

# PENNSYLVANIA BULLETIN

Volume 51

Number 25

Saturday, June 19, 2021 • Harrisburg, PA

Pages 3329—3426

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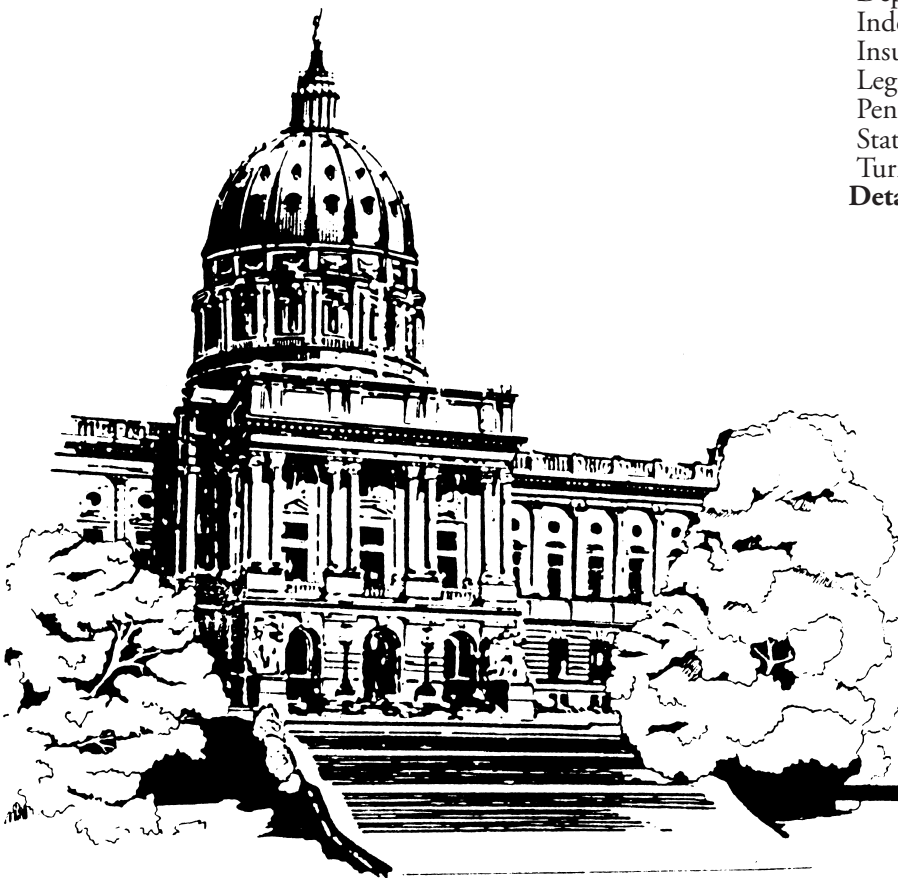
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**No. 559, June 2021**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

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

Postmaster send address changes to:

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Attn: *Pennsylvania Bulletin*  
800 West Church Road  
Mechanicsburg, Pennsylvania 17055-3198  
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(800) 524-3232 ext. 2340 (toll free, in State)

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

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

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

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

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

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

*Court Rules in Titles 201—246 of the Pennsylvania Code*

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

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### Fiscal Notes

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

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2021.

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# THE GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### A Concurrent Resolution

Terminating the March 6, 2020, proclamation of disaster emergency, as amended and renewed, issued under the hand and seal of the Governor, Thomas Westerman Wolf.

*Whereas*, On March 6, 2020, the Governor issued a proclamation declaring a disaster emergency in response to the existence of COVID-19 cases in Pennsylvania; and

*Whereas*, On June 3, 2020, the Governor issued an amendment to the proclamation of disaster emergency renewing the March 6, 2020, declaration for an additional 90 days; and

*Whereas*, On August 31, 2020, the Governor issued an amendment to the proclamation of disaster emergency renewing the declaration for an additional 90 days; and

*Whereas*, On November 24, 2020, the Governor issued an amendment to the proclamation of disaster emergency renewing the declaration for an additional 90 days; and

*Whereas*, On February 19, 2021, the Governor issued an amendment to the proclamation of disaster emergency renewing the declaration for an additional 90 days; and

*Whereas*, On May 20, 2021, the Governor issued an amendment to the proclamation of disaster emergency renewing the declaration; and

*Whereas*, On May 18, 2021, the People of Pennsylvania adopted an amendment to section 9 of Article III of the Constitution of Pennsylvania which provides, as amended, that orders, resolutions or votes "to which the concurrence of both Houses may be necessary, except on

the questions of . . . termination or extension of a disaster emergency declaration as declared by an executive order or proclamation, or portion of a disaster emergency declaration as declared by an executive order or proclamation, shall be presented to the Governor" for his approval or veto; and

*Whereas*, On May 18, 2021, the People of Pennsylvania adopted section 20(c) of Article IV of the Constitution of Pennsylvania which provides, in relevant part, "A disaster emergency declaration under subsection (a) shall be in effect for no more than twenty-one (21) days, unless otherwise extended in whole or part by concurrent resolution of the General Assembly"; therefore be it

*Resolved* (The Senate concurring), That the General Assembly, in accordance with its authority, hereby terminates the disaster emergency declared on March 6, 2020, as amended and renewed, in response to COVID-19; and be it further

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

*Resolved*, That the Chief Clerk of the House of Representatives shall transmit this concurrent resolution to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* under 45 Pa.C.S. § 725(a)(4); and be it further

*Resolved*, That this concurrent resolution shall take effect immediately.

[Pa.B. Doc. No. 21-947. Filed for public inspection June 18, 2021, 9:00 a.m.]



# THE COURTS

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[ 246 PA. CODE CH. 500 ]

#### Order Amending Rules 515 and 516 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 456 Magisterial Rules Doc.

##### Order

##### *Per Curiam*

And Now, this 4th day of June, 2021, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 51 Pa.B. 422 (January 23, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 515 and 516 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on January 1, 2022.

##### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

##### PART I. GENERAL

#### CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

##### Rule 515. Request for Order for Possession.

A. If the magisterial district judge has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the landlord, the landlord may, after the 15th day following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

B.(1) Except as otherwise provided in subdivision B(2), if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the landlord, the landlord may after the 10th day but within [ 180 ] 120 days following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the landlord requests an order for possession,

(a) an appeal or writ of *certiorari* operates as a *supersedeas*; or

(b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding or other federal or state law; and

(c) the *supersedeas* or the bankruptcy or other stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the landlord to proceed to request an order for possession,

the landlord may request an order for possession only within [ 180 ] 120 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

**Official Note:** The 15 days in subdivision A of this rule, when added to the 16-day period provided for in Rule 519A, will give the tenant time to obtain a *supersedeas* within the appeal period. See Rules 1002, 1008, 1009, and 1013.

The 1995 amendment to section 513 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.513, established a 10-day appeal period from a judgment for possession of real estate arising out of a residential lease. See also Rule 1002B(1). Rule 1002B(2)(a) provides for a 30-day appeal period for tenants who are victims of domestic violence. In most cases, the filing of the request for an order for possession in subdivision B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for an order for possession generally must be filed within [ 180 ] 120 days of the date of the entry of the judgment.

If the tenant is a victim of domestic violence, he or she may file a domestic violence affidavit to stay the execution of the order for possession until the tenant files an appeal with the prothonotary pursuant to Rule 1002, 30 days after the date of entry of the judgment, or by order of the court of common pleas, whichever is earlier. See Rule 514.1C. No posting of money or bond is required to obtain a stay with the filing of a domestic violence affidavit; however, upon the filing of an appeal pursuant to Rule 1002, the stay is lifted, and the *supersedeas* requirements of Rule 1008 shall apply.

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

Subdivision B(2) provides that in a case arising out of a residential lease, if a *supersedeas* (resulting from an appeal or writ of *certiorari*) or bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the landlord to proceed with requesting an order for possession, the request may be filed only within [ 180 ] 120 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

The time limits in which the landlord must request an order for possession imposed in subdivision B apply only

in cases arising out of residential leases and in no way affect the landlord's ability to execute on the money judgment. *See* Rule 516, Note, and Rule 521A.

At the time the landlord files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. *See* Rules 516 through 520 and 44 Pa.C.S. § 7161(d).

**Rule 516. Issuance and Reissuance of Order for Possession.**

A. Upon the timely filing of the request form, the magisterial district judge shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The order shall direct the officer executing it to deliver actual possession of the real property to the landlord. The magisterial district judge shall attach a copy of the request form to the order for possession.

B.(1) Except as otherwise provided in subdivision C, upon written request of the landlord the magisterial district judge shall reissue an order for possession for one additional 60-day period.

(2) If an order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, and

(a) the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy or other stay is lifted; and

(c) the landlord wishes to proceed with the order for possession,

the landlord must file with the magisterial district judge a written request for reissuance of the order for possession in accordance with subdivision B(1).

C. In a case arising out of a residential lease [ **and upon written request of the landlord, the magisterial district judge shall reissue an order for possession for no more than two additional 60-day periods. A** ], a request for reissuance of an order for possession may be filed only within [ **180** ] **120** days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within [ **180** ] **120** days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated or the bankruptcy or other stay is lifted.

D. A written request for reissuance of the order for possession, filed after an appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or a bankruptcy or other stay is lifted, must be accompanied by a copy of the court order or other documentation striking, dismissing, or terminating the appeal, writ of *certiorari*, or *supersedeas*, or lifting the bankruptcy or other stay.

**Official Note:** The order for possession deals only with delivery of possession of real property and not with a levy

for money damages. A landlord who seeks execution of the money judgment part of the judgment must proceed under Rule 521A, using the forms and procedure there prescribed. The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

Subdivision B provides for reissuance of the order for possession for one additional 60-day period. However, pursuant to subdivision C, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within [ **180** ] **120** days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas* or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within [ **180** ] **120** days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or the bankruptcy or other stay is lifted. [ **In a case arising out of a residential lease, the magisterial district judge may reissue the order for possession for no more than two additional 60-day periods.** ] The additional 60-day period need not necessarily immediately follow the original 60-day period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the landlord. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed \_\_\_\_\_ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

The time limits in which the landlord must request reissuance of an order for possession imposed in subdivision C apply only in cases arising out of residential leases and in no way affect the landlord's ability to execute on the money judgment. *See* Rule 521A.

**FINAL REPORT<sup>1</sup>****Recommendation 3-2021, Minor Court Rules Committee*****Amendment of Pa.R.C.P.M.D.J. No. 515 and 516*****CHANGE OF TIME FOR A LANDLORD TO REQUEST AN ORDER FOR POSSESSION IN A RESIDENTIAL LEASE CASE****I. Introduction**

In 2020, the Minor Court Rules Committee (“Committee”) recommended and the Supreme Court of Pennsylvania (“Court”) approved amendments to Rules 515 and 516 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges (“Rules”).<sup>2</sup> The amendments permitted a landlord in a case involving a residential lease to request an order for possession within 180 days from the date of entry of judgment rather than the prior 120-day period. The Committee recommended that the amendments were necessitated by exigent circumstances related to the COVID-19 pandemic requiring the immediate adoption of the proposal and they were adopted in accordance with Pa.R.J.A. No. 103(a)(3), without prior publication for public comment. The Committee subsequently published the amendments for public comment and, based on feedback, recommended that the deadline revert back to the 120-day period.

**II. Background and Discussion**

By way of background, prior to the adoption of the recent amendments, a landlord seeking to regain property must file a request for an order for possession with the magisterial district court following the issuance of a judgment in a landlord-tenant case and the requisite waiting period. *See* Rule 515. In residential landlord-tenant cases, the landlord must file the request for an order for possession no later than 120 days of the date of entry of the judgment. *See* Rule 515B(1). The recent amendments extended this deadline to 180 days. Certain filings stay the deadline for filing a request for order for possession, such as an appeal or writ of *certiorari* operating as a *supersedeas*, or a bankruptcy or other stay required by state or federal law. *See* Rule 515B(2).

The Committee received correspondence recommending an extension of the 120-day period within which a landlord must file a request for an order for possession in a residential landlord-tenant case. Extending the deadline would provide the parties with greater flexibility to negotiate and enter into private forbearance agreements. Such private agreements could allow the tenants additional time in which to satisfy back rent obligations while maintaining current rental payments and housing status. Therefore, the Committee recommended increasing the time period within which a landlord must file a request for an order for possession in a residential lease case from 120 days to 180 days.

The Court approved the recommendation on December 4, 2020 with an effective date of January 1, 2021. The Court also directed the Committee to publish the proposal for public comment and advise the Court whether these measures should remain in place. The proposal was made available on the Committee website on January 12, 2021 and published at 51 Pa.B. 422 (January 23, 2021).

The Committee received comments from groups expressing concern that the extended deadline does not

benefit tenants, but rather places tenants in situations where they are disadvantaged by unequal bargaining power between the parties. For example, a tenant may be induced to enter into an unaffordable payment plan to retain housing. The Committee did not receive any comments in favor of the extension or suggesting that it remain in place. Therefore, the Committee was persuaded that the prior time limitation should be reinstated, and made that recommendation to the Court.

**III. Rule Changes**

Rules 515 and 516 are amended to provide for 120 days within which a landlord in a residential lease case must request an order for possession, which was the deadline in place prior to January 1, 2021.

[Pa.B. Doc. No. 21-948. Filed for public inspection June 18, 2021, 9:00 a.m.]

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## **Title 246—MINOR COURT CIVIL RULES**

**PART I. GENERAL****[ 246 PA. CODE CH. 1200 ]****Proposed Amendment of Pa.R.C.P.M.D.J. No. 1208—1211**

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 1208—1211 relating to orders denying petitions for emergency protection from abuse or petitions for protection from sexual violence or intimidation for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. No. 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 reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor be officially adopted by the Supreme Court.

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

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

All communications in reference to the proposal should be received by August 11, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Minor Court Rules Committee*

HONORABLE MARGARET A. HUNSICKER,

*Chair*

<sup>1</sup> The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Reports.

<sup>2</sup> *See* Order of December 4, 2020, No. 449 Magisterial Rules Docket.

## Annex A

## TITLE 246. MINOR COURT CIVIL RULES

## PART I. GENERAL

## CHAPTER 1200. ACTIONS FOR EMERGENCY PROTECTIVE RELIEF

Rule 1208. Findings and Protection Orders; Denial Orders.

A.(1) If the hearing officer, upon good cause shown, finds it necessary to protect the plaintiff or minor children from abuse, the hearing officer may grant relief in accordance with Section 6110(a) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(a), and make any protection orders necessary to effectuate that relief. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause.

(2) If the hearing officer, upon good cause shown, finds it necessary to protect the plaintiff or another individual in connection with claims of sexual violence or intimidation, the hearing officer may grant relief in accordance with 42 Pa.C.S. § 62A09(a), and make any protection orders necessary to effectuate that relief. Immediate and present danger posed by the defendant to the plaintiff or another individual shall constitute good cause.

**B. If the hearing officer does not find good cause pursuant to subdivision A(1) or A(2), the hearing officer shall issue an order denying the petition.**

C. The hearing officer shall enter on the petition form the findings and any protection orders made or other action taken.

**Official Note:** [ Subparagraph ] **Subdivision A(1)** of this rule permits the hearing officer to grant limited relief in accordance with 23 Pa.C.S. § 6108(a)(1), (2), and (6) or (1) and (6). [ Subparagraph ] **Subdivision A(2)** of this rule permits the hearing officer to grant limited relief to plaintiffs in accordance with 42 Pa.C.S. § 62A07(b). **Subdivision B provides for the issuance of an order denying the petition for emergency relief.**

Rule 1209. Service and Execution of Emergency Protection Orders; Denial Orders.

A. [ The ] (1) **If the hearing officer grants the requested emergency relief in whole or in part, then the hearing officer** shall provide to the plaintiff a copy of [ a ] the protection order made under Rule 1208. The hearing officer or, when necessary, the plaintiff shall immediately deliver a service copy of any protection order made under Rule [ 1208 ] **1208A** to a police officer, police department, sheriff, or certified constable for service upon the defendant and execution. After making reasonable effort, if the executing officer is unable to serve the protection order upon the defendant in a timely fashion, the executing officer shall leave a service copy of the petition form containing the order with the police department with jurisdiction over the area in which the plaintiff resides for service upon the defendant, and shall advise such police department that the order could not be served.

[ B. When a ] (2) **If the** protection order is issued under Rule [ 1208 ] **1208A(2)** in accordance with 42 Pa.C.S. § 62A09(a), the hearing officer shall:

[ (1) ] (a) within two business days, serve the order upon the police department, sheriff, and district attorney in the jurisdiction where the order was entered, and

[ (2) ] (b) in the case of a minor victim of sexual violence, serve a copy of the petition and order upon the county agency (as defined by 23 Pa.C.S. § 6303) and the Department of Human Services.

**B.(1) If the hearing officer denies the requested emergency relief, the hearing officer shall provide to the plaintiff the order issued under Rule 1208B. The denial order shall not be served upon the defendant.**

**(2) The denial order and the underlying petition are not public records.**

**Official Note:** The hearing officer [ should ] shall provide the plaintiff with at least one copy of a protection order **granting the requested relief**, but more than one copy may be needed. For example, the plaintiff may wish to serve the order upon multiple police departments when the plaintiff lives and works in different police jurisdictions, etc. If it is necessary for the plaintiff to deliver the protection order to the executing officer, the hearing officer should make sure that the plaintiff fully understands the process and what must be done to have the order served upon the defendant. The hearing officer should make every effort to have the protection order served by a law enforcement officer in a timely fashion. The Rule requires that if the executing officer is unable to serve the protection order in a timely fashion, the executing officer shall leave a service copy of the order with the police department with jurisdiction over the area in which the plaintiff resides. This was thought advisable so that the local police would have a service copy in case they [ would be ] **are** called to the plaintiff's residence [ should ] **if** the defendant [ return ] **returns** there. Due to the emergency nature of these protection orders and the fact that to be meaningful they must be served and executed at night or on a weekend, the hearing officer should have the authority to use police officers as well as sheriffs and certified constables to serve and execute these orders. Protection orders issued under Rule [ 1208 ] **1208A(2)** in accordance with 42 Pa.C.S. § 62A09 (providing for protection of victims of sexual violence or intimidation) are subject to additional service requirements. See Section 6109(a) of the Protection From Abuse Act, 23 Pa.C.S. § 6109(a), and 42 Pa.C.S. § 62A05(d).

Service shall be made without prepayment of costs. See Rule 1206(C).

Service of protection orders upon the defendant at the time of execution may not be possible under some circumstances.

**The hearing officer will provide the plaintiff with the order denying the petition for emergency relief; the denial order is not served upon the defendant. Neither the denial order nor the underlying petition are public records or accessible to the public given the sensitive nature of their contents. See Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, Section 9.0F.**

## Rule 1210. Duration of Emergency Protection Orders.

Protection orders issued under Rule [ 1208 ] **1208A** shall expire at the end of the next business day the court deems itself available.

\* \* \* \* \*

## Rule 1211. Certification to Court of Common Pleas.

A. Any protection order issued under Rule [ 1208 ] **1208A**, together with any documentation in support

thereof, shall immediately be certified to the court of common pleas by the hearing officer.

\* \* \* \* \*

### PUBLICATION REPORT

#### Proposed Amendment of Pa.R.C.P.M.D.J. No. 1208—1211

The Minor Court Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the amendment of Rules 1208—1211 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges (“Rules”). The proposal relates to orders denying petitions for emergency protection from abuse or petitions for protection from sexual violence or intimidation. The proposal was first published for public comment at 49 Pa.B. 1772 (April 13, 2019). The Committee modified the proposal in response to comments received following the 2019 publication.

#### *Background*

The Committee received an inquiry from a magisterial district court questioning if a copy of an order denying a petition for emergency protection from abuse should be served on the defendant. The inquirer expressed concern that sending the denial order to the defendant could aggravate tensions between the parties and put the plaintiff in potential danger. The Committee determined that relevant statutes and rules are silent on the matter of service of an emergency denial order. This void resulted in divergent local practices in magisterial district courts for processing a denial order—some courts sent it to the defendant, while others placed it in the court’s file or forwarded it to the court of common pleas without sending a copy to the defendant. The Committee believed it would be preferable to have a standardized statewide practice for these cases.

After reviewing relevant statutes and rules, as well as the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Policy”), the Committee considered the fairness of withholding a denial order from a defendant in an adversarial (albeit ex parte) proceeding when the denial order and underlying petition could be accessed by the public. The Committee further considered the concern raised in the initial inquiry—the potential harm to a plaintiff if the defendant is notified of the denial order. Notifying the defendant of the court’s denial order would inform him or her of the plaintiff’s attempt to seek emergency protective relief from the court, while leaving the plaintiff without any court-ordered protection. However, the Committee aimed to balance the safety of plaintiffs seeking emergency protection with the due process rights of defendants.

The Committee published for public comment proposed amendments to rules governing emergency protective actions. The proposed amendments to Rule 1208 would have required hearing officers in emergency protection actions to issue an order denying the requested relief when the hearing officer did not find it necessary to protect the plaintiff or another individual. The proposed amendments to Rule 1209 would have required the hearing officer to send the denial order to the defendant by first class mail no sooner than 48 hours after issuance of the denial order. The 48-hour delay in the mailing of

the denial order to the defendant was intended to provide the plaintiff with time to implement a safety plan or seek a temporary protection order from a court of common pleas. Public comment to the proposal was largely negative and expressed concern for the safety of plaintiffs. The Committee revisited the proposal and is considering recommending an alternative approach to the Court.

#### *Discussion*

The Committee continues to seek uniform processing of denial orders and balancing of the safety of the plaintiff with the due process rights of the defendant. While the Committee proposed a 48-hour delay in serving a denial order on a defendant in 2019, it ultimately came to the conclusion that there was no optimal period of time to serve the denial order on the defendant such that the plaintiff’s safety is ensured. A defendant receiving a denial order 10, 30, or 60 days after its issuance may be as likely to be provoked as a defendant receiving the order 48 hours later. Since the Committee is not satisfied that the denial order can be served on the defendant without risk of harm to the plaintiff, the Committee is considering proposing to the Court that a denial order not be served on the defendant and that public access to the denial order and underlying petition is prohibited.

Currently, an order denying a petition for emergency protective relief constitutes a public record within the context of the *Policy*, subject to certain content restrictions; a denial order could be issued and made available to the public without the defendant’s knowledge. *See Policy*, §§ 1.0B(2), 3.0. If the defendant is not going to be served with a copy of the denial order, it stands to reason that the public should not have access to it. The *Policy* designates information that is not accessible by the public at a court facility, including “[i]nformation to which access is otherwise restricted by federal law, state law, or state court rule.” *Id.*, § 9.0F. Because the definition of “public” does not include a party to a case, a defendant would be able to obtain a copy of the petition and denial order in the case because he or she is a named party. *See id.*, § 1.0N. The Committee cannot predict the likelihood of a defendant in an emergency protective matter subsequently becoming aware of the existence of the petition and denial order and seeking access to them, but this proposal provides a better balancing between plaintiff safety and defendant due process.

#### *Proposed Rule Changes*

Rule 1208 would be amended to add a new paragraph requiring the hearing officer to issue an order denying the emergency petition if the hearing officer does not find it necessary to protect the plaintiff or another individual from abuse or in connection with claims of sexual violence or intimidation. Rule 1209 would be amended to require the hearing officer to provide the plaintiff with the denial order and clarifies that the denial order is not served on the defendant. The proposed amendments to Rule 1209 also specifies the denial order and underlying petition are not public records or available to the public. Other amendments update cross-references and make minor stylistic and grammatical changes.

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

[Pa.B. Doc. No. 21-949. Filed for public inspection June 18, 2021, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF BARBER EXAMINERS

[ 49 PA. CODE CH. 3 ]

### Fees

The State Board of Barber Examiners (Board) and the Commissioner of the Bureau of Professional and Occupational Affairs (Commissioner) propose to amend Chapter 3 (relating to State Board of Barber Examiners) by amending § 3.103 (relating to fees) to read as set forth in Annex A.

#### *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The graduated increases for application fees will be implemented on a 2-fiscal year (FY) basis—on July 1, 2022, and July 1, 2024.

The increased biennial renewal fees will be implemented beginning with the May 1, 2022—April 30, 2024, biennial renewal period. Thereafter, the subsequent graduated increases will be implemented with the biennial renewal for May 1, 2024—April 30, 2026.

#### *Statutory Authority*

Under section 14(b) of the Barbers' License Law (act) (63 P.S. § 564(b)), all fees required under the act shall be fixed by the Board by regulation and shall be subject to the Regulatory Review Act (71 P.S. §§ 745.1—745.14). Section 14(b) of the act further provides that “[i]f the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.” Section 15-A.4(b) of the act (63 P.S. § 566.4(b)), states, “[t]he board shall have power to make such other rules and regulations. . . as shall be deemed necessary to carry out the provisions of this act.”

Regarding barber, barber shop manager and barber teacher application fees, section 3(a), (c) and (d) of the act (63 P.S. § 553(a), (c) and (d)), requires applicants to submit an application in a form as the Board prescribes and states in pertinent part, “. . . [a]t the time of filing the application and accompanying notarized statements, the applicant shall pay to the department an examination fee to be determined by regulation. . . .” Regarding barber by reciprocity application fees, section 4(a) of the act (63 P.S. § 554(a)), states, “[a] barber currently licensed in another state with substantially the same licensure requirements as Pennsylvania shall be granted a Pennsylvania barber license without examination upon payment of the fee.” Regarding barber shop application fees, section 13(b) of the act (63 P.S. § 563(b)), states, “[a] licensed barber over sixty-five years of age may operate a one chair barber shop located in a senior citizen center which is eligible for funding from the State Lottery Fund. . . . Shops licensed under this subsection shall be subject to the same fees imposed pursuant to this act for the issuance and biennial renewal of a barber shop license.” Regarding barber school application fees, section 12(a) of the act (63 P.S. § 562(a)), states in pertinent part, “[b]oth the fee for registration of each barber school and the annual renewal fee shall be determined by regulation.” Under section 11

of the act (63 P.S. § 561), “[t]he department shall keep a record of the names and addresses of the barber shops to which, and the names of all persons to whom, licenses are issued under this act. The department shall furnish copies of such records to the public upon request and may establish a reasonable fee for such copies which shall not exceed the cost of reproduction.” Regarding biennial renewal fees, section 8(a) of the act (63 P.S. § 558(a)), states, “[t]he license shall be renewed on or before the thirtieth day of April, 1962, for a period of two years and biennially thereafter, and holders of said licenses shall pay to the department a fee to be determined by regulation for renewal.”

The Commissioner is appointed by the Governor and has a number of powers and duties. Specifically, under section 810(a)(7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(7)), the Commissioner has the power and duty, “[u]nless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department.”

#### *Background and Purpose of Amendment*

Under section 14 of the act, the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. The act further provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial renewal of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties. Board expenses are the result of direct charges, timesheet-based charges and licensee-based charges. On an annual basis, the Board reviews its fiscal status and receives an annual report from the Department of State's Bureau of Finance and Operations (BFO) regarding the Board's income and expenses.

At a public meeting on April 15, 2019, the BFO and the Board reviewed the Board's application fees and determined that the existing fee schedule did not reflect the costs of the services provided by the Board. The BFO presented to the Board its annual report reflecting revenues for FYs 2016-2017, 2017-2018 and 2018-2019. The BFO explained that there was a negative fund balance because Board expenses were exceeding revenue while the licensee population was declining. The Board, with the encouragement and support of the Bureau, determined that a re-evaluation of all application fees was appropriate, especially given that the Board had not updated its fees since 2014.

During the August 19, 2019, regularly scheduled Board meeting, the BFO presented to the Board actual revenues for FY 2017-2018 and reviewed projected revenues from FY 2018-2019 through FY 2024-2025. The BFO discussed projections for graduated increases of application and biennial renewal fees through FY 2024-2025 to ensure positive fund balance. The sporadic increases and decreases in the licensee population were taken into account when projecting incremental fee increases. The BFO recommended that the Board consider an increase in biennial renewal fees and application fees for FY 2021-2022.

During the January 27, 2020, regularly scheduled Board meeting, the BFO presented its annual report of the Board's income and expenses with updated data. The current BFO fiscal report shows that in FY 2018-2019, the Board incurred \$656,544.64 in expenditures and generated only \$159,127.33 in revenue, with a remaining deficit balance of (\$335,744). In FY 2019-2020, the Board incurred \$783,291.30 in expenditures and generated \$939,529.40 in revenue, with a remaining deficit balance of (\$179,505.90). For FY 2020-2021, it was estimated that the Board would incur approximately \$800,000 in expenditures and generate only \$400,000 in revenue, with a remaining deficit balance of (\$579,595.90). For FYs 2021-2022 and 2022-2023, the Board is projected to incur \$1.497 million in expenditures and generate \$1.404 million in revenue, with a deficit balance of (\$180,505.90) at the end of FY 2021-2022 and a deficit balance of (\$672,505.90) in FY 2022-2023. Based upon the information presented by the BFO, the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of the act were not sufficient to meet expenditures over a 2-year period. The Board voted to adopt the proposed graduated fee increases for application and biennial renewal fees contained in the BFO's report. An exposure draft was released to stakeholders and interested parties to solicit written comments and no comments were received.

*Description of Proposed Amendments*

The Board proposes to amend § 3.103 to set forth graduated fee schedules for application fees and biennial renewal fees. In doing so, for clarity, the Board proposes to add a new undesignated center heading entitled "Fees." The Board proposes to delete the existing fee schedule and add a new graduated fee schedule. New subsection (a) lists the graduated schedule of fees for applications for licensure, certification, registration and services with corresponding fees and effective dates. Application fees not associated with a profession or type of facility are set forth under a miscellaneous fee category. The Board proposes to add subsection (b), which lists the schedule of fees and corresponding effective dates for biennial license renewal.

Under proposed § 3.103(a), application fees would increase on a graduated level for the licenses and registrations of barbers, barber shop managers, barber teachers, barber shops and barber schools; miscellaneous application fees including licensure of barber by reciprocity, change in barber shop—inspection required, change in barber shop—no inspection required, reinspection after first fail—new or change (shop or school), verification of license/permit/registration and certification of student status or student training hours. The proposed application fees are increased on a graduated basis so that the application fees collected during each biennium reflect the anticipated costs of processing applications for that biennium. These fees are designed to cover the cost to process applications and are borne by individual applicants. Actual cost calculations for application fees are based upon the following formula:

$$\begin{aligned} & \text{number of minutes to perform the function} \\ & \qquad \times \\ & \text{pay rate for the classification of the personnel performing} \\ & \qquad \text{the function} \\ & \qquad + \\ & \text{a proportionate share of administrative overhead} \end{aligned}$$

Proposed application fee increases effective July 1, 2022, and July 1, 2024, are based on time study reports created within the Bureau giving each step in the process and the amount of time it takes to process one application. That amount is multiplied by the anticipated application requests for 1 year (times two since the increases are biennial). Application fees are almost entirely dependent upon personnel-related costs.

The proposed biennial renewal fees would increase on a graduated basis for barber, barber shop manager, barber teacher, barber shop and barber school effective May 1, 2022, and May 1, 2024. The graduated biennial renewal fee schedule is set forth under proposed § 3.103(b) which lists all renewal fees and corresponding effective dates.

The new fee structure is projected to produce biennial revenues of \$1,668,000 in FYs 2021-2022 through 2022-2023, which will allow the Board to meet or exceed its projected expenditures of \$1,497,000 and reduce its \$579,505.90 deficit. The biennial revenues of \$1,952,000 in FYs 2023-2024 through 2024-2025 will allow the Board to meet or exceed its projected expenditures of \$1,542,000, which will further reduce the Board's deficit.

*Proposed Application Fees*

As set forth as follows and in § 3.103(a), the proposed graduated increases will impact applicants as follows:

*Barber*

The Board receives approximately 434 barber applications per year. The graduated application fee increases will generate additional revenue as follows:

*FY 2022-2023:* The fee increase from \$10 to \$30 will generate an additional \$8,680 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$8,680 in application fees.

*FY 2024-2025:* The fee increase from \$30 to \$33 will generate an additional \$1,302 in application fees.

*Barber Shop Manager*

The Board receives approximately 100 barber shop manager applications per year. The graduated application fee increases will generate additional revenue as follows:

*FY 2022-2023:* The fee increase from \$10 to \$30 will generate an additional \$2,000 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$2,000 in application fees.

*FY 2024-2025:* The fee increase from \$30 to \$33 will generate an additional \$300 in application fees.

*Barber Teacher*

The Board receives approximately 14 barber teacher applications per year. The graduated application fee increases will generate additional revenue as follows:

*FY 2022-2023:* The fee increase from \$10 to \$30 will generate an additional \$280 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$280 in application fees.

*FY 2024-2025:* The fee increase from \$30 to \$33 will generate an additional \$42 in application fees.

*Barber Shop*

The Board receives approximately 235 barber shop applications per year. The graduated application fee increases will generate additional revenue as follows:

*FY 2022-2023:* The fee increase from \$110 to \$145 will generate an additional \$8,225 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$8,225 in application fees.

*FY 2024-2025:* The fee increase from \$145 to \$160 will generate an additional \$3,525 in application fees.

*Barber School*

The Board receives approximately five barber school applications per year. The graduated application fee increases will generate additional revenue as follows:

*FY 2022-2023:* The fee increase from \$140 to \$170 will generate an additional \$150 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$150 in application fees.

*FY 2024-2025:* The fee increase from \$170 to \$185 will generate an additional \$75 in application fees.

*Licensure of Barber by Reciprocity*

The Board receives approximately 165 licensure of barber by reciprocity applications per year. The graduated application fee increases will generate additional revenue as follows:

*FY 2022-2023:* The fee increase from \$55 to \$60 will generate an additional \$825 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$825 in application fees.

*FY 2024-2025:* The fee increase from \$60 to \$65 will generate an additional \$825 in application fees.

*Change in Barber Shop—inspection required*

The Board receives approximately ten applications for Change in Barber Shop—inspection required, per year. The graduated application fee increases will generate additional revenue as follows:

*FY 2022-2023:* The fee increase from \$90 to \$115 will generate an additional \$250 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$250 in application fees.

*FY 2024-2025:* The fee increase from \$115 to \$125 will generate an additional \$100 in application fees.

*Change in Barber Shop—no inspection required*

The Board receives approximately 40 applications for Change in Barber Shop—no inspection required, per year. The graduated application fee increases will generate additional revenue as follows:

*FY 2022-2023:* The fee increase from \$40 to \$45 will generate an additional \$200 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$200 in application fees.

*FY 2024-2025:* The fee increase from \$45 to \$50 will generate an additional \$200 in application fees.

*Reinspection after first fail—new or change (shop or school)*

The Board receives approximately five reinspection after first fail (barber shop or school) applications per year. An adjustment of the fees for this category of applications will result in the following revenue changes:

*FY 2022-2023:* The fee decrease from \$90 to \$75 will generate a decrease of \$75 in application fees.

*FY 2023-2024:* The fee decrease will continue to generate a decrease of \$75 in application fees.

*FY 2024-2025:* The fee increase from \$75 to \$82 will generate an increase of \$35 in application fees.

*Verification of license/permit/registration*

The Board receives approximately 100 verification of license/permit/registration applications per year. The graduated application fee increases will generate additional revenue as follows:

*FY 2022-2023:* The fee increase from \$15 to \$20 will generate an additional \$500 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$500 in application fees.

*FY 2024-2025:* The fee increase from \$20 to \$22 will generate an additional \$200 in application fees.

*Certification of Student Status or Student Training Hours*

The Board receives approximately 12 certification of student status or student training hours applications per year. The graduated application fee increases will generate revenue as follows:

*FY 2022-2023:* The fee increase from \$30 to \$35 will generate an additional \$60 in application fees.

*FY 2023-2024:* The fee increase will continue to generate an additional \$60 in application fees.

*FY 2024-2025:* The fee increase from \$35 to \$40 will generate an additional \$60 in application fees.

*Proposed Biennial Renewal Fees*

As set forth as follows and in § 3.103(b), the proposed graduated increases will impact licensees, registrants and certificate holders:

*Barber*

There are approximately 3,188 barbers who are subject to the current biennial renewal fee of \$109; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO estimates that around 432 barbers will stop renewing their licenses in the May 2022 renewal, resulting in 2,756 barbers. The graduated biennial renewal fee increases will generate additional revenue as follows:

*FY 2021-2022 and FY 2022-2023:* The fee increase from \$109 to \$160 will generate an additional \$140,556 in revenue.

*FY 2023-2024 and FY 2024-2025:* The fee increase from \$160 to \$184 will generate an additional \$66,144 in revenue.

*Barber Shop Manager*

There are approximately 2,462 barber managers who are subject to the current biennial renewal fee of \$161; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO estimates that around 363 barber shop managers will stop renewing their licenses in the May 2022 re-



newal, resulting in 2,099 barber shop managers. The graduated biennial renewal fee increases will generate additional revenue as follows:

*FY 2021-2022 and FY 2022-2023:* The fee increase from \$161 to \$215 will generate an additional \$113,346 in revenue.

*FY 2023-2024 and FY 2024-2025:* The fee increase from \$215 to \$260 will generate an additional \$94,455 in revenue.

*Barber Teacher*

There are approximately 275 barber teachers who are subject to the current biennial renewal fee of \$174; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO estimates that around 19 barber teachers will stop renewing their licenses in the May 2022 renewal, resulting in 256 barber teachers. The graduated biennial renewal fee increases will generate additional revenue as follows:

*FY 2021-2022 and FY 2022-2023:* The fee increase from \$174 to \$225 will generate an additional \$13,056 in revenue.

*FY 2023-2024 and FY 2024-2025:* The fee increase from \$225 to \$270 will generate an additional \$11,520 in revenue.

*Barber Shop*

There are approximately 2,098 barber shops that are subject to the current biennial renewal fee of \$187; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO estimates that around 245 barber shops will stop renewing their licenses in the May 2022 renewal, resulting in 1,853 barber shops. The graduated biennial renewal fee increases will generate additional revenue as follows:

*FY 2021-2022 and FY 2022-2023:* The fee increase from \$187 to \$235 will generate an additional \$88,944 in revenue.

*FY 2023-2024 and FY 2024-2025:* The fee increase from \$235 to \$287 will generate an additional \$96,356 in revenue.

*Barber School*

There are approximately 42 barber schools that are subject to the current biennial renewal fee of \$291; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO does not anticipate a decrease in the number of renewals in May 2022. The graduated biennial renewal fee increases will generate additional revenue as follows:

*FY 2021-2022 and FY 2022-2023:* The fee increase from \$291 to \$340 will generate an additional \$2,058 in revenue.

*FY 2023-2024 and FY 2024-2025:* The fee increase from \$340 to \$391 will generate an additional \$2,142 in revenue.

At the end of FY 2020-2021, the Board is projected to have a deficit of (\$579,505.90). The new fee structure is projected to produce additional revenues of \$379,055 in FY 2021-2022 through FY 2022-2023, allowing the Board to begin to reduce the deficit spending. In FY 2023-2024 through FY 2024-2025, the new fee structure is projected to produce additional biennial revenues of \$298,376. These revenues will have a positive projected remaining balance of \$1,494.10 in FY 2024-2025. The biennial

revenues previously listed assume a reduction in the barber, barber shop manager, barber teacher and barber shop licensee populations, beginning in FY 2021-2022; the barber school licensee population is expected to remain unchanged. Even assuming decreases in the licensee population, as noted previously, the revenues from the new fee structure will still have a positive projected remaining balance. Therefore, the new fee structure is projected to allow the Board to meet or exceed its projected expenditures and will put the Board back on firm financial ground.

*Fiscal Impact and Paperwork Requirements*

The proposed amendments will increase application and biennial renewal fees on a graduated basis. All applicants, licensees and registrants will be required to comply with the regulation. The fees may be paid by applicants, licensees or registrants or may be paid by their employers, should their employers choose to pay these fees. The proposed regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 1,120 applicants will be impacted annually by the increased application fees. Specifically, the number of applicants affected are as follows: 434 barbers, 100 barber shop managers, 14 barber teachers, 235 barber shops, 5 barber schools, 165 licensure of barber by reciprocity, 10 barber shop change (with inspection), 40 barber shop change (without inspection), 5 reinspection after first fail, 100 verification of license/permit/registration and 12 certification of barber school hours.

Based upon the graduated application fee increases, the total economic impact per fiscal year is as follows:

FY 2022-2023:	\$21,095
FY 2023-2024:	\$21,095
FY 2024-2025:	\$ 6,664
<u>Total:</u>	<u>\$48,854</u>

There are approximately 8,065 individuals who possess current licenses and registrations issued by the Board who will be required to pay more to renew their licenses and registrations. Factoring in a possible reduction of 1,059 licensees, the remaining 7,006 currently licensed individuals will be affected as follows:

Based upon the previously listed biennial renewal fee increases, the economic impact is as follows:

FY 2021-2022 and FY 2022-2023:	\$ 357,960
FY 2023-2024 and FY 2024-2025:	\$ 270,617
<u>Total:</u>	<u>\$ 628,577</u>

Thus, the total economic impact to applicants, licensees, registrants or employers, if employers choose to pay application or licensing fees, is \$677,431. This amount reflects the economic impact that will occur between FY 2021-2022 and FY 2024-2025.

This proposed rulemaking will require the Board to revise its printed and online application forms. The amendments will not create additional paperwork for the regulated community or for the private sector.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board's financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 1, 2021, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Board Counsel, Department of State, State Board of Barber Examiners, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatory Counsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 16A-4211 (Fees) when submitting comments.

DOMINIC L. MUNIZ,  
*Chairperson, State Board of Barber Examiners*  
K. KALONJI JOHNSON,  
*Commissioner, Bureau of Professional and Occupational Affairs*

**Fiscal Note:** 16A-4211. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 3. STATE BOARD OF BARBER EXAMINERS**

**FEEES**

**§ 3.103. Fees.**

[ **The schedule of fees charged by the Board is as follows:**

- Licensure of barber, barber shop manager or barber teacher ..... \$10**
- Licensure of barber by reciprocity ..... \$55**
- Licensure of barber shop ..... \$110**
- Licensure of barber school ..... \$140**
- Biennial renewal of barber license ..... \$109**
- Biennial renewal of barber shop manager license ..... \$161**
- Biennial renewal of barber teacher license .... \$174**
- Biennial renewal of barber shop license ..... \$187**
- Biennial renewal of barber school license ..... \$291**
- Change in barber shop—inspection required... \$90**
- Change in barber shop—no inspection required ..\$40**
- Reinspection after first fail—new or change (shop or school)..... \$90**
- Verify license/permit/registration..... \$15**
- Certification of student status or student training hours .....\$30 ]**

**(a) An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:**

		<b>Effective July 1, 2022</b>	<b>Effective July 1, 2024</b>
<b><u>(1) Initial Application for Licensure</u></b>			
<b><u>Barber</u></b>	<b><u>\$10</u></b>	<b><u>\$30</u></b>	<b><u>\$33</u></b>
<b><u>Barber Shop Manager</u></b>	<b><u>\$10</u></b>	<b><u>\$30</u></b>	<b><u>\$33</u></b>
<b><u>Barber Teacher</u></b>	<b><u>\$10</u></b>	<b><u>\$30</u></b>	<b><u>\$33</u></b>
<b><u>Barber Shop</u></b>	<b><u>\$110</u></b>	<b><u>\$145</u></b>	<b><u>\$160</u></b>
<b><u>Barber School</u></b>	<b><u>\$140</u></b>	<b><u>\$170</u></b>	<b><u>\$185</u></b>
<b><u>(2) Miscellaneous</u></b>			
<b><u>Licensure of barber by reciprocity</u></b>	<b><u>\$55</u></b>	<b><u>\$60</u></b>	<b><u>\$65</u></b>
<b><u>Change in Barber Shop— Inspection required</u></b>	<b><u>\$90</u></b>	<b><u>\$115</u></b>	<b><u>\$125</u></b>
<b><u>Change in Barber Shop— no inspection required</u></b>	<b><u>\$40</u></b>	<b><u>\$45</u></b>	<b><u>\$50</u></b>
<b><u>Reinspection after first fail— new or change (shop or school)</u></b>	<b><u>\$90</u></b>	<b><u>\$75</u></b>	<b><u>\$82</u></b>
<b><u>Verify license/permit/registration</u></b>	<b><u>\$15</u></b>	<b><u>\$20</u></b>	<b><u>\$22</u></b>
<b><u>Certification of student status or student training hours</u></b>	<b><u>\$30</u></b>	<b><u>\$35</u></b>	<b><u>\$40</u></b>

**(b) An applicant for biennial renewal of a license, certificate or registration shall pay the following fees:**

		<u>May 1, 2022— April 30, 2024 Biennial Renewal Fee</u>	<u>May 1, 2024— April 30, 2026 Biennial Renewal Fee and thereafter</u>
<u>Barber</u>	<u>\$109</u>	<u>\$160</u>	<u>\$184</u>
<u>Barber Shop Manager</u>	<u>\$161</u>	<u>\$215</u>	<u>\$260</u>
<u>Barber Teacher</u>	<u>\$174</u>	<u>\$225</u>	<u>\$270</u>
<u>Barber Shop</u>	<u>\$187</u>	<u>\$235</u>	<u>\$287</u>
<u>Barber School</u>	<u>\$291</u>	<u>\$340</u>	<u>\$391</u>

[Pa.B. Doc. No. 21-950. Filed for public inspection June 18, 2021, 9:00 a.m.]

## TURNPIKE COMMISSION

### [ 67 PA. CODE CH. 601 ]

#### Traffic Regulations

The Turnpike Commission (Commission) proposes to amend Chapter 601 (relating to traffic regulations), specifically the following §§ 601.1, 601.3, 601.5, 601.9, 601.12—601.15, 601.17, 601.18 and 601.101—601.103, as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of sections 4 and 12 of the act of May 21, 1937 (P.L. 774, No. 211) (36 P.S. §§ 652d and 652l); 74 Pa.C.S. §§ 8102, 8107 and 8116 (relating to definitions; commission powers and duties; and collection and disposition of tolls and other revenue); and 75 Pa.C.S. §§ 6110 and 6110.1 (relating to regulation of traffic on Pennsylvania Turnpike; and fare evasion).

#### A. Purpose of this Chapter

The purpose of Chapter 601 is to exercise the Commission's statutory authority to promulgate traffic regulations that promote the health, safety and welfare of the Commission's customers traveling on the Turnpike System.

#### B. Purpose of these Amendments to the Regulations

The purpose of these proposed amendments to Chapter 601 is to revise and improve the regulations and to reflect the Commission's conversion to a cashless tolling system, that is, all electronic tolling (AET). The amendments include new policies and procedures regarding special hauling permits for over-dimensional/overweight vehicles and updating the regulations and chart regarding the transportation of hazardous materials through Turnpike tunnels. The proposed amended regulations will address recent statutory amendments to fare evasion, update vehicles excluded from the Turnpike System and update language for tandem trailer combinations. Additional changes include clarifying existing language, deleting or revising obsolete language and other editorial amendments.

#### C. Description of the Amendments to the Regulations

After conducting a review of its traffic regulations, the Commission adopted the following proposed amendments at its October 6, 2020, Commission meeting:

#### § 601.1. Definitions

The definition of "Class 9 vehicle" is proposed to be amended to "over-dimensional/overweight vehicle" in conjunction with the revisions to § 601.14 (relating to over-dimensional/overweight vehicle) and the implementation of a new special hauling permitting process. As part of the Turnpike's conversion to a cashless tolling system, the Commission is updating and modernizing its long-standing Class 9 toll rate for use with AET and the revised permitting process. The Commission is proposing to add the phrase "combination of vehicles" to clarify that an "over-dimensional/overweight vehicle" could represent other forms of combinations, including tandems. Section 102 of 75 Pa.C.S. (relating to definitions) defines "combination" as "two or more vehicles physically interconnected in tandem." "Tandem" is defined in § 601.1 (relating to definitions) of the Commission's regulations "as a truck tractor, semitrailer and trailer." Therefore, for example, there could be a heavy wrecker (tow truck) towing a bus or a truck tractor. The proposed revised definition also includes the maximum gross weight that may be carried upon any one axle (22,400 pounds).

The definition of "hazardous material" is proposed to be amended to reflect the proper citation of the definition as found in the *Code of Federal Regulations*.

The definition of "max time formula" is proposed to be deleted because these formulas are determined by business rules rather than a regulation, which may need to be modified periodically.

#### § 601.3. Officers

This section is proposed to be amended to reflect the conversion of the Turnpike to a cashless tolling system and deletes references to toll collection and fare booths. The phrase "other officers" is proposed to be deleted because the word "officers" already appears in the text for § 601.3 (relating to officers). Likewise, the term "maintenance personnel" is proposed to be deleted because the term "employees" is intended to capture all Commission employees.

#### § 601.5. Hazardous materials

This section is proposed to be amended to update the existing chart regarding the Commission's policies for the transportation of hazardous materials through Turnpike tunnels. The Federal Motor Carrier Safety Administration and the United States Department of Transportation (USDOT) recognize nine classes as the first level of warning for hazardous materials and multiple placards

can fall into those classes. Title 49 of the *Code of Federal Regulations* sets forth the nine hazardous materials classes, listed by class, not placard. See 49 CFR 173.2 (relating to hazardous materials classes and index to hazard class definitions). The definitions for each class are found in various other subsections of 49 CFR Part 173 (relating to shippers—general requirements for shipments and packagings). The hazard class is the overall category of a hazard material, whereas the placard is the recommended sign placed on a vehicle. Because USDOT has multiple placards for some of the classes, the Commission does not want carriers to focus on a single placard for a specific hazardous materials class. To avoid confusion, the proposed revised chart eliminates “Placard Name” and now separates hazardous materials classes into Prohibited, Prohibited in Bulk Packaging and Permitted. Therefore, the proposed amendments to the chart will: (1) recognize and clarify the classes, (2) be easier to read and interpret, and (3) realign the Commission’s regulations to remain consistent with Federal law.

The proposed revised chart will update the status of organic peroxide (Class 5.2) as a prohibited hazardous material, which is the only substantive change to the existing chart. The Commission has already been operating under this change since 2014 to remain consistent with Federal placard revisions required for the highway transportation of organic peroxide, which became mandatory on January 1, 2014. At that time, the Commission updated its web site and guidelines for transporting hazardous materials through its tunnels to include the prohibition of organic peroxide (Class 5.2). Therefore, this will not be a newly disclosed prohibited class for Commission customers, but the proposed amended chart in the regulations will officially reflect the change that was instituted in 2014. Other proposed amendments to this section are editorial.

#### § 601.9. U-turns

This section is proposed to be amended to clarify who may authorize a U-turn on the Turnpike System.

#### § 601.12. Toll collection

In 2020, the Commission converted to AET, a cashless tolling system that incorporates electronic toll collection and license plate tolling. The Commission no longer issues paper tickets and all tolls are collected by an electronic toll collection device, currently E-Z Pass, or through license plate imaging captured by cameras or similar technology, Toll By Plate. Section 8116 of 74 Pa.C.S. establishes the Commission’s statutory authority to charge and collect tolls, including the right to authorize, fix and revise toll rates for use of the Turnpike System. Section 12 of the Commission’s 1937 enabling statute (36 P.S. § 652l) provides similar language. The language of both statutes grants the Commission broad discretion regarding tolling and demonstrates a clear legislative intent that the Commission shall have the sole authority to establish the most efficient and modern methods regarding the collection of tolls. No other governmental entity or agency in the Commonwealth has been granted these powers, which further proves the legislature’s intent that the Commission rely on its operational experience and tolling expertise to determine the best way to collect tolls on the Turnpike System.

This section is proposed to be renamed “toll collection,” formerly “toll tickets,” and fully amended will reflect the conversion to AET. The new language proposes to incorporate the definition of electronic toll collection, the implementation of license plate tolling and any other technol-

ogy used to identify vehicles traveling the Turnpike System and a citation to 74 Pa.C.S. § 8116.

#### § 601.13. Evasion of fare

The General Assembly enacted the act of November 25, 2013 (P.L. 974, No. 89) and codified the language of 75 Pa.C.S. § 6110.1 into the Vehicle Code, which sets the penalties for fare evasion or attempted fare evasion committed on the Turnpike System, including any affirmative actions, which is a misdemeanor of the third degree. Section 601.13 (relating to evasion of fare) is proposed to be amended to reference the language and penalties set forth in 75 Pa.C.S. § 6110.1. This section is proposed to be amended to reflect the elimination of paper toll tickets as part of the Commission’s conversion to a cashless tolling system.

#### § 601.14. Over-dimensional/overweight vehicles

As stated previously, the definition of a “Class 9 vehicle” found in § 601.1 is proposed to be amended to “over-dimensional/overweight vehicle.” Accordingly, this section is proposed to be renamed and amended to reflect the Commission’s revised policies and procedures for issuing special hauling permits for over-dimensional/overweight vehicles. To foster uniformity within the trucking/hauling industry, and consistency with other entities using a similar permitting process (such as PennDOT and the Ohio Turnpike Commission), the Commission will now charge a separate fee for a special hauling permit in addition to regular toll rates. First, operators of over-dimensional/overweight vehicles must apply for a special hauling permit and pay a \$37 flat fee along with an additional 24 cent-per-ton-mile fee on all weight in excess of 80,000 pounds (if applicable). Second, all appropriate tolls are assessed according to the vehicle classification system in place and then paid in lane by means of E-Z Pass or Toll By Plate at the time of travel.

As part of its conversion to AET, the Commission’s long-standing Class 9 toll rate has been updated for use with the revised permitting process that includes a new toll rate (now equal to the significantly lower Class 8 toll rate). The former Class 9 toll was always higher than other tolling rates because of the need for the Commission to affect repairs to the Turnpike System from damage done by over-dimensional/overweight vehicles. The pre-AET Class 9 rate had such costs built into the toll rate and represented the cost for carriers to travel on the Turnpike, in effect a user fee. However, due to the revised toll rates under AET, the revised permitting system will result in revenue/cost neutrality for the Commission and the carriers and customers impacted by the new procedures. Moreover, the revised permitting system will not impose new or restrictive conditions on said carriers or customers traveling on the Turnpike System.

The proposed amendments to this section also revise the language regarding escorts for vehicles with excessive width, length, height or weight.

#### § 601.15. Vehicles excluded from the Turnpike

To be consistent with the proposed amendments to § 601.14, this section is proposed to be amended to replace the term “Class 9 vehicle” with “over-dimensional/overweight vehicle” and the requirement to obtain a special hauling permit before these vehicles can travel on the Turnpike System. This section is proposed to be amended to prohibit certain vehicles on the Turnpike System during adverse travel conditions. Weather-related exclusions are already permitted under § 601.15(a) (relating to vehicles excluded from the Turnpike). The Commis-

sion’s intent is to exclude certain vehicles, as already listed in § 601.15(a), from the Turnpike System for non-weather-related travel conditions as determined by the Commission. For example, closure of a bridge due to structural damages, such as the Delaware Bridge in 2017, or a truck fire in a tunnel.

§ 601.17. *Authorized vehicle*

The proposed amendments to this section clarify existing language or are editorial.

§ 601.18. *Accident prevention investigations*

The proposed amendment to this section is editorial.

§ 601.101. *Length limit for tandems*

To be consistent with the proposed amendments to § 601.14, this section is proposed to be amended to replace the term “Class 9 vehicle” with “over-dimensional/overweight vehicle” and the requirement to obtain a special hauling permit regarding tandem combinations exceeding 85 feet in length.

§ 601.102. *Weight and dimensional limits for tandems*

To be consistent with the proposed amendments to § 601.14, this section is proposed to be amended to replace the term “Class 9 vehicle” with “over-dimensional/overweight vehicle” and the requirement to obtain a special hauling permit regarding tandem combinations. The Commission proposes to delete the sentence “[t]he maximum gross weight that may be carried upon any one axle may not exceed 22,400 pounds” because it is redundant and could be confusing to carriers when read in conjunction with the newly-defined “over-dimensional/overweight vehicle.” Likewise, obsolete language regarding excessive maximum gross axle weight and upgrading to the next higher vehicle classification is proposed to be deleted.

§ 601.103. *Exclusion of tandem truck trailers*

This section is proposed to be amended to update the proper citation for the definition of “hazardous materials, substances or wastes” as found in the *Code of Federal Regulations*.

D. *Persons and Entities Affected*

This proposed rulemaking is intended to update and revise the Commission’s current regulations. As before, all customers of the Commission, whether a person, business, small business or an organization, that travel on the Turnpike System will be affected by and required to comply with the approved final-form rulemaking.

E. *Fiscal Impact*

The Commission is funded primarily by tolls and bonds. Because there is no direct cost to the Commonwealth or local governments as a result of this proposed rulemaking, the Commission has not submitted a fiscal note.

F. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)) on June 1, 2021, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommenda-

tions or objections must specify the regulatory review criteria 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor.

G. *Effective Date*

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

H. *Sunset Provisions*

The Commission has not established a sunset date for this proposed rulemaking because the Traffic Regulations found in Chapter 601 are in effect on a continual basis. The Commission shall continue to monitor these regulations for their effectiveness and will propose amendments when required.

I. *Public Comments*

Interested parties are invited to submit written comments, objections or suggestions regarding this proposed rulemaking to John F. Dwyer, Assistant Counsel, Turnpike Commission, P.O. Box 67676, Harrisburg, PA 17106-7676, (717) 831-7343, jdwyer@paturndpike.com, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

J. *Contact Person*

The contact person for explanation of this proposed rulemaking is John F. Dwyer, Assistant Counsel, Turnpike Commission, P.O. Box 67676, Harrisburg, PA 17106-7676, (717) 831-7343, jdwyer@paturndpike.com.

MARK P. COMPTON,  
*Chief Executive Officer*

**Fiscal Note:** The Commission is funded primarily by bonds and tolls. Because there is no direct cost to the Commonwealth as a result of these proposed amendments, the Commission has not submitted a fiscal note.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART II. TURNPIKE COMMISSION**

**CHAPTER 601. TRAFFIC REGULATIONS**

**GENERAL**

§ 601.1. **Definitions.**

\* \* \* \* \*

**[ Class 9 vehicle ] Over-dimensional/overweight vehicle**—A vehicle **or combination of vehicles, including the load carried thereon**, which exceeds **any one of the following**: 100,000 pounds in **maximum gross weight**, **22,400 pounds maximum gross weight carried upon any one axle**, 13 feet 6 inches in height, 10 feet in width, 85 feet in overall length, or which has a load or part thereof extending 5 feet or more beyond the front bumper or 15 feet or more beyond the rear bumper. The front and rear overhang of stinger steered vehicles, as defined in 23 CFR [ **658.13(d)** ] **658.13(e)** (relating to length), may not be included in calculating the overall length of the stinger steered vehicle, as long as the front overhang does not exceed 3 feet and the rear overhang does not exceed 4 feet.

\* \* \* \* \*

**Hazardous material**—An explosive, blasting agent, flammable liquid, combustible liquid, flammable solid, flammable and nonflammable compressed gas, corrosive material, poison, poison gas, irritant, oxidizer, organic

peroxide, radioactive material, etiologic agent or other regulated material defined in [ 49 CFR Parts 100—177 (relating to research and special programs administration, Department of Transportation) ] 49 CFR Chapter I (relating to pipeline and hazardous materials safety administration, Department of Transportation) whether a material, a substance or a waste product.

[ *Max-time formula*—The method by which the Commission determines the maximum amount of time a patron should normally spend on the Turnpike system. ]

*Recreational vehicle*—A multipurpose passenger vehicle that provides living accommodations for persons or an apportionable vehicle designed or converted and used exclusively for personal pleasure or travel by an individual or the individual’s family.

\* \* \* \* \*

§ 601.3. Officers.

A driver of a motor vehicle and other persons using or traveling upon the Turnpike System shall obey the signs, signals and oral directions rendered by officers, [ employees ] employees, independent contractors or agents of the Commission, including the State Police[ , the toll collectors at fare booths and interchanges, maintenance personnel and other officers that are employed by the Commission ].

§ 601.5. Hazardous materials.

(a) Hazardous materials may be transported, under the required Federal permits, on the Turnpike system, if the shipments are in full compliance with 10 CFR Part 71 (relating to packaging and transportation of radioactive material), 49 CFR Chapter I, Subchapter C (relating to hazardous materials regulations), [ the Federal motor carrier safety regulations, ] 49 CFR Parts 390—397, regarding Federal motor carrier safety regulations, and other Federal or State laws or regulations relating to the transportation of hazardous materials.

(b) A transporter of hazardous materials shall carry the required Federal permits while traveling on the Turnpike System and shall present the permits upon demand to any Commission [ employee ] employee or the Pennsylvania State Police.

(c) Explosives Divisions 1.1, 1.2, 1.3 and Radioactive materials as defined in 49 CFR [ 73.50 ] 173.50 and 173.403, respectively (relating to Class 1—definitions; and definitions) are prohibited from being transported on the Turnpike in tandem trailer combinations.

(d) The total volume of material in a tandem combination may not exceed the total volume that could be carried in a single trailer.

(e) The following materials are prohibited, [ restricted ] prohibited in bulk packaging or permitted in Commission tunnels under the following chart. [ Restricted is defined as nontanker loads, limited to transport in nonbulk packaging of 119 gallons per container or less, under 49 CFR 171.8 (relating to definitions and abbreviations). ] Bulk Packaging is defined in 49 CFR 171.8 (relating to definitions and abbreviations).

[ PLACARD NAME	POLICY
<b>Table 1 Materials</b>	
Explosives 1.1	Prohibited
Explosives 1.2	Prohibited
Explosives 1.3	Prohibited
Poison Gas	Prohibited
Dangerous When Wet	Prohibited
Poison (Inhalation Hazard)	Prohibited
Radioactive	Prohibited
<b>Table 2 Materials</b>	
Explosives 1.4	Prohibited
Explosives 1.5	Prohibited
Explosives 1.6	Prohibited
Flammable Gas	Restricted
Non-Flammable Gas (Refrigerated Oxygen)	Permitted
Flammable Liquids	Restricted
Combustible (Fuel Oil)	Permitted
Flammable Solid	Restricted
Spontaneously Combustible	Restricted
Oxidizer	Restricted
Organic Peroxide	Restricted
Poison	Restricted
Keep Away From Food	Permitted
Corrosive	Restricted
Miscellaneous (Class 9)	Permitted ]

<i>Prohibited Hazardous Materials Classes</i>		
<u>Hazardous Material</u>	<u>Class</u>	<u>Policy</u>
<u>All Explosives</u>	<u>1.1—1.6</u>	<u>Prohibited</u>
<u>Poison Gas</u>	<u>2.3</u>	<u>Prohibited</u>
<u>Dangerous When Wet</u>	<u>4.3</u>	<u>Prohibited</u>
<u>Organic Peroxide</u>	<u>5.2</u>	<u>Prohibited</u>
<u>Poison (Inhalation Hazard)</u>	<u>6.1</u>	<u>Prohibited</u>
<u>Radioactive</u>	<u>7</u>	<u>Prohibited</u>

<i>Prohibited in Bulk Packaging Hazardous Materials Classes</i>		
<u>Hazardous Material</u>	<u>Class</u>	<u>Policy</u>
<u>Flammable Gas</u>	<u>2.1</u>	<u>Prohibited in bulk packaging</u>
<u>Flammable Liquid</u>	<u>3</u>	<u>Prohibited in bulk packaging</u>
<u>Flammable Solid</u>	<u>4.1</u>	<u>Prohibited in bulk packaging</u>
<u>Spontaneously Combustible</u>	<u>4.2</u>	<u>Prohibited in bulk packaging</u>
<u>Oxidizer</u>	<u>5.1</u>	<u>Prohibited in bulk packaging</u>
<u>Poison (Other than Inhalation Hazard)</u>	<u>6</u>	<u>Prohibited in bulk packaging</u>
<u>Corrosive</u>	<u>8</u>	<u>Prohibited in bulk packaging</u>
<i>Permitted Hazardous Materials Classes</i>		
<u>Hazardous Material</u>	<u>Class</u>	<u>Policy</u>
<u>Non-Flammable Gas</u>	<u>2.2</u>	<u>Permitted</u>
<u>Combustible (Fuel Oil)</u>	<u>3</u>	<u>Permitted</u>
<u>Miscellaneous</u>	<u>9</u>	<u>Permitted</u>
<u>Dangerous</u>	<u>-</u>	<u>Permitted</u>
<u>Stow Away From Food Stuffs</u>	<u>-</u>	<u>Permitted</u>

§ 601.9. U-turns.

The making of a U-turn on the Turnpike System is prohibited except by authorized vehicles. A driver of a motor vehicle may reverse direction of travel only by passing through an interchange [ **and paying the fare** ] **or other tolling point**. The Pennsylvania State Police may authorize a U-turn in an emergency and [ **fare collection** ] **other personnel authorized by the Commission** may authorize a U-turn [ **at an interchange** ] **when necessary**.

§ 601.12. Toll [ **tickets** ] **collection**.

[ (a) Each vehicle shall obtain a toll ticket upon entering the Turnpike System at an interchange.

(b) The toll ticket shall then be surrendered to a toll collector together with the appropriate fare upon exiting the Turnpike System.

(c) The patron shall stop and exhibit his toll ticket upon request by the State Police or a Commission employe.

(d) In the event of a lost toll ticket, the patron shall pay the fare from the farthest point of entry on the Turnpike to the actual point of exit. ]

All vehicles that travel on the Turnpike System, unless otherwise authorized, shall pay a toll through any of the following:

(1) Electronic toll collection, as defined in 74 Pa.C.S. § 8102 (relating to definitions).

(2) By license plate tolling with an invoice sent to the vehicle's registered owner, as authorized in 74 Pa.C.S. § 8116 (relating to collection and disposition of tolls and other revenue).

(3) Any other technology which identifies a vehicle by photographic, electronic or other method, as authorized in 74 Pa.C.S. § 8116.

§ 601.13. Evasion of fare.

(a) Evasion of fare or attempted evasion of fare is prohibited and constitutes a summary offense **unless a person intentionally or knowingly takes an affirma-**

**tive action as defined in 75 Pa.C.S. § 6110.1(f) (relating to fare evasion) in an attempt to evade tolls, in which case the offense constitutes a misdemeanor of the third degree.** Fines for evasion of fare [ **or** ], attempted evasion of fare **and affirmative action** are imposed by [ **75 Pa.C.S. § 6110(b) (relating to regulation of traffic on Pennsylvania Turnpike)** ] **75 Pa.C.S. § 6110.1(a) and (b).**

(b) Evasion of fare or attempted evasion of fare includes the following:

(1) Entering or exiting the Turnpike System except through an interchange, unless directed to do so by the State Police or [ **a** ] **an authorized Commission [ employe ] employee.**

(2) [ **The presentation to a State Trooper or toll collector of a toll ticket which indicates that the patron has exceeded the travel time allotted based on the max-time formula, where the patron cannot produce satisfactory physical evidence, including the driver's record of duty status, demonstrating that the age of the ticket was the result of actual excess time spent legitimately on the Turnpike System by the patron and was not the result of fare evasion or attempted fare evasion** ] **(Reserved).**

**(2.1) Operating a vehicle on the Turnpike System without a valid electronic toll collection device and/or obstructing or covering the vehicle's license plate.**

(3) [ **Possession by the patron of more than one toll ticket** ] **(Reserved).**

**(3.1) Operating a vehicle on the Turnpike System without a license plate and valid vehicle registration.**

[ (4) **Possession by the patron of a toll ticket which was issued from an interchange located in the direction in which the patron is traveling** ] **(Reserved).**

(5) [ Possession or presentation by a patron of a toll ticket which has been intentionally altered or mutilated ] (Reserved).

(6) The failure by [ the patron ] a person to pay the appropriate toll [ upon exiting the Turnpike System ].

(7) [ Appropriation or attempted appropriation by a patron of more than one toll ticket at an interchange ] (Reserved).

(8) [ The exchange of toll tickets by two or more patrons ] (Reserved).

§ 601.14. [ Class 9 vehicles ] Over-dimensional/overweight vehicles.

(a) Prior to entering the Turnpike System, [ Class 9 ] operators of over-dimensional/overweight vehicles shall [ contact the Commission's Safety Department at (717) 939-9551, extension 2970 or 2980, to ] request and obtain a [ Class 9 ] special hauling permit according to Commission policies and procedures and pay all applicable fees.

(b) The requester shall be prepared to provide the following information:

(1) The size, weight and number of axles of the [ Class 9 ] over-dimensional/overweight vehicle.

(2) The name, address and telephone number of the carrier.

(3) The planned entry and exit interchange.

(4) The planned date of movement.

(5) Other information which may be requested by the [ Safety Department ] Commission.

(c) If approved, the [ Safety Department ] Commission will provide the requester with [ a four-digit Class 9 move number, which shall be provided to the toll collector at the time of entry ] proof of a valid special hauling permit that the operator shall produce upon request from the State Police or a Commission employee at any point during permitted travel on the Turnpike System.

(d) [ Vehicles over 11 feet in width, 90 feet in length or 125,000 pounds in weight may be required to provide an escort vehicle for movement on the Turnpike System. ] Based on Commission policies and procedures, operators of over-dimensional/overweight vehicles with excessive width, length, height or weight, or at the discretion of the Commission, may be required to provide an escort vehicle or have a State Police escort, or both, for movement on the Turnpike System.

(e) [ Class 9 ] Over-dimensional/overweight vehicles may travel on the Turnpike System only on days and at times designated by the Commission. The [ Safety Department ] Commission will provide schedules and additional information [ upon request ] according to policies and procedures.

(f) If the [ requester ] operator is unable to travel on the planned [ date ] dates of movement, or the special hauling permit is cancelled, the requester shall notify the [ Safety Department accordingly ] Commission according to policies and procedures.

§ 601.15. Vehicles excluded from the Turnpike.

(a) During adverse weather or travel conditions, recreational vehicles, motorcycles, vehicles towing trailers, tandem trailers, buses and [ Class 9 ] over-dimensional/overweight vehicles may be excluded from parts or all of the Turnpike System. Vehicles may be excluded from the Turnpike System to effect proper snow removal or to remedy hazardous situations. Unsafe vehicles may be excluded at any time.

(b) [ Class 9 ] Over-dimensional/overweight vehicles are prohibited from using the Turnpike System except by special hauling permit issued from the Commission, as indicated in §§ 601.1 and 601.14 (relating to definitions; and [ Class 9 ] over-dimensional/overweight vehicles).

\* \* \* \* \*

§ 601.17. Authorized vehicle.

(a) For the purposes of this chapter, the term "authorized vehicle" shall be defined as follows:

(1) A vehicle which carries the Commission seal, including automobiles and construction and maintenance vehicles.

(2) A vehicle owned by the Commission which does not carry the Turnpike seal.

(3) A vehicle driven by a Commission [ employe ] employee used in an official capacity and in the performance of employment.

(4) A vehicle of the Commission's Consulting Engineer utilized in the furtherance of the Consulting Engineer's duties, under the Trust Indenture.

(5) A vehicle of a consultant under contract with the Commission utilized in the furtherance of the consultant's duties under the Commission contract.

(6) A towing or wrecking vehicle which meets the following conditions:

(i) Through contract with the Commission [ is ] as an authorized service [ dealer ] provider and the vehicle displays that designation.

(ii) Is called by an authorized [ employe ] employee of the Commission or the State Police to perform special clean-up or towing services.

(7) A construction vehicle owned, leased or operated by a company performing a construction contract for the Commission which is operating within the terms of the contract.

(8) A vehicle which has obtained prior permission from the Commission and is moving under the supervision of [ a State trooper ] the State Police in executing the otherwise restricted activity.

\* \* \* \* \*

§ 601.18. Accident prevention investigations.

(a) The Commission may conduct in-depth accident investigations and safety studies of the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the cause of traffic accidents and



the improvements which may help prevent similar types of accidents or increase the overall safety of the Turnpike roadway and bridges.

(b) In-depth accident investigations and safety studies and information, records and reports used in their preparation are not discoverable or admissible as evidence in any civil action or proceeding. Officers or [ **employees** ] **employees** or the agencies charged with the development, procurement or custody of in-depth accident investigations and safety study records and reports are not required to give depositions or evidence pertaining to anything contained in the in-depth accident investigations or safety study records or reports in any civil action or other proceeding.

#### TANDEM TRAILER COMBINATIONS

##### § 601.101. Length limit for tandems.

A semitrailer, or the trailer of a tandem trailer combination, may not be longer than 28 1/2 feet. A tandem combination—including the truck tractor, semitrailer and trailer—which exceeds 85 feet in length is considered [ **a Class 9** ] **an over-dimensional/overweight** vehicle which requires a special **hauling** permit to travel on the Turnpike System.

##### § 601.102. Weight and dimensional limits for tandems.

A tandem trailer combination which is considered [ **a Class 9** ] **an over-dimensional/overweight** vehicle shall require a special **hauling** permit to travel on the Turnpike System. [ **The maximum gross weight that may be carried upon any one axle may not exceed 22,400 pounds. A tandem trailer combination which exceeds the maximum gross axle weight shall be upgraded to the next higher vehicle classification.** ] In tandem combinations, the heaviest trailer shall be towed next to the truck tractor.

##### § 601.103. Exclusion of tandem tank trailers.

Tandem tank trailer combinations transporting hazardous materials, substances or wastes, as defined in [ **49 CFR Chapter 1 (relating to research and special programs administration, Department of Transportation)** ] **49 CFR Chapter I (relating to pipeline and hazardous materials safety administration, Department of Transportation)** are prohibited from using the Turnpike System.

[Pa.B. Doc. No. 21-951. Filed for public inspection June 18, 2021, 9:00 a.m.]

# NOTICES

## 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 June 8, 2021.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-07-2021	The Dime Bank Honesdale Wayne County	1055 Texas Palmyra Highway Honesdale Wayne County	Approved
06-07-2021	CNB Bank Clearfield Clearfield County	635 South State Street Westerville Franklin County, OH	Approved

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
05-28-2021	Prosper Bank Coatesville Chester County	Filed

Amendment to Article I of the institution's Articles of Incorporation provides for a change of the corporate title of the bank to Presence Bank.

Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.

### CREDIT UNIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-3-2021	Viriva Community Credit Union Warminster Bucks County	Filed

Application for approval to merge Viriva Community Credit Union, Warminster, with and into American Heritage Federal Credit Union, Philadelphia.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-952. Filed for public inspection June 18, 2021, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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#### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

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

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

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

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP's tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP's website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice). Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications and NOIs may be reviewed at the DEP office that received the application or NOI. Contact information for each DEP office for Sections I & II is listed as follows. Contact information for Section III is available within the table. Members of the public are encouraged to use DEP's website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs in Sections I & II and to submit comments for those application and NOIs, when applicable, is as follows:

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES\_SERO@pa.gov.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES\_NERO@pa.gov.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES\_SCRO@pa.gov.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES\_NCRO@pa.gov.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES\_SWRO@pa.gov.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES\_NWRO@pa.gov.*

*DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES\_Permits@pa.gov.*

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

**I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
3796201	Industrial Waste Individual WQM Permit	Amendment	Dairy Farmers of American Inc. 800 W Tampa Street Springfield, MO 65802	Wilmington Township Lawrence County	NWRO
1021803	Joint DEP/PFBC Pesticides Permit	New	Barb Kellerman 337 E Main Street Eau Claire, PA 16030-9812	Eau Claire Borough Butler County	NWRO
2321803	Joint DEP/PFBC Pesticides Permit	New	Zukin Jeanenne 8 Oak Tree Hollow Road West Chester, PA 19382-8341	Thornbury Township Delaware County	SERO
2521807	Joint DEP/PFBC Pesticides Permit	New	Lawrence Park Golf Course 3700 East Lake Road Erie, PA 16511	Lawrence Park Township Erie County	NWRO
NOEXNW158	No Exposure Certification	Renewal	Franklin Bronze Precision Components, LLC 655 Grant Street Franklin, PA 16323-2217	Franklin City Venango County	NWRO
NOEXSE293	No Exposure Certification	Renewal	Lannett Co. Inc. 9001 Torresdale Road Philadelphia, PA 19136	Philadelphia City Philadelphia County	SERO
NOEXSE294	No Exposure Certification	Renewal	Lannett Co. Inc. 9001 Torresdale Avenue Philadelphia, PA 19136-1514	Philadelphia City Philadelphia County	SERO
PAG034879	PAG-03 NPDES General Permit for Industrial Stormwater	New	GAF Keystone LLC 2093 Old Route 15 New Columbia, PA 17856-9375	White Deer Township Union County	NCRO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG036299	PAG-03 NPDES General Permit for Industrial Stormwater	New	Maitri Genetics LLC 120 Beta Drive Pittsburgh, PA 15238-2932	Ohara Township Allegheny County	SWRO
PAG036300	PAG-03 NPDES General Permit for Industrial Stormwater	New	Woodford Oil 5103 National Pike Markleysburg, PA 15459-1007	Henry Clay Township Fayette County	SWRO
PAG122213	PAG-12 NPDES General Permit for CAFOs	Renewal	Snyder Linford R 90 Court Street Bethel, PA 19507-9721	Washington Township Schuylkill County	SCRO
PAG123786	PAG-12 NPDES General Permit for CAFOs	Renewal	Mason Dixon Farms Inc. 1800 Mason Dixon Road Gettysburg, PA 17325-7127	Freedom Township Adams County	SCRO
PAG123883	PAG-12 NPDES General Permit for CAFOs	Renewal	Wenger Jason 5376 Elizabethtown Road Manheim, PA 17545-8375	Rapho Township Lancaster County	SCRO
PAG123884	PAG-12 NPDES General Permit for CAFOs	Renewal	Troutman Connie and Troutman Scott 638 Railroad Road Mohrsville, PA 19541	Centre Township Berks County	SCRO
PAG123920	PAG-12 NPDES General Permit for CAFOs	New	Huber Melvin J 457 Cold Springs Road Elizabethtown, PA 17022-8516	South Annville Township Lebanon County	SCRO
PAG124837	PAG-12 NPDES General Permit for CAFOs	Renewal	Joe Jurgielewicz & Son Ltd P.O. Box 257 Shartlesville, PA 19554-0257	Rockefeller Township Northumberland County	SCRO
1421401	Sewage Treatment Facilities Individual WQM Permit	New	University Area Joint Authority 1576 Spring Valley Road State College, PA 16801-8401	Benner Township Centre County	NCRO
1621402	Sewage Treatment Facilities Individual WQM Permit	New	Schweikert Robert 324 Wallrose Heights Road Baden, PA 15005-2710	Clarion Township Clarion County	NWRO
2015401	Sewage Treatment Facilities Individual WQM Permit	Transfer	Croll Theresa 19664 Collier Drive Meadville, PA 16335-9678	Woodcock Township Crawford County	NWRO
2020406	Sewage Treatment Facilities Individual WQM Permit	New	Denton A and Twila J Eby 17963 State Highway 86 Saegertown, PA 16433-6349	Woodcock Township Crawford County	NWRO
2500407	Sewage Treatment Facilities Individual WQM Permit	Amendment	Debbie and George Wnukoski 5740 Peck Road Erie, PA 16510-5749	Harborcreek Township Erie County	NWRO
2515409	Sewage Treatment Facilities Individual WQM Permit	Transfer	John and Nancy Bacon 12434 Lake Road North East, PA 16428-3545	North East Township Erie County	NWRO
2597417	Sewage Treatment Facilities Individual WQM Permit	Transfer	Lavigne Sean 20 Carey Farms Road Erie, PA 16511-1607	Harborcreek Township Erie County	NWRO
0365S54	Sewage Treatment Facilities Individual WQM Permit	Transfer	Wampum Operator LLC 1605 Old Route 18 Wampum, PA 16157-3417	New Beaver Borough Lawrence County	NWRO
3688468	Sewage Treatment Facilities Individual WQM Permit	Amendment	Paradise Township Sewer Authority Lancaster County 2 Township Drive P.O. Box 40 Paradise, PA 17562-9680	Paradise Township Lancaster County	SCRO
3721402	Sewage Treatment Facilities Individual WQM Permit	New	Cialella Erika 13 E Oakwood Way New Castle, PA 16105-1205	Neshannock Township Lawrence County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4112406	Sewage Treatment Facilities Individual WQM Permit	Amendment	West Branch Region Authority 127 Girton Drive Muncy, PA 17756-6375	Clinton Township Lycoming County	NCRO
2613403	Sewer Extensions and Pump Stations Individual WQM Permit	Transfer	Westmoreland County Municipal Authority 124 Park & Pool Road New Stanton, PA 15672	Upper Tyrone Township Fayette County	SWRO
PA0264067	Single Residence STP Individual NPDES Permit	Transfer	John and Nancy Bacon 12434 Lake Road North East, PA 16428-3545	North East Township Erie County	NWRO
PA0222411	Small Flow Treatment Facility Individual NPDES Permit	Transfer	Lavigne Sean 20 Carey Farms Road Erie, PA 16511-1607	Harborcreek Township Erie County	NWRO
WQG018784	WQG-01 WQM General Permit	Transfer	Cheryl and Lee Arnold 8105 Edinboro Road Erie, PA 16509-4468	Summit Township Erie County	NWRO

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

*Northeast Regional Office*

**PA0020435**, Sewage, SIC Code 4939, **Aqua Pennsylvania Wastewater Inc.**, 1 Aqua Way, White Haven, PA 18661-1115. Facility Name: White Haven WWTP. This existing facility is located in White Haven Borough, **Luzerne 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), Lehigh River (HQ-CWF), is located in State Water Plan watershed 2-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .60 MGD.—Interim Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .60 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total	Report	XXX	XXX	0.030	0.043 Daily Max	0.043

The proposed effluent limits for Outfall 001 are based on a design flow of .60 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .60 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	Report	XXX	XXX	Report	Report	XXX
Iron, Total	Annl Avg	XXX	XXX	Report	Report	XXX
Manganese, Total	Report	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .60 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	1.00
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	100.0	XXX	XXX	20.0	40.0	40.0
May 1 - Oct 31	85.0	XXX	XXX	17.0	34.0	34.0
CBOD <sub>5</sub> Minimum % Removal (%)	85	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	105.0	XXX	XXX	21.0	42.0	42.0
Total Dissolved Solids	Report	XXX	XXX	1,000.0	2,000.0	2,500.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	45.0	XXX	XXX	9.0	18.0	18.0
May 1 - Oct 31	15.0	XXX	XXX	3.0	6.0	6.0
Nitrate as N	Report	XXX	XXX	Report	Report	XXX
Nitrite as N	Report	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	Report	XXX
Total Phosphorus	Report	XXX	XXX	Report	Report	XXX
Zinc, Total	Report	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 (internal monitoring point) are based on a design flow of NA MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Raw Sewage Influent	Report	XXX	XXX	Report	Report	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 102 (internal monitoring point) are based on a design flow of NA MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Internal Monitoring Point	Report	XXX	XXX	Report	Report	XXX
Total Suspended Solids Internal Monitoring Point	Report	XXX	XXX	Report	Report	XXX

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

- Stormwater prohibition; Necessary property rights; Residuals management; Planning; Chlorine minimization; Changes in stream/discharge quality; High Flow Management Plan; Solids management; WQBELs for toxics (Copper).

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.

**PA0026361**, Sewage, SIC Code 4952, **Lower Lackawanna Valley Sanitary Authority**, P.O. Box 2067, Duryea, PA 18642-0067. Facility Name: Lower Lackawanna Valley Sanitary Authority. This existing facility is located in Duryea Borough, **Luzerne 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 Keyser Creek (CWF, MF), Lackawanna River (CWF, MF), Saint Johns Creek (CWF, MF), Mill Creek (CWF), Keyser Creek (CWF), and Unnamed Tributary to Saint Johns Creek (CWF), is located in State Water Plan watershed 5-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 6 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Antimony, Total	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total	XXX	XXX	XXX	Report	XXX	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Cyanide, Free	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Silver, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX
Acrolein	XXX	XXX	XXX	Report	XXX	XXX
Acrylamide	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 6 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	1.05	XXX	2.63
Antimony, Total	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	1.29	XXX	3.21
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	22.8	XXX	57.1
Copper, Total (ug/L)	XXX	XXX	XXX	19.6	XXX	49
Cyanide, Free (ug/L)	XXX	XXX	XXX	19.0	XXX	47.5
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	5.3	XXX	13.3
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX
Acrolein (ug/L)	XXX	XXX	XXX	4.2	XXX	10.5
Acrylamide (ug/L)	XXX	XXX	XXX	1.32	XXX	3.29

The proposed effluent limits for Outfall 001 are based on a design flow of 6 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Aluminum, Total	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Iron, Dissolved	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Iron, Total	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Manganese, Total	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 6 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.17
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	1,251	2,002	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	1,501	2,252	XXX	30.0	45.0	60
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net	Total Mo					
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Ammonia-Nitrogen	561	XXX	XXX	11.2	XXX	22.4
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net	Total Mo					

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen	XXX	109,588	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
Effluent Net		Annual				
(Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total				
		Annual				
Ammonia-Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
		Annual				
Total Phosphorus	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
		Annual				
Effluent Net	XXX	14,612	XXX	XXX	XXX	XXX
		Total				
		Annual				

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

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

- Combined Sewer Overflows
- Pretreatment
- Wet Testing
- Chesapeake Nutrient Requirements
- Toxic Reduction

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 not in effect.

**PA0063631**, Sewage, SIC Code 8211, **Parkland School District**, 2219 N Cedar Crest Boulevard, Allentown, PA 18104-9665. Facility Name: Parkland High School Sewage Treatment Plant. This existing facility is located in South Whitehall Township, **Lehigh 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), Jordan Creek (TSF, MF), is located in State Water Plan watershed 2-C and is classified for Migratory Fishes and 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 .0324 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.20	XXX	0.48

The proposed effluent limits for Outfall 001 are based on a design flow of .0324 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.02
Ultraviolet light intensity (µw/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .0324 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .0324 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
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 3.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	Report	XXX	XXX	25.0	50.0	50.0
CBOD <sub>5</sub> Minimum % Removal (%)	85	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids Minimum % Removal (%)	Report 85	XXX	XXX	30.0	60.0	60.0
Total Dissolved Solids	Report	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	14.9	29.8	29.8
May 1 - Oct 31	Report	XXX	XXX	4.9	9.9	9.9
Nitrate as N	Report	XXX	XXX	15.0	30.0	30.0
Nitrite an N	Report	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	Report	XXX
Total Phosphorus	Report	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of NAMGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						

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

- Stormwater prohibition; Necessary property rights; Residuals management; Chlorine minimization; Dry stream; SBR discharges; Responsible operator; Chapter 94 Report requirements; Groundwater monitoring requirements; and Solids management

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.

**PA0065048**, Sewage, SIC Code 4952, **Nicholson Borough Authority**, P.O. Box 324, Nicholson, PA 18446-0324. Facility Name: Nicholson Borough WWTP. This existing facility is located in Nicholson Township, **Wyoming 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), Tunkhannock Creek (TSF), is located in State Water Plan watershed 4-F 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 0.09 MGD.—Interim Limits.

(From Permit Effective Date to One Year After Permit Effective Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.34

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.—Final Limits.

(From One Year After Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.—Interim Limits.

(From Permit Effective Date to Three Years After Permit Effective Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.—Final Limits.

(From Three Years After Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	25.0	XXX	50.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	19.0	30.0	XXX	25.0	40.0	50.0
Total Suspended Solids Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	23.0	34.0	XXX	30.0	45.0	60.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Nitrate-Nitrite as N	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX

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

- Solids Management

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

The EPA Waiver is in effect.

Northwest Regional Office

**PA0240061**, Sewage, SIC Code 4952, 8052, **Country Acres Personal Care Home, Inc.**, 2017 Meadville Road, Titusville, PA 16354-7045. Facility Name: Country Acres Personal Care Home. This existing facility is located in Cherrytree Township, **Venango 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, an Unnamed Tributary to the Prather Creek (CWF), is located in State Water Plan watershed 16-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min Report	XXX	Daily Max XXX	XXX
Interim			Inst Min			
Final	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	22.0	XXX	44
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX

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

- Solids Management
- Compliance Schedule for Dissolved Oxygen (DO)

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

The EPA Waiver is in effect.

**PA0289213**, Sewage, SIC Code 8800, **Debbie & George Wnukoski**, 5740 Peck Road, Erie, PA 16510-5749. Facility Name: Debbie & George Wnukoski SFTF. This proposed facility is located in Harborcreek Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to Sixmile Creek (CWF, MF), is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

**PA0082864**, Sewage, SIC Code 8661, **Jesus Ministries, Inc.**, 17512 Rapture Street, Shirleysburg, PA 17260-9318. Facility Name: Jesus Ministries Agape Farms. This existing facility is located in Cromwell Township, **Huntingdon 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), Browns Gap Run (CWF), is located in State Water Plan watershed 12-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	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	0.18	XXX	0.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean Report	XXX	Report
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report Total Annual	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	12.0	XXX	24
May 1 - Oct 31	XXX	XXX	XXX	4.0	XXX	8.0
Ammonia-Nitrogen	Report	Report Total Annual	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX

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

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

- Hauled in residential and municipal waste restriction
- Chlorine minimization
- Proper disposal of sewage sludge and biosolids
- Stormwater prohibition

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.

**PA0261220**, Sewage, SIC Code 6514, **Jason S. Brenneman**, 11973 Hartslog Valley Road, Huntingdon, PA 16652-7338. Facility Name: Brenneman Jason Res. This existing facility is located in Walker Township, **Huntingdon County**.

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

The receiving stream(s), Crooked Creek (WWF), is located in State Water Plan watershed 11-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limit

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

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

The EPA Waiver is in effect.

**PA0281832**, Sewage, SIC Code 8811, **Buddy & Dorianne Murtiff**, 4721 Briggs Lane, Alexandria, PA 16611. Facility Name: Buddy & Dorianne Murtiff SRSTP. This proposed facility is located in Morris Township, **Huntingdon County**.

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

The receiving stream(s), Unnamed Tributary of Frankstown Branch Juniata River (WWF, MF), is located in State Water Plan watershed 11-A and is classified for Migratory Fishes and 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 0.0004 MGD.—Limits.

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

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

The EPA Waiver is in effect.

*Southwest Regional Office*

**PA0001350**, Sewage, SIC Code 1221, **The Washington County Coal Company**, 46226 National Road, Saint Clairsville, OH 43950-8742. Facility Name: Somerset Portal STP. This existing facility is located in Somerset Township, **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), Center Branch Pigeon Creek, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00972 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min Report Daily Min	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.49	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Daily Max Report	XXX	XXX
				Daily Max		

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.

*Northcentral Regional Office*

**PA0003565**, Industrial, SIC Code 3624, **Morgan Advanced Materials & Technology, Inc.**, 1118 East Second Street, Coudersport, PA 16915-8307. Facility Name: Coudersport Facility. This existing facility is located in Eulalia Township, **Potter County**.

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

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

The proposed effluent limits for Outfall 003—006 are based on a design flow of 0.0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	Inst Min XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

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

- Stormwater Outfalls
- Best Management Practices
- Routine Inspections
- Preparedness, Prevention and Contingency Plan
- Stormwater Monitoring Requirements

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

The EPA Waiver is in effect.

*Southeast Regional Office*

**PA0012416**, Industrial, SIC Code 4941, **PA American Water Co.**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436. Facility Name: Rock Run WFP. This existing facility is located in West Caln Township, **Chester 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, Rock Run Reservoir (Unnamed Tributary to West Branch Brandywine Creek), is located in State Water Plan watershed 3-H and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .14 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Chlorodibromomethane	Report	Report	XXX	Report	Report	XXX
Dichlorobromomethane	Report	Report	XXX	Report	Report	XXX
Chloroform	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .14 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Chlorodibromomethane	0.006	0.009	XXX	0.005	0.008	0.012
Dichlorobromomethane	0.007	0.011	XXX	0.006	0.009	0.015
Chloroform	0.041	0.064	XXX	0.035	0.055	0.088

The proposed effluent limits for Outfall 001 are based on a design flow of .14 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Chromium, Hexavalent	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Thallium, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .14 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	11.7	XXX	XXX	10.0	Report	XXX
Total Suspended Solids	23.4	46.7	XXX	20.0	40.0	50
Total Dissolved Solids	1,168	2,335	XXX	1,000.0	2,000.0	2,500
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2	XXX	XXX
Total Nitrogen Effluent Net	0.280	XXX	XXX	Geo Mean 0.24	Report	XXX
Total Nitrogen Intake	Report	XXX	XXX	Report	Report	XXX
Total Nitrogen	Report	XXX	XXX	Report	Report	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Ammonia-Nitrogen Effluent Net Intake	0.117	XXX	XXX	0.10	Report	XXX
Ammonia-Nitrogen Total Phosphorus Effluent Net Intake	Report	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen Total Phosphorus	Report	XXX	XXX	Report	Report	XXX
Total Phosphorus Effluent Net Intake	0.117	XXX	XXX	0.10	Report	XXX
Total Phosphorus Aluminum, Total	Report	XXX	XXX	Report	Report	XXX
Copper, Total Effluent Net Intake	0.93	1.87	XXX	0.8	1.6	2.1
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total Intake	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	2.3	4.7	XXX	2.0	4.0	5
Manganese, Total	1.2	2.4	XXX	1.0	2.0	2.5

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. BAT/ELG Reopener
- D. Chlorine Optimization
- E. Intake Monitoring
- F. Chemical Additives
- G. Schedule of Compliance

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.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD510201	New	W-CSV Erie Owner IX, LLC Evan Kleppe 900 North Michigan Ave Suite 1900 Chicago, IL 60611	City of Philadelphia Philadelphia County	SERO
PAD390015 A-1	Renewal, Major Amendment	Liberty Property Limited Partnership 400 Boulder Drive Suite 200 Breinigsville, PA 18031	Lower Macungie Township Lehigh County	NERO
PAD450140	New	Viktor Kolesnyk 118 Snow Lane Tannersville, PA 18372	Jackson Township Monroe County	NERO

**PUBLIC WATER SUPPLY PERMITS**

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact

basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

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

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**Application No. 3921506**, Public Water Supply.

Applicant	<b>Yocco's, Inc.</b> <b>(Yocco's South Restaurant)</b> 16 East Minor Street Emmaus, PA 18049
Township or Borough	Upper Milford
Responsible Official	<b>Lehigh</b>
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Thomas G. Pullar, P.E. Senior Project Manager Earthres Group, Inc. P.O. Box 468 Pipersville, PA 18947
Application Received Date	May 20, 2021
Description of Action	Application proposes the installation of UV, cartridge filtration and VOC treatment facilities.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of

one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Lombard Commons**, 100 East Broad Street, Dallastown, PA 17313, Dallastown Borough, **York County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of 160 North Hartley LLC, 96 South George Street, Suite 210, York, PA 17401, and Lombard Commons LP c/o Woda Cooper Companies, Inc., 500 South Front Street, 10th Floor, Columbus, OH 43215, submitted a Notice of Intent to Remediate site soil contaminated with arsenic. The site will be remediated to the site-specific and residential Statewide health standards. Future use of the site will be redeveloped with residential units. The Notice of Intent to Remediate was published in *The Daily Record* on May 10, 2021

*Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Stone N 3HC**, 155 Learn Road, Wyalusing, PA 18853, 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, has 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. A summary of the Notice of Intent to Remediate was published in *The Daily Review* on May 30, 2021.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application(s) Accepted Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit Application No. 301238. Allegheny Recovery Corp.**, P.O. Box 626, 140 Main Street, Irwin, PA 15642. The application for renewal of a residual waste processing facility permit for continued operation of the ARC Transfer/Processing Facility, South Linden Street, Duquesne, PA 15110 in the City of Duquesne, **Allegheny County** was accepted as administratively complete in the Regional Office on June 3, 2021.

Comments concerning the application should be directed to Gregory Holesh, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed

Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

### Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**26-00547: Pureon, Inc.** (1101 Mountain View Drive, Smithfield, PA 15478). The Department intends to renew the State Only Operating Permit for steel tube manufacturing facility located in Georges Township, **Fayette County**. The sources at the facility include a digester/centrifuge system controlled by a flare and an acid wash process controlled by a wet scrubber. The facility is a Natural Minor. The potential emissions from the facility are as follows: 0.5 tpy VOC; 1.3 tpy CO; 25 tpy NO<sub>x</sub>; 0.04 tpy HCl; and 0.13 tpy HNO<sub>3</sub>. 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. Contact for this permit renewal is Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief, 814.332.6940.

**30-00094: Texas Eastern Transmission, L.P., Waynesburg Compressor Station** (5400 Westheimer Ct., Houston, TX 77056-5353). The Department intends to issue the renewal State-Only Operating Permit of a natural gas transmission facility located in Waynesburg Borough, **Greene County**. Permitted air contamination

sources include a natural gas-fired compressor turbine, two emergency generators, a parts washer, and various fugitive emission sources. The facility is Natural Minor for permitting purposes. In this renewal, two emergency generators and a parts washer are added as permitted sources. As sources of fugitive emissions, storage tanks/vessels, venting/blowdown operations, and components at the facility are added as permitted sources for emissions inventory purposes. Monthly Audio, Visual & Olfactory inspections are also added as permit requirements for components that emit fugitive emissions. Implementation of a subsequent testing requirement is revised. Source test submittals for performance stack test are updated based on Source Testing Section's latest instructions. A previously permitted small emergency generator no longer onsite is removed from the permit. (For comments or questions on this permit, contact Matthew Williams, Facilities Permitting Chief, NWRO Air Quality Program, at 814.332.6940.)

**65-00830: Menasha Packaging Company, LLC** (567 Waltz Mill Rd., Ruffs Dale, PA 15679). In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice that it intends to issue a renewal natural minor State Only Operating Permit (SOOP) for the operation of the Menasha Yukon Plant in Sewickley Township, **Westmoreland County**.

Air contamination sources at this facility include a 20.92 MMBtu/hr, natural gas-fired Cleaver Brooks model # CB 200-500 boiler used to provide process steam for the corrugation process, fugitive VOC emissions from Ink Mixing/Printing, fugitive VOC emissions from Adhesive Usage, eight (8) natural gas-fired space heaters with a total heat input rating of 8.205 MMBtu/hr, a parts washer, and two (2) emergency generator engines used for emergency lighting. Potential emissions from this facility are 13.87 tons per year (tpy) NO<sub>x</sub>, 11.82 tpy CO, 0.25 tpy PM<sub>10</sub>, 0.07 tpy SO<sub>2</sub>, 5.60 tpy VOC, 0.06 tpy total HAPs, and 3,766 tpy CO<sub>2e</sub>.

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121–145. 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>.

Any person may submit comments, a request for 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 65-00830) 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.

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

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

**61-00210: Glenn O. Hawbaker, Inc., Barkeyville Plants # 14 & # 19** (157 Hawbaker Industrial Blvd., Grove City, PA 16127), the Department intends to issue the renewal State-Only Operating Permit of an asphaltic concrete plant and a stone crushing facility located in Barkeyville Borough, **Venango County**. Permitted air contamination sources are a counterflow drum hot mix asphalt (HMA) plant, a recycled asphalt plant (RAP) system, one portable crusher, two crusher plants and a diesel engine. In this renewal, an operating hour restriction is added to ensure the nonroad engine status of the diesel engine. Provisions on source test submittals are revised based on the Source Testing Section's latest instructions. Three previously permitted sources no longer onsite are removed from the permit. With no applicable operating hour restrictions, recordkeeping of operating hours is removed as a permit requirement for the crushing equipment/plants. Incorporation of permit requirements on use of fuels other than natural gas for the HMA plant is revised.

## 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 will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001–4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the appli-

cant’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).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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 contain the name, address and

telephone number of the requestor; the application number; 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 was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	

Alkalinity greater than acidity<sup>1</sup>

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).*

**Permit No. 63841304 and NPDES Permit No. PA0111643. Laurel Run Mining Company, LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to renew the permit and related NPDES permit for Vesta Mine in North Bethlehem, East Bethlehem, West Bethlehem Townships and Centerville and Deemston Boroughs, **Washington County**. No additional discharges. The application was considered administratively complete on May 20, 2021. Application received: March 18, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 54060102. Kuperavage Enterprises, Inc.**, P.O. Box 99, Middleport, PA 17953, renewal of an existing anthracite surface mine and coal refuse disposal operation in Blythe Township, **Schuylkill County** affecting 66.0 acres. Receiving stream: Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: May 18, 2021.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

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

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Mohannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, (Contact: Ashley Smith).*

**Permit No. 53212801 and NPDES PA0269930. North Penn Supply Quarries, Inc.**, 115 North East Street, Coudersport, PA 16915. Commencement, operation, and restoration of a small non coal surface mine located in Sweden

Township, **Potter County** affecting 8 acres. Receiving stream(s): Mill Creek classified for the following use(s): HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 20, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 58000844. Bill O'Dell**, 215 Beaver Meadow Road, New Milford, PA 18834, Stage I & II bond release of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres on quarry owned by Bill O'Dell. Application received: May 10, 2021.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30-days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, telephone number and the interest of the party filing the request and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472.1900.*

**NPDES No. PA0069143 (Mining Permit No. 11841601), E.P Bender Coal Co.**, P.O. Box 594, Carroltown, PA 15722, renewal of an NPDES permit and mining activity for Fallentimber Preparation Plant in Reade Township, **Cambria County**, affecting 43.0 acres. Receiving stream(s): Clearfield Creek and unnamed tributaries to Clearfield Creek, classified for the following use(s): Cold Water Fishes. This receiving stream is included in the Clearfield Creek TMDL. There are no potable water supply intakes withing 10 miles downstream. Application received: February 23, 2021.

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

The following outfalls discharge to Clearfield Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N
008	Y

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

<i>Outfalls: (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Total Dissolved Solids (mg/l)	0	0	Report
Sulfates (mg/l)	0	0	Report

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

*Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472.1900.*

**NPDES No. PA0009059 (Mining Permit No. 6477SM5), Specialty Granules LLC**, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214, renewal of an NPDES permit for noncoal surface mining in Hamiltonban and Liberty Townships, **Adams County** and Washington Township, **Franklin County**, affecting 297.6 acres. Receiving stream(s): Miney Branch to Toms Creek, classified for the following use(s): Cold Water Fishes (CWF) and Migratory Fish (MF). Application received: April 19, 2021.

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

The following outfall discharges to Miney Branch to Toms Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

**NPDES No. PA0279790 (Mining Permit No. 56010301), New Enterprise Stone & Lime Co. Inc.**, P.O. Box 77, New Enterprise, PA 16664. Applying for an NPDES permit for non-coal surface mining in Jefferson Township, **Somerset County**, affecting 138.5 acres. Receiving stream(s): unnamed tributary to/and Kooser Run (HQ-CWF), and unnamed tributaries to/and Shafer Run (HQ-CWF), classified for the following use(s): High Quality (HQ); Cold Water Fishery (CWF). This receiving stream is included in the Casselman TMDL. Application received: February 9, 2021.

The following outfall discharges to unnamed tributary to Kooser Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

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

<i>Outfalls: 001 (≥10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Carbonaceous Biochemical Oxygen Demand (COBD <sub>5</sub> )		Monitor and Report	
Ammonia (NH <sub>3</sub> -N)		Monitor and Report	

*Outfalls: 001 (≥10-yr/24-hr Precip. Event)  
Parameter*

*30-Day  
Average*

*Daily  
Maximum*

*Instant.  
Maximum*

Nitrates/Nitrites (No<sub>2</sub>/No<sub>3</sub>-N)  
Phosphorus  
Total Residual Chlorine (TRC)  
Lead (Total)  
Copper (Total)  
Iron (Total)  
Sulfate  
Aluminum (Total)  
Total Suspended Solids (mg/l)  
Total Dissolved Solids  
Zinc (Total)

Monitor and Report  
Monitor and Report  
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Monitor and Report

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Southeast Region: Waterways & Wetlands Program  
Manager, 2 East Main Street, Norristown, PA 19401,  
Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.*

**Permit No. E0901221-004, Richland Township**, 1328 California Road, Suite A, Quakertown, PA 18951, Richland Township, **Bucks County**, ACOE Philadelphia District.

To restore, rehabilitate and maintain approximately 1,000-feet of stream restoration along the Tohickon Creek (TSF/MF) associated with the MS4 Permit and PRP. The improvements will include several areas of eroded stream bank stabilizations, sawtooth deflectors, endwalls, and herbaceous plantings to restore and prevent future issues.

The site is located at south of East Pumping Station Road, (Quakertown, PA, USGS Quadrangle Latitude: 40.84623; Longitude: -75.3398) in Richland Township, Bucks County.

**Permit No. E0901221-005, Delaware River Joint Toll Bridge Commission (DRJTBC)**, 1199 Woodside Road, Yardley, PA 19067, Lower Makefield Township, **Bucks County**, ACOE Philadelphia District.

DRJTBC is proposing to construct and maintain a new 10-foot wide, single span 70 foot long pedestrian bridge over the Delaware Canal (WWF, MF) directly downstream of the Woodside Road Bridge and associated with the new trail connector between the Park and Ride Lot/1799 House (west side of the canal) and the towpath trail/ramp to the Scudder Falls Bridge (east side of canal). This activity will result in 10 linear feet (425 square feet) of permanent watercourse impact for the aerial crossing.

This project is located adjacent to the Woodside Road Bridge between Taylorsville and North River Roads in Lower Makefield Township, Bucks County (USGS PA Langhorne; Pennington; Trenton West Quadrangle—Latitude: 40.257557 N, Longitude: 74.852346 W).

*Northeast Region: Waterways & Wetlands Program,  
2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E4002221-007. James and Holly Fry**, 318 Bunker Hill Road, Wyoming, PA 18644, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove an existing structure and to construct and maintain a 1,477 sq. ft. pile-supported boathouse and dock structure within the normal pool elevation of Harveys Lake (HQ-CWF). The project is located at Pole # 116.5, approximately 0.05 mile west of Lakeside Drive (S.R. 415) and Roosevelt Street (Harveys Lake, PA Quad-



rangle, Latitude: 41° 22' 42.21"; Longitude: -76° 1' 50.84") in Harveys Lake Borough, Luzerne County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E1404220-023: Potter Township**, 124 Short Road, Spring Mills, PA 16875, Colyer Lake Trail Footbridges, Potter Township, **Centre County**, U.S. Army Corps of

Engineers Baltimore District (Centre Hall, PA Quad-rangle, Latitude: 40° 46' 30.5"; Longitude: -77° 40' 55.1").

The applicant proposes to construct and maintain three footbridges at an existing recreational trail around Colyer Lake and over Sinking Creek (CWF, MF). The project results in 324 sq. ft. of permanent direct watercourse impacts, and 105 sq. ft. of permanent direct wetland impacts.

**ACTIONS**

**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

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

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

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES\_SERO@pa.gov.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES\_NERO@pa.gov.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES\_SCRO@pa.gov.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES\_NCRO@pa.gov.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES\_SWRO@pa.gov.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES\_NWRO@pa.gov.*

*DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES\_Permits@pa.gov.*

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOS.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0243949	Industrial Stormwater Individual NPDES Permit	Issued	Landis Block & Concrete P.O. Box 64418 711 North County Line Road Souderton, PA 18964-0418	Hilltown Township Bucks County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0264121	Industrial Stormwater Individual NPDES Permit	Issued	Korns Galvanizing Co. Inc. 75 Bridge Street Johnstown, PA 15902-2902	Johnstown City Cambria County	SWRO
PA0253138	Industrial Waste Individual NPDES Permit, Minor	Issued	Almatis Inc. 501 W Park Road Leetsdale, PA 15056-1018	Leetsdale Borough Allegheny County	SWRO
0221200	Industrial Waste Individual WQM Permit	Issued	Westmoreland County Municipal Authority P.O. Box 730 Greensburg, PA 15601-0730	McKeesport City Allegheny County	SWRO
5120201	Industrial Waste Individual WQM Permit	Issued	Vicinity Energy Philadelphia Inc. 2600 Christian Street Philadelphia, PA 19146	Philadelphia City Philadelphia County	SERO
0916808	Joint DEP/PFBC Pesticides Permit	Issued	Joe Bauer 6412 Durham Road Pipersville, PA 18947-9724	Bedminster Township Bucks County	SERO
2321803	Joint DEP/PFBC Pesticides Permit	Issued	Zukin Jeanenne 8 Oak Tree Hollow Road West Chester, PA 19382-8341	Thornbury Township Delaware County	SERO
4616807	Joint DEP/PFBC Pesticides Permit	Issued	Green Valley CC 201 Ridge Pike Lafayette Hill, PA 19444-1928	Whitemarsh Township Montgomery County	SERO
5217802	Joint DEP/PFBC Pesticides Permit	Issued	O'Keefe Thomas 121 Deep Hollow Lane Dingmans Ferry, PA 18328	Delaware Township Pike County	NERO
PA0083593	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Silver Spring Township Authority Cumberland County 5 Willow Mill Park Road Suite 3 Mechanicsburg, PA 17050-8238	Silver Spring Township Cumberland County	SCRO
PA0002437	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Lindy Paving Inc. 2340 2nd Avenue Pittsburgh, PA 15219-3106	Neville Township Allegheny County	SWRO
PA0036447	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Naval Surface Warfare Center 5001 South Broad Street Philadelphia, PA 19112-1403	Philadelphia City Philadelphia County	SERO
PA0113280	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	PA State University 501 University Drive State College, PA 16801	State College Borough Centre County	NCRO
PA0091588	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Yough School District 915 Lowber Road Herminie, PA 15637-1226	South Huntingdon Township Westmoreland County	SWRO
PA0115100	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Dear MHP LLC 4007 Dean Martin Drive Las Vegas, NV 89103-4137	Lawrence Township Tioga County	NCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0239607	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Kapp James 8100 Ohio River Boulevard Pittsburgh, PA 15202-1500	Perry Township Clarion County	NWRO
PA0021512	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Upper Providence Township Montgomery County	SERO
NOEXSE330	No Exposure Certification	Issued	Xynatech Inc. 672 Davisville Road Willow Grove, PA 19090	Upper Moreland Township Montgomery County	SERO
PAG033646	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Pratt Carlisle Corrugating LLC 200 Goodman Drive Carlisle, PA 17013-7902	Carlisle Borough Cumberland County	SCRO
PAG036291	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Thermal Transfer Corp 50 N Linden Street Duquesne, PA 15110-1067	Duquesne City Allegheny County	SWRO
PAG038357	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Liberty Iron & Metal Inc. 200 Stewart Avenue Sharon, PA 16146-1610	Sharon City Mercer County	NWRO
PAG123612	PAG-12 NPDES General Permit for CAFOs	Issued	Nolt John 10190 Mountain Road Port Royal, PA 17082	Turbett Township Juniata County	SCRO
1021403	Sewage Treatment Facilities Individual WQM Permit	Issued	Rust Carrie 240 Manor Road Wexford, PA 15090-8860	Franklin Township Butler County	NWRO
1021404	Sewage Treatment Facilities Individual WQM Permit	Issued	Rezzetano Robert 171 Powell Road Butler, PA 16002-0447	Penn Township Butler County	NWRO
1021406	Sewage Treatment Facilities Individual WQM Permit	Issued	Uhrinek Kathleen 1029 West Home Road Emlenton, PA 16373	Oakland Township Butler County	NWRO
2802402	Sewage Treatment Facilities Individual WQM Permit	Issued	Estate of Donald Hayes/ Lagena Hayes 7886 Lincoln Way W Saint Thomas, PA 17252-9559	Saint Thomas Township Franklin County	SCRO
3221401	Sewage Treatment Facilities Individual WQM Permit	Issued	Huff Thomas F 1025 Fenton Road Indiana, PA 15701-5741	White Township Indiana County	NWRO
4606408	Sewage Treatment Facilities Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Upper Providence Township Montgomery County	SERO
4621403	Sewage Treatment Facilities Individual WQM Permit	Issued	Muscara Robert 245 Jackonsville Road Ivyland, PA 18974	Upper Moreland Township Montgomery County	SERO
5621400	Sewage Treatment Facilities Individual WQM Permit	Issued	Indian Lake Borough Somerset County 7785 Lincoln Highway Central City, PA 15926-7500	Indian Lake Borough Somerset County	SWRO
5992404	Sewage Treatment Facilities Individual WQM Permit	Issued	Dear MHP LLC 4007 Dean Martin Drive Las Vegas, NV 89103-4137	Lawrence Township Tioga County	NCRO
08928-S	Sewage Treatment Facilities Individual WQM Permit	Issued	Ductmate Ind 1502 Ind Drive Monongahela, PA 15063-9753	Forward Township Allegheny County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1521402	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Upper Uwchlan Township Municipal Authority 140 Pottstown Pike Chester Springs, PA 19425-9516	Upper Uwchlan Township Chester County	SERO
2121401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Upper Allen Township Cumberland County 100 Gettysburg Pike Mechanicsburg, PA 17055-5604	Upper Allen Township Cumberland County	SCRO
4621406	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Upper Providence Township Montgomery County	SERO
4621407	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Upper Providence Township Montgomery County	SERO
PA0245283	Single Residence STP Individual NPDES Permit	Issued	Muscara Robert 245 Jacksonville Road Ivyland, PA 18974	Upper Moreland Township Montgomery County	SERO
PA0246999	Single Residence STP Individual NPDES Permit	Issued	Estate of Donald Hayes/ Lagena Hayes 7886 Lincoln Way W Saint Thomas, PA 17252-9559	Saint Thomas Township Franklin County	SCRO
PA0264440	Single Residence STP Individual NPDES Permit	Issued	Poland Patricia 807 Samick Drive Erie, PA 16509-5140	Summit Township Erie County	NWRO
PA0281808	Single Residence STP Individual NPDES Permit	Issued	Hazlett Omer W 171 Wayside Drive Duncansville, PA 16635-8500	Frankstown Township Blair County	SCRO
PA0288942	Single Residence STP Individual NPDES Permit	Issued	Huff Thomas F 1025 Fenton Road Indiana, PA 15701-5741	White Township Indiana County	NWRO
PA0289141	Single Residence STP Individual NPDES Permit	Issued	Rust Carrie 240 Manor Road Wexford, PA 15090-8860	Franklin Township Butler County	NWRO
PA0289159	Single Residence STP Individual NPDES Permit	Issued	Rezzetano Robert 171 Powell Road Butler, PA 16002-0447	Penn Township Butler County	NWRO
PA0035521	Small Flow Treatment Facility Individual NPDES Permit	Issued	PA DOT Maintenance & Operations Bureau 400 North Street 6th Floor Harrisburg, PA 17120	Centerville Borough Crawford County	NWRO

## **II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.**

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510210	PAG-02 General Permit	Issued	Holy Family University 9801 Frankford Avenue Philadelphia, PA 19114-2009	City of Philadelphia Philadelphia County	SERO
PAD150201	Individual NPDES	Issued	John Mathis, Owner 850 North Avenue Springfield, PA 19064	North Coventry Township Chester County	SERO
PAD150211	Individual NPDES	Issued	Phoenixville Borough 1351 Bridge Street Phoenixville, PA 19460	Phoenixville Borough Chester County	SERO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD510061	Individual NPDES	Issued	3600 Haverford Avenue Associates, LP c/o TLC Property GP, LLC 200 Highpoint Drive Suite 215 Chalfont, PA 18914	City of Philadelphia Philadelphia County	SERO
PAD510199	Individual NPDES	Issued	MAP Real Estate, LLC 25700 Science Park Drive Suite 270 Beachwood, OH 44122	City of Philadelphia Philadelphia County	SERO
PAC400208	PAG-02 General Permit	Issued	Aqua Pennsylvania, Inc. Joshua P. Shoff Aqua Way White Haven, PA 18661	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC520006	PAG-02 General Permit	Issued	River's Edge, LP Attn: Stephen Sameroff 137 The Crescent Roslyn Heights, NY 11577	Westfall Township Pike County	Pike County Conservation District 556 Route 402 Suite 1 Hawley PA 18428 570-226-8220
PAC390119	PAG-02 General Permit	Issued	SE Partners, LLC 174 Goldmine Road Flanders, NJ 07836	Whitehall Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAD480134	Individual NPDES	Issued	Lehigh Township Municipal Authority c/o Carl Sharpe 1069 Municipal Road Walnutport, PA 18088-9718	Lehigh Township Northampton County	NERO
PAC050047	PAG-02 General Permit	Issued	Bedford County Joint Municipal Authority P.O. Box 148 Bedford, PA 15522	Bedford Township Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
PAC220242	PAG-02 General Permit	Issued	Core5 Industrial Partners, LLC 1250 North Mountain Road Harrisburg, PA 17112	Londonderry Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220233	PAG-02 General Permit	Issued	Mission Land Company, LLC 5755 Union Deposit Road Harrisburg, PA 17111	West Hanover Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC220247	PAG-02 General Permit	Issued	Donco Construction, Inc. 720 Allegheny Street P.O. Box 123 Dauphin, PA 17018	Halifax Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC360143 A-1	PAG-02 General Permit	Issued	Robert Gruber 950 North Hanover Street Elizabethtown, PA 17022	West Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360269	PAG-02 General Permit	Issued	MK Partners LLC 5227 Strasburg Road Parkesburg, PA 19365	Paradise Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360628	PAG-02 General Permit	Issued	Tower Road Properties, LLC 325 North Railroad Avenue New Holland, PA 17557	Earl Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360592	PAG-02 General Permit	Issued	Alecxi City Holdings, LLC 2372 Franklin Road Columbia, PA 17512	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC380208	PAG-02 General Permit	Issued	PA Department of General Services 1800 Herr Street Harrisburg, PA 17103	Union Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380190	PAG-02 General Permit	Issued	Meadow Lane Farms Limited 225 North Presidential Boulevard Bala Cynwyd, PA 19004	North Cornwall Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380196	PAG-02 General Permit	Issued	Dale Miller 65 Crestview Drive Lebanon, PA 17042	Union Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC380198	PAG-02 General Permit	Issued	Eric Newswanger 107 Awol Road Jonestown, PA 17038	Union Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380210	PAG-02 General Permit	Issued	Southern End Properties, LTD 33 Friendly Drive Suite H Quarryville, PA 17566	North Cornwall Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380216	PAG-02 General Permit	Issued	Palmyra Borough 325 South Railroad Street Palmyra, PA 17078	Palmyra Borough North Londonderry Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC670444	PAG-02 General Permit	Issued	Ridgeline Property Group 3715 Northside Parkway Building 200 Suite 610 Atlanta, GA 30327	Conewago Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670469	PAG-02 General Permit	Issued	Dallastown Area School District 700 New School Lane Dallastown, PA 17313	York Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430
PAC100237	PAG-02 General Permit	Issued	McTighe Self Storage LLC 4010 Dragon Rouge Drive Gibsonia, PA 15044	Mercer Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAD330006A2	Individual NPDES	Issued	Cresco Yeltrah 646 Service Center Road Brookville, PA 15825	Pine Creek Township Jefferson County	NWRO
PAC100181	PAG-02 General Permit	Issued	PA Department of Transportation District 10 2550 Oakland Avenue Indiana, PA 15701	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Former Scranton Lace Complex**, 1313 Meylert Avenue, Scranton, PA 18509, Scranton City, **Lackawanna County**. SCE Environmental Group, 1380 Mount Cobb Road, Lake Ariel, PA 18436, on behalf of Lace Building Affiliates, 538 Spruce Street, Scranton, PA 18503, submitted a submitted a Final Report concerning remediation of soil contaminated by historic operations and an underground gasoline storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**Lehigh Hills**, 1301-1499 Church Street, Fogelsville, PA 18051, Upper Macungie Township, **Lehigh County**. Geo-Technology Associates, 2405 John Fries Highway, Quakertown, PA 18951, on behalf of Jaindl Land Develop-

ment, 3150 Coffeetown Road, Orefield, PA 18069, submitted a combined Remedial Investigation Report, Risk Assessment, and Final Report concerning remediation of soil impacted with pesticides from historic orchard operations. The report is intended to document remediation of the site to meet a combination of site-specific and Statewide health standards.

**Carlton Property**, 388 Valley View Drive North, Stroudsburg, PA 18360, Stroud Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pipeline Petroleum, Inc., P.O. Box 159 Shippers Road, Macungie, PA 18062, submitted a submitted a Final Report concerning remediation of soil contaminated by heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**Slatebelt Industrial Center (Former Lehigh New England Railroad Property)**, 991 West Pennsylvania Avenue, Pen Argyl, PA 18072, Plainfield Township and Wind Gap Borough, **Northampton County**. Geo-Technology Associates, 2405 John Fries Highway, Quakertown, PA 18951, on behalf of N.A.P.E.R. Development Corp., Inc., 991 West Pennsylvania Avenue, Pen Argyl, PA 18072, submitted a submitted a combined Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with metals, semi-volatile organic compounds, and volatile organic compounds from historic railroad operations. The report is intended to document remediation of the site to meet a combination of site-specific and Statewide health standards.

*Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**OVY Trucking Cleanup Project**, Intersection of Old Reading Road and Ringtown Mountain Road, Elysburg, PA 17824, Roaring Creek Township, **Columbia County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Ovy Trucking, Inc., 640 Tunnel Road, White Haven, PA 18661, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, used motor oil and antifreeze. The report is intended to document remediation of the site to meet the Statewide health standard.

**Urban Valley Cleanup Project**, Near 5446 Snydertown Road, Sunbury, PA 17801, Shamokin Township, **Northumberland County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Urban Valley Trucking, 1667 Urban Road, Herndon, PA 17830, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, used motor oil, anti-freeze and hydraulic fluid. The report is intended to document remediation of the site to meet the Statewide health standard.

**Stone N 3HC**, 155 Learn Road, Wyalusing, PA 18853, 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, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Statewide health standard.



## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Morgan Automotive**, 820 Lancaster Road, Manheim, PA 17545, Penn Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of 820 Holdings, LLC, 820 Lancaster Road, Manheim, PA 17545, submitted a Final Report

concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the residential Statewide health standard and was disapproved by the Department on June 1, 2021.

**HR Realty Division, LP**, 3101 Beale Avenue, Altoona, PA 16601, City of Altoona, **Blair County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of HR Realty Division, LP, 3101 Beale Avenue, Altoona, PA 16601, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil, diesel fuel, and lead. The Report was approved by the Department on June 3, 2021.

**SAC, Incorporated, Bulk Facility**, 4588 Business Route 220, Bedford, PA 15522, Bedford Township, **Bedford County**. DMS Environmental Services, 103 South Spring Street, Bellefonte, PA 16823, on behalf of SAC, Inc., 4588 Business 200, Bedford, PA 15522, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report was disapproved by the Department on May 19, 2021.

**14 South Washington Street**, Mechanicsburg, PA 17055, Mechanicsburg Borough, **Cumberland County**. Christopher G. Rigler, III, 14 South Washington Street, Mechanicsburg, PA 17055, also on behalf of Christopher G. Rigler, III, 14 South Washington Street, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on May 24, 2021.

*Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Puderbaugh Truck Rollover Cleanup**, Route 20 N at Route 15 on-ramp, Williamsport, PA 17701, Williamsport City, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of ARD Operating, LLC, 33 West Third Street, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soils contaminated with production water. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on April 23, 2021.

**Beech Resources Premier Well Site**, 819 Waltz Mountain Drive, Williamsport, PA 17701, Lycoming Township, **Lycoming County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Beech Resources, LLC, 343 Pine Street, Suite 1, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with production water. The report demonstrated attainment of the Statewide health standard and was approved by the Department on May 24, 2021.

**Ledvance, LLC**, 1 Jackson Street, Wellsboro, PA 16901, Wellsboro Borough, **Tioga County**. Sanborn Head & Associates, Inc., 500 W Office Center Drive, Suite 400, Fort Washington, PA 19034, on behalf of Ledvance LLC, 200 Ballardvale Street, Wilmington, MA 01887, has submitted a Final Report concerning remediation of site soil contaminated with chromium. The report demonstrated attainment of the site-specific standard and was approved by the Department on May 25, 2021.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Permit(s) Approved Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northeast Region: Regional Solid Waste Manager,  
2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 101247. Keystone Sanitary Landfill, Inc.,** 249 Dunham Drive, Dunmore, PA 18512, Dunmore and Throop Boroughs, **Lackawanna County.** An application for major permit modification for the Phase III Site Development. The Phase III Site Development consists of an expansion of the existing municipal solid waste landfill. The expansion is within the current permit boundary and involves joining and overtopping existing disposal areas. The application was approved by the Northeast Regional Office on June 3, 2021. To the extent that Dunmore Borough identified specific cause to deny KSL's Phase III Expansion Application, the Department is hereby providing notice that the justification for the decision to override that recommendation is contained in the Department's record of review of the application as well as special conditions included in the approval.

Persons interested in reviewing the permit may view it on the Department's website Keystone Landfill Expansion (<https://www.dep.pa.gov/About/Regional/Northeast-Regional-Office/Community%20Information/Pages/Keystone%20Landfill%20Expansion.aspx>) or may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**AG5A-08-00008A: Chesapeake Appalachia, LLC** (P.O. Box 18496, Oklahoma City, OK 73154) on May 25, 2021, for the construction and operation of a 1,380 bhp Caterpillar G3516J, 4-stroke, ultra-lean burn, natural gas-fired, engine equipped with a 2-way oxidation catalyst and for the continued operation of a produced water tank; truck load-out operation; various fugitive emissions; ten gas processing units; a thermal powered generator; pneumatic controllers; a pneumatic pump; and venting/blowdowns, pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the Kathryn BRA Pad located in Wilmot Township, **Bradford County.**

**AG5-08-00012A: Repsol Oil & Gas USA, LLC** (337 Daniel Zenker Drive, Horseheads, NY 14845) on

June 1, 2021, for authorization to continue operation of ten (10) 1,380 bhp Caterpillar model G3516B ultra-lean-burn compressor engines each equipped with Miratech model SP-ZHSI-30x31-14 oxidation catalysts, two (2) 75 MMscf/day triethylene glycol dehydration units each with a 0.75 MMBtu/hr reboiler, and a 130 kW Generac model QT 130A emergency generator powered by a 174 bhp rich-burn natural-gas-fired engine equipped with an integral three-way catalyst, one (1) 10,500 gallon produced water tank, one (1) 6,300 gallon slop oil tank, and one (1) 6,000 gallon triethylene glycol storage tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at the Edsell Compressor Station located in Pike Township, **Bradford County.**

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief,  
412.442.4168.*

**GP5-65-01124A: Kriebel Minerals, Inc.** (633 Mayfield Road, Clarion, PA 16214-6161) issued authorization on June 1, 2021, for the construction and operation of: One (1) natural gas-fired Caterpillar engine rated at 265 bhp, two (2) natural gas-fired Waukesha engines each rated at 1,900 bhp, one (1) Natco Glycol dehydration unit rated at 1.25 MMscf/day, with a natural gas fired reboiler rated at 0.25 MMBtu/hr, three (3) various capacities storage tanks, and two (2) low bleed continuous pneumatic bleeders each rated at 1.37 scfh at the Armburst Sony Compressor Station located in East Huntingdon Township, **Westmoreland County.**

**Plan Approvals Issued 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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**49-00063B: Renewal Processing, Inc.** (10705 State Route 44, Watsonstown, PA 17777) on May 24, 2021 for the modification of the facility's bakery waste rotary dryer to reestablish emission limitations for nitrogen oxides, carbon monoxide and particulate matter, as well as for the installation of a cartridge collector and a regenerative thermal oxidizer, at their facility to be located in Lewis Township, **Northumberland County.** The plan approval contains all applicable regulatory requirements including monitoring, testing, recordkeeping and reporting conditions.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief,  
412.442.4168.*

**PA-63-01031: TMS International, LLC—Eighty-Four Facility** (1155 Business Center Drive, Suite 200,

Horsham, PA 19044-3454) plan approval extension issuance date effective June 1, 2021, to facilitate shake-down of sources and associated air cleaning devices located at their Eighty-Four facility located in South Strabane Township, **Washington County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**17-00022: Walker Lumber Company, Inc.** (P.O. Box 60, 148 Tipple Lane, Woodland, PA 16881) was issued a State Only Synthetic Minor operating permit on May 14, 2021, for their sawmill and the source operations within this facility in Bradford Township, **Clearfield County**. All applicable Federal and State regulatory requirements derived from 25 Pa. Code Chapters 121—145, including appropriate testing, monitoring, recordkeeping, reporting, and work practice to verify compliance are included in the permit.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**65-00599: Saint Vincent College** (300 Fraser Purchase Road, Latrobe, PA 15650-2667). In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that, on May 21, 2021, DEP issued a renewed, synthetic minor, State Only Operating Permit to Saint Vincent College for the continued operation of a boiler house at a college, known as the Latrobe Campus, located in Unity Township, **Westmoreland County**.

The primary sources at the boiler house are three boilers. Each of these boilers (Boilers # 4, # 5, and # 6, Source IDs 031, 032, and 033, 17.5 MMBtu/hr each) is natural gas-fired with distillate oil backup. The university campus also contains 25 emergency generator engines and 51 assorted natural gas (NG) burners, located across the campus.

Source IDs 031 and 032, 16.7 MMBtu/hr each, can burn coal or natural gas. Coal use at the facility is limited to a maximum of 3,000 tons per year. The facility also contains 13 emergency generator engines (594-bhp total, Source IDs 101—104), located across the campus.

Annual potential emissions from the facility have been updated since the public posting for the renewal of this permit and are 86.3 tons of SO<sub>2</sub>, 28.1 tons of CO, 25.5 tons of NO<sub>x</sub>, 3.9 tons of PM<sub>10</sub>, 3.1 tons of VOC, 3.0 tons of PM<sub>2.5</sub>, 1.7 tons of 2.9 tons of all HAPs combined, and 22,786 tons of CO<sub>2</sub>e. Sources at the Latrobe Campus are subject to 40 CFR Part 60, Subpart A—General Provisions, 40 CFR Part 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Part 63, Subpart A—General Provisions, and 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. Sources are also subject to 25 Pa. Code Chapters 121—145. The permit

includes emission limitations, operational, monitoring, reporting, and recordkeeping requirements for the plant.

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

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

**25-01011: Dusekas-Martin Funeral Home and Crematory, Inc.** (4216 Sterrettania Rd, Erie, PA 16506-4128). On June 1, 2021, the Department issued the renewal State Only Natural Minor Operating Permit for operation of the human crematory located in Millcreek Township, **Erie County**. The facility's primary emission source consists of a human crematory. The potential emissions of the primary pollutants from the facility are as follows: 0.778 TPY (tons per year) NO<sub>x</sub>, 0.64 TPY CO, 0.653 TPY VOC, 1.02 TPY PM, and 0.47 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The crematory is subject to Plan Approval 25-1011A which includes opacity and emission restrictions. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00335: J. Bradley McGonigle Funeral Home and Crematory, Inc.** (1090 E State St, Sharon, PA 16146-3367). On June 1, 2021, the Department issued the renewal State Only Natural Minor Operating Permit for operation of the human crematory located in the City of Sharon, **Mercer County**. The facility's primary emission source consists of a human crematory. The potential emissions of the primary pollutants from the facility are as follows: 1.314 TPY (tons per year) NO<sub>x</sub>, 1.104 TPY CO, 0.072 TPY VOC, 0.062 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.008 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The crematory is subject to Plan Approval 25-335A which includes opacity and emission restrictions. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**33-00055: Glen Gery Corporation Hanley Plant** (423 S. Pottsville Pike, Shoemakersville, PA 19555-9742). The Department on May 20, 2021 issued an administrative amendment of the Title V Operating Permit for the facility located in Summerville Borough, **Jefferson County**. The amendment incorporates the change in responsible official and removes Sources 102A and 102B.

**42-00177: Bradford Forest LLC** (444 High Street, P.O. Box 369, Bradford, PA 16701-3735). The Department on June 2, 2021 issued an administrative amendment of the State Operating Permit for the facility located in Bradford City, **McKean County**. The amendment incorporates the change of ownership and updates the responsible official and permit contact.

**43-00294: International Timber & Veneer** (75 McQuiston Drive, Jackson Center, PA 16133-1635). The

Department on May 24, 2021 issued an administrative amendment of the State Operating Permit for the facility located in Jackson Township, **Mercer County**. The amendment incorporates the requirements of plan approval 43-294A and updates the responsible official and permit contact.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**03-00093: Murray Keystone Processing Inc.** (46226 National Rd., W. Saint Clairsville, OH 43950-8742) on May 11, 2021, the Natural Minor Operating Permit was revoked for the Keystone Cleaning Plant located in Plumcreek Township, **Armstrong County**. This Permit was revoked because the sources were shut down, the facility is no longer in operation, and the facility requested the permit be revoked.

**43-00152: John Maneely Company Wheatland Tube Division Mill Street Plant** (P.O. Box 608 Wheatland, PA 16161-0608) on June 4, 2021, the Natural Minor Operating Permit was revoked for the facility located in Sharon City, **Mercer County**. This Permit was revoked because the sources were shut down and the facility is no longer in operation.

**62-00174: Paws Along the River Humane Society** (212 Elm Street, Warren, PA 16365). Effective May 24, 2021, the Department revoked the State Only Operating Permit for the crematory located in Borough of Warren, **Warren County** because the State Only Operating Permit was replaced with General Permit BAQ-GPA/GP-14-62-174A on May 24, 2021.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY 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); and the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

*Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**Permit No. 32031301 and NPDES Permit No. PA0235580. Rosebud Mining Company, 301 Market**

Street, Kittanning, PA 16201, to renew the permit and related NPDES Permit for Lowry Deep Mine located in Center and White Townships, **Indiana County**. No additional discharges. The application was considered administratively complete on July 15, 2019. Application received: June 14, 2019. Permit issued: January 7, 2021.

**Permit No. 56841608 and NPDES Permit No. PA0213721. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, to revise the permit for new stockpile area, revised water handling plan and add two (2) NPDES discharge points for Cambria Fuel Prep Plant in Stonycreek Township, **Somerset County**. Receiving stream(s): Schrock Run classified for the following use: CWF. The application was considered administratively complete on January 22, 2020. Application received: November 21, 2019. Permit issued: March 4, 2021.**

**Permit No. 30950701. The Monongalia County Coal Company, 46226 National Road, St. Clairsville, OH 43950, to renew the permit for Hughes Hollow Slurry Impoundment located in Wayne and Gilmore Townships, **Greene County**. No discharges. The application was considered administratively complete on June 12, 2020. Application received: March 4, 2020. Permit issued: March 18, 2021.**

**Permit No. 30841317 and NPDES Permit No. PA0213527. Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to revise the permit and related NPDES Permit for development only for Enlow Fork Mine located in Richhill and Morris Townships, **Greene County** and Morris Township, **Washington County** affecting 3,409.0 proposed underground acres and 3,409.0 proposed subsidence control plan acres. No additional discharges. The application was considered administratively complete on June 14, 2019. Application received: May 14, 2019. Permit issued: March 23, 2021.**

**Permit No. 30121301 and NPDES Permit No. PA0236195. Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to revise the permit and related NPDES Permit for development mining only for Harvey Mine located in Richhill, Center, and Morris Townships, **Greene County** affecting 1,502.0 proposed underground acres and 1,502.0 proposed subsidence control plan acres. No additional discharges. The application was considered administratively complete on August 3, 2018. Application received: April 4, 2018. Permit issued: April 15, 2021.**

**Permit No. 11141302 (formerly 11031702). Arcelor-Mittal Pristine Resources, LLC, P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948, to renew the permit and related NPDES Permit for Mine 77 AMD Plant located in East Taylor Township, **Cambria County**. No additional discharges. The application was considered administratively complete on July 8, 2019. Application received: May 31, 2019. Permit issued: April 29, 2021.**

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 49870201C3. Susquehanna Coal Company, 200 E. Front Street, Nanticoke, PA 18634, correction of an existing anthracite coal refuse reprocessing operation to redistribute permit acre to add an area of coal refuse removal and delete unaffected area in Mt. Carmel Township and Kulpmont Borough, **Northumberland County** affecting 184.4 acres. Receiving stream: North Branch Shamokin Creek. Application received: December 6, 2019. Correction issued: June 2, 2021.**

**Permit No. 40663031R7 and NPDES Permit No. PA0225070. Jeddo-Highland Coal Company**, 144 Brown Street, Yatesville, PA 18640, renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation and NPDES Permit for discharge of treated mine drainage in Foster Township, **Luzerne County** affecting 523.0 acres. Receiving streams: Black Creek and Sand Run Creek. Application received: January 8, 2021. Renewal issued: June 2, 2021.

*Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 07200801 and NPDES No. PA0279773. Glass Bagging Enterprises, Inc.**, P.O. Box 120, Duncansville, PA 16635, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in Frankstown Township, **Blair County**, affecting 5.0 acres, Receiving stream: Frankstown Branch of the Juniata River classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Permit received: December 8, 2020. Permit issued: June 1, 2021.

**Permit No. 56090301 and NPDES No. PA0262846, New Enterprise Stone & Lime Co.**, P.O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit in Jefferson Township, **Somerset County**. Receiving stream: unnamed tributary to Kooser Run and unnamed tributaries to Shafer Run (tributaries to Laurel Creek), classified for the following use: high quality cold water fishes. The first downstream potable water supply intake from the point of discharge is Borough of Somerset Municipal Authority surface intake on Laurel Hill Creek 3 miles downstream of the site. Application received: April 1, 2021. Permit issued: June 2, 2021.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**PAM221004-GP104. Cutrite Stone Management, Inc.**, P.O. Box 5850, Miller Place, NY 11764. Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 08010818 located in Asylum Township, **Bradford County**. Receiving stream(s): Durell Creek classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: December 28, 2020. Approval of Coverage issued: June 4, 2021.

**PAM216015-GP104. Glenn O. Hawbaker, Inc.**, 711 East College Ave., Bellefonte, PA 16823. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 08110303 located in Terry Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: February 5, 2021. Approval of Coverage issued: June 4, 2021.

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).*

**Permit No. 26140401 and NPDES Permit No. PA0278149. Laurel Aggregates of Delaware, LLC**,

2480 Springhill Furnace Road, Lake Lynn, PA 15451. Renewal application for a non-started status three year renewal to an existing large noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 197 acres. Receiving streams: unnamed tributaries to Rubles Run and Rubles Run, classified for the following use: CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Point Marion Borough Water Service. Renewal application received: December 18, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 7474SM2C10 and NPDES Permit No. PA0124303. Lehigh Cement Co., LLC**, 7660 Imperial Way, Allentown, PA 18195, correction to an existing quarry in Upper Nazareth Township, **Northampton County** to increase the permitted acres for a total of 272.8 acres. Receiving stream: unnamed tributary to Shoeneck Creek. Application received: June 4, 2020. Correction issued: May 28, 2021

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications 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 Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 38214106. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Winding Creek in North Londonderry Township, **Lebanon County** with an expiration date of May 31, 2022. Permit issued: May 28, 2021.

**Permit No. 48214109. American Rock Mechanics, Inc.**, 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for Route 248 warehouse in Lower Nazareth Township, **Northampton County** with an expiration date of May 1, 2022. Permit issued: May 28, 2021.

**FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

##### **Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E6602221-001. Teri and Michael Butts**, 1586 Heart Lake Road, Jermyn, PA 18433. Overfield Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To construct a boat house and concrete retaining wall, to repair the existing dock, and perform dredging on the lakefront of their property located on Lake Winola (CWF, MF). The pile supported boathouse will have a footprint of 42' x 68' and a 4' x 90' pile supported walkway. Also, a 140' concrete block wall will be installed. Finally, hydraulic dredging surrounding the existing and proposed docks will be performed to facilitate the launch of watercraft. This permit authorizes continued maintenance dredging to maintain access to the docks. However, the PASPGP-5 only authorizes the initial dredging. The property owner will have to consult with the ACOE and obtain Federal authorization before any future dredging activities occur. The project is located at 168 Point Road in Lake Winola, located in Overfield Township, Wyoming County. Quadrangle Latitude: 41° 31' 02"; Longitude: -75° 51' 06".

*Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E6703220-025. North Codorus Township**, 1986 Stoverstown Road, Spring Grove, PA 17362, North Codorus Township, **York County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a stream crossing of a Tributary to the Stoverstown Branch of Codorus Creek (WWF, MF) consisting of a 212-LF, 48-inch diameter steel pipe culvert having concrete a wingwall inlet, an 18 square foot R-7 riprap apron at the downstream outlet, and an invert depressed 6-inches below existing streambed elevation. The project is located along Cedar Drive, approximately 200-ft west of the intersection of Cedar Drive and Cedar Hill Road (West York, PA Quadrangle Latitude: 40° 52' 36.71"; Longitude: -76° 50' 1.28") in North Codorus Township, York County. Permit issued June 2, 2021.

**E21-466. Upper Allen Partners, LP.** P.O. Box 719, Mechanicsburg, PA 17055, Upper Allen Township, **Cumberland County**, U.S. Army Corps of Engineers, Baltimore District.

To 1) install and maintain a 57 foot long 54-inch by 32.25-inch bottomless plate box culvert in a UNT to Yellow Breeches Creek (CWF-MF), and associated electric, cable and telephone conduit, 6.0-inch gas line, and 8.0-inch PVC water utility line, all temporarily impacting 0.02 acre of Palustrine Scrub-Shrub (PSS) wetlands and permanently impacting 0.03 acre of PSS wetlands (Latitude: 40° 11' 12"; Longitude: -76° 57' 34"); 2) install and maintain a 71 foot long 68-inch by 38.17-inch bottomless plate box culvert in a UNT to Yellow Breeches Creek (CWF-MF), and associated electric, cable and telephone conduit, 6.0-inch gas line, 8.0-inch PVC water utility line, and three 24.0-inch HDPE stormwater conveyance pipes, all temporarily impacting 0.02 acre of Palustrine Scrub-Shrub (PSS) wetlands and permanently impacting 0.06 acre of PSS wetlands (Latitude: 40° 11' 07"; Longitude: -76° 57' 27"); 3) install and maintain an 8-inch PVC sanitary sewer line in and across a UNT to Yellow Breeches Creek (CWF-MF), impacting 10 linear feet of channel (Latitude: 40° 11' 07"; Longitude: -76° 57' 25"); and 4) relocate and maintain a 75-foot long stream section of a UNT to Yellow Breeches Creek (CWF-MF) (Latitude: 40° 11' 07"; Longitude: -76° 57' 27"); all impacts are associated with Winding Hills Development in Upper Allen Township, Cumberland County. The applicant proposes 0.36 acre of PSS wetland as compensatory mitigation for wetland impacts and the removal of a 12 linear foot 40-inch by 60-inch CMP Arch culvert as mitigation for stream impacts. Permit issued June 4, 2021.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E4403220-021. Randall Sunderland**, 13400 Weiler Road, Huntingdon, PA 16652, Randall Sunderland Project, in Brown Township, **Mifflin County**, ACOE Baltimore District (Barrville, PA Quadrangle; Latitude: 40° 38' 50.85"; Latitude -77° 44' 44.86").

On behalf of Randall Sunderland, a Joint Permit Application for Pennsylvania Chapter 105 Water Obstructions and Encroachment Permit and U.S. Army Corps of Engineers Section 404 Permit is being submitted for the approval to construct a bridge across Kishacoquillas Creek in order to serve access to his private property.

The site is located in the east, rear-most corner of the field behind 64 E Hooley Lane in Brown Township,

Mifflin County. A USGS Location Map showing the project location can be found enclosed within this Project Review submission. The property owner is not able to obtain an easement through the neighboring property to gain access via K V Railroad Drive to the east, and therefore needs to construct a bridge across Kishacoquillas Creek to access his property from SR 655. Kishacoquillas Creek flows parallel to the entire frontage of the property and K V Railroad Drive, therefore it is necessary to impact the stream in order to gain access to the owner's property. The project will consist of constructing a 7-foot wide, single span bridge that will span 47-feet across Kishacoquillas Creek. The bridge will be accessed from 50-foot wide right-of-way purchased from Walter Jr. and Donna Schmidt by a 10-foot wide driveway. The driveway is accessed off of State Route 655 along the northeast edge of the flag parcel and follows the woods line until the bridge location is reached.

The installation of the bridge will disturb approximately 0.106 acre, with a permanent impact of 0.01 acre. The proposed bridge is located within the floodway (FEMA Rate Map # 42087C0145C eff. August 16, 2016) and was sited to avoid impacts to existing wetlands. No existing structures will be affected upon completion.

At the location of the bridge crossing, the east stream bank is naturally higher than on the west side. The top of grate of the bridge was sited to match the top of the east stream bank. In doing so, the western stream bank will require additional fill material at a straight slope. The concrete footer locations were set behind the top of bank elevation determined by the eastern bank. Excavation for the proposed bridge construction is minimal, only that of which is required for the placement of the concrete footers.

**E6703219-006. Bowman Road LLC**, 950 Smile Way, York, PA 17404. Construction of a 1,075,200 square feet warehouse distribution facility in Jackson Township, **York County**, ACOE Baltimore District (West York, PA Quadrangle; Latitude: 39.938064; Longitude: -76.841120).

The permittee is authorized to construct a 1,075,200 square feet warehouse distribution facility, and associated infrastructure, as part of a redevelopment effort of a portion of an existing golf course. Through construction activities associated with this project, three wetlands and five streams will be permanently impacted. Mitigation for environmental impacts will be satisfied on-site by creating approximately 0.30 acre of palustrine emergent wetlands and restoring approximately 1,200 linear feet of an intermittent stream channel. This approval under Chapter 105, Section 105.12(a)(16) includes 401 Water Quality Certification.

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.*

ESCGP-3 # ESX16-059-0048 Major Revision  
Applicant Name Rice Drilling B, LLC  
Contact Person Todd Klaner  
Address 2400 Woodcliff Drive, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Aleppo & Springhill Twps  
Receiving Stream(s) and Classification(s) UNTs to Harts Run and Harts Run (WWF)  
Secondary Receiving Water—Fish Creek (WWF)

ESCGP-3 # ESX16-059-0050 Major Revision  
Applicant Name EQM Gathering OPCO, LLC  
Contact Person Gregg West  
Address 2200 Rice Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Aleppo  
Receiving Stream(s) and Classification(s) UNTs to Mudlick Fork (TSF)  
Secondary Receiving Water—South Fork Dunkard Fork (TSF)

ESCGP-3 # ESX12-003-0001 Major Modification  
Applicant Name Range Resources Appalachia LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Allegheny  
Township(s) Frazer  
Receiving Stream(s) and Classification(s) UNTs to Bull Creek and Days Run, Bull Creek (TSF), Days Run (TSF), Allegheny River (WWF)

ESCGP-3 # ESG076319024-00  
Applicant Name MarkWest Liberty Midstream and Resources LLC  
Contact Person Rick Lowry  
Address 4600 J Barry Court, Suite 500  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Buffalo  
Receiving Stream(s) and Classification(s) UNTs to Buffalo Creek (HQ-WWF), Buffalo Creek (HQ-WWF)

ESCGP-3 # ESX17-007-0006 Major Modification  
 Applicant Name ETP Northeast Field Services LLC  
 Contact Person Nicholas Bryan  
 Address 6051 Wallace Road Ext, 3rd Floor  
 City, State, Zip Wexford, PA 15090  
 County Beaver  
 Township(s) New Sewickley  
 Receiving Stream(s) and Classification(s) UNTs to Tributaries 36568 and 36572 to Crows Run, Tributaries 36568, 36572, 36575 to Crows Run, UNTs to Pine Run, Pine Run, Ohio River (All WWF)

ESCGP-3 # ESG13-125-0037  
 Applicant Name MarkWest Liberty Midstream & Resources LLC  
 Contact Person Brian Elliott  
 Address 4600 J Barry Court, Suite 500  
 City, State, Zip Canonsburg, PA 15317  
 County Washington  
 Township(s) Blaine  
 Receiving Stream(s) and Classification(s) UNTs to Buffalo Creek (HQ-WWF), Buffalo Creek (HQ-WWF)

ESCGP-3 # ESG18-125-0030 Major Modification  
 Applicant Name EQM Gathering OPCO, LLC  
 Contact Person Alexandra Ventresca  
 Address 2200 Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 County Washington and Greene  
 Township(s) East Finley, West Finley and Richhill Twps  
 Receiving Stream(s) and Classification(s) Tributaries 32732, 32733, 32730, 32729, 32728, 32726, 32727, 32711, 32709, 32710 to Templeton Fork/Tributaries 32718, 32716, to Rocky Run/Tributaries 32707, 32699, 32695, 32694, 32693, 32692 to Enlow Fork/Tributary 32661 to Robinson Fork/Tributaries 32497, 32496, to Unkard Fork/Tributary 32503, 32502, 32501 to Stone Coal Run

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.*

ESCGP-3 # ESG076361001-00/Chambers Phelan 17793  
 Applicant Name Range Resources Appalachia LLC  
 Contact Person Laura Rusmisl  
 Address 3000 Town Center Boulevard  
 City, State, Zip Canonsburg, PA 15317  
 County Washington  
 Township(s) Amwell  
 Receiving Stream(s) and Classification(s) UNTs to Bane Creek TSF, Tenmile and South Fork Tenmile Creek TSF

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG290821036-00  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford  
 Township(s) Wilmot  
 Receiving Stream(s) and Classification(s) UNT to Sugar Run Creek (CWF-MF), UNT to Sugar Run Creek (CWF-MF)  
 Secondary: Sugar Run Creek (CWF-MF), Sugar Run Creek (CWF-MF)

ESCGP-3 # ESG295821002-00  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Kenneth Marcum  
 Address 2000 Park Land, Ste 300  
 City, State, Zip Pittsburgh, PA 15275-1121  
 County Susquehanna  
 Township(s) Brooklyn  
 Receiving Stream(s) and Classification(s) UNT to Martins Creek (CWF), UNT to Dry Creek (CWF)  
 Secondary: Martins Creek (CWF), Dry Creek (CWF)

ESCGP-3 # ESG295921001-00  
 Applicant Name Pennsylvania General Energy Co LLC  
 Contact Person Douglas Kuntz  
 Address 120 Market St  
 City, State, Zip Warren, PA 16365  
 County Tioga  
 Township(s) Union  
 Receiving Stream(s) and Classification(s) Carpenter Run # 722, # 4523 (EV), UNT to Carpenter Run # 722/# 32492 (EV), UNT to Carpenter Run # 722/# 76197 (EV), West Mill Creek # 38197 (HQ-CWF-MF)  
 Secondary: Carpenter Run (EV), Carpenter Run (EV)

ESCGP-3 # ESG294121008-00  
 Applicant Name Inflection Energy (PA) LLC  
 Contact Person Gregg Saunders  
 Address 101 W Third St, Fl 5  
 City, State, Zip Williamsport, PA 17701-6413  
 County Lycoming  
 Township(s) Eldred  
 Receiving Stream(s) and Classification(s) 2 UNTs to Loyalsock Creek (EV)  
 Secondary: Loyalsock Creek (EV)

ESCGP-3 # ESG290821026-00  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford  
 Township(s) Franklin  
 Receiving Stream(s) and Classification(s) UNT to Towanda Creek (CWF-MF), Towanda Creek (TSF-MF)  
 Secondary: Towanda Creek (TSF-MF), Susquehanna River (WWF-MF)

ESCGP-3 # ESG290821037-00  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford  
 Township(s) Rome  
 Receiving Stream(s) and Classification(s) UNT to Bullard Creek (CWF, MF)  
 Secondary: Bullard Creek (CWF, MF)

ESCGP-3 # ESG290821029-00  
 Applicant Name Appalachia Midstream Services LLC  
 Contact Person Adam Weightman  
 Address 30531 Route 6  
 City, State, Zip Wysox, PA 18854  
 County Bradford/Sullivan  
 Township(s) Wilmot Twp (Bradford Cnty)/Colley Twp (Sullivan Cnty)  
 Receiving Stream(s) and Classification(s) North Branch Mehoopany Creek (CWF-MF)  
 Secondary: Mehoopany Creek (CWF-MF)



**CORRECTIVE ACTION  
UNDER ACT 32, 1989**

**PREAMBLE 2**

The following plans and reports 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 Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager*

**Wind Gap Market**, Storage Tank ID # 48-28931, 440 East Moorestown Road, Wind Gap, PA 18091, Plainfield Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Wind Gap Market, Inc., 440 East Moorestown Road, Wind Gap, PA 18091, has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with

petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

**SPECIAL NOTICES**

**WASTE MANAGEMENT**

**NOTICE OF REQUEST FOR PROPOSALS FOR MUNICIPAL SOLID WASTE CAPACITY**

The following notice(s) is placed through the Department of Environmental Protection as required by Section 502(d) of Act 101 of 1988: The Municipal Waste Planning, Recycling and Waste Reduction Act.

**Request for Proposals for Processing/Disposal of Municipal Solid Waste.**

**Clearfield County** is revising its **Municipal Waste Management Plan** in accordance with the requirements of PA Act 101 for the purpose of obtaining municipal solid waste processing/disposal capacity for the municipal waste, construction & demolition waste and municipal sewage sludge that is generated within the County. Waste facilities to be considered must be permitted and fully available for use prior to January 1, 2023

For detailed information interested facilities should write to: Clearfield County Commissioners, 212 E. Locust Street, Suite 112, Clearfield, PA 16830.

All inquiries should be in writing and made no later than August 10, 2021.

**WATER PROGRAMS**

**THE PENNSYLVANIA CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT**

**NPDES Construction Stormwater General Permit Coverage Termination.**

The Adams County Conservation District has approved the Notice of Termination (NOT) for coverage under a PAG-02 General NPDES Permit for Construction Stormwater received from the permittee listed in the following table. The official file for this project can be reviewed at the Adams County Conservation District office. The Adams County Conservation District is located at 670 Old Harrisburg Rd., Gettysburg, PA 17325, phone number (717-334-0636). Information on this NOT is also available by contacting the Department of Environmental Protection (DEP) Southcentral Regional Office, Waterways and Wetlands Program at 909 Elmerton Ave., Harrisburg, PA 17110-8200, phone number 717-705-4802.

Persons aggrieved by an action of a conservation district under 25 Pa. Code Chapter 102 may request an informal hearing with DEP within 30 days of publication of this notice in the *Pennsylvania Bulletin*, pursuant to 25 Pa. Code § 102.32(c). DEP will schedule this informal hearing within 30 days of the request.

<i>NPDES Permit No.</i>	<i>Permittee Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG02000113025	Insurance Auto Auction, Inc. Two Westbrook Corporate Center Suite 500 Westchester, IL 60154	Adams	Latimore Township	UNT to Latimore Creek (CWF, MF)

[Pa.B. Doc. No. 21-953. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 02(1726,0385)103.1, Abandoned Mine Reclamation Project, Penn Hills, Municipality of Penn Hills, Allegheny County.** The principal items of work and approximate quantities include: trench excavation, 1,165 cubic yards; smooth interior corrugated polyethylene pipe, 300 linear feet; smooth interior corrugated polyethylene pipe junction, 12 each; rock lining with geotextile, 415 tons; precast concrete inlet box, 1 each; Department of Transportation 2A stone, 100 cubic yards; boring—24-inch steel casing, 275 linear feet; subsurface drain—12-inch polyvinyl chloride (PVC) pipe, 310 linear feet; subsurface drain—8-inch PVC pipe, 975 linear feet; and subsurface drain—AASHTO No. 1 coarse aggregate, 860 cubic yards.

This bid issues on June 11, 2021, and bids will be opened on July 8, 2021, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-954. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 11(3266)102.1, Abandoned Mine Reclamation Project, Cymbria II, Susquehanna Township, Cambria County.** The principal items of work and approximate quantities include: clearing and grubbing, 20.2 acres; permanent swales with R-4 rock check dams, 1,070 linear feet; grading, 169,119 cubic yards; and tree planting, 11,450 trees.

This bid issues on June 11, 2021, and bids will be opened on July 8, 2021, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this

project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-955. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Draft National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permits for the Department of Transportation and the Pennsylvania Turnpike Commission; Virtual Public Hearing

PAI139601, MS4, Department of Transportation (PennDOT), Keystone Building, 400 North Street, Harrisburg, PA 17120, Dauphin County.

PAI139602, MS4, Pennsylvania Turnpike Commission, P.O. Box 67676, Harrisburg, PA 17106-7676, Dauphin County.

The Department of Environmental Protection (Department) Bureau of Clean Water has received a request for a formal virtual public hearing concerning the previously referenced National Pollutant Discharge Elimination System municipal separate storm sewer system draft permits for PennDOT and the Pennsylvania Turnpike Commission. As Statewide permits, these permits authorize discharges to waters of this Commonwealth throughout Statewide urbanized areas. Commentators on the draft permits have raised questions and concerns including the timing of pollutant reduction plan development and the extent of pollutant reduction activities.

The Department has scheduled a formal virtual public hearing for Tuesday, July 20, 2021. The virtual public hearing will begin at 6 p.m. and end at 9 p.m. or earlier if no additional commentators are present.

Individuals who wish to observe or present testimony at the formal virtual public hearing must contact Brian Chalfant at (717) 783-8073 or [bchalfant@pa.gov](mailto:bchalfant@pa.gov), a minimum of 24 hours in advance of the hearing to reserve time to present testimony. The WebEx information for the virtual public hearing will be available through the Public Participation tab on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation"). Comments, whether delivered orally during the virtual public hearing or submitted in writing to [RA-EPPAMS4@pa.gov](mailto:RA-EPPAMS4@pa.gov) carry equal weight and consideration with the Department. Written comments may also be mailed to the Bureau of Clean Water, 400 Market Street, P.O. Box 8774, Harrisburg, PA 17105. Use "MS4 Permits Public Hearing" as the subject line in written communication. Written testimony and comments will be accepted through 5 p.m. on Monday, July 19, 2021.

Verbal testimony is limited to 5 minutes for each witness. Video demonstrations and screen sharing by witnesses will not be permitted. The Department asks that each organization designate one speaker per group and reminds those presenting that time may not be shared or relinquished to others. More information on the

Department's virtual public hearings can be found on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Virtual Public Hearings").

Notice of these draft permits was published at 51 Pa.B. 788 (February 13, 2021). The draft permits can be reviewed online by visiting [www.dep.pa.gov/CWPUBLICNOTICE](http://www.dep.pa.gov/CWPUBLICNOTICE), selecting "Applications Received with Comment Periods Report" and then searching the permit numbers (PAI139601 or PAI139602) in the "Application No." field with the "Open Comment Periods Only" field set to "No." Alternatively, interested persons can request to receive the draft permits by e-mail by contacting [RA-EPPAMS4@pa.gov](mailto:RA-EPPAMS4@pa.gov). Interested persons may also make an appointment to review the Department files on these draft permits by contacting the Department's File Review Coordinator at (717) 787-5017.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-956. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Presque Isle Dock Replacement

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation in consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that the Department of Conservation and Natural Resources (Applicant) is proposing the Presque Isle dock replacement in the City of Erie, Erie County (Project).

The Project is proposed to consist of the replacement and rehabilitation of the floating dock structures at the Presque Isle Marina. The anticipated work would include floating dock removal for a reconfigured layout, general maintenance and utility upgrades to several existing docks (to remain) as well as new floating docks with new utilities, and new piles to accommodate the reconfigured docks. This Project would also include climate adaptability by adding pile extensions to the existing, remaining piles. Dredging of the marina would be needed to ensure draft clearance for use of the reconfigured dock layout. In response to concerns communicated by the Fish and Boat Commission, no work would be allowed in the waterbody from April 1 to June 15, to avoid adverse impacts during the spawning season for protected species. The Applicant is seeking authorization from the United States Army Corps of Engineers under section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. § 403) and section 404 of the Clean Water Act (33 U.S.C.A. § 1344).

This Project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), the Applicant has certified that the proposed activity will be

conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at [RA-Fed\\_Consistency@pa.gov](mailto:RA-Fed_Consistency@pa.gov) or (717) 772-2196.

The Department will consider all comments received on or before Tuesday, July 6, 2021, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-957. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Pennsylvania's 2021 Annual Ambient Air Monitoring Network Plan

The Department of Environmental Protection (Department) is seeking public comment on Pennsylvania's 2021 Annual Ambient Air Monitoring Network Plan (Plan). The Plan has been updated to address changes that have been made in the Commonwealth's ambient air monitoring network and to identify anticipated changes in the remainder of 2021 and in 2022.

On October 17, 2006, the United States Environmental Protection Agency (EPA) promulgated final amendments to the National ambient air monitoring requirements for criteria pollutants at 40 CFR Parts 53 and 58 (relating to ambient air monitoring reference and equivalent methods; and ambient air quality surveillance). See 71 FR 61236 (October 17, 2006). The EPA's final rule requires state and local agencies to enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities." Under 40 CFR 58.10 (relating to annual monitoring network plan and periodic network assessment), air quality state and local monitoring agencies must adopt an annual air monitoring network plan and make the plan available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The Plan, which is due July 1, 2021, must include a statement of purpose for each monitor and evidence that siting and operation of each monitor meets Federal requirements. The EPA may also provide an opportunity for review and comment prior to approving or disapproving a state's monitoring network plan.

The Plan is available on the Department's web site at [www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx](http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx).

The Department must receive comments no later than Monday, July 19, 2021. Commentators are encouraged to

submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Written comments can be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "2021 Annual Monitoring Network Plan" as the subject line in written communication.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-958. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### State Board for Certification of Sewage Enforcement Officers 2021 Virtual Meeting Dates

The State Board for Certification of Sewage Enforcement Officers will meet virtually on July 7, 2021, and September 1, 2021, at 10 a.m.

The contact person is Amy Forney, Bureau of Clean Water, [RA-seotrng@pa.gov](mailto:RA-seotrng@pa.gov), (717) 772-2186.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-959. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### State Board for Certification of Sewage Enforcement Officers; Examination Schedule for 2021

The State Board for Certification of Sewage Enforcement Officers (Board) has scheduled the following certification examination for 2021.

To qualify to sit for the certification examination, all Sewage Enforcement Officer (SEO) candidates must successfully complete the Pre-Certification Soils Course and the Pre-Certification Academy. Examination applications must be received (not postmarked) by the Board, complete

and correct, by close of business on the date indicated. Applications received after that date will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The examination schedule for 2021 is as follows:

Examination Date:	Friday, August 20, 2021 (12:30 p.m. registration, exam 1 p.m. to 4:30 p.m.)
Examination Application Deadline:	Wednesday, July 28, 2021
Location:	Pennsylvania State Association of Township Supervisors PSATS Education Center 4855 Woodland Drive Enola, PA 17025

Additional examination dates will be posted as scheduled. Individuals are encouraged to visit the Board's webpage to confirm date, time and location prior to each examination.

The SEO written examination contains 100 multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3 1/2-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book examination. Applicants are not permitted to bring their own materials. All necessary reference materials will be provided at the test site.

Examination applications may be obtained by contacting the Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-2186.

Applicants will receive an admittance notification e-mail from the Board prior to the date of the examination.

Persons who anticipate the need for a testing accommodation due to a disability should contact the Board at (717) 772-5157 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss their request. This request must be submitted with the application form.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-960. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

Facility Name	Regulation and relating to
Doylestown Surgery Center, LLC	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)

<i>Facility Name</i>	<i>Regulation and relating to</i>
Huntingdon Valley Surgery Center	28 Pa. Code § 551.21(d)(1)
Laurel Laser & Surgery Center—Altoona	28 Pa. Code § 555.22(a)(1) and (2) (relating to preoperative care)
Laurel Laser & Surgery Center, LP	28 Pa. Code § 555.22(a)(1) and (2)
Surgery Center of Allentown, LLC	28 Pa. Code § 551.21(d)(1)
Surgery Center of Lancaster, LP	28 Pa. Code § 551.21(d)(1)
UCPA Surgery Center	28 Pa. Code § 553.1 (relating to principle)
	28 Pa. Code § 555.1 (relating to principle)
	28 Pa. Code § 555.3(a)—(f) (relating to requirements for membership and privileges)
	28 Pa. Code § 555.4(a)—(c) (relating to clinical activities and duties of physician assistants and certified registered nurse practitioners)
	28 Pa. Code § 557.2(a)—(d) (relating to plan)
	28 Pa. Code § 557.3(a)—(f) (relating to Quality Assurance and Improvement Program)
	28 Pa. Code § 563.1 (relating to principle)
	28 Pa. Code § 563.2(a) and (b) (relating to organization and staffing)

The following ASF has filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
Surgery Center of Allentown, LLC	A2.1-3.2.3.2(1) space requirements	18-O

<sup>1</sup> 2018 Year FGI Regulations were split into 2 books; *Hospitals*, and *Outpatient Facilities* as indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
Acting Secretary

[Pa.B. Doc. No. 21-961. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
The Milton S. Hershey Medical Center	28 Pa. Code § 133.21 (relating to facilities)
	28 Pa. Code § 133.31(a), (b)(7) and (10) (relating to policies and procedures)
UPMC Kane	28 Pa. Code § 117.14(c) (relating to required minimal services)
Waynesboro Hospital	28 Pa. Code § 146.2 (relating to isolation procedures)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
Jefferson Health—Northeast	2.2-3.4.2.5(1)(a) system component room	18
Penn Highlands Dubois	2.1-3.10.2.1 patient toilet room(s)	18-O
Penn State Health Lancaster Medical Center	2.1-8.4.2.6(1)(a) drainage systems	18
Saint Luke's Hospital of Bethlehem, Pennsylvania	2.2-3.4.2.2(2)(a) space requirements	18
Saint Luke's Hospital—Easton Campus	2.2-3.4.2.2(2)(a) space requirements	18
	2.5-2.3.3.1(3) space requirements	18
Temple University Hospital, Inc.	2.2-3.4.2.1(3) general	18
UPMC Hamot	2.2-3.4.2.4(2)(c) other design elements	18
UPMC Presbyterian Shadyside	2.2-3.3.3.2(1)(b)(i)—(iii) space requirements	18

<sup>1</sup> 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-962. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds for fiscal year (FY) 2020-2021 supplemental payments to qualifying acute care general hospitals that treat a high percentage of Medical Assistance (MA) patients under the age of 18. These payments will enable the continuation of quality medical services for children enrolled in the MA Program.

#### *Qualifying Criteria*

A hospital is eligible for these supplemental payments if the hospital meets all the following criteria. Unless otherwise stated, the source of the information is the FY 2016-2017 MA-336 Hospital Cost Report, as available to the Department on October 29, 2019.

a) The hospital is enrolled in the Pennsylvania MA Program as an acute care hospital, licensed by the Department of Health (DOH);

b) The hospital provides acute inpatient services to patient populations predominately under the age of 18. A hospital's patient population is predominately under the age of 18 if the hospital's number of discharges for “0—17 Years” is greater than 50% of the hospitals number of

“Total” discharges. Discharges are determined from the calendar year 2019 DOH Reports 3-A and 3-B;

c) The hospital is located in a city of the first class; and,

d) The hospital's ratio of combined MA acute care fee-for-service (FFS) and managed care days to total inpatient acute care days exceeds 70%.

#### *Payment Methodology*

Payments will be divided proportionately among qualified hospitals based on each hospital's FFS Pennsylvania MA inpatient acute care days to total FFS Pennsylvania MA inpatient acute care days for all qualifying hospitals.

#### *Fiscal Impact*

For FY 2020-2021, the Department will allocate an annualized amount of \$40.163 million in total funds (State and Federal) upon approval by the Centers for Medicare & Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
Acting Secretary

**Fiscal Note:** 14-NOT-1444. (1) General Fund; (2) Implementing Year 2020-21 is \$0; (3) 1st Succeeding Year 2021-22 is \$9,061,000; 2nd Succeeding Year 2022-23 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$344,107,000; 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,690,000; (7) MA—FFS; (8) recommends adoption. Funds have been included in the current budget to cover this increase, which will pay out in the next fiscal year.

[Pa.B. Doc. No. 21-963. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Bee Lucky Instant Lottery Game 1529

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bee Lucky (hereafter “Bee Lucky”). The game number is PA-1529.

2. *Price:* The price of a Bee Lucky instant lottery game ticket is \$1.

3. *Play symbols:* Each Bee Lucky instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area, are: Cat (CAT) symbol, Chick (CHICK) symbol, Star (STAR) symbol, Bone (BONE) symbol, Flower (FLOWER) symbol, Moon (MOON) symbol, Clover (CLOVER) symbol, Wand (WAND) symbol, Dog (DOG) symbol, Barn (BARN) symbol, Bee (BEE) symbol and a Hive (HIVE) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: FREE (TICKET), \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$25<sup>.00</sup> (TWY FIV), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$25, \$50, \$100, \$500 and \$5,000. A player can win up to five times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Bee Lucky instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of \$5,000

(FIV THO) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of \$25<sup>.00</sup> (TWY FIV) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of \$25.

(f) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets upon which a Hive (HIVE) symbol appears in the play area and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the “prize” area under that HIVE (HIVE) symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of \$1.

(k) Holders of tickets upon which a Bee (BEE) symbol appears in the play area and a prize symbol of FREE (TICKET) appears in the “prize” area under that Bee (BEE) symbol, on a single ticket, shall be entitled to a prize of one Bee Lucky instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal A Bee (BEE) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
FREE	FREE \$1 TICKET	9.52	882,000

<i>Reveal A Bee (BEE) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$1 × 2	\$2	33.33	252,000
\$2	\$2	33.33	252,000
\$1 × 5	\$5	500	16,800
(\$1 × 3) + \$2	\$5	1,000	8,400
(\$2 × 2) + \$1	\$5	500	16,800
\$5 w/ HIVE	\$5	33.33	252,000
\$5	\$5	250	33,600
\$2 × 5	\$10	1,000	8,400
\$5 × 2	\$10	1,000	8,400
(\$1 × 3) + \$5 + \$2	\$10	1,000	8,400
(\$5 w/ HIVE) + \$5	\$10	250	33,600
(\$5 w/ HIVE) × 2	\$10	200	42,000
\$10	\$10	500	16,800
\$5 × 5	\$25	6,000	1,400
(\$5 w/ HIVE) + (\$10 × 2)	\$25	2,400	3,500
(((\$5 w/ HIVE) × 3) + (\$5 × 2))	\$25	2,400	3,500
(\$5 w/ HIVE) × 5	\$25	1,600	5,250
\$25	\$25	12,000	700
\$10 × 5	\$50	12,000	700
\$25 × 2	\$50	12,000	700
(\$5 w/ HIVE) + (\$10 × 2) + \$25	\$50	6,000	1,400
(((\$5 w/ HIVE) × 3) + \$25 + \$10)	\$50	6,000	1,400
\$50	\$50	12,000	700
\$25 × 4	\$100	60,000	140
\$50 × 2	\$100	40,000	210
(\$5 w/ HIVE) + (\$10 × 2) + \$50 + \$25	\$100	24,000	350
\$100	\$100	24,000	350
\$100 × 5	\$500	840,000	10
\$500	\$500	840,000	10
\$5,000	\$5,000	840,000	10

Reveal a "HIVE" (HIVE) symbol, win \$5 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Bee Lucky instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles

the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Bee Lucky, prize money from winning Bee Lucky instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Bee Lucky instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will



be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Bee Lucky or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-964. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Digging for Treasure Instant Lottery Game 1526

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Digging for Treasure (hereafter “Digging for Treasure”). The game number is PA-1526.

2. *Price:* The price of a Digging for Treasure instant lottery game ticket is \$5.

3. *Play symbols:* Each Digging for Treasure instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and an “X BONUS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT) and a Treasure Chest (5TIMES) symbol. The play symbols and their captions, located in the “X BONUS” area, are: Diamond (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, Gem (NO BONUS) symbol, Treasure Map (TRY AGAIN) symbol, Emerald (NO BONUS) symbol, Piggy Bank (TRY AGAIN) symbol, Pirate Flag (NO BONUS) symbol, Safe (TRY AGAIN) symbol, Moneybag (NO BONUS) symbol, Compass (TRY AGAIN) symbol and a Shovel (WINALL) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5<sup>.00</sup> (FIV

DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$25<sup>.00</sup> (TWY FIV), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$20, \$25, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$250,000. A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 12,000,000 tickets will be printed for the Digging for Treasure instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$250,000 (TWHNFYTH) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$1,000 (ONE THO) appears in two of the “prize” areas, a prize symbol of \$500 (FIV HUN) appears in four of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in four of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a Treasure Chest (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Treasure Chest (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in four of the “prize” areas, a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in two of the “prize” areas and a prize symbol of \$25<sup>.00</sup> (TWY FIV) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$100 (ONE HUN) appears in eight of the “prize” areas and a prize symbol of \$50<sup>.00</sup> (FIFTY)

appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches 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.

(j) Holders of tickets upon which a Treasure Chest (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Treasure Chest (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the “prize” areas, a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in three of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in eight of the “prize” areas and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in six of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which a Treasure Chest (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Treasure Chest (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches 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.

(p) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in eight of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL)

appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches 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.

(t) Holders of tickets upon which a Treasure Chest (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that Treasure Chest (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which a Shovel (WINALL) symbol appears in the “X BONUS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the “prize” areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in six of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which a Treasure Chest (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Treasure Chest (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets upon which a Treasure Chest (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that Treasure Chest (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol

of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$5	\$5	8.96	1,340,000
\$5 × 2	\$10	30	400,000
\$10	\$10	28.57	420,000
\$5 × 4	\$20	300	0,000
\$10 × 2	\$20	75	160,000
(\$5 × 2) + \$10	\$20	85.71	140,000
\$20	\$20	300	40,000
\$5 × 5	\$25	600	20,000
(\$5 × 3) + \$10	\$25	600	20,000
(\$10 × 2) + \$5	\$25	600	20,000
\$5 w/ TREASURE CHEST	\$25	85.71	140,000
\$25	\$25	600	20,000
\$5 × 10	\$50	600	20,000
\$10 × 5	\$50	600	20,000
(\$5 w/ TREASURE CHEST) × 2	\$50	600	20,000
\$10 w/ TREASURE CHEST	\$50	200	60,000
\$50	\$50	600	20,000
SHOVEL IN X BONUS w/ ((\$10 × 5) + (\$5 × 6) + \$20)	\$100	1,500	8,000
SHOVEL IN X BONUS w/ ((\$10 × 8) + (\$5 × 4))	\$100	1,500	8,000
SHOVEL IN X BONUS w/ ((\$25 × 2) + (\$5 × 10))	\$100	1,500	8,000
\$20 × 5	\$100	24,000	500
((\$5 w/ TREASURE CHEST) × 2) + (\$5 × 10)	\$100	24,000	500
(\$5 w/ TREASURE CHEST) × 4	\$100	24,000	500
(\$10 w/ TREASURE CHEST) × 2	\$100	24,000	500
\$20 w/ TREASURE CHEST	\$100	2,400	5,000
\$100	\$100	24,000	500
SHOVEL IN X BONUS w/ ((\$20 × 8) + (\$10 × 4))	\$200	8,000	1,500
SHOVEL IN X BONUS w/ ((\$25 × 2) + (\$20 × 5) + (\$10 × 5))	\$200	8,000	1,500
SHOVEL IN X BONUS w/ ((\$50 × 2) + (\$10 × 10))	\$200	12,000	1,000
\$20 × 10	\$200	120,000	100
\$50 × 4	\$200	120,000	100
\$100 × 2	\$200	120,000	100
(\$5 w/ TREASURE CHEST) + (\$25 × 3) + \$100	\$200	40,000	300

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
(\$10 w/ TREASURE CHEST) + (\$10 × 10) + \$50	\$200	40,000	300
(\$20 w/ TREASURE CHEST) + (\$20 × 5)	\$200	40,000	300
(\$5 w/ TREASURE CHEST) × 8	\$200	24,000	500
(\$20 w/ TREASURE CHEST) × 2	\$200	24,000	500
\$200	\$200	60,000	200
SHOVEL IN X BONUS w/ ((\$50 × 6) + (\$20 × 5) + \$100)	\$500	60,000	200
SHOVEL IN X BONUS w/ ((\$50 × 8) + (\$25 × 4))	\$500	60,000	200
SHOVEL IN X BONUS w/ ((\$100 × 2) + (\$50 × 4) + (\$25 × 3) + (\$10 × 2) + \$5)	\$500	60,000	200
\$50 × 10	\$500	120,000	100
\$100 × 5	\$500	120,000	100
(\$5 w/ TREASURE CHEST) × 4 + (\$100 × 4)	\$500	120,000	100
(\$10 w/ TREASURE CHEST) × 10	\$500	120,000	100
(\$50 w/ TREASURE CHEST) × 2	\$500	120,000	100
\$100 w/ TREASURE CHEST	\$500	120,000	100
\$500	\$500	120,000	100
SHOVEL IN X BONUS w/ ((\$100 × 8) + (\$50 × 4))	\$1,000	1,200,000	10
SHOVEL IN X BONUS w/ ((\$200 × 2) + (\$100 × 2) + (\$50 × 8))	\$1,000	1,200,000	10
SHOVEL IN X BONUS w/ ((\$200 × 2) + (\$100 × 4) + (\$50 × 2) + (\$25 × 4))	\$1,000	1,200,000	10
\$100 × 10	\$1,000	1,200,000	10
(\$100 w/ TREASURE CHEST) + (\$100 × 5)	\$1,000	1,200,000	10
\$200 w/ TREASURE CHEST	\$1,000	1,200,000	10
\$1,000	\$1,000	1,200,000	10
SHOVEL IN X BONUS w/ ((\$1,000 × 2) + (\$500 × 4) + (\$200 × 4) + (\$100 × 2))	\$5,000	1,200,000	10
\$5,000	\$5,000	1,200,000	10
\$250,000	\$250,000	1,200,000	10

Reveal a "Treasure Chest" (5TIMES) symbol, win 5 TIMES the prize shown under that symbol!

X BONUS: Scratch the X above. Reveal a "Shovel" (WINALL) symbol, win all 12 prizes shown in the play area below!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Digging for Treasure instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket

that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of

at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Digging for Treasure, prize money from winning Digging for Treasure instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Digging for Treasure instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Digging for Treasure or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-965. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Feelin' Like a Million Bucks Instant Lottery Game 1525

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Feelin' Like a Million Bucks (hereafter "Feelin' Like a Million Bucks"). The game number is PA-1525.

2. *Price:* The price of a Feelin' Like a Million Bucks instant lottery game ticket is \$20.

3. *Play symbols:* Each Feelin' Like a Million Bucks instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and four "BONUS" spots. The four "BONUS" spots are each played separately. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO),

33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), Thumbs Up (THMBSP) symbol, Money (WIN500) symbol and a Shooting Star (WINALL) symbol. The play symbols and their captions, located in the four "BONUS" spots, are: Beach Ball (TRY AGAIN) symbol, Camera (NO BONUS) symbol, Clouds (TRY AGAIN) symbol, Postcard (NO BONUS) symbol, Diamond (TRY AGAIN) symbol, Grill (NO BONUS) symbol, Top Hat (TRY AGAIN) symbol, Lightbulb (TRY AGAIN) symbol and a Sunglasses (SUNGLS) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL). The prize symbols and their captions, located in the four "BONUS" spots, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in the "YOUR NUMBERS" area, are: \$20, \$30, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. The prizes that can be won in the four "BONUS" spots, are: \$20, \$30, \$40, \$50, \$100, \$200, \$400, \$500 and \$1,000. A player can win up to 24 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 9,000,000 tickets will be printed for the Feelin' Like a Million Bucks instant lottery game.

#### 7. *Determination of prize winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1MILL (ONE MIL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which a Thumbs Up (THMBSP) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$10,000 (TEN THO) appears

in the “prize” area under that Thumbs Up (THMBSP) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which a Shooting Star (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which a Shooting Star (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$1,000 (ONE THO) appears in four of the “prize” areas, a prize symbol of \$500 (FIV HUN) appears in six of the “prize” areas and a prize symbol of \$200 (TWO HUN) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$9,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches 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.

(h) Holders of tickets upon which a Thumbs Up (THMBSP) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Thumbs Up (THMBSP) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which a Sunglasses (SUNGLS) symbol appears in any “BONUS” spot, and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under that Sunglasses (SUNGLS) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which a Shooting Star (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which a Shooting Star (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in 15 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$800.

(l) Holders of tickets upon which a Shooting Star (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$800.

(m) Holders of tickets upon which a Shooting Star (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$600.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches 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.

(o) Holders of tickets upon which a Money (WIN500) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Money (WIN500) symbol, on a single ticket, shall be entitled to a prize of \$500.

(p) Holders of tickets upon which a Sunglasses (SUNGLS) symbol appears in any “BONUS” spot, and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that Sunglasses (SUNGLS) symbol, on a single ticket, shall be entitled to a prize of \$500.

(q) Holders of tickets upon which a Shooting Star (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in ten of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches 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.

(s) Holders of tickets upon which a Thumbs Up (THMBSP) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Thumbs Up (THMBSP) symbol, on a single ticket, shall be entitled to a prize of \$400.

(t) Holders of tickets upon which a Sunglasses (SUNGLS) symbol appears in any “BONUS” spot, and a prize symbol of \$400 (FOR HUN) appears in the “Prize” area under that Sunglasses (SUNGLS) symbol, on a single ticket, shall be entitled to a prize of \$400.

(u) Holders of tickets upon which a Shooting Star (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches 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.

(w) Holders of tickets upon which a Thumbs Up (THMBSP) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Thumbs Up (THMBSP) symbol, on a single ticket, shall be entitled to a prize of \$200.

(x) Holders of tickets upon which a Sunglasses (SUNGLS) symbol appears in any “BONUS” spot, and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area under that Sunglasses (SUNGLS) symbol, on a single ticket, shall be entitled to a prize of \$200.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches 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.

(z) Holders of tickets upon which a Thumbs Up (THMBSP) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Thumbs Up (THMBSP) symbol, on a single ticket, shall be entitled to a prize of \$100.

(aa) Holders of tickets upon which a Sunglasses (SUNGLS) symbol appears in any “BONUS” spot, and a prize symbol of \$100 (ONE HUN) appears in the “prize”

area under that Sunglasses (SUNGLS) symbol, on a single ticket, shall be entitled to a prize of \$100.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which a Thumbs Up (THMBSP) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the “prize” area under that Thumbs Up (THMBSP) symbol, on a single ticket, shall be entitled to a prize of \$50.

(dd) Holders of tickets upon which a Sunglasses (SUNGLS) symbol appears in any “BONUS” spot, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the “prize” area under that Sunglasses (SUNGLS) symbol, on a single ticket, shall be entitled to a prize of \$50.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(ff) Holders of tickets upon which a Thumbs Up (THMBSP) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in the “prize” area under that Thumbs Up (THMBSP) symbol, on a single ticket, shall be entitled to a prize of \$40.

(gg) Holders of tickets upon which a Sunglasses (SUNGLS) symbol appears in any “BONUS” spot, and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in the “prize” area under that Sunglasses (SUNGLS) symbol, on a single ticket, shall be entitled to a prize of \$40.

(hh) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“WINNING NUMBERS” play symbols, and a prize symbol of \$30<sup>.00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(ii) Holders of tickets upon which a Thumbs Up (THMBSP) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$30<sup>.00</sup> (THIRTY) appears in the “prize” area under that Thumbs Up (THMBSP) symbol, on a single ticket, shall be entitled to a prize of \$30.

(jj) Holders of tickets upon which a Sunglasses (SUNGLS) symbol appears in any “BONUS” spot, and a prize symbol of \$30<sup>.00</sup> (THIRTY) appears in the “prize” area under that Sunglasses (SUNGLS) symbol, on a single ticket, shall be entitled to a prize of \$30.

(kk) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ll) Holders of tickets upon which a Thumbs Up (THMBSP) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the “prize” area under that Thumbs Up (THMBSP) symbol, on a single ticket, shall be entitled to a prize of \$20.

(mm) Holders of tickets upon which a Sunglasses (SUNGLS) symbol appears in any “BONUS” spot, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the “prize” area under that Sunglasses (SUNGLS) symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,000,000 Tickets:</i>
	\$20	\$20	50	180,000
\$20 w/ THUMBS UP		\$20	15	600,000
\$20		\$20	30	300,000
	\$30	\$30	75	120,000
\$30 w/ THUMBS UP		\$30	27.27	330,000
\$30		\$30	100	90,000
\$20 × 2		\$40	75	120,000
	\$40	\$40	100	90,000
\$40 w/ THUMBS UP		\$40	60	150,000
\$40		\$40	75	120,000
\$30 + \$20		\$50	300	30,000
\$20 w/ THUMBS UP	\$30	\$50	300	30,000
\$30 w/ THUMBS UP	\$20	\$50	300	30,000
	\$50	\$50	300	30,000
\$50 w/ THUMBS UP		\$50	27.27	330,000

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,000,000 Tickets:</i>
\$50		\$50	300	30,000
\$20 × 5		\$100	300	30,000
(\$40 w/ THUMBS UP) × 2	\$20	\$100	300	30,000
(\$50 w/ THUMBS UP) + \$20	\$30	\$100	300	30,000
	\$50 × 2	\$100	300	30,000
	\$100	\$100	300	30,000
\$100 w/ THUMBS UP		\$100	300	30,000
\$100		\$100	300	30,000
\$20 × 10		\$200	6,000	1,500
\$50 × 4		\$200	6,000	1,500
\$100	(\$40 × 2) + \$20	\$200	6,000	1,500
(\$20 w/ THUMBS UP) + (\$50 × 2)	\$20 × 4	\$200	1,200	7,500
(\$20 w/ THUMBS UP) × 5	(\$30 × 2) + (\$20 × 2)	\$200	1,200	7,500
(\$50 w/ THUMBS UP) + (\$30 w/ THUMBS UP) + (\$20 w/ THUMBS UP)	\$50 × 2	\$200	1,200	7,500
\$100 w/ THUMBS UP	\$100	\$200	1,200	7,500
	\$50 × 4	\$200	4,000	2,250
	\$200	\$200	4,000	2,250
\$200 w/ THUMBS UP		\$200	1,200	7,500
\$200		\$200	4,000	2,250
SHOOTING STAR w/ (\$20 × 20)		\$400	3,000	3,000
\$40 × 10		\$400	24,000	375
\$100 × 3	\$50 × 2	\$400	24,000	375
(\$20 w/ THUMBS UP) × 5	\$200 + \$100	\$400	12,000	750
(((\$50 w/ THUMBS UP) × 6) + (\$20 × 3))	\$20 × 2	\$400	12,000	750
\$200 w/ THUMBS UP	\$50 × 4	\$400	12,000	750
	\$400	\$400	24,000	375
\$400 w/ THUMBS UP		\$400	12,000	750
\$400		\$400	24,000	375
SHOOTING STAR w/ ((\$30 × 10) + (\$20 × 10))		\$500	6,000	1,500
SHOOTING STAR w/ (\$20 × 20)	(\$30 × 2) + (\$20 × 2)	\$500	6,000	1,500
\$100 × 5		\$500	60,000	150
\$20 × 10	\$200 + \$100	\$500	24,000	375
\$50 × 8	\$100	\$500	24,000	375
(\$20 w/ THUMBS UP) × 10	\$100 × 3	\$500	24,000	375
(((\$50 w/ THUMBS UP) × 2) + (\$20 × 5))	\$200 + \$100	\$500	24,000	375
(\$100 w/ THUMBS UP) × 4	\$50 × 2	\$500	24,000	375
(\$200 w/ THUMBS UP) + (((\$50 w/ THUMBS UP) × 4))	(\$30 × 2) + (\$20 × 2)	\$500	24,000	375
	\$500	\$500	24,000	375
\$500 w/ MONEY		\$500	571.43	15,750



<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,000,000 Tickets:</i>
\$500		\$500	60,000	150
SHOOTING STAR w/ (\$50 × 20)		\$1,000	12,000	750
SHOOTING STAR w/ (\$30 × 20)	\$200 × 2	\$1,000	12,000	750
SHOOTING STAR w/ (\$40 × 20)	\$200	\$1,000	12,000	750
SHOOTING STAR w/ ((\$100 × 5) + (\$20 × 15))	\$50 × 4	\$1,000	12,000	750
\$100 × 10		\$1,000	120,000	75
(((\$100 w/ THUMBS UP) × 5) + (\$30 × 2) + (\$20 × 2))	\$100 × 4	\$1,000	120,000	75
(((\$200 w/ THUMBS UP) × 2) + ((\$20 w/ THUMBS UP) × 10))	(\$50 × 2) + \$200 + \$100	\$1,000	120,000	75
(\$500 w/ MONEY) + (\$100 × 3)	\$100 × 2	\$1,000	120,000	75
(\$500 w/ MONEY) + ((\$20 w/ THUMBS UP) × 5)	\$200 × 2	\$1,000	120,000	75
(\$500 w/ MONEY) + (\$500 w/ THUMBS UP)		\$1,000	120,000	75
(\$500 w/ MONEY) × 2		\$1,000	120,000	75
	\$1,000	\$1,000	60,000	150
\$1,000 w/ THUMBS UP		\$1,000	120,000	75
\$1,000		\$1,000	120,000	75
SHOOTING STAR w/ (\$500 × 20)		\$10,000	1,800,000	5
SHOOTING STAR w/ ((\$1,000 × 4) + (\$500 × 6) + (\$200 × 10))	(\$400 × 2) + (\$100 × 2)	\$10,000	1,800,000	5
\$500 × 20		\$10,000	1,800,000	5
(((\$500 w/ MONEY) × 10) + (\$1,000 × 4))	\$1,000	\$10,000	1,800,000	5
(\$500 w/ MONEY) × 20		\$10,000	1,800,000	5
\$10,000 w/ THUMBS UP		\$10,000	1,800,000	5
\$10,000		\$10,000	1,800,000	5
\$100,000		\$100,000	1,800,000	5
\$1,000,000		\$1,000,000	1,800,000	5

Reveal a “Thumbs Up” (THMBSP) symbol, win prize shown under that symbol automatically.

Reveal a “Money” (WIN500) symbol, win \$500 instantly.

Reveal a “Shooting Star” (WINALL) symbol, win all 20 prizes shown!

BONUS: Reveal a “Sunglasses” (SUNGLS) symbol in any BONUS spot, win prize shown under that symbol! BONUS spots played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Feelin’ Like a Million Bucks instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000

shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-

winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Feelin' Like a Million Bucks, prize money from winning Feelin' Like a Million Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Feelin' Like a Million Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Feelin' Like a Million Bucks or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-966. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Scoop Up Some Cash Instant Lottery Game 1528

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Scoop Up Some Cash (hereafter "Scoop Up Some Cash"). The game number is PA-1528.

2. *Price:* The price of a Scoop Up Some Cash instant lottery game ticket is \$2.

3. *Play symbols:* Each Scoop Up Some Cash instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6

(SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV) and a Scoop (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$30, \$50, \$100, \$200, \$500, \$1,000 and \$20,000. A player can win up to ten times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Scoop Up Some Cash instant lottery game.

#### 7. Determination of prize winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20,000 (TWY THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which a Scoop (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$100 (ONE HUN) appears in all ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which a Scoop (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$100 (ONE HUN) appears in three of the "Prize" areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which a Scoop (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in all ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols, and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which a Scoop (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “Prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “Prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in six of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which a Scoop (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which a Scoop (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “Prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the “Prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which a Scoop (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in all ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which a Scoop (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “Prize” areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “Prize” areas, a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in four of the “Prize” areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in two of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which a Scoop (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in all ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “Prize” area under the

matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(q) Holders of tickets upon which a Scoop (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “Prize” areas, a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the “Prize” areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in six of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$30.

(r) Holders of tickets upon which a Scoop (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in five of the “Prize” areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in five of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$30.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which a Scoop (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in all ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win PRIZE Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$2	\$2	9.38	896,000
\$2 × 2	\$4	75	112,000

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win PRIZE Shown Under The Matching Number: Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$4	\$4	75	112,000
\$5	\$5	20.83	403,200
\$2 × 5	\$10	150	56,000
\$5 × 2	\$10	150	56,000
(\$4 × 2) + \$2	\$10	150	56,000
\$10	\$10	150	56,000
SCOOP w/ (\$2 × 10)	\$20	93.75	89,600
\$5 × 4	\$20	1,500	5,600
\$10 × 2	\$20	1,500	5,600
\$20	\$20	1,500	5,600
SCOOP w/ ((\$4 × 5) + (\$2 × 5))	\$30	888.89	9,450
SCOOP w/ ((\$5 × 2) + (\$4 × 2) + (\$2 × 6))	\$30	888.89	9,450
\$10 × 3	\$30	12,000	700
(\$5 × 4) + \$10	\$30	12,000	700
\$30	\$30	12,000	700
SCOOP w/ (\$5 × 10)	\$50	2,000	4,200
SCOOP w/ ((\$10 × 2) + (\$5 × 2) + (\$4 × 4) + (\$2 × 2))	\$50	2,000	4,200
\$10 × 5	\$50	12,000	700
(\$10 × 2) + (\$5 × 2) + \$20	\$50	12,000	700
(\$20 × 2) + (\$4 × 2) + \$2	\$50	12,000	700
\$50	\$50	24,000	350
SCOOP w/ (\$10 × 10)	\$100	6,000	1,400
SCOOP w/ ((\$20 × 2) + (\$10 × 4) + (\$5 × 4))	\$100	6,000	1,400
\$20 × 5	\$100	24,000	350
\$50 × 2	\$100	24,000	350
(\$30 × 2) + (\$10 × 4)	\$100	24,000	350
\$100	\$100	24,000	350
SCOOP w/ (\$20 × 10)	\$200	24,000	350
SCOOP w/ ((\$50 × 2) + (\$20 × 2) + (\$10 × 6))	\$200	24,000	350
\$50 × 4	\$200	120,000	70
\$100 × 2	\$200	120,000	70
\$200	\$200	120,000	70
SCOOP w/ (\$50 × 10)	\$500	840,000	10
SCOOP w/ ((\$100 × 3) + (\$50 × 2) + (\$20 × 5))	\$500	840,000	10
\$100 × 5	\$500	840,000	10
\$500	\$500	840,000	10
SCOOP w/ (\$100 × 10)	\$1,000	840,000	10
\$1,000	\$1,000	840,000	10
\$20,000	\$20,000	840,000	10

Reveal a "Scoop" (WINALL) symbol, win ALL 10 PRIZES shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Scoop Up Some Cash instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Scoop Up Some Cash, prize money from winning Scoop Up Some Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Scoop Up Some Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Scoop Up Some Cash or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-967. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Triple 333 Instant Lottery Game 1527

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Triple 333 (hereafter “Triple 333”). The game number is PA-1527.

2. *Price:* The price of a Triple 333 instant lottery game ticket is \$3.

3. *Play symbols:* Each Triple 333 instant lottery game ticket will contain one play area consisting of ten “GAME” areas and two “BONUS SPOTS.” Each “GAME” is played separately. The “BONUS SPOTS” are played separately. The play symbols and their captions, located in the ten “GAME” areas, are: 1 (ONE), 2 (TWO), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 3 (THREE) symbol and a 3X (TRIPLE) symbol. The play symbols and their captions, located in the two “BONUS SPOTS,” are: NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol, NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol, \$10 (WIN10) symbol and a \$30 (WIN30) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: \$3<sup>.00</sup> (THR DOL), \$5<sup>.00</sup> (FIV DOL), \$9<sup>.00</sup> (NIN DOL), \$10<sup>.00</sup> (TEN DOL), \$15<sup>.00</sup> (FIFTEEN), \$20<sup>.00</sup> (TWENTY), \$30<sup>.00</sup> (THIRTY), \$60<sup>.00</sup> (SIXTY), \$90<sup>.00</sup> (NINTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO), \$3,000 (THR THO) and \$50,000 (FTY THO).

5. *Prizes:*

(a) The prizes that can be won in the ten “GAME” areas, are: \$3, \$5, \$9, \$10, \$15, \$20, \$30, \$60, \$90, \$100, \$300, \$1,000, \$3,000 and \$50,000. The prizes that can be won in the two “BONUS SPOTS,” are: \$10 and \$30. A player can win only once in each “GAME,” but prizes from multiple “GAMES” can be combined. A player can win up to 12 times on a ticket.

(b) Triple 333 contains a feature that can multiply the prize won in any “GAME.” For a complete list of prizes that can be won in this game, including multiplied prizes, see section 8 (relating to number and description of prizes and approximate odds). Prizes won in either “BONUS SPOT” are not multiplied.

6. *Approximate number of tickets printed for the game:* Approximately 9,600,000 tickets will be printed for the Triple 333 instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets with a 3 (THREE) symbol in any “GAME,” and a prize symbol of \$50,000 (FTY THO) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with a 3 (THREE) symbol in any “GAME,” and a prize symbol of \$3,000 (THR THO) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets with a 3X (TRIPLE) symbol in any “GAME,” and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets with three 3 (THREE) symbols in the same “GAME,” and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$3,000.

(e) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a 3X (TRIPLE) symbol in any "GAME," and a prize symbol of \$300 (THR HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$900.

(g) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$300 (THR HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$300.

(h) Holders of tickets with a 3X (TRIPLE) symbol in any "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$300.

(i) Holders of tickets with three 3 (THREE) symbols in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$300.

(j) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$90<sup>00</sup> (NINTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$90.

(l) Holders of tickets with a 3X (TRIPLE) symbol in any "GAME," and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$90.

(m) Holders of tickets with three 3 (THREE) symbols in the same "GAME," and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$90.

(n) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$60<sup>00</sup> (SIXTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$60.

(o) Holders of tickets with a 3X (TRIPLE) symbol in any "GAME," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$60.

(p) Holders of tickets with three 3 (THREE) symbols in the same "GAME," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$60.

(q) Holders of tickets with a 3X (TRIPLE) symbol in any "GAME," and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$45.

(r) Holders of tickets with three 3 (THREE) symbols in the same "GAME," and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$45.

(s) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(t) Holders of tickets upon which a \$30 (WIN30) symbol appears in either "BONUS SPOT," on a single ticket, shall be entitled to a prize of \$30.

(u) Holders of tickets with a 3X (TRIPLE) symbol in any "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(v) Holders of tickets with three 3 (THREE) symbols in the same "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(w) Holders of tickets with three 3 (THREE) symbols in the same "GAME," and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$27.

(x) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(z) Holders of tickets with a 3X (TRIPLE) symbol in any "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(aa) Holders of tickets with three 3 (THREE) symbols in the same "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(bb) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which a \$10 (WIN10) symbol appears in either "BONUS SPOT," on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$9.

(ee) Holders of tickets with a 3X (TRIPLE) symbol in any "GAME," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$9.

(ff) Holders of tickets with three 3 (THREE) symbols in the same "GAME," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$9.

(gg) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(hh) Holders of tickets with a 3 (THREE) symbol in any "GAME," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$3.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

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<i>Reveal A "3" (THREE) Symbol In Any GAME, Win PRIZE Shown For That GAME. Win With:</i>	<i>BONUS SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$3		\$3	10.53	912,000
\$5		\$5	18.18	528,000
\$3 × 3		\$9	333.33	28,800
\$3 w/ THREE 3 SYMBOLS		\$9	66.67	144,000
\$3 w/ 3X		\$9	100	96,000
\$9		\$9	500	19,200
\$5 × 2		\$10	500	19,200
	\$10 w/ \$10 SYMBOL	\$10	83.33	115,200
\$10		\$10	333.33	28,800
\$3 × 5		\$15	1,000	9,600
\$5	\$10 w/ \$10 SYMBOL	\$15	1,000	9,600
\$5 w/ THREE 3 SYMBOLS		\$15	200	48,000
\$5 w/ 3X		\$15	250	38,400
\$15		\$15	1,000	9,600
\$5 × 4		\$20	1,000	9,600
(\$5 w/ THREE 3 SYMBOLS) + \$5		\$20	333.33	28,800
(\$5 w/ 3X) + \$5		\$20	333.33	28,800
	(\$10 w/ \$10 SYMBOL) × 2	\$20	500	19,200
\$20		\$20	1,000	9,600
\$10 w/ THREE 3 SYMBOLS		\$30	500	19,200
\$10 w/ 3X		\$30	500	19,200
	\$30 w/ \$30 SYMBOL	\$30	333.33	28,800
\$30		\$30	1,000	9,600
\$10 × 6		\$60	6,000	1,600
(((\$5 w/ 3X) × 3) + \$5	\$10 w/ \$10 SYMBOL	\$60	4,000	2,400
	(\$30 w/ \$30 SYMBOL) × 2	\$60	3,000	3,200
\$20 w/ THREE 3 SYMBOLS		\$60	2,400	4,000
\$20 w/ 3X		\$60	2,400	4,000
\$60		\$60	6,000	1,600
\$9 × 10		\$90	12,000	800
\$30 × 3		\$90	12,000	800
\$3 × 10	(\$30 w/ \$30 SYMBOL) × 2	\$90	4,000	2,400
(((\$5 w/ 3X) × 3) + (\$5 w/ THREE 3 SYMBOLS)	\$30 w/ \$30 SYMBOL	\$90	6,000	1,600
(\$15 w/ 3X) + (\$15 w/ THREE 3 SYMBOLS)		\$90	6,000	1,600
\$30 w/ THREE 3 SYMBOLS		\$90	4,800	2,000
\$30 w/ 3X		\$90	4,800	2,000
\$90		\$90	24,000	400
\$10 × 10		\$100	24,000	400

<i>Reveal A "3" (THREE) Symbol In Any GAME, Win PRIZE Shown For That GAME. Win With:</i>	<i>BONUS SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
$((\$3 \text{ w/ } 3X) \times 5) + ((\$3 \text{ w/ THREE } 3 \text{ SYMBOLS}) \times 5)$	\$10 w/ \$10 SYMBOL	\$100	24,000	400
$(\$10 \text{ w/ } 3X) + (\$10 \text{ w/ THREE } 3 \text{ SYMBOLS})$	(\$30 w/ \$30 SYMBOL) + (\$10 w/ \$10 SYMBOL)	\$100	12,000	800
\$30 w/ THREE 3 SYMBOLS	\$10 w/ \$10 SYMBOL	\$100	12,000	800
\$30 w/ 3X	\$10 w/ \$10 SYMBOL	\$100	24,000	400
\$100		\$100	24,000	400
\$30 × 10		\$300	120,000	80
$(\$9 \text{ w/ THREE } 3 \text{ SYMBOLS}) \times 10$	\$30 w/ \$30 SYMBOL	\$300	40,000	240
\$100 w/ THREE 3 SYMBOLS		\$300	40,000	240
\$100 w/ 3X		\$300	40,000	240
\$300		\$300	120,000	80
\$100 × 10		\$1,000	120,000	80
$(\$300 \text{ w/ } 3X) + (\$30 \text{ w/ THREE } 3 \text{ SYMBOLS})$	\$10 w/ \$10 SYMBOL	\$1,000	120,000	80
\$1,000		\$1,000	120,000	80
\$1,000 w/ THREE 3 SYMBOLS		\$3,000	960,000	10
\$1,000 w/ 3X		\$3,000	960,000	10
\$3,000		\$3,000	960,000	10
\$50,000		\$50,000	960,000	10

Reveal three "3" (THREE) symbols in the same GAME, TRIPLE the PRIZE shown for that GAME.

Reveal a "3X" (TRIPLE) symbol, TRIPLE the PRIZE shown for that GAME! Each GAME is played separately.

BONUS SPOTS: Reveal a "\$10" (WIN10) symbol or a "\$30" (WIN30) symbol in either BONUS SPOT, win that amount instantly! BONUS SPOTS are played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Triple 333 instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after

the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Triple 333, prize money from winning Triple 333 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Triple 333 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be



disseminated through media used to advertise or promote Triple 333 or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 21-968. Filed for public inspection June 18, 2021, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Approval of Public Involvement/Public Hearing Procedures for the Preliminary Design, Final Design and Construction Phases of the Transportation Project Development Process for Federal-Aid Highway Projects

On May 17, 2021, the Federal Highway Administration (FHWA), United States Department of Transportation (USDOT), under Titles 23 and 49 of the United States Code as amended and the regulations and procedures thereunder, approved the following Public Involvement/Public Hearing Procedures for the Preliminary Design, Final Design and Construction phases of the Transportation Project Development Process for Federal-Aid Highway Projects. These procedures were developed by the Department of Transportation (PennDOT) consistent with 23 CFR 771.111(h) (relating to early coordination, public involvement, and project development) and the National Environmental Policy Act (NEPA) (42 U.S.C.A §§ 4321—4370m-12). These procedures became effective on May 17, 2021, and supersede the procedures published at 25 Pa.B. 6041 (December 23, 1995). These procedures are included in the Department's Publication 295 entitled the Project Level Public Involvement Handbook as Appendix B.

#### 1.0 Project Scoping

Projects requiring an environmental impact statement (EIS) will use a scoping process to coordinate with appropriate federal and state agencies to identify the significant issues of a project and the alternatives to be studied. As part of project scoping following coordination with agencies, the PennDOT will hold a scoping meeting open to the general public. The meeting could be in-person or held virtually. A notice of the scoping meeting will be made through a press release as well as at least one other means of advertisement such as direct mailing, email blasts, social media, or other media, for example an advertisement in a newspaper of general circulation within the study area of the proposed project. It should also be announced in the notice of intent for the project published in the Federal Register. The public scoping meeting serves as an informational exchange between PennDOT, the FHWA/Federal Transit Administration (FTA), and the public.

On projects of a lesser scope, such as those requiring an environmental assessment (EA) or categorical exclusion evaluation (CEE), scoping with FHWA/FTA and appropriate federal and state agencies will be initiated, if appropriate, to discuss a proposal and to gain assistance in determining the areas of concern.

#### 2.0 Definition of Project Purpose and Need and Range of Alternatives

An opportunity for public involvement in defining the purpose and need and the range of alternatives is re-

quired for a project requiring an EIS. PennDOT may hold two separate public meetings at appropriate times in the project timeline, or this may be accomplished by utilizing other public involvement techniques noted in section 5.0.

#### 3.0 Section 4(f) and Section 2002/PA Act 120 De Minimis Findings

For a de minimis finding under Section 4(f) of the USDOT Act of 1966, public notice and an opportunity for public review and comment is required concerning the effects on the protected activities, features, or attributes of the property. This is also necessary to satisfy Section 2002/PA Act 120. This requirement can be met in conjunction with other public involvement activities conducted for a project, such as a public meeting as long as the advertisement for the meeting and meeting materials specifically call out Section 4(f) and ask for comment on the de minimis finding. A public meeting should not be held just for purposes of a de minimis finding; this requirement can also be met using other public involvement techniques, as noted in section 5.0.

#### 4.0 Public Meetings

Public meetings will be held, when appropriate, at various stages during project development as a means to inform the public, to obtain information on the public's interests, concerns, priorities and perceptions, and to clarify issues and concerns in order to reduce misunderstandings and conflict which might arise. General purpose public meetings will be held for the general public and, when needed, special purpose meetings may be targeted to specific stakeholder groups. Public meetings may involve presentations or may provide information in more of an open house format; they will also include opportunities for informal interaction and exchange of information with local residents. In-person public meetings will be held at convenient times, at reasonably accessible sites. Public meetings may also be held virtually through an online format.

##### 4.1 Meeting Notices

Reasonable notice will be given to announce general purpose and special purpose public meetings.

The notice of a general purpose public meeting will be made through a press release as well as at least one other means of advertisement such as direct mailing, email blasts, social media, or other media, for example an advertisement in a newspaper of general circulation within the study area of the proposed project. This notice will include a request that persons with disabilities requiring assistance, translation, interpretation, or other special concerns contact PennDOT so that appropriate arrangements can be made.

The notice of a special purpose public meeting will be made through an announcement tailored to the particular type of meeting to be held. The announcement may be made through formal or informal means. Other means may additionally be used to reach interested or affected individuals and groups. These means may include direct mailings, email blasts, social media, press releases, and other forms of broadcast and print media.

#### 5.0 Other Public Involvement Techniques

In addition to public meetings and hearings, a number of other techniques may be considered as means for informing and involving the public in project development. These techniques will be selected to fit the scope of the project and its impacts, not only in terms of providing notification and involvement opportunity, but also to

avoid exceeding the amount of public involvement needed (i.e., projects without significant effects or public interest).

Techniques which will be considered include but are not limited to: direct mailings, email blasts, pop-up outreach, media relations, social media, website updates, fliers and posters, newspaper advertisements, newsletters, road signs, brochures, citizen advisory committees, surveys/polling, visualization techniques, and project offices.

## 6.0 Public Hearings

### 6.1 Determination of Need for Public Hearing

A public hearing will be held for every project requiring an EIS.

For projects other than those that require an EIS, a public hearing will be held or the opportunity for a public hearing afforded (per 23 CFR 771.111(h)), on a Federal-aid project when it will:

- Require the acquisition of significant amounts of right-of-way;
- Substantially change the layout or functions of connecting roadways or of the facility being improved;
- Have a substantial adverse impact on abutting real property;
- Otherwise have a significant social, economic, environmental or other effect; or
- When PennDOT, in consultation with FHWA/FTA, determines that a public hearing is in the public interest.

An opportunity for public hearing, at a minimum, will be provided for a project requiring an EA under NEPA. A project requiring a CEE does not require an opportunity for public hearing, or a public hearing, although it could be provided if deemed appropriate by PennDOT and the lead Federal agency.

### 6.2 Public Hearing Notice of Opportunity

If PennDOT determines to offer the opportunity for a public hearing for projects requiring an EA or CEE, it will publish a notice of opportunity asking interested citizens to respond. The notice will state that written requests are to be received within the stated timeframe, a minimum of 15 days after the notice is published. If requests are received, individuals may be contacted to resolve the issues of concern. If at least two requests remain outstanding based on environmental grounds, PennDOT will hold a public hearing.

The notice of opportunity for a public hearing will be published as an ad in a local newspaper of general circulation as well as at least one other means of electronic advertisement, direct mailing, or other media. The notice of opportunity will also announce the availability of the NEPA document and where it may be obtained or reviewed.

If there is no interest in holding a public hearing (i.e., less than two outstanding requests based on environmental grounds), PennDOT will certify to the appropriate FHWA/FTA office that a hearing opportunity was offered.

### 6.3 Document Availability, Notices and Comment Periods

For projects requiring an EIS, the document will be available for public review at the time a notice of availability of the draft EIS is published in the Federal Register. PennDOT will distribute the document to convenient locations within the project area.

The draft EIS comment period will begin on or after the day a notice of the document's availability appears in the Federal Register. The comment period will extend for a minimum of 45 days to a maximum of 60 days, the deadline for which will be specified in the Federal Register notice. The draft EIS will be available for review for a period of at least 15 days prior to the hearing.

A notice, which will be published as an ad in a newspaper of general circulation within the study area of the proposed project as well as at least one other means of electronic advertisement, direct mailing, or other media, will announce the locations where the draft EIS is available for public review, will describe how copies of the document may be obtained and where comments should be sent, and will include the details of the public hearing.

For projects requiring an EA, PennDOT will first determine (pursuant to section 4.1) if a public hearing will be held. If a public hearing is needed, the document will be made available for public review. PennDOT will distribute the document to convenient locations within the project area prior to the beginning of the comment period.

If a public hearing is to be held, the EA comment period will begin on or after the day a notice of the document's availability appears as an ad in a newspaper of general circulation within the study area of the proposed project as well as at least one other means of electronic advertisement, direct mailing, or other media. The comment period will extend for 30 days unless determined that a longer period is warranted. If an individual Section 4(f) evaluation is included with the EA, the comment period for the EA should also be 45 days to align with Section 4(f) requirements. The document will be available for review for a period of at least 15 days prior to the hearing. In addition to announcing the locations where the NEPA document is available for public review, the notice will describe how copies of the document may be obtained and where comments should be sent.

If a public notice opportunity is pursued, EAs will be available for public review for a 30-day comment period beginning with the distribution of the EA and the notice of availability of the document as an ad in a local newspaper of general circulation as well as at least one other means of electronic advertisement, direct mailing, or other media.

For any public hearing held, written testimony will be accepted, and a verbatim transcript of oral testimony will be recorded by a stenographer. PennDOT's official statement, whether presented in oral form or contained in meeting handouts, will be included in the public hearing transcript. Written comments are also accepted into the public record.

If PennDOT determines to hold a public hearing or to offer an opportunity for a public hearing for a project requiring a CEE, PennDOT will follow the process set forth above for projects requiring an EA.

### 6.4 Public Hearing Notices

For an EIS, an announcement of a public hearing will be combined with the notice of availability of the draft EIS and will be published as an ad in a newspaper of general circulation within the study area of the proposed project no less than 15 days in advance of the hearing. In addition, an announcement of a public hearing will occur through at least one other means of electronic advertisement, direct mailing, or other media. This notice will include a request that persons with disabilities requiring

assistance, translation, interpretation, or other special concerns contact PennDOT so that appropriate arrangements can be made.

For an EA or CEE, an announcement of a public hearing will be combined with the notice of availability of the NEPA document and will be published as an ad in a newspaper of general circulation within the study area of the proposed project no less than 15 days in advance of the hearing. In addition, an announcement of a public hearing will occur through at least one other means of electronic advertisement, direct mailing, or other media. This notice will include a request that persons with disabilities requiring assistance, translation, interpretation, or other special concerns contact PennDOT so that appropriate arrangements can be made.

### 6.5 Public Hearing Presentation

Public hearings will be held at convenient times, at reasonable accessible sites. Hearings conducted by PennDOT will be in accordance with the Disabilities Act of 1990, as amended. When requested, PennDOT will assist persons with disabilities to enable them to effectively participate in the hearing. Holding a public hearing virtually can be an option if circumstances preclude in-person settings. FHWA needs to agree to pursue a virtual public hearing option.

At the hearing, a summary of the following information will be presented either orally or as a handout: (1) the project's purpose and need, (2) the project's alternatives and major design features; (3) the social, economic, environmental, and cultural impacts of the project; (4) the relocation assistance program and right of way acquisition process; (5) the procedures for receiving both oral and written statements from the public; and (6) when the comment period closes following the hearing. If handouts are used, an announcement of where the handouts are located is required.

### 6.6 Response to Comments

At the close of the document comment period, FHWA/PennDOT reviews and considers the hearing transcript, as well as written comments received on the CE, EA or draft EIS. Comments can be addressed by:

- Acknowledging the comments and explain why the comments do not warrant further response,
- Making factual corrections or clarifications,
- Supplementing, improving or modifying the analysis,
- Modifying alternatives, including the proposed action, or
- Developing and evaluating alternatives not previously given serious consideration.

The draft EIS/hearing comments and responses are part of the final EIS. The EA/hearing comments and the responses are part of the request to FHWA to issue a Finding of No Significant Impact (FONSI). For a CE, key comments are attached to the CE while the full hearing transcript is maintained in the project file.

### 6.7 Public Hearings for Supplemental NEPA Documents

A new public hearing may be held or the opportunity afforded if a Supplemental NEPA document is required. If a Supplemental NEPA document is required, PennDOT will consult with the appropriate FHWA/FTA office to determine whether additional public involvement activities are warranted. If an additional public hearing is to

be held, the hearing notification requirements for this hearing will be the same as for the original public hearing.

### 7.0 Combined Final EIS/Record of Decision (ROD) Notice

Once FHWA/FTA approves the final EIS/record of decision (ROD), a Federal Register public availability notice is published. A notice of public availability will also be published as an ad in a newspaper of general circulation within the study area of the proposed project and at least one other means of electronic advertisement, press release, direct mailing, or other media. This notice should announce the locations and web address where the final EIS/ROD is available. PennDOT will distribute the document to the same locations, if appropriate, at which the draft EIS had been available and post the document online.

Additionally, PennDOT will, to the extent required by FHWA/FTA, forward the final EIS/ROD to any persons, organizations, or agencies that made substantive comments on the draft EIS and/or requested a copy of the final EIS.

### 8.0 Final EIS Availability, Notice and Comment Period When Not Combined With the ROD

Copies of the final EIS will be available for public review at the time a notice of availability of the document is published in the Federal Register. PennDOT will distribute the document to the same locations, if appropriate, at which the draft EIS was available. Additionally, PennDOT will, to the extent required by FHWA/FTA, forward the final EIS to any persons, organizations, or agencies that made substantive comments on the draft EIS and/or requested a copy of the final EIS.

The final EIS public review will begin on or after the day a notice of the document's availability appears in the Federal Register. The document will be available for public review for a period of at least 30 days, the deadline for which will be specified in the Federal Register notice.

In addition to announcing the locations where the final EIS is available for public review, a notice, which will be published as an ad in a newspaper of general circulation within the study area of the proposed project and at least one other means of electronic advertisement, direct mailing, or other media, will describe how copies of the document may be obtained and where comments should be sent.

### 9.0 NEPA Environmental Decision Notice

For an EIS project, once a ROD not combined with a final EIS is received from FHWA/FTA, notice should be provided to the public as a press release, posting on the project's or PennDOT's website, or other form of website or electronic advertisement. This notice will describe PennDOT's selected course of action, explain that the project will proceed into final design, and announce that the ROD is available upon request of the public. The ROD should be posted on the project's or PennDOT's website.

For EA projects, when FHWA issues a finding of no significant impact (FONSI), PennDOT will provide a notice of availability of the FONSI to affected Federal, state, and local government agencies, and the FONSI will be available to the public upon request. Also, notice should be provided to the public as a press release, a posting on the project's or PennDOT's website, or other form of media or electronic advertisement. This notice should describe PennDOT's selected course of action, explain that the project will proceed into final design, and announce that the FONSI is available to the public upon

request. If PennDOT and FHWA determined that the project will result in significant environmental impacts, an EIS will be prepared consistent with this policy.

*10.0 Statute of Limitations Notice*

When the lead federal agency makes a final decision on a permit, license, or approval relating to a highway or public transportation capital project, the agency may invoke a 150-day statute of limitations by publishing notice of the final decision in the *Federal Register*. This

notice is not a requirement and is up to the discretion of FHWA. If the notice is filed, then anyone who wishes to contest the final decision in court must file their litigation within 150 days or they are barred from doing so.

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 21-969. Filed for public inspection June 18, 2021, 9:00 a.m.]

**INDEPENDENT REGULATORY REVIEW COMMISSION**

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-554	Environmental Quality Board Noncoal Mining Clarifications and Corrections 51 Pa.B. 1519 (March 20, 2021)	5/4/21	6/3/21

**Environmental Quality Board Regulation # 7-554  
(IRRC # 3291)**

**Noncoal Mining Clarifications and Corrections**

**June 3, 2021**

We submit for your consideration the following comments on the proposed rulemaking published in the March 20, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

**1. Compliance with the RRA.**

Section 5.2 of the RRA directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest. 71 P.S. § 745.5b. When making this determination, IRRC considers criteria such as economic or fiscal impact and reasonableness. To make that determination, IRRC must analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language. IRRC also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis Form (RAF). See 71 P.S. § 745.5(a).

The EQB indicates in its response to RAF # 7 that many of the revisions in the proposed rulemaking are administrative in nature. However, the comments received in opposition to certain provisions, such as those affecting surface blasting requirements, permit terms, permit revisions, public notices of filing of permit applications and noncoal mining permit waivers contradict that characterization. The EQB should revise its response to RAF # 7 and the Preamble to include the significant changes in its explanation of the regulation. It should also include those significant amendments in its discus-

sion of how the benefits of the regulation outweigh any costs and adverse effects (RAF # 18).

The explanation of the regulation in the Preamble to the proposed rulemaking is not sufficient to allow IRRC to determine if the regulation is in the public interest. In most of the comments that follow this section, we ask the EQB to provide more detailed information, such as why the amendments are needed.

Finally, we would encourage the EQB to reach out to the commentators to seek their input and to build consensus as it develops the final version of the rulemaking.

**Chapter 77. Noncoal Mining**

**Subchapter A. General Provisions**

**2. Section 77.1 Definitions.—Clarity.**

*“Noncoal surface mining activities”*

The Preamble states that clarifications are being made to this definition. However, it does not explain the purpose or need for adding “ancillary and customary.” What are ancillary and customary activities?

**Subchapter C. Permits and Permit Applications**

**3. Section 77.109. Noncoal exploration activities.—Protection of the public health, safety and welfare and the effect on the Commonwealth’s natural resources; and Clarity, feasibility and reasonableness of the regulation.**

*Subsections (c) and (j)*

EQB is amending §§ 77.107 (relating to verification of application) and 77.121(e) (relating to public notices of filing of permit applications) to facilitate the submission of applications and electronic notices, where appropriate. Did EQB consider and reject making the information in §§ 77.109(c) and (j)(1) available, upon request, to the public in an electronic format?

*Proposed Subsection (d)*

This subsection sets threshold amounts for a permit waiver. There are two threshold amounts proposed for noncoal exploration activities. The first is if the material removed from the site will be less than 20 tons of material. The second is when the exploration is expected to need more than 20 tons, then a justification can be provided by the applicant. With justification, an upper limit of 1,000 tons is proposed for this permit waiver.

Commentators are concerned that 20–100 tons can be excavated without regulatory oversight and compliance monitoring. They assert that excavation and removal of even a few pounds of materials can cause irreparable impacts to streams, wetlands and ecosystems. It is their belief that any amount of excavation and removal should be covered by the same regulation and compliance controls as all other noncoal mining activity.

The EQB explains in the Preamble and RAF that “20 tons is a relatively small amount, representing one truckload of material.” It further states that the 1,000-ton threshold was based on the “the 200-ton minimum requirement of the Department of Transportation (DOT) specifications for certification in Bulletin 14 with the recognition that more than one size of material may need to be produced from a particular mine.” It is unclear how the Pennsylvania DOT’s Bulletin 14 was used to determine the appropriateness of the upper threshold. EQB should explain how the 200-ton minimum requirement as specified in the DOT Bulletin 14 relates to the 1,000 ton upper threshold.

*Proposed Subsection (e)*

Proposed subsection (e) describes the considerations to be made by the Department in evaluating a waiver request. Those considerations include the method of exploration proposed and the potential for adversely affecting wetlands, *streams or water supplies* and the designated uses and quality of the receiving stream. (Emphasis added.)

A commentator suggests that “attained use” should also be considered in the determination of a waiver request consistent with the requirements of 25 Pa. Code Chapter 93 (relating to Water Quality Standards). We will review EQB’s response to the commentator’s concern in determining whether the regulation is in the public interest.

*Existing Subsection (g)*

For consistency, should existing subsection (g)(3) be amended to include “streams or water supplies?”

*Subsection (h)*

This subsection removes an existing requirement that areas affected by the noncoal exploration be restored to a slope not exceeding 35 degrees when grading to approximate original contour is not possible. The Preamble explains that the amendment removes the slope requirement because it is no longer necessary due to the limited amount of material that may be removed without a permit.

A commentator asserts that the proposed revisions to this subsection could create a danger risk to communities surrounding the project by allowing excavation cuts and pits, including those from exploration blasting, to remain unreclaimed. The EQB should explain how removing this provision is consistent with the purpose of the Noncoal Surface Mining Conservation and Reclamation Act (Act) and protects the public health, safety and welfare. 52 P.S. § 3302.

**Review, Public Participation, Items and Conditions of Permit Applications****4. Section 77.121. Public notices of filing of permit applications.—Implementation procedures and timetables for compliance; and Clarity.***Subsection (d) and Subsection (e)*

The amendments to Subsection (d) proposes to modify when the Department will publish notice in the *Pennsylvania Bulletin*. Publication will be based on the Department’s acceptance of the application rather than upon receipt. Subsection (e) is proposed to require the Department, upon acceptance of the permit application, to notify in writing each local government in which the activities are located. The EQB explains that these proposed changes will eliminate unnecessary notices for applications that are returned and not accepted for review by the Department and facilitate the use of electronic notices, where appropriate.”

A commentator suggests that the proposed revisions to this section will have the effect of shortening the time period that the public has to prepare and submit questions and comments to the Department about the permit application. We will review the EQB’s response to the concern raised in determining whether the regulation is the public interest.

In addition to the commentator’s concern, we have the following questions:

(1) Section 77.123(a)(2) provides that a person having an interest that is, or may be adversely affected may request in writing that the Department hold a public hearing or informal conference on an application for a permit. The request must be filed with the Department within 30 days after the publication of the newspaper advertisement placed by the applicant or within 30 days of *receipt of notice* by the public entities to whom notification is provided under § 77.121(e). (Emphasis added.) Since the EQB is proposing to eliminate the existing requirement for these notices to be delivered by registered mail and is not updating the requirement for the notice to be delivered by certified mail, how will the Department verify receipt of written or electronic notice to each local government in which activities are located, as well as Federal, State and local government agencies with jurisdiction over or an interest in the area of the proposed activities? §§ 77.121(e)(1) and (2).

(2) Are requests for a public hearing or informal conference on an application for permit by persons having an interest accepted electronically?

(3) What are the instances where electronic notices are not appropriate?

(4) In situations where electronic notices are not appropriate, will notifications be sent via first class mail?

**5. Section 77.123. Public hearings—informal conferences.—Need for the regulation; Implementation procedures and timetables for compliance; and Clarity.***Subsection (e)*

In the Preamble, the EQB states that “Subsection (e) is proposed to be revised to describe the results of the public hearing or informal conference in a report available to the public instead of only giving the findings of the public meeting or informal conference to each person who attended. The deadline for providing the report is proposed to be contemporaneous with the permit decision.”

Based on the stated intent in the Preamble, we agree with the concern expressed by a commentator that the proposed change could lead to a situation in which the public has no time to read or respond to the Department's report because it is issued at the same time as the permit. The commentator feels that the EQB's decision to make the report available to the public at the same time as the Department's decision to approve or disapprove an application "negates the purposes of such reports and eliminates the ability of the public to meaningfully engage with this regulatory process."

The actual language as proposed in the Annex differs from the intent described in the Preamble. As drafted, it appears that the summary report could be made available prior to the approval or denial of the application or upon approval or denial of the application. 52 P.S. § 3310(c) requires the Department to notify, within 60 days of the hearing or conference, the applicant of its decision to approve or disapprove or of its intent to disapprove. Presumably, the report under the new language would be made available to the public within this same time period.

Proposed subsection (e) lacks the clarity needed to establish a binding norm. The elimination of the existing time period for the Department to give its findings to the applicant and to each person who is party to the public hearing or informal conference is replaced with vague language. The new provisions are not only less clear, but represent a significant departure from the existing report's purpose and intended audience with little to no explanation provided by the EQB. We ask the EQB to explain in greater detail the need for and its rationale for the proposed changes.

We also note that the amendments to subsection (e) make it inconsistent with the notification requirements under § 77.143(b)(8) (relating to Mine permit renewals—general requirements). What is the need for and rationale for differing notification requirements among permit applications and permit renewals?

**6. Section 77.128. Permit terms.—Protection of the public health, safety and welfare and the effect on the Commonwealth's natural resources.**

*Subsection (b)*

The amendment to this subsection revises the time frame for when a permit terminates from 3 years to 5 years. The EQB explains that the proposed 5-year term synchronizes with the National Pollutant Discharge Elimination System (NPDES) permit, which also has a term of 5 years. Additionally, the EQB notes that extensions are allowed through the permit renewal process and must include updated permit information as described in § 77.161 (relating to responsibilities). This, according to the EQB's explanation in the Preamble, assures that updated information is provided before extending the permit beyond the 5-year period.

A commentator challenges the EQB's rationale for this proposed change. They contend that it is inconsistent with surface coal mining permits which also have 5 year NPDES permits and must activate mining within 3 years of the permit being issued or the permit is revoked. The commentator also asserts that the existing 3 year permit term was put in place (for coal and noncoal mining) to avoid dangerous situations where changes to local environmental or hydrological conditions may have occurred since the permit was issued and to thwart the practice of "permit hoarding." In addition to addressing the commentator's concerns, we ask the EQB to explain how the

proposed change protects the public health, safety and welfare and is in the public interest.

**Permit Reviews, Renewals, Revisions and Transfers**

**7. Section 77.141. Permit revisions.—Clarity.**

*Subsection (e)*

Under this subsection, additional considerations are identified for the review of revisions to add acreage for mineral extraction, including the effect on hydrologic balance, the relation to the existing operation and reclamation plan, and the feasibility of approving a new permit for the additional area. A commentator suggests that other environmental features such as streams and wetlands should be included in this provision.

**8. Section 77.142. Public notice of permit revisions.—Protection of the public health, safety and welfare and the effect on the Commonwealth's natural resources.**

The Preamble states that Subsection (c) is being added to clarify that unaffected areas to be deleted from the footprint of the permit may be approved without public notice. The EQB explains that this also includes restored areas that have been disturbed only by exploration drilling. A commentator contends that this new subsection "appears to invite abuse, inasmuch as grading typically is associated with exploration of mineral resources."

In order for this Commission to determine whether a regulation is in the public interest it must analyze the text of the Preamble and proposed regulation, as well as the reasons for the new or amended language. The explanation provided is not sufficient to allow this Commission to determine if the regulation is in the public interest. We ask the EQB to explain in greater detail in the Preamble to the final-form regulation how the applicant will demonstrate that the area has not been affected by surface mining.

The description in the Preamble refers to "restored" areas. However, the language in the Annex does not reflect the same. The EQB should make certain that the description in the Preamble of this section, and all sections, is consistent with the regulatory language contained in the Annex.

**Subchapter E. Civil Penalties for Noncoal Mining Activities**

**General Provisions**

**9. Section 77.293. Penalties.—Clarity.**

In §§ 77.293(a) and (b), the EQB proposes to add clarifying language that refers to each violation "of the act or any rule, regulation, order of the Department or condition of any permit issued under the act" which leads to a cessation order. Under existing § 77.1 (relating to Definitions), "Act" is defined as the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326).

The EQB proposes to amend § 77.291 (relating to Applicability) to specify the statutes for which violations of the subchapter are applicable to assessments of civil penalties. It includes Section 21 of the act (52 P.S. § 3321) and Section 605(b) of The Clean Streams Law (35 P.S. § 691.605(b)). For consistency, should §§ 77.293(a) and (b)(1) be amended to include both of the statutes contained in § 77.291?

**Subchapter I. Environmental Protection  
Performance Standards Use of Explosives**

**10. Section 77.564. Surface blasting requirements.—  
Protection of the public health, safety and welfare and the effect on the Commonwealth's natural resources.**

New subsection (f)(2) would allow for the possibility of a higher air blast level being approved. The EQB explains that a higher air blast level may be appropriate where it is clear that the controlling structure will not be subject to damage with the higher threshold.

Commentators are concerned with the potential effects on health and property that higher decibel blasts may have on the community surrounding a project and request that the lower blasting limits remain unchanged. The description in the Preamble and the RAF lacks discussion of the potential adverse effects of permitting alternative (i.e. higher) maximum allowable air blast levels on the communities surrounding the project.

Under circumstances where the Department has determined that a higher air blast level may be appropriate, did the EQB consider amending § 77.563 (relating to Public notice of blasting schedule) to require the person conducting the mining activities to inform residents, local governments and public utilities within close proximity of the blasting operation about the exception to the maximum decibel level?

The EQB should submit a revised Preamble and RAF, in particular block # 18, that discusses the impact of allowing a higher threshold on the regulated community, but also on residents, local governments and public utilities surrounding the blasting operation.

**11. Miscellaneous clarity.**

In RAF # 14, the EQB reports that on May 6, 2020, the Aggregate Advisory Board (Board) voted to concur with the Department's recommendation that the proposed rule-making proceed with the regulatory process. We ask the EQB to indicate the vote of the Board in the RAF of the final-form rulemaking.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 21-970. Filed for public inspection June 18, 2021, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Application for Approval to Acquire Control of 21st Century Indemnity Insurance Company**

Everspan Insurance Company, an Arizona domiciled stock casualty insurance company, has filed an application for approval to acquire control of 21st Century Indemnity Insurance Company, a domestic stock casualty insurance company. The filing was received on June 7, 2021, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisitions are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the

application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-971. Filed for public inspection June 18, 2021, 9:00 a.m.]

**LEGISLATIVE REFERENCE  
BUREAU**

**Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) has not received any documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

AMY J. MENDELSON,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 21-972. Filed for public inspection June 18, 2021, 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 July 6, 2021. 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 July 6, 2021. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant

lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2021-3026257. L & R Van Service, LLC** (219 Mill Road, Morgantown, Berks County, PA 19543) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Berks and Lancaster to points in Pennsylvania, and return.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2020-3026259. John V. and Michele M. Washburn** (165 Draper Lane, Lincoln University, Chester County, PA 19352) discontinuance of service and cancellation of its certificate, to transport persons, by motor vehicle, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Chester County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 21-973. Filed for public inspection June 18, 2021, 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 July 5, 2021, 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. Shane Flail;  
Docket No. C-2021-3025166**

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 Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Shane Flail, (respondent) is under suspension effective March 31, 2021 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 339 Anderson Street, Pottsville, PA 17901.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 01, 2012, at A-708937.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-708937 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, 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: April 13, 2021

Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 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 Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in



your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://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:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Payment of the fine 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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. 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 penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-974. Filed for public inspection June 18, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer by Sale

**A-2021-3026240 and U-2021-3026246. PECO Energy Company.** Application of PECO Energy Company for approval of transfer by sale to Tullytown Borough of street lighting facilities located in Bucks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 6, 2021. 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](http://www.puc.pa.gov) and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

*Applicant:* PECO Energy Company

*Through and By Counsel for:* Jack R. Garfinkle, Esquire, PECO Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699, (215) 841-4608, [Jack.Garfinkle@exeloncorp.com](mailto:Jack.Garfinkle@exeloncorp.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-975. Filed for public inspection June 18, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer by Sale

**A-2021-3026241 and U-2021-3026248. PECO Energy Company.** Application of PECO Energy Company for approval of transfer by sale to Marsh Harbour HOA 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 July 6, 2021. 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 docu-

ments 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](http://www.puc.pa.gov) and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

*Applicant:* PECO Energy Company

*Through and By Counsel for:* Jack R. Garfinkle, Esquire, PECO Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699, (215) 841-4608, [Jack.Garfinkle@exeloncorp.com](mailto:Jack.Garfinkle@exeloncorp.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-976. Filed for public inspection June 18, 2021, 9:00 a.m.]

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