act 31) on all health-related boards to require training in child abuse recognition and reporting for licensees who are considered "mandated reporters" under the CPSL. Section 2 of Act 31 provided that these training requirements would apply to all persons applying for a license, or applying for renewal of a license, on or after January 1, 2015, and were implemented as of that date. This final-form rulemaking is required to update the Board's regulations on the subject of child abuse reporting to comport to the numerous amendments made to the CPSL and to incorporate the mandatory training requirements required by Act 31.

Specifically, the Board is amending § 41.1 (relating to definitions) to update the definitions of terms used in the CPSL. Additionally, the Board is amending, where necessary throughout this final-form rulemaking, the name of the Department of Public Welfare, as the name of that agency has changed to the Department of Human Services. In addition, the Board is amending §§ 41.30 and 41.52 (relating to qualifications and documentation necessary for licensure; and persons licensed in other states) to incorporate the requirement that applicants complete at least 3 hours of approved training in child abuse recognition and reporting as required under section 6383(b)(3)(i) of the CPSL as a condition of licensure.

The Board is also amending § 41.13 (relating to reactivation of licensure) to incorporate the requirement that psychologists seeking to reactivate a license shall complete at least 2 hours of approved courses in child abuse recognition and reporting as required under section 6383(b)(3)(ii) of the CPSL. The Board is also amending § 41.59 (relating to continuing education) to incorporate these 2 hours of courses in child abuse recognition and reporting as part of the required 30 contact hours of continuing education, without regard to whether the courses otherwise meet the Board's standards for acceptable courses, programs and sponsors.

In addition, the Board is making comprehensive amendments to the Board's existing child abuse reporting requirements in §§ 41.71—41.76 (relating to child abuse reporting requirements) to comport to the numerous amendments made to the CPSL since 2014. In addition, the Board is adding two new sections to incorporate the mandatory training requirements set forth in section 6383(b)(3)(i) and (ii) of the CPSL. Section 41.77 sets forth the requirement that all individuals applying to the Board for an initial license are required to complete at least 3 hours of approved training in child abuse recognition and reporting; and that all licensees seeking renewal of a license are required to complete at least 2 hours of approved continuing education in child abuse recognition and reporting as a requirement of renewal. This section also includes the process for applying for an exemption from the mandatory training requirements as set forth in

section 6383(b)(4) and (6) of the CPSL, for individuals who have already completed similar training or who otherwise should be exempt from the training requirements.

Finally, the Board is adding § 41.78 to set forth the administrative process developed by the Bureau of Professional and Occupational Affairs (Bureau), in conjunction with the Department of Human Services, for individuals, entities and organizations to apply for approval to deliver the training required under Act 31. To be approved to provide the mandatory training in child abuse recognition and reporting, an individual, entity or organization must be able to report attendance and participation electronically to the Bureau. In this manner, the completion of the training is automatically imported into the individual's record with the Board at the time the course is completed.

Summary and Response to Comments

Notice of the proposed rulemaking was published at 52 Pa.B. 6550 (October 22, 2022). Publication was followed by a 30-day public comment period during which the Board received no public comments. Additionally, there were no comments received from the Independent Regulatory Review Commission (IRRC) other than to say that they have no objections, comments or recommendations to offer. IRRC further advised that if the final-form rulemaking is delivered without revisions and the committees do not take any action, it will be deemed approved. The Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) and the Professional Licensure Committee of the House of Representatives (HPLC) did not submit comments. For these reasons, the Board makes no changes to this final-form rulemaking.

Fiscal Impact and Paperwork Requirements

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

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 15, 2023, the Board submitted a copy of this rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the chairpersons of the SCP/PLC and the HPLC. A copy of this material is available to the public upon request.

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

Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on November 15, 2023, the final-form rulemaking was deemed approved by the SCP/PLC and the HPLC. Under section 5.1(e) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective November 15, 2023.

Additional Information

Additional information may be obtained by writing to Thomas Leech, Board Administrator, State Board of Psychology, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-PSYCHOLOGY@pa.gov.

Findings

The State Board of Psychology finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law and no comments were received.
- (3) Amendments were not made to this final-form rulemaking and therefore the final-form rulemaking does not enlarge the original purpose of the proposed rulemaking published at 52 Pa.B. 6550.
- (4) This final-form rulemaking is necessary and appropriate for the administration of the relevant provisions of the CPSL.

Order

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

- (a) The regulations of the Board, 49 Pa. Code Chapter 41, are amended by amending §§ 41.1, 41.11, 41.13, 41.30, 41.52, 41.59 and 41.71—41.76 and adding §§ 41.77 and 41.78 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
- (b) The Board shall submit a copy of this final-form rulemaking to the Office of the Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall submit this final-form rulemaking to IRRC, the SCP/PLC and the HPLC as required by law.
- (d) The Board shall certify this final-form rulemaking and shall deposit it with the Legislative Reference Bureau as required by law.
- (e) This final-form rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

CATHERINE S. SPAYD, PhD,
Chairperson

(Editor’s Note: See 53 Pa.B. 7475 (December 2, 2023) for IRRC’s approval.)

Fiscal Note: Fiscal Note 16A-6322 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 41. STATE BOARD OF PSYCHOLOGY

GENERAL

§ 41.1. Definitions.

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

* * * * *

Board—The State Board of Psychology of the Commonwealth.

Bodily injury—Impairment of physical condition or substantial pain.

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

CPA—Canadian Psychological Association.

Child—An individual under 18 years of age.

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

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

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

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

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

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

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

(vii) Causing serious physical neglect of a child.

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

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

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

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

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

(E) Interfering with the breathing of a child.

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

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

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

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

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

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

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

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

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

* * * * *

Immediate family member—Parent/guardian, child, sibling, spouse or other family member with whom the client/patient lives.

Jurisdiction—A state, territory or country.

Mandated reporter—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this chapter, the term includes licensed psychologists and psychology students, residents, interns, trainees and other unlicensed individuals with graduate training in psychology who are supervised by licensed psychologists.

National Register—The Council for the National Register of Health Service Providers.

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

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

(i) This term includes only the following:

- (A) A parent of the child.
- (B) A spouse or former spouse of the child's parent.
- (C) A paramour or former paramour of the child's parent.
- (D) An individual 14 years of age or older who is a person responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program, activity or service.
- (E) An individual 14 years of age or older who resides in the same home as the child.

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

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

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

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

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

* * * * *

Professional setting—A public or private agency or institution or a private practice where the applicant for licensure is supervised as a psychology trainee for the purpose of preparing for the independent practice of psychology and which provides an opportunity for contact with other disciplines and for work with a broad range of client/patients. The agency, institution or private practice shall be responsible for the welfare of and the services to each client/patient of the applicant, for collecting fees for services and for providing easy and continuous access to the supervisor by both the applicant and the applicant's clients/patients.

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

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

Psychologist—A person who holds a license issued under the act to engage in the practice of psychology.

* * * * *

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

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

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

Serious physical neglect—Any of the following when committed by a perpetrator that endangers a child's life

or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

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

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

Sexual abuse or exploitation—Any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child

who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

Sexual intimacies—Romantic, sexually suggestive, sexually demeaning or erotic behavior. Examples of this behavior include, but are not limited to, sexual intercourse, nontherapeutic verbal communication or inappropriate nonverbal communications of a sexual or romantic nature, sexual invitations, soliciting a date from a client/patient, masturbating in the presence of a client/patient (or encouraging a client/patient to masturbate in the presence of the psychologist), exposure, kissing or hugging, touching, physical contact or self-disclosure of a sexual or erotic nature.

LICENSES

§ 41.11. Licenses.

(a) To be considered for admission to the examination provided in the act, an applicant shall first file with the Board or its designee:

* * * * *

(4) Child abuse history clearance completed by the Department of Human Services dated within 90 days of the application.

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§ 41.13. Reactivation of licensure.

(a) A person whose psychology license is inactive or has lapsed because of failure to register biennially with the Board shall apply for reactivation of licensure on forms prescribed by the Board, shall pay the renewal fee for the current biennium, shall show compliance with the continuing education requirements (see § 41.59 (relating to continuing education)), including the mandatory training requirements in child abuse recognition and reporting in § 41.77(b) (relating to child abuse recognition and reporting—mandatory training requirement), and shall submit a notarized affidavit identifying periods of time during which the applicant for reactivation did not practice psychology in this Commonwealth or practiced in a setting where psychologists are exempt from licensure under section 3 of the act (63 P.S. § 1203). The late renewal fee described in subsection (b) and referenced in § 41.11(d) (relating to licenses) will not be imposed for periods of nonpractice or practice in an exempt setting.

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QUALIFICATIONS

§ 41.30. Qualifications and documentation necessary for licensure.

(a) To qualify for licensure, an applicant shall complete the educational requirements in § 41.31 (relating to educational qualifications), the experience requirements in § 41.32 (relating to experience qualifications) and the examination requirements in § 41.41 (relating to examinations).

(b) An applicant for licensure shall submit, or cause to be submitted, an application and fee to the Board plus:

(1) In a sealed envelope, signed by the primary supervisors on the envelope flap, verification of post doctoral experience form, quarterly evaluations/progress reports, which include objectives, prepared during the course of supervision, and a letter describing the supervisory interactions and the supervisor's judgment of the applicant's potential as a psychologist.

(2) An updated criminal history records information report unless submitted to the Board within 90 days of the application for licensure under § 41.11(a)(3) (relating to licenses).

(3) An updated Child Abuse History Clearance unless submitted to the Board within 90 days of the application for licensure under § 41.11(a)(3).

(4) Evidence that the applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 41.77(a) (relating to child abuse recognition and reporting—mandatory training requirement).

MISCELLANEOUS

§ 41.52. Persons licensed in other states.

(a) A person who holds a current license or certificate to practice psychology issued by a statutory board of psychologist examiners of a state with requirements for licensure which are deemed by the Board to be equivalent to those of the Commonwealth may be exempt from examination. Application for licensure under these circumstances shall be made on forms supplied by the Board and shall be accompanied by the initial application fee specified in § 41.12 (relating to fees). Applicants under this section shall be required to complete at least 3 hours of training in child abuse recognition and reporting in accordance with § 41.77(a) (relating to child abuse recognition and reporting—mandatory training requirement).

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§ 41.59. Continuing education.

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(b) Continuing education requirement for biennial renewal. As a condition of biennial renewal, a psychologist shall have completed during the preceding biennium a minimum of 30 contact hours (3 CEUs) of continuing education in acceptable courses, programs or activities which shall include at least 3 contact hours per biennium in ethical issues. At least 2 of the required contact hours shall be completed in approved courses relating to child abuse recognition and reporting, in accordance with § 41.77(b) (relating to child abuse recognition and reporting—mandatory training requirement). The Board will accept child abuse courses approved in accordance with § 41.78 (relating to child abuse recognition and reporting course approval process) without regard to whether the course otherwise meets the Board's standards for acceptable courses, programs and sponsors in subsection (d). Up to 10 contact hours in excess of 30 from the immediately preceding biennium may be carried over from one biennium to the next. Excess hours in ethical issues may not be used to satisfy the ethics requirement for the succeeding biennium but may be credited toward the total requirement. Excess hours in child abuse recognition and reporting may be counted toward the total 30 contact hours in the biennium in which they are completed but may not be carried over.

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(h) Exemptions and prorations.

(1) With the exception of the 2 hours of mandatory training in child abuse recognition and reporting required under § 41.77(b), the Board will exempt from the continuing education requirement a psychologist who received a license within 2 years of the psychologist's first application for biennial renewal.

(2) A psychologist who is licensed under § 41.52 (relating to persons licensed in other states) shall comply with the continuing education requirement, including completion of at least 2 hours of mandatory training in child abuse recognition and reporting, but the psychologist's contact hours will be prorated on a quarterly basis from the date of licensure in this Commonwealth to the next

biennial renewal date. Each quarter will consist of 3 months. Beginning with the quarter immediately following license in this Commonwealth, at least 3.75 contact hours (375 CEU) shall be earned for each quarter.

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CHILD ABUSE REPORTING REQUIREMENTS

§ 41.71. Suspected child abuse—mandated reporting requirements.

(a) General rule.

(1) Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed psychologists and psychology students, residents, interns, trainees and other unlicensed individuals with graduate training in psychology who are supervised by licensed psychologists are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

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

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

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

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

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

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

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

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

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

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

(d) *Written or electronic reports.* Written and electronic reports shall be made in the manner and on forms prescribed by the Department of Human Services. The following information shall be included in the written or electronic reports, if known:

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

(2) Where the suspected child abuse occurred.

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

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

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

(6) Family composition.

(7) The source of the report.

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

(9) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law).

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

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

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

A mandated reporter may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 41.71(c)(2) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. Medical summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6340(a)(9) or (10) (relating to release of information in confidential reports).

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

A mandated reporter who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where

the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

§ 41.74. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a mandated reporter who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law), shall have immunity from civil and criminal liability that might otherwise result by reason of the mandated reporter's actions. For the purpose of any civil or criminal proceeding, the good faith of the mandated reporter shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensed psychologist's actions under §§ 41.71—41.73 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

§ 41.75. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 41.71—41.73 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of Ethical Principle 5 (relating to confidentiality) in § 41.61 (relating to Code of Ethics) and any other ethical principle or professional standard that might otherwise apply to psychologists. Under 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient/client do not apply to a situation involving child abuse and do not relieve the mandated reporter of the duty to make a report of suspected child abuse. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503) by releasing information necessary to complete the report.

§ 41.76. Noncompliance.

(a) *Disciplinary action.* A licensed psychologist who willfully fails to comply with the reporting requirements in §§ 41.71—41.73 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1911).

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

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

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

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

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

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

§ 41.77. Child abuse recognition and reporting—mandatory training requirement.

(a) Except as provided in subsection (c), individuals applying to the Board for initial licensure shall have completed at least 3 hours of training in child abuse recognition and reporting requirements which have been approved by the Department of Human Services and the Bureau, as set forth in § 41.78 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), psychologists seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, at least 2 hours of approved continuing education in child abuse recognition and reporting as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 41.78. The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting attendance/participation by the licensee in an approved course within the applicable biennial renewal period or the licensee has obtained an exemption under subsection (c). If a licensee holds a license issued by another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.

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

(1) The applicant or licensee submits documentation demonstrating all of the following:

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

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

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

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

(2) The applicant or licensee submits documentation demonstrating all of the following:

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

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

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

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

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

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

§ 41.78. Child abuse recognition and reporting course approval process.

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

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

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

(b) Submissions shall include the following:

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

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

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) Course related materials including, as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

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

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

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

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

(10) Printed materials used to market the training.

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

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

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

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

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

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

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

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

[Pa.B. Doc. No. 23-1829. Filed for public inspection December 29, 2023, 9:00 a.m.]

Title 55—HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

[55 PA. CODE CH. 3041]

Subsidized Child Care Eligibility; Corrective Amendment

An error occurred in the final-form rulemaking published at 53 Pa.B. 7827 (December 16, 2023). The table of

contents for Chapter 3041 should have reserved Appendices A, B and C. This oversight is corrected in Annex A. The remainder of the final-form rulemaking is accurate as published.

Annex A

TITLE 55. HUMAN SERVICES

**PART V. CHILDREN, YOUTH AND FAMILIES
MANUAL**

Subpart B. ELIGIBILITY FOR SERVICES

CHAPTER 3041. [RESERVED]

Appx.	
A.	[Reserved].
B.	[Reserved].
C.	[Reserved].

[Pa.B. Doc. No. 23-1830. Filed for public inspection December 29, 2023, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Corrective Amendment to 58 Pa. Code § 111.43(a)(1)

The Fish and Boat Commission (Commission) has discovered a discrepancy between the agency text of 58 Pa. Code § 111.43(a)(1) (relating to Mercer County), as deposited with the Legislative Reference Bureau, and the official text which currently appears in the *Pennsylvania Code* (Master Transmittal Sheet No. 495, February 2016). The existing text of § 111.43(a)(1) was inadvertently omitted during the preparation of Master Transmittal Sheet No. 568, March 2022.

Therefore, under 45 Pa.C.S. § 901 (relating to official text of published documents), the Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 111.43(a)(1). The corrective amendment to 58 Pa. Code § 111.43(a)(1) is effective as of December 11, 2021, the date the defective official text was announced in the *Pennsylvania Bulletin* at 51 Pa.B. 7708 (December 11, 2021).

The correct version of 58 Pa. Code § 111.43 appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

**CHAPTER 111. SPECIAL REGULATIONS
COUNTIES**

§ 111.43. Mercer County.

(a) *Shenango River Lake.*

(1) The use of motors in excess of 20 horsepower is prohibited in the area west of the Penn Central Railroad (Levittsburg) causeway to the Ohio line.

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[Pa.B. Doc. No. 23-1831. Filed for public inspection December 29, 2023, 9:00 a.m.]

