

PENNSYLVANIA BULLETIN

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Regulations and Proposed
Rulemakings

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

No. 594, May 2024

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2024.

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NOTICES

BOARD OF COAL MINE SAFETY

Meeting Rescheduled

The Board of Coal Mine Safety (Board) meeting scheduled for Wednesday, June 5, 2024, has been rescheduled. The meeting will be held at 10 a.m. on Thursday, June 6, 2024, in Conference Rooms A and B, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Individuals may attend the meeting in person or remotely.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining," then "Board of Coal Mine Safety," then "2024").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the meeting can be directed to Peggy Scheloske at mscheloske@pa.gov or (724) 404-3143.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Peggy Scheloske at (724) 404-3143 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JESSICA SHIRLEY,
Acting Chairperson

[Pa.B. Doc. No. 24-673. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending May 7, 2024.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, may file comments in writing with the Department, for Bank Supervision, by e-mail to ra-bnbnksbmssnspt@pa.gov or for credit unions, by e-mail to ra-bncusubmissions@pa.gov and trust companies, by e-mail to ra-bntrustsuprvsninq@pa.gov. Comments must be received no later than 30 days from the date that the notice regarding acceptance of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240, or for credit unions or trust companies (717) 783-2253.

APPLICATIONS FOR COMMENT

BANKING INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

OTHER APPLICATION ACTIVITY

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
05-02-2024	Univest Bank and Trust Co. Souderton Montgomery County	15 Washington Avenue Souderton Montgomery County (Limited-Service Facility)	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
04-05-2024	Mid Penn Bank Millersburg Dauphin County	57 South Sillyman Street Cressona Schuylkill County	Closed
04-05-2024	Mid Penn Bank Millersburg Dauphin County	29 East Main Street Tremont Schuylkill County	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
04-05-2024	Mid Penn Bank Millersburg Dauphin County	1060 Aaron Road North Brunswick Middlesex County, NJ	Closed
04-05-2024	Mid Penn Bank Millersburg Dauphin County	527 Ridge Road South Brunswick Middlesex County, NJ	Closed

CREDIT UNIONS**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
05-01-2024	BHCU Ridley Park Delaware County	1 Five Points Road West Chester Chester County	Accepted

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

WENDY S. SPICHER,
Secretary

[Pa.B. Doc. No. 24-674. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

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

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

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 4.66 to which was added 2.50 percentage points for a total of 7.16 that by law is rounded off to the nearest quarter at 7 1/4%.

WENDY S. SPICHER,
Secretary

[Pa.B. Doc. No. 24-675. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Public Meeting

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a public meeting on May 22, 2024, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The public meeting may be attended by means of Microsoft Teams through a link found on the Council's web site prior to the public meeting at www.dcnr.pa.gov/cnrac.

Questions concerning this public meeting or agenda items can be directed to Nicole Faraguna at (717) 346-7636. For public comment to be considered at the public meeting, follow the instructions on the Council's web site.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 24-676. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Public Meeting

The Snowmobile and ATV Advisory Committee (Committee) to the Department of Conservation and Natural Resources (Department) will hold a public meeting on May 21, 2024, at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The public meeting may be attended virtually by means of Microsoft Teams. Individuals participating through Microsoft Teams must register prior to the meeting on the Committee's web site at <https://www.dcnr.pa.gov/SnowmobileATVAdvisoryCommittee>.

Questions concerning this public meeting or agenda can be directed to Jake Newton at (717) 783-3349. Those wishing to participate during the public comment section are encouraged to submit their comments in writing to janevnton@pa.gov.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 24-677. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

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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 and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

Section Category

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

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

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General Chapter 92a NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits, excluding PAG-01 and PAG-02, are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

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

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

Section III identifies individual NPDES permit applications received and draft permits indicating DEP's tentative determination relating to stormwater discharges associated with construction activities. A 30-day public comment period applies to these applications and draft permits. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information may be reviewed by generating the "Applications Received with Comment Periods Report" on DEP's website at www.dep.pa.gov/CWPublicNotice.

Applications, NOIs and draft permits, where applicable, may be reviewed at the DEP office that received the application or NOI. Members of the public are encouraged to use DEP's website to obtain additional information as discussed previously.

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

DEP office contact information to review applications and NOIs and to submit comments for those applications, when applicable, is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for permits in Sections I & II; RA-EPWW-SERO@pa.gov for permits in Section III.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6340. Email: RA-EPNPDES_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0088889	CAFO Individual NPDES Permit	Transfer	Pennmar Dairy, LLC 110 Cornwall Lane Peach Bottom, PA 17563-9767	Fulton Township Lancaster County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0065471	Industrial Stormwater Individual NPDES Permit	Amendment Minor	Behr Process, LLC 7529 Morris Court Allentown, PA 18106	Upper Macungie Township Lehigh County	NERO
0918821	Joint DEP/PFBC Pesticides Permit	Renewal	Coleen & Jim Michaels 1467 Blue School Road Perkasie, PA 18944	Bedminster Township Bucks County	SERO
1024805	Joint DEP/PFBC Pesticides Permit	New	Carol Fletcher 128 Guillard Road Prospect, PA 16052-2702	Muddycreek Township Butler County	NWRO
1524803	Joint DEP/PFBC Pesticides Permit	New	Johnson Roger 3104 Wells Road Malvern, PA 19355-8666	Charlestown Township Chester County	SERO
1924801	Joint DEP/PFBC Pesticides Permit	New	Knouse Kevin 106 Harris Road Bloomsburg, PA 17815-6971	North Centre Township Columbia County	NCRO
3513809	Joint DEP/PFBC Pesticides Permit	Renewal	Country Club of Scranton 1001 Morgan Highway Clarks Summit, PA 18411	Clarks Summit Borough Lackawanna County	NERO
3619802	Joint DEP/PFBC Pesticides Permit	Amendment	Kissell Hill Commons 616 Paxton Place Lititz, PA 17543-8274	Manheim Township Lancaster County	SCRO
3724803	Joint DEP/PFBC Pesticides Permit	New	Mark Miller 202 Pinnacle Circuit Slippery Rock, PA 16057	Scott Township Lawrence County	NWRO
4024803	Joint DEP/PFBC Pesticides Permit	New	Indian Lakes Sports Club Inc. 408 Indian Lake Trail White Haven, PA 18661-2015	Buck Township Luzerne County	NERO
4424801	Joint DEP/PFBC Pesticides Permit	New	Derry Township Mifflin County 73 Reserve Lane Lewistown, PA 17044-8646	Derry Township Mifflin County	SCRO
4524803	Joint DEP/PFBC Pesticides Permit	New	Arrowhead Lake Comm Association 961 Arrowhead Drive Pocono Lake, PA 18347-7856	Coolbaugh Township Monroe County	NERO
4619807	Joint DEP/PFBC Pesticides Permit	Amendment	Villas at Linfield 360 W Main Street Collegeville, PA 19426	Limerick Township Montgomery County	SERO
4624803	Joint DEP/PFBC Pesticides Permit	New	Green Hill MHC, LLC 210 Green Hill Drive Green Lane, PA 18054-2020	Marlborough Township Montgomery County	SERO
4624804	Joint DEP/PFBC Pesticides Permit	New	Kim James 915 Mount Pleasant Road Bryn Mawr, PA 19010-1918	Lower Merion Township Montgomery County	SERO
6119811	Joint DEP/PFBC Pesticides Permit	Transfer	Mathew Beith 174 Pioneer Road Franklin, PA 16323	Sandycreek Township Venango County	NWRO
6121802	Joint DEP/PFBC Pesticides Permit	Transfer	Jack and Penny Ferringer 1010 Buxton Road Titusville, PA 16354-8100	Cherrytree Township Venango County	NWRO
2606401	Land Application and Reuse of Sewage Individual WQM Permit	Amendment	Randy Work 839 Mill Run Road Mill Run, PA 15464	Springfield Township Fayette County	SWRO
5082402	Land Application and Reuse of Sewage Individual WQM Permit	Amendment	Saville Township Perry County 3954 Veterans Way Elliottsburg, PA 17024	Saville Township Perry County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0483402	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Beaver Borough Municipal Authority 469 3rd Street Beaver, PA 15009-2226	Beaver Borough Beaver County	SWRO
4397412	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Farrell City Mercer County 500 Roemer Boulevard Farrell, PA 16121-1901	Farrell City Mercer County	NWRO
3602204	Manure Storage and Wastewater Impoundments Individual WQM Permit	Transfer	Pennmar Dairy, LLC 110 Cornwall Lane Peach Bottom, PA 17563-9767	Fulton Township Lancaster County	SCRO
PA0095150	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Bunola Estates, LLC 1598 Oakleaf Lane Pittsburgh, PA 15237-1512	Forward Township Allegheny County	SWRO
0420200	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Transfer	Cleveland Cliffs Steel Corp 9227 Centre Pointe Drive West Chester, OH 45069-4822	Harmony Township Beaver County	SWRO
0524404	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Saxton Borough Municipal Authority Bedford County 707 9th Street Saxton, PA 16678-1109	Saxton Borough Bedford County	SCRO
3915201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Nestle Purina Petcare Company 2050 Pope Road Allentown, PA 18104-9308	South Whitehall Township Lehigh County	NERO
0284407	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Bunola Estates, LLC 1598 Oakleaf Lane Pittsburgh, PA 15237-1512	Forward Township Allegheny County	SWRO
NOEXNW105	No Exposure Certification	Renewal	Niagara Cutter, LLC 150 S 5th Street Reynoldsville, PA 15851-8930	Reynoldsville Borough Jefferson County	NWRO
NOEXNW123	No Exposure Certification	Renewal	AAH Acquisition, LLC 6424 W Ridge Road Erie, PA 16506-1023	Fairview Township Erie County	NWRO
NOEXSC423	No Exposure Certification	New	Excel Inc. dba DHL Supply Chain 250 Cloverleaf Road York, PA 17406	Conewago Township York County	SCRO
PAG030309	PAG-03 NPDES General Permit for Industrial Stormwater	New	United Chemicals Tech 2731 Bartram Road Bristol, PA 19007-6810	Bristol Township Bucks County	SERO
PAG036347	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Genesys Ind Inc. P.O. Box 980 Ellenton, FL 34222-0980	Unity Township Westmoreland County	SWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG036581	PAG-03 NPDES General Permit for Industrial Stormwater	New	Precision Ind 99 Berry Road Washington, PA 15301-2769	South Strabane Township Washington County	SWRO
PAG038385	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Haysite Reinforced Plastics, LLC 5599 Perry Highway Erie, PA 16509-3562	Millcreek Township Erie County	NWRO
PAG040093	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Sean & Deonna Wolf 51 Carter Road Thornton, PA 19373-1014	Thornbury Township Delaware County	SERO
PAG041329	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Diane & Jacob Blarr 1041 Lake Street Girard, PA 16417-1013	Conneaut Township Erie County	NWRO
PAG041332	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Roney Daniel 3509 Reichert Road Erie, PA 16509-4343	McKean Township Erie County	NWRO
PAG041333	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Bonny & Sean Hoffman 7722 Welcana Drive Fairview, PA 16415-1044	Franklin Township Erie County	NWRO
PAG041337	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Ashley & Timothy Blodgett 2914 Mercer Butler Pike Slippery Rock, PA 16057	Liberty Township Mercer County	NWRO
PAG043983	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Evans Blake P.O. Box 12 Roxbury, PA 17251-0012	Lurgan Township Franklin County	SCRO
PAG043991	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Steele William A 590 N Middleton Road Carlisle, PA 17013-8784	North Middleton Township Cumberland County	SCRO
PAG056275	PAG-05 NPDES General Permit for Groundwater Cleanup	New	Krupa Gas Corp 6002 Natl Pike E Brownsville, PA 15417	Redstone Township Fayette County	SWRO
PAG122216	PAG-12 NPDES General Permit for CAFOs	Renewal	Musser Jairus L 95 Ferebees Road Pine Grove, PA 17963-8200	Washington Township Schuylkill County	SCRO
PAG123550	PAG-12 NPDES General Permit for CAFOs	Renewal	Weiler Farms Partnership 350 E Mill Avenue Myerstown, PA 17067-2404	Jackson Township Lebanon County	SCRO
PAG123587	PAG-12 NPDES General Permit for CAFOs	Renewal	Rutt Ryan 524 N Garfield Road Bernville, PA 19506-9017	Penn Township Berks County	SCRO
PAG123588	PAG-12 NPDES General Permit for CAFOs	Renewal	Three D Farms, LLC 1883 Ragged Edge Road Chambersburg, PA 17202-7434	Greene Township Franklin County	SCRO
PAG123664	PAG-12 NPDES General Permit for CAFOs	Renewal	Martin Nelson W 1850 Horseshoe Pike Annville, PA 17003-8831	South Annville Township Lebanon County	SCRO
PAG123706	PAG-12 NPDES General Permit for CAFOs	Renewal	Michael Long Sr 39 Reeds Creek Road Annville, PA 17003-8422	East Hanover Township Lebanon County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG123770	PAG-12 NPDES General Permit for CAFOs	Renewal	Noah Light 791 Greble Road Lebanon, PA 17046-7852	Bethel Township Lebanon County	SCRO
PAG123788	PAG-12 NPDES General Permit for CAFOs	Renewal	Noah W Kreider & Sons LLP 1461 Lancaster Road Manheim, PA 17545-9768	South Annville Township Lebanon County	SCRO
PAG123828	PAG-12 NPDES General Permit for CAFOs	Renewal	Brechbill Christopher J 3387 Mont Alto Road Fayetteville, PA 17222-9661	Guilford Township Franklin County	SCRO
PAG123843	PAG-12 NPDES General Permit for CAFOs	Renewal	Dwayne Nolt 58 E Strack Drive Myerstown, PA 17067-2160	Jackson Township Lebanon County	SCRO
PAG123869	PAG-12 NPDES General Permit for CAFOs	Renewal	Misty Glen Properties LP 230 Poplar Road Fleetwood, PA 19522-8936	Swatara Township Lebanon County	SCRO
PAG123911	PAG-12 NPDES General Permit for CAFOs	Renewal	Weaver Arlin 201 Bullshead Road Newville, PA 17241	North Newton Township Cumberland County	SCRO
PAG123937	PAG-12 NPDES General Permit for CAFOs	Renewal	Light Jacob 177 Blue Mountain Road Fredericksburg, PA 17026-9352	Bethel Township Lebanon County	SCRO
PAG123943	PAG-12 NPDES General Permit for CAFOs	Renewal	Curtis R Musser 330 Bordner Road Richland, PA 17087-9608	Bethel Township Berks County	SCRO
PAG126106	PAG-12 NPDES General Permit for CAFOs	Renewal	Washington Trotting Association, LLC 210 Racetrack Road Washington, PA 15301-8966	North Strabane Township Washington County	SCRO
1519409	Pump Stations Individual WQM Permit	Amendment	Oxford Borough Area Sewer Authority Chester County P.O. Box 380 Oxford, PA 19363	Oxford Borough Chester County	SERO
1524404	Pump Stations Individual WQM Permit	New	Oxford Area Sewer Authority P.O. Box 380 Oxford, PA 19363-1601	Lower Oxford Township Chester County	SERO
1019402	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Sunday Lauren 123 Old Route 68 Evans City, PA 16033-7613	Forward Township Butler County	NWRO
2392418	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Sean & Deonna Wolf 51 Carter Road Thornton, PA 19373-1014	Thornbury Township Delaware County	SERO

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

Northcentral Regional Office

PA0060208, Sewage, SIC Code 4952, **Nelson Township Authority, Tioga County**, P.O. Box 100, Nelson, PA 16940-0100. Facility Name: Nelson Township Authority Sewer Plant. This existing facility is located in Nelson Township, **Tioga 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), Cowanesque River (WWF), is located in State Water Plan watershed 4-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	10	16	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	12	18	XXX	30	45	60
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	0.8	XXX	XXX	2.0	XXX	4
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Nitrogen	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX

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

The EPA Waiver is in effect.

Northcentral Regional Office

PA0231754, Sewage, SIC Code 4952, **Kailee N. Karycki**, 792 Brush Valley Road, Sunbury, PA 17801-7500. Facility Name: Karycki SFTF. This proposed facility will be located in Rockefeller Township, **Northumberland 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 Susquehanna River (WWF, MF), is located in State Water Plan watershed 6-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0062570, Sewage, SIC Code 4952, **Covington Township Sewer Authority**, P.O. Box 266, Moscow, PA 18444-0266. Facility Name: Covington Township Sewer Authority WWTP. This existing facility is located in Covington Township, **Lackawanna County**.

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

The receiving stream, Roaring Brook (HQ-CWF, MF), is located in State Water Plan watershed 5-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	41	67	XXX	25.0	40.0	50.0
Nov 1 - Apr 30						
May 1 - Oct 31	25	41	XXX	15.0	25.0	30.0
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	50	75	XXX	30.0	45.0	60.0
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 mL)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	12.6	XXX	XXX	7.5	XXX	15.0
Nov 1 - Apr 30						
May 1 - Oct 31	4.2	XXX	XXX	2.5	XXX	5.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	1.7	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 mL)	XXX	XXX	XXX	XXX	XXX	Report
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Zinc, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

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.

Northeast Regional Office

PA0012203, Industrial, SIC Code 3931, **Allen Organ Company, LLC**, 150 Locust Street, Macungie, PA 18062-1165. Facility Name: Allen Organ Company, LLC. This existing facility is located in Macungie Borough, **Lehigh County**.

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

The receiving stream(s), Swabia Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-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 001 are based on a design flow of 0.44 MGD—Interim Limits.

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	99.7	XXX
Jan 1 - 31						
Feb 1 - 29	XXX	XXX	XXX	XXX	88.6	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	97.8	XXX
May 1 - 15	XXX	XXX	XXX	XXX	80.6	XXX
May 16 - 31	XXX	XXX	XXX	XXX	84.6	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	78.5	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	82.5	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	80.2	XXX
Aug 1 - 31	XXX	XXX	XXX	XXX	77.7	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	72.3	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	66.3	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	61.8	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	57.8	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	54.7	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	57.4	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	97.8	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.44 MGD—Final Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	Inst Min	XXX	91.2	XXX
Jan 1 - 31						
Feb 1 - 29	XXX	XXX	XXX	XXX	81.7	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	91.7	XXX
May 1 - 15	XXX	XXX	XXX	XXX	77.2	XXX
May 16 - 31	XXX	XXX	XXX	XXX	81.2	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	76.5	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	80.5	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	79.1	XXX
Aug 1 - 31	XXX	XXX	XXX	XXX	76.8	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	71.6	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	65.6	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	61.0	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	57.0	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	53.7	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	55.3	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	89.9	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0

The proposed effluent limits for Outfall 002 are based on a design flow of 0.44 MGD—Interim Limits.

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

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

NOTICES

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	99.7	XXX
Jan 1 - 31						
Feb 1 - 29	XXX	XXX	XXX	XXX	88.6	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	97.8	XXX
May 1 - 15	XXX	XXX	XXX	XXX	80.6	XXX
May 16 - 31	XXX	XXX	XXX	XXX	84.6	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	78.5	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	82.5	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	80.2	XXX
Aug 1 - 31	XXX	XXX	XXX	XXX	77.7	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	72.3	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	66.3	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	61.8	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	57.8	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	54.7	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	57.4	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	97.8	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0

The proposed effluent limits for Outfall 002 are based on a design flow of 0.44 MGD—Final Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	Inst Min	XXX	91.2	XXX
Jan 1 - 31						
Feb 1 - 29	XXX	XXX	XXX	XXX	81.7	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	91.7	XXX
May 1 - 15	XXX	XXX	XXX	XXX	77.2	XXX
May 16 - 31	XXX	XXX	XXX	XXX	81.2	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	76.5	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	80.5	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	79.1	XXX
Aug 1 - 31	XXX	XXX	XXX	XXX	76.8	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	71.6	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	65.6	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	61.0	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	57.0	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	53.7	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	55.3	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	89.9	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0

The proposed effluent limits for Outfall 003 are based on a design flow of 0.44 MGD—Interim Limits.

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	99.7	XXX
Jan 1 - 31						
Feb 1 - 29	XXX	XXX	XXX	XXX	88.6	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	97.8	XXX
May 1 - 15	XXX	XXX	XXX	XXX	80.6	XXX
May 16 - 31	XXX	XXX	XXX	XXX	84.6	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	78.5	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	82.5	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	80.2	XXX
Aug 1 - 31	XXX	XXX	XXX	XXX	77.7	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	72.3	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	66.3	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	61.8	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	57.8	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	54.7	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	57.4	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	97.8	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0

The proposed effluent limits for Outfall 003 are based on a design flow of 0.44 MGD—Final Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	Inst Min XXX	XXX	91.2	XXX
Jan 1 - 31						
Feb 1 - 29	XXX	XXX	XXX	XXX	81.7	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	91.7	XXX
May 1 - 15	XXX	XXX	XXX	XXX	77.2	XXX
May 16 - 31	XXX	XXX	XXX	XXX	81.2	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	76.5	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	80.5	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	79.1	XXX
Aug 1 - 31	XXX	XXX	XXX	XXX	76.8	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	71.6	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	65.6	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	61.0	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	57.0	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	53.7	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	55.3	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	89.9	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD (stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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.

Northeast Regional Office

PA0060747, Industrial, SIC Code 3087, **Westchester Plastics, LLC**, 42 Mountain Avenue, Nesquehoning, PA 18240. Facility Name: Westchester Plastics. This existing facility is located in Nesquehoning Borough, **Carbon County**.

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

The receiving stream, Nesquehoning Creek (CWF, MF) is located in State Water Plan watershed 2-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.28 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Aluminum, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Iron, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Manganese, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

The proposed effluent limits for Outfall 001 are based on a design flow of 0.28 MGD.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD ₅)	XXX	67.2	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	49.1	XXX	XXX	XXX	XXX
Oil and Grease	XXX	75.0	XXX	15.0	XXX	30.0
Copper, Total	Report	Report	XXX	Report	Report	XXX

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

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

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD (stormwater).

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

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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.

Northwest Regional Office

PA0272566, Sewage, SIC Code 8800, **Ronald Cehelsky**, 221 Carbon Center Road, Butler, PA 16002-1021. Facility Name: Ronald Cehelsky SRSTP. This existing facility is located in Summit Township, **Butler County**.

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Inst Min	10.0	XXX	20
			XXX			
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.

Northwest Regional Office

PA0295574, Sewage, SIC Code 4952, **Grace Comm Church Curllsville**, 3225 Curllsville Road, Sligo, PA 16255. Facility Name: Grace Community Church SFTF. This proposed facility is located in Monroe Township, **Clarion County**.

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

The receiving stream(s), Licking Creek (CWF), is located in State Water Plan watershed 17-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0012 MGD.—Limits.

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

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

- Part C 150—UV Cleaning

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0295591, Sewage, SIC Code 8800, **Sanmar Woodlands, LLC**, 5501 Route 89, North East, PA 16428-5054. Facility Name: West Stancliff SRSTP. This proposed facility is located in Franklin 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), Goodban Run (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.

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

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

- Part C 150—UV Cleaning

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0295639, Sewage, SIC Code 4952, 8811, **Pamela McNeal**, 108 Ball Hill Road, Pleasantville, PA 16341-4202. Facility Name: Pamela McNeal SRSTP. This proposed facility is located in Harmony Township, **Forest 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), Stewart Run (HQ-CWF), is located in State Water Plan watershed 16-E and is classified for High Quality—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 .0005 MGD.—Limits.

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

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

- Part C 150—UV Cleaning

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0295728, Sewage, SIC Code 8800, **David Reiser**, 13692 Ridge Road, West Springfield, PA 16443-9446. Facility Name: David Reiser SRSTP. This proposed facility is located in McKean 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 Elk 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 .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

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

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

- Part C 150—UV Cleaning

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0000345, Industrial, SIC Code 4941, **PA American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436. Facility Name: PA American Water Clarion. This existing facility is located in Clarion Township, **Clarion County**.

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

The receiving stream(s), Clarion River, is located in State Water Plan watershed 17-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 0.349 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.6
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75
Aluminum, Total	Report	Report	XXX	4.0	8.0	10
Iron, Total	Report	Report	XXX	2.0	4.0	5
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5

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

- Sediment Basin Cleaning

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

PA0020648, Sewage, SIC Code 4952, **Port Royal Borough Municipal Authority**, 804 W 8th Street, Port Royal, PA 17082-9400. Facility Name: Port Royal Bergstresser WWTP. This existing facility is located in Port Royal Borough, **Juniata 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), Juniata River (WWF), is located in State Water Plan watershed 12-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

<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>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	42.0	67.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	50.0	75.0	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX

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

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

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

In addition, the permit contains the following major special conditions: N/A

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0020711, Sewage, SIC Code 4952, **Topton Borough, Berks County**, 205 S Callowhill Street, Topton, PA 19562-1750. Facility Name: Topton Borough STP. This existing facility is located in Topton Borough, **Berks County**.

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

The receiving stream(s), Unnamed Tributary of Little Lehigh Creek (HQ-CWF), is located in State Water Plan watershed 2-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 001 are based on a design flow of .3 MGD.—Limits.

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	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.05	XXX	0.16
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	50	75	XXX	20.0	30.0	40
Nov 1 - Apr 30						
May 1 - Oct 31	25	37	XXX	10.0	15.0	20
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent CBOD ₂₀ Minimum % Removal (%)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	75	113	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	7.5	XXX	XXX	3.0	XXX	4.5
Nov 1 - Apr 30						
May 1 - Oct 31	2.5	XXX	XXX	1.0	XXX	1.5
Nitrate as N	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	5.0	XXX	XXX	2.0	XXX	XXX
Copper, Total	0.055	0.086	XXX	0.022	0.035	XXX
		Daily Max			Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of .3 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Dissolved Solids	XXX	Report	XXX	XXX	1,000.00	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0027197, Sewage, SIC Code 4952, **Capital Region Water**, 212 Locust Street, Suite 500, Harrisburg, PA 17101-1510. Facility Name: Harrisburg Advanced Wastewater Treatment Facility. This existing facility is located in Harrisburg City, **Dauphin County**.

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

The receiving stream(s), Susquehanna River (WWF, MF) is located in State Water Plan watershed 7-C and is classified for Warm Water Fishes, Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

<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>	
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	7,860	12,577	XXX	25.0	40.0	50
Total Suspended Solids	9,433	14,149	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	629	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
PFOA (ng/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
PFOS (ng/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
PFBS (ng/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
HFPO-DA (ng/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

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

<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>	
Total Phosphorus (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
PFOA (ng/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
PFOS (ng/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
PFBS (ng/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
HFPO-DA (ng/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

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

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

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

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

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

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

The EPA Waiver is not in effect.

Southcentral Regional Office

PA0110361, Sewage, SIC Code 4952, **Freedom Township Water & Sewer Authority**, 131 Municipal Street, East Freedom, PA 16637-8158. Facility Name: Freedom Township STP. This existing facility is located in Freedom Township, **Blair County**.

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

The receiving stream(s), Unnamed Tributary to Frankstown Branch Juniata River (WWF, MF) and Frankstown Branch Juniata River (TSE, MF), is located in State Water Plan watershed 11-A and is classified for Trout Stocking, Migratory Fishes, and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

NOTICES

The proposed effluent limits for Outfall 001 are based on a design flow of .97 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous 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	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	202	324	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	243	364	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	145	XXX	XXX	18.0	XXX	36
Nov 1 - Apr 30						
May 1 - Oct 31	49	XXX	XXX	6.0	XXX	12
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .97 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous 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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Copper, Total	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Zinc, Total	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .97 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous 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	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	80	121	XXX	10.0	15.0	20
Total Suspended Solids	80	121	XXX	10.0	15.0	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	40	XXX	XXX	5.0	XXX	10
Ammonia-Nitrogen	31.5	XXX	XXX	3.9	XXX	7.8
Nov 1 - Apr 30						
May 1 - Oct 31	10.5	XXX	XXX	1.3	XXX	2.6
Total Phosphorus	4.0	XXX	XXX	0.5	XXX	1
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
Zinc, Total	Report	XXX	XXX	Report	XXX	XXX
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

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

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	10,959	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Annual		Total Annual				
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Annual		Total Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Annual		Total Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	1,461	XXX	XXX	XXX	XXX
Total Annual		Total Annual				
Effluent Net						

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

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

The EPA Waiver is not in effect.

Southcentral Regional Office

PA0266990, Sewage, SIC Code 8811, **John J Pepple**, 2247 French Creek Road, Everett, PA 15537-5264. Facility Name: Pepple Residence. This existing facility is located in East Providence Township, **Bedford County**.

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

The receiving stream(s), Unnamed Tributary to French Run (WWF, MF), is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0294403, Sewage, SIC Code 8811, **Broad Top Township, Bedford County**, 124 Hitchens Road, Defiance, PA 16633-9002. Facility Name: Foor Bittner Residence. This proposed facility is located in Broad Top Township, **Bedford 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), Sherman Valley Run (CWF, MF), is located in State Water Plan watershed 11-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0080322, Industrial, SIC Code 4953, **Greater Lebanon Refuse Authority**, 1800 Russell Road, Lebanon, PA 17046-1425. Facility Name: Greater Lebanon Refuse Landfill. This existing facility is located in North Lebanon Township, **Lebanon County**.

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

The receiving stream(s), Unnamed Tributary of Swatara Creek (WWF), is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .331 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	Daily Min XXX	20.0	40.0	50
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	6.0	12.0	15
Nov 1 - Apr 30						
May 1 - Oct 31	Report	Report	XXX	2.0	4.0	5
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	2.0	4.0	5
Aluminum, Total	Report	Report	XXX	0.6	1.2	1.5
Iron, Dissolved	Report	Report	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	1.87	3.74	4.67
Manganese, Total	Report	Report	XXX	1.2	2.4	3

The proposed effluent limits for Outfall 001 are based on a design flow of .331 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
PFOA (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFOS (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFBS (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
HFPO-DA (ng/L)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 003 and 005 are based on a design flow of 0 MGD.—Limits.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Daily Maximum	Maximum	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX

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

- Approval contingencies
- Collected screenings, slurries, sludges, and other solids management
- Stormwater requirements
- Landfill leachate discharge requirement

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0050911, Sewage, SIC Code 4952,8211, **Upper Perkiomen School District**, 2229 E Buck Road, Suite 2, Pennsburg, PA 18073-2341. Facility Name: Marlborough Elementary School STP. This existing facility is located in Marlborough Township, **Montgomery County**.

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

The receiving stream(s), Perkiomen Creek (TSF, MF), is located in State Water Plan watershed 3-E 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 .00425 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Sep 1 - May 31						
Jun 1 - Aug 31	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Sep 1 - May 31						
Jun 1 - Aug 31	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Sep 1 - May 31						
Jun 1 - Aug 31	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	4.0	XXX	8
Total Phosphorus	0.017	XXX	XXX	0.5	XXX	1

Sludge use and disposal description and location(s): Liquid sludge hauled off-site to Pottstown Sewage Treatment Facility (Permit # PA0026786) for incineration/land application by McGovern Environmental.

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

- I. Other Requirements
 - A. No Stormwater to Sewer
 - B. Necessary Property Rights
 - C. Proper Sludge Disposal

- D. Abandon STP when Public Sewer Become Available
- E. Total Residual Chlorine Requirement
- F. Notification of Designated Operator
- G. Operation and Maintenance Plan

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0056553, Storm Water, SIC Code 3271, **Allan Myers, L.P., dba Allan Myers Materials**, 638 Lancaster Avenue, Malvern, PA 19355. Facility Name: Devault Asphalt Plant. This existing facility is located in Charlestown Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary of Pickering Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-D and is classified for Migratory Fishes and High-Quality Waters, Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Daily Maximum	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	120	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Total Nitrogen	XXX	XXX	XXX	Semi Avg Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	Report	XXX	Report

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

- Stormwater outfalls and other authorized non-stormwater discharges
- Best management practices (BMPs)
- Stormwater monitoring requirements
- Preparedness, Prevention and Contingency (PPC) Plan
- Acquire necessary property rights
- Proper disposal of collected screenings, slurries, sludges and other solids

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0216381, Sewage, SIC Code 4952, **MDDA, LLC**, 114 Snyder Drive, Rochester, PA 15074-2706. Facility Name: Holly Hill Sewage Treatment Plant. This existing facility is located in New Sewickley Township, **Beaver 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), UNT of Crows Run, is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.0178	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	20.0	XXX	40.0
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	
Total Phosphorus	XXX	XXX	XXX	XXX	Report	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.

Southwest Regional Office

PA0025844, Industrial, SIC Code 9651, **USHHS, CDC, NIOSH Pittsburgh**, 626 Cochrans Mill Road, Pittsburgh, PA 15236-3611. Facility Name: Bruceton Research Center. This existing facility is located in South Park Township, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary to Lick Run (TSF) and Lick Run (TSF), is located in State Water Plan watershed 19-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for IMP 101 are based on a design flow of .036 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	70.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Cobalt, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX
Manganese, Total	XXX	XXX	XXX	2.0	4.0	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
PFOA (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
PFOS (ng/L)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PFBS (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
HFPO-DA (ng/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for IMP 101 are based on a design flow of .036 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	70.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Cobalt, Total (ug/L)	XXX	XXX	XXX	46.4	72.4	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX
Manganese, Total	XXX	XXX	XXX	2.0	3.8	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	0.59	0.91	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
PFOA (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
PFOS (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
PFBS (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
HFPO-DA (ng/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009 are based on a design flow of .05 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	5.5	8.5	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	10.5	16.4	XXX
Cobalt, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	2.0	4.0	XXX
Mercury, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.05	7.87	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX
2,4-Dinitrophenol (ug/L)	XXX	XXX	XXX	10.1	15.8	XXX
4,6-dinitro-o-cresol (ug/L)	XXX	XXX	XXX	2.02	3.16	XXX
3,3-Dichlorobenzidine (ug/L)	XXX	XXX	XXX	0.06	0.094	XXX
Acrolein (ug/L)	XXX	XXX	XXX	3.0	3.03	XXX
Acrylamide (ug/L)	XXX	XXX	XXX	0.085	0.13	XXX
1,3-Dichloropropylene (ug/L)	XXX	XXX	XXX	0.33	0.51	XXX
1,2,4-Trichlorobenzene (ug/L)	XXX	XXX	XXX	0.071	0.11	XXX
Nitrobenzene (ug/L)	XXX	XXX	XXX	10.1	15.8	XXX
Benzene (ug/L)	XXX	XXX	XXX	0.7	1.09	XXX
Benzidine (ug/L)	XXX	XXX	XXX	0.0001	0.0002	XXX
Bis(2-Ethylhexyl)Phthalate (ug/L)	XXX	XXX	XXX	0.39	0.6	XXX
Di-n-Butyl Phthalate (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Hexachlorobutadiene (ug/L)	XXX	XXX	XXX	0.012	0.019	XXX
Trichloroethylene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PFOA (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
PFOS (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
PFBS (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
HFPO-DA (ng/L)	XXX	XXX	XXX	XXX	Report	XXX

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

WQBELs Below Quantitation Limits

- The following parameter(s) are subject to water quality-based effluent limits (WQBELs) in Part A of this permit that are necessary to comply with state water quality standards, but may be less than quantitation limits (QLs), as defined in 25 Pa. Code § 252.1, that are generally achievable by conventional analytical technology. The permittee shall analyze the parameter(s) using methods that will achieve the QL(s) as follows. For the purpose of compliance, a statistical value reported on the DMR that is less than the QL(s) (i.e., “non-detect”) will be considered to be in compliance.

Parameter Name	Quantitation Limit
Total Thallium	2.0 µg/L
1,3-Dichloropropylene	0.5 µg/L
4,6-Dinitro-o-Cresol	10.0 µg/L
Benzidine,	5.0 µg/L
Bis(2-Ethylhexyl)Phthalate	
3,3-Dichlorobenzidine	5.0 µg/L
Hexachlorobutadiene	0.5 µg/L
1,2,4-Trichlorobenzene	0.5 µg/L

- The permittee shall, where determined to be feasible by the permittee, achieve a QL less than the QL previously identified to improve the level of confidence that state water quality standards are being met in the receiving waters.

- The permittee shall manage non-detect values and report statistical results to DEP in accordance with published DMR guidance (3800-BK-DEP3047). Where a mixed data set exists containing non-detect results and “detected” values (i.e., results greater than or equal to the QL), the QL shall be used for non-detect results to compute average statistical results.

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

The EPA Waiver is in effect.

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

Southeast Regional Office

Applicant: **Ellen Stetler**

Applicant Address: 17 Village Square, Paoli, PA 19301

Application Number: **PAD150336**

Application Type: New

Municipality/County: Charlestown Township, **Chester County**

Project Site Name: 11 Rapps Run

Total Earth Disturbance Area (acres): 2.34 acres

Surface Waters Receiving Stormwater Discharges: Pigeon Creek to Pickering Creek (HQ-TSF, MF)

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

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

Project Description: The project site for the proposed single family home, garage, pool, and basketball court is located at 11 Rapps Run Drive. The site slopes northeast towards the adjacent access driveway which the proposed driveway is to tie into. The southeastern boarder of the lot consist of existing woods with the northern portion consisting of lawn. The surrounding areas consist of residential lots with single family homes many of which are partially wooded lots and also slope towards the southeast with the southeastern property boundary acting as the highpoint for the surrounding properties. Runoff from the site flows overland before reaching a UNT to Pickering Creek which is within the Pickering Creek Watershed.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Northampton Farms, LLC**

Applicant Address: 6150 Coffeetown Road, Orefield, PA 18069-2511

Application Number: **PAD060088**

Application Type: New

Municipality/County: Amity Township, **Berks County**

Project Site Name: Leaf Creek Farm

Total Earth Disturbance Area (acres): 91.87 acres

Surface Waters Receiving Stormwater Discharges: Leaf Creek: Manatawny Creek (WW-MF; CWF-MF)

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

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

Project Description: Construction of 322 single-family 55+ age restricted homes.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Trexlertown Retail Center, LLC, c/o Anil Jivani**

Applicant Address: 5917 W Tilghman Street, Allentown, PA 18104

Application Number: **PAD390291**

Application Type: New

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

Project Site Name: Trexlertown Retail Center

Total Earth Disturbance Area (acres): 1.25 acres

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

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

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

Project Description: Trexlertown Retail Center, LLC is proposing the reconstruction of the existing auto service convenience store and construction of additional retail spaces, and a car wash at 5917 W Tilghman Street, Allentown, PA 18104. The project proposes a Subsurface: Dry Extended Detention Basin with MRC.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Northeast Regional Office

Applicant: **Sundu Enterprises, LLC, c/o Chad Sundo**

Applicant Address: 3150 Coffeetown Road, Orefield, PA 18069

Application Number: **PAD390085**

Application Type: Renewal

Municipality/County: City of Allentown, **Lehigh County**

Project Site Name: Southside Homes by Smart Living

Total Earth Disturbance Area (acres): 5.69 acres

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

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

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

Project Description: Proposed townhomes with public water and sewer and associated stormwater management.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Northeast Regional Office

Applicant: **Buy the Load, LLC**

Applicant Address: P.O. Box 427, Pocono Summit, PA 18346

Application Number: **PAD450207**

Application Type: New

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

Project Site Name: Bartell Soil Stockpile

Total Earth Disturbance Area (acres): 5.5 acres

Surface Waters Receiving Stormwater Discharges: UNT to Upper Tunkhannock Creek (HQ-CWF, MF)

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

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

Project Description: The site contains an existing stockpile that will be exported. Once the stockpile has been exported, the site will be graded and restored utilizing a meadow mix and the riparian buffer along the UNT to Upper Tunkhannock Creek will be reestablished.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Northeast Regional Office

Applicant: **MLH Holdings, LLC**

Applicant Address: 170 Butler Street, Kingston, PA 18704

Application Number: **PAD350048**

Application Type: New

Municipality/County: Jefferson Township, **Lackawanna County**

Project Site Name: Olde Grove Estates

Total Earth Disturbance Area (acres): 37.27 acres

Surface Waters Receiving Stormwater Discharges: UNT to West Branch Wallenpaupack Creek (HQ-CWF, MF) and EV Wetlands.

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

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

Project Description: Continuation of construction on the Olde Grove Estates residential subdivision originally approved and partially constructed in 2006.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Northeast Regional Office

Applicant: **PPL Electric Utilities Corp.**

Applicant Address: 1639 Church Road, GENN 4, Allentown, PA 18104-9342

Application Number: **PA400007D**

Application Type: New

Municipality/County: Exeter Township, Jenkins Township, Plains Township, Exeter Borough, and Wyoming Borough, **Luzerne County**

Project Site Name: Jenkins-Stanton 230kV Line Rebuild Project

Total Earth Disturbance Area (acres): 161.0 acres

Surface Waters Receiving Stormwater Discharges: Susquehanna River (WWF, MF), UNT to the Susquehanna River (CWF, MF), Obendoffers Creek (HQ-CWF, MF), Hicks Creek (CWF, MF), UNTs to Hicks Creek (CWF, MF), Gardner Creek (CWF, MF) and Mill Creek (CWF, MF)

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

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

Project Description: The PPL EU Jenkins-Stanton 230kV Line Rebuild consists of the reconstruction of an existing electric utility line, approximately 8.5 miles in length and the retirement of a 2-mile section. The line starts at the Stanton Substation, southeast of Sullivan Trail (SR 0092), and travels southwest before heading south, and then southwest again, crossing over both the Susquehanna River, ending at the Jenkins Substation, South of E. Taylor Ave. (SR 2015). The entire project is located within Luzerne County and is considered a site restoration project.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Southcentral Regional Office

Applicant: **GLC Newberry, LLC**

Applicant Address: 1275 Glenlivet Drive, Suite 100, Allentown, PA 18106

Application Number: **PAD670001A-1**

Application Type: Major Amendment

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

Project Site Name: Goodman Logistics Center (Newberry)

Total Earth Disturbance Area (acres): 122 acres

Surface Waters Receiving Stormwater Discharges: Fishing Creek (TSF, MF), UNT to Fishing Creek (TSF, MF) and EV Wetlands.

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

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

Project Description: Industrial two warehouses with associated truck parking and loading docks.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Sandy Ridge Wind 2, LLC**

Applicant Address: 354 Davis Road, Suite 100, Oakville, ON L6J2X1

Application Number: **PAD070009 A-3**

Application Type: Major Amendment

Municipality/County: Snyder Township, Rush and Taylor Townships, **Blair County, and Centre County**

Project Site Name: Sandy Ridge II Wind Project

Total Earth Disturbance Area (acres): 1,221.76 acres

Surface Waters Receiving Stormwater Discharges: Sink Run (TSF, MF), Vanscoyoc Run (CWF, MF), Big Fill Run (EV, MF), Decker Run (TSF, MF)

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

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

Project Description: Sandy Ridge Wind 2, LLC proposes to construct the Sandy Ridge II Wind Project to generate clean, affordable electricity. The project consists of a 60-megawatt wind energy project, including wind turbines and ancillary infrastructure. The major modification of this project is a linear utility project to be restored to predevelopment conditions. Permanent impervious areas with the expansion of the windfarm will be managed using infiltration berms for stormwater.

Special Conditions: N/A

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

Northcentral Regional Office

Applicant: **PA DOT Engineering District 2-0**

Applicant Address: 70 PennDot Drive, Clearfield, PA 16830

Application Number: **PAD140110**

Application Type: New

Municipality/County: Marion Township, **Centre County**

Project Site Name: SR 0026, Section 147 Jacksonville Road Betterment

Total Earth Disturbance Area (acres): 21.7 acres

Surface Waters Receiving Stormwater Discharges: Unnamed Tributary to Nittany Creek (HQ-CWF)

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

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

Project Description: Pennsylvania Department of Transportation is applying an NPDES permit for the construction of a 2.16-Mile-long betterment project to improve roadway safety along SR 0026/Jacksonville Road. The project includes minor roadway widening and vertical curve corrections and the associated stormwater controls.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

Northeast Regional Office

Applicant: **DEPG Bartonsville Route 611 Plaza, LP/DEPG Parcel D, LLC**

Applicant Address: 1000 Fayette St., Conshohocken, PA 19428

Application Number: **PAD450016 A-2**

Application Type: Major Amendment

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

Project Site Name: Plaza 611 Shopping Center

Total Earth Disturbance Area (acres): 6.77 acres

Surface Waters Receiving Stormwater Discharges: Pocono Creek (HQ-CW, MF), Wigwam Road (HQ-CWF, MF)

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

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

Project Description: Major Amendment to construct a 115,000 square foot, three (3) story self-storage facility, underground infiltration basin and parking.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Southcentral Regional Office

Applicant: **Trout Brothers Farm, LLC**

Applicant Address: 508 Red Rock Road, Loysville, PA 17047

Application Number: **PAD500023**

Application Type: New

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

Project Site Name: Proposed Feed Bunk

Total Earth Disturbance Area (acres): 11.86 acres

Surface Waters Receiving Stormwater Discharges: Shermans Creek (EV-CWF, MF)

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

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

Project Description: Construction of 90,000 sf feed bunk, assorted farming/agricultural buildings, and PCSM BMPs.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Peter D. Johnson**

Applicant Address: 5150 Hoffmansville Road, Orefield, PA 18067-2340

Application Number: **PAD390290**

Application Type: New

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

Project Site Name: Carriage East Residential Development

Total Earth Disturbance Area (acres): 6.46 acres

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

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

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

Project Description: Construct a ten-lot residential subdivision. Improvements include extending Surrey Court approximately 600 feet to intersect with Schantz Road, install public utilities, two infiltration basins and an infiltration bed.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Northeast Regional Office

Applicant: **Sheetz, Inc., c/o Robert Franks**

Applicant Address: 351 Sheetz Way, Claysburg, PA 16625

Application Number: **PAD390298**

Application Type: New

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

Project Site Name: Sheetz Store # 384 Rebuild

Total Earth Disturbance Area (acres): 2.21 acres

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

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

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

Project Description: Project includes demolition of existing store, fueling canopy and associated paved areas, for the construction of a new Sheetz Convenience Store, car wash, fueling island, associated parking improvements, stormwater management facilities and utilities.

Special Conditions: N/A—No site-specific special conditions proposed.

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

*Northeast Regional Office*Applicant: **Presidential Land Holdings, LLC**

Applicant Address: 95 S. Main Road, Mountain Top, PA 18707

Application Number: **PAD400026**

Application Type: Renewal

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

Project Site Name: Sherwood Estates

Total Earth Disturbance Area (acres): 2.41 acres

Surface Waters Receiving Stormwater Discharges: 1. UNT to Big Wapwallopen Creek (HQ-CWF, MF)

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

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

Project Description: This project involves the Renewal of PAD400026 (formerly PAI024014002), which involves the construction of 6 multi-unit residential buildings, driveways, 26-lot parking area, and stormwater management facilities.

Special Conditions: N/A—No site-specific special conditions proposed.

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

*Cambria District Mining Office*Applicant: **PA DEP Bureau of Abandoned Mine Reclamation**

Applicant Address: 286 Industrial Park Road, Ebensburg, PA 15931

Application Number: **PAD680014**

Application Type: New

Municipality/County: Knox Township, **Clearfield County**

Project Site Name: Kellytown Southwest 1

Total Earth Disturbance Area (acres): 34 acres

Surface Waters Receiving Stormwater Discharges: Potts Run (CWF)

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

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

Project Description: This project would eliminate approximately 3,450 linear feet (L.F.) of Dangerous Highwalls by pushing the associated 30 acres of Spoil Area against the face of the highwalls and regrading the site back to Approximate Original Contour. The Hazardous Equipment & Facilities consists of a ten foot by ten-foot brick structure and building remnants which will be demolished and disposed of in accordance with the Department's regulations.

Special Conditions: Issuing an Individual Permit due to the PAG-02 expiring December 7, 2024.

You may review the permit application file by contacting DEP's File Review Coordinator at 814-472-1800.

STATE CONSERVATION COMMISSION**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

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

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

Individuals wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the

exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Kieran Buser 49 Buser Farm Lane York, PA 17406	York County	3	1,030.29	Swine	NA	Renewal
Heisler's Egg Farm, Inc. Todd Heisler 757 Valley Road Tamaqua, PA 18252	Schuylkill County	191.2	416.05	Poultry (Existing Layers)	EV	Renewal
Heisler's Egg Farm, Inc. Todd Heisler 757 Valley Road Tamaqua, PA 18252	Schuylkill County	191.2	345.4	Poultry (Proposed Layers)	HQ	Renewal
Mike Martin 2050 West Main St Ephrata, PA 17522	Lancaster County	22.9	254.69	Ducks Beef	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

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

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

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

Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.

Application No. 4124505, Construction, Public Water Supply.

Applicant Steam Valley Travel Plaza
Address 169 PA Route 14
 Trout Run, PA 17771
Municipality Lewis Township
County Lycoming County
Responsible Official Gurparkash Sandhoo
 165 Lamont Street
 Cogan Station, PA 17728
Consulting Engineer Joseph E Lichty
 687 Berkshire Drive
 State College, PA 16803
Application Received May 1, 2024
Description 4-Log

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

Contact: Joseph Mattucci, Program Manager, 717-705-4931.

Application No. 0524501 MA, Construction/Operation, Public Water Supply.

Applicant Saxton Borough Municipal Authority
Address 707 9th Street
 Saxton, PA 16678
Municipality Saxton Borough
County Bedford County

Responsible Official	Lester Meck 707 9th Street Saxton, PA 16678
Consulting Engineer	Skyler J. Eckenrode, P.E. 3121 Fairway Drive Altoona, PA 16602
Application Received	January 29, 2024
Description	The Saxton Borough Municipal Authority proposes to replace four (4) turbidimeter units and one (1) chlorine analyzer.

WATER ALLOCATIONS

Application(s) Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

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

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

WA-46-67I, Water Allocations. **Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489, Tincum Township, **Delaware County**. Requesting to renew their approval to purchase up to 9.5 million gallons per day from Philadelphia Water Department. Application received: May 2, 2024.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals not participating in the remediation.

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

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The DEP has received the following Notice(s) of Intent to Remediate.

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

Contact: Eric Supey, Environmental Program Manager.

Rohrer Bus Services, Primary Facility ID # **875256**, 46 South Hunter Highway, Drums, PA 18222, Butler Township, **Luzerne County**. Groundwater Sciences Corporation, 2550 Interstate Drive, Suite 303, Harrisburg, PA 17110 on behalf of H.E. Rohrer, LLC, 1515 State Road, P.O. Box 100, Duncan, PA 17020, submitted a Notice of Intent to Remediate. Soil was contaminated with used motor oil from an underground storage tank. The Notice of Intent to Remediate was published in *The Standard Speaker* on April 25, 2024. Application received: May 6, 2024.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Auchey's Greenhouse and Auchey's Plant Farm, Primary Facility ID # **875261**, 1851 Baltimore Pike, Hanover, PA 17331, West Manheim Township, **York County**. Environmental Consulting, Inc., 2002 Renaissance Blvd., King of Prussia, PA 19406 on behalf of Hanover Commerce, LLC, 14 Balligomingo Road, Conshohocken, PA 19428, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil contaminated with Arsenic. The site will be remediated to the Statewide health standard. Future use of the site is nonresidential. The Notice of Intent to Remediate was published in *The Evening Sun* on May 9, 2024. Application received: May 3, 2024.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

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

WMGR123NW021, PennEnergy Resources, LLC Ferree Well Pad, 3000 Westinghouse Drive, Suite 300, Cranberry Township, PA 16066, Middlesex Township, **Butler County**. The application requests approval to install one aboveground storage tank and secondary containment at the Ferree Tank Pad site to store, process, and beneficially reuse oil and gas liquid waste. Sources for these waters will include PER projects as well as other generators engaged in similar processes and activities (both unconventional wells and conventional wells). Water will be transmitted to and from the tank using tanker trucks and piping. Application received: May 6, 2024.

Comments or questions concerning the application should be directed to Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

Individuals wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit,

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

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

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

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

PLAN APPROVALS

Application(s) Received for Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B That May Have Special Public Interest. These Plan Approval Applications are in Review and No Decision on Disposition Has Been Reached.

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

Contact: Dave G. Balog, NSR Chief, 814-332-6328.

10-00001Q: Cleveland Cliffs Steel Holding Corp., 210 Pittsburgh Rd, Butler, PA 16001-3825, Butler Township, **Butler County**. Application received: March 5, 2024.

Cleveland Cliffs Steel Corporation is submitting a Plan Approval Application for the installation of a new natural gas-fired coil preheating furnace at its Butler Works Facility in Butler County, PA.

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

24-00012N: Graftech USA, LLC, 800 Theresia Street, Saint Marys, PA 15857, City of Saint Marys, **Elk County**. Application received: October 26, 2023.

Plan approval application received for the replacement of existing plan approval 24-0012K. This plan approval

would change the testing requirements of plan approval 24-0012K. Their existing Title V facility is located in St Mary City, Elk County.

PLAN APPROVALS

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

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

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

04-00681C: Brunner Landfill, 211 Brunner Rd., Zelienople, PA 16063, New Sewickley Township, **Beaver County**. Application received: June 2, 2021. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a plan approval for the installation and operation of an enclosed flare and a leachate evaporator at a landfill facility located in New Sewickley Township, Beaver County. The enclosed flare will be limited to 0.10 lb/MMBtu of NO_x, 0.40 lb/MMBtu of CO, 98% destruction efficiency of VOC or 20 ppmvd VOC at 3% O₂, and 0.01 gr/dscf PM. The facility will be limited to annual emissions of 11.5 tons/year of NO_x, 36.5 tons/year of CO, 4.5 tons/year of VOC, 9.5 tons/year of SO_x, 20 tons/year of PM₁₀, and 4.6 tons/year of total HAPs. Sources at Brunner are subject to 40 CFR Part 62 Subpart OOO—Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014, and 40 CFR Part 63 Subpart AAAA—NESHAPS for Hazardous Air Pollutants: Municipal Solid Waste Landfills, and 25 Pa. Code Chapters 121—145. (Air Resources). The plan approval includes emission limitations and operational, monitoring, testing, recordkeeping, work practice, and reporting requirements for the plant. The application, DEP's Review Memorandum, and the proposed plan approval are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Sheri Guerrieri, New Source Review Chief, directly. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the plan approval may submit the information to Sheri Guerrieri, New Source Review Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-04-00681C) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public

hearing should be directed to Sheri Guerrieri, Environmental Engineer Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to shguerrieri@pa.gov. All comments must be received prior to the close of business 30 days after the date of this publication.

OPERATING PERMITS

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

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

Contact: Matthew Williams, Facilities Permitting Chief, Air Quality Program 814-332-6131.

32-00040, Seward Generation, LLC, 595 Plant Road, New Florence, PA 15944, East Wheatfield Township, **Indiana County**. Application received: October 17, 2023. The Department intends to modify the Title V Permit to Seward Generation, LLC for the operation of an electrical generation facility. The facility's major emission sources include two circulating fluidized bed (CFB) waste coal boilers equipped with SNCR, baghouse, and flyash reinjection; four limestone dryers; five diesel engines; space heater; material handling and a part washer. The modification is pursuant to 25 Pa. Code §§ 127.541 (Significant operating permit modifications) and 127.542 (Revising an operating permit for cause). The modification involves the incorporation of requirements from the COA signed on August 17, 2023 pertaining to the 1-Hour SO₂ NAAQS for the Indiana PA Nonattainment Area as well as the applicable RACT III presumptive requirements (§§ 129.111, 129.112 and 129.1115). Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Any person wishing to provide the Department of Environmental Protection with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the Department at the previously listed address. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information: Name, address and telephone number of the person submitting the comments. Identification of the proposed permit (specify Permit # TV 32-00040) 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, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Eric A. Gustafson, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Matthew Williams, Facilities Permitting Chief, Air Quality Program, at the same address or phone at (814) 332-6131.

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

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

15-00010, Cleveland-Cliffs Plate, LLC, 139 Modena Rd, Coatesville, PA 19320, City of Coatesville, **Chester County**. Application received: February 5, 2024. This action is for the renewal of a Title V Operating Permit. The Title V operating permit was last renewed on October 3, 2019. The facility is a major source for NO_x, CO, VOC, PM₁₀, SO_x, and greenhouse gases (GHG). Sitewide potential emissions are as follows: NO_x—1,244.74 TPY; SO_x—233.42 TPY; PM—121.00 TPY; CO—7,179.05 TPY; VOC—539.61 TPY; and HAP—18.06 TPY. Sources include furnaces, boilers, steel surface conditioning processes, generators, fire pumps, parts washers, nickel plating with scrubbers, surface coating operations, and other miscellaneous steel manufacturing components, many of them controlled by dust collection systems. Two 4SLB Emergency Generators (Source ID 769) are subject to 40 CFR Part 60, Subpart JJJJ. The following sources are subject to 40 CFR Part 63: \D\ Electric Furnace—Source ID 104 (Subpart YYYYY); 12,000 Gal Underground Gas Storage Tank—Source ID 226 (Subpart CCCCC); Emer Pump/Generator—Source ID 768 (Subpart ZZZZ); and Small Emergency Generators and Pumps—Source 770 (Subpart ZZZZ). Applicable requirements are already incorporated into the Title V Operating Permit. The following sources are subject to Compliance Assurance Monitoring (CAM) requirements: Source IDs 104, 174, 175, 181, 182, 207, 228, 232, 234, 235, 258, and 263. The renewed Title V operating permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

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

63-00015, Flexsys America, LP, 829 Route 481, Monongahela, PA 15063, Carroll Township, **Washington County**. Application received: March 28, 2024.

Notice of Proposed Revision to the State Implementation Plan for Volatile Organic Chemicals, Notice of Public Hearing, and Notice of Intent to Issue Renewal Title V Air Quality Operating Permit TV-63-00015.

Approval of a Title V Operating Permit Renewal and Reasonably Available Control Technology (RACT III) plan for Flexsys America, LP Monongahela Plant located in Carroll Township, Washington County.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V operating permit (TV-63-00015) to Flexsys America, LP which also incorporates RACT III requirements.

The following sources and control devices at this facility are addressed in this RACT III proposal:

- Source 101 Crystex Plant
- Source C02 Thermal Oxidizer
- Source C101 Crystex Plant Emergency Flare

The facility has potential emissions of 44.63 TPY NO_x; 23.26 TPY CO; 2.20 TPY PM₁₀; 45.80 TPY SO_x; 102.82 TPY VOC; 84.49 TPY CS₂; 3.70 TPY H₂S; and 42,675 TPY CO₂e. Emission limitations, operating requirements, and work practice standards along with monitoring, recordkeeping, and reporting requirements have been

included in this proposed revision to the Title V operating permit to ensure that the facility complies with applicable Federal and State air quality regulations.

Furthermore, in accordance with 25 Pa. Code §§ 129.111—129.115, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT III plan and an amendment to the State Implementation Plan (SIP) for the aforementioned facility. The facility is not subject to any RACT III requirements for NO_x.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT III approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone.

The proposed amendments to the RACT III determination, if finally approved, will be incorporated into a revised renewal operating permit TV-63-00015 for the facility. The relevant RACT III requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT III determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT III determination for this operation that will be submitted to the EPA as a SIP revision:

Source ID	Description	Regulatory Citation
		RACT
	TVOP 63-00027 Condition No.	
		101
Crystex Plant § 129.114(d)	The owner and operator shall install, maintain, and operate the source in accordance with manufacturer's specifications and with good operating practices.	
	Section D, Source 101, Condition # 014	
		C02
Thermal Oxidizer § 129.112(c)(8)	The owner and operator shall install, maintain and operate the source in accordance with the manufacturer's specifications and with good operating practices.	
	Section E, Group G03, Condition # 001	
		C101
Crystex Plant Emergency Flare § 129.112(c)(8)	The owner and operator shall install, maintain and operate the source in accordance with the manufacturer's specifications and with good operating practices.	
	Section E, Group G03, Condition #001	
	Additional testing, monitoring, and recordkeeping requirements are included in the proposed modification to the Title V operating permit.	
	<i>Public hearing.</i> A public hearing will be held on June 18, 2024, from 9:30—10:00 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Re-	

gional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at the hearing will be June 11, 2024. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/default.aspx>. We ask that you contact Thomas Joseph at 412-442-4336 or monitor our website to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Thomas Joseph at 412-442-4336 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from May 18, 2024, 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 RACT III Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to the RACT III Plan or the operating permit modification.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made online at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> and by contacting Thomas Joseph, Environmental Engineering Manager, at 412-442-4336 or tjoseph@pa.gov.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Camarda at 412-442-4203 or the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

OPERATING PERMITS

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

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

Contact: Norm Frederick 570-826-2409.

48-00093, Oldcastle APG Northeast, Inc., 800 Uhler Road, Easton, PA 18040-6617, Forks Township, **Northampton County**. Application received: February 20, 2024. The Department intends to issue a renewal State-Only (Natural Minor) Permit for this facility located in Forks Township, Northampton County, for operation of a concrete block and brick manufacturing plant. The operation consists of the concrete block plant and fabric collectors for control of the particulate emissions. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

10-00375, Harmony Castings, LLC, 251 Perry Hwy, Harmony, PA 16037-9213, Jackson Township, **Butler County**. Application received: March 30, 2023. The Department intends to issue the renewal State Only Natural Minor Operating Permit for the aluminum foundry. The facility's primary emission sources include the aluminum casting process, shot blasting, natural gas process heaters, and a parts washer. The potential emissions of the primary pollutants from the facility are as follows: 1.09 TPY (tons per year) NO_x, 2.00 TPY CO, 8.99 TPY VOC, 8.02 TPY total HAPs, 8.00 TPY methanol, 10.62 TPY PM₁₀ and PM_{2.5}, and 0.02 TPY SO_x; thus, the facility is a natural minor. The facility is subject to 40 CFR Part 63 Subpart ZZZZZZ, NESHAP Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

05-05028, Texas Eastern Transmission, LP, 8177 US Route 220, Bedford, PA 15522, Bedford Township, **Bedford County**. Application received: December 20, 2023. For the operation of a compressor station. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated at 0.03 tpy PM₁₀, 0.03 tpy PM_{2.5}, 2.69 tpy NO_x, 0.54 tpy CO, 47.57 tpy VOC, and 1.15 tpy total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart ZZZZ, 40 CFR Part 60 Subpart JJJJ, and 25 Pa. Code § 129.63.

01-03012, The International Paper Company, 136 E. York St., Biglerville, PA 17307, Biglerville Borough, **Adams County**. Application received: November 14, 2023. For the operation of a corrugated box manufacturing facility. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated at 6.92 tpy PM₁₀, 2.13 tpy PM_{2.5}, 15.72 tpy NO_x, 12.49 tpy CO, 47.62 tpy VOC, 11.96 tpy total HAPs,

and 0.13 tpy SO_x. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart Dc, 40 CFR Part 63 Subpart ZZZZ, 25 Pa. Code §§ 129.52b and 129.63.

28-05029, Fayetteville Contractors, Inc., 100 Meyers Rd., Fayetteville, PA 17222, Antrim Township, **Franklin County**. Application received: January 23, 2024. For the operation of an asphalt paving mixture and block manufacturing facility. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated at 10.08 tpy PM, 6.48 tpy PM₁₀, 6.48 tpy PM_{2.5}, 28.80 tpy NO_x, 96.00 tpy CO, 1.97 tpy VOC, 1.82 tpy total HAPs, and 21.12 tpy SO_x. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart I.

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

36-03116, Cargill Cocoa & Chocolate, Inc.—Mount Joy, 200 Chocolate Ave., Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. Application received: January 31, 2024. For operation of a cacao bean processing facility and chocolate liquor manufacturing operation. This is for renewal of the existing State-Only Permit. The potential emissions from are 13.2 tpy of VOC and 52.9 tpy of PM. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulation. Among other items, the conditions include 25 Pa. Code § 123.13 for particulate matter emission limits.

36-03094, Snavelys Mill, Inc., 333 Snavely Mill Road, Lititz, PA 17543, Warwick Township, **Lancaster County**. Application received: February 21, 2024. To issue a renewal of the State Only Operating Permit for the flour mill. The potential emissions are estimated at 13.63 tpy of PM, 8.66 tpy of PM₁₀ and 4.75 tpy of PM_{2.5}. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

36-03048, Hubbard Feeds, Inc., 3349 Hempland Road, Lancaster, PA 17601, East Hempfield Township, **Lancaster County**. Application received: October 5, 2023. For their animal feed mill. This is a renewal of the facility's State-only (Natural Minor) operating permit. The potential emissions from the facility are estimated at 31.0 tons of PM₁₀, 4.0 tons of nitrogen oxides (NO_x) and 3.0 tons of carbon monoxide (CO). The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart DDDDDDD and 25 Pa. Code § 129.63.

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

Contact: Janine Tulloch-Reid, Environmental Engineer Manager, 484-250-7505.

09-00064, CRC Industries, Inc., 885 Louis Drive, Warminster, PA 18974, Warminster Township, **Bucks County**. Application received: September 6, 2023. This action is for the renewal of the State Only Operating Permit for the manufacture of specialty chemicals used in the automotive, marine, electrical and industrial maintenance markets. The main emissions for this facility are volatile organic compounds, of which the facility is limited to less than 24.5 tons per year of emissions, and hazardous air pollutants, of which the facility is limited to less than 10 tons per year for any single hazardous air pollutant and less than 25 tons per year for all of the hazardous air pollutants combined. The requirements from 40 CFR Part 60, Subpart JJJJ apply to a natural gas fired emergency generator. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact previously listed person. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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

46-00147, NMZ Holdings, d/b/a Chemalloy Co, LLC, 1301 Conshohocken Rd, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. Application received: December 22, 2023. This action is for the renewal of a Synthetic Minor Operating Permit for grinding, crushing, milling, and screening of various metal alloys and minerals into fine powders that are then sold for various industrial uses. During this renewal DEP has changed (1) incorporated a transfer of ownership from Chemalloy to NMZ Holdings and (2) the status of this facility from Natural Minor to Synthetic Minor because the uncontrolled PM₁₀ emissions exceeds 100 tpy. There have been no changes to the sources at this facility. The primary pollutant of concern is Particulate Matter (PM). The potential total PM emissions for the facility are PM/PM₁₀/PM_{2.5}: 19.34 tpy. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

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

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

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

Coal Applications

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

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

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 56111302. NPDES No. PA0236101. Wilson Creek Energy, LLC, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Lincoln and Jenner Townships, **Somerset County**. To revise the permit and related NPDES permit for installation of rock dust borehole; affecting 1.9 proposed surface acres. Application received: April 2, 2024. Accepted: May 1, 2024.

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

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

Mining Permit No. Government Financed Contract Number 26-17-01. NPDES No. PA0278271. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, Saltlick Township, **Fayette County**. A renewal application was submitted for continued mining of an NPDES permit at an existing Government Financial Construction site, affecting 14.8 acres and 19.9 support acres. Receiving streams: unnamed tributaries to Little Champion Creek and Little Champion Creek; classified for the following use; CWF. Application received: May 3, 2024.

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

Contact: RA-EPMININGPERMITS@pa.gov.

Mining Permit No. 64030301. E.R. Linde Construction Corp., 239 Golf Hill Road, Honesdale, PA 18431, Palmyra Township, **Wayne County**. Correction to an anthracite surface mine operation to increase the permitted acres from 55.8 acres to 59.6 acres. Receiving stream: Middle Creek, classified for the following uses: HQ-CWF, MF. Application received: March 21, 2024. Accepted: March 27, 2024.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. GP12-40120101R. Northampton Fuel Supply Company, Inc., 1 Horwith Drive, Northampton, PA 18067-8728, Foster and Hazle Townships and Jeddo Borough, **Luzerne County**. Renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40120101. Application received: March 29, 2024.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

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

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

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters DEP may require.

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

Noncoal NPDEs Draft Permits

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

Contact: Alicia Cook, Clerical Assistant 3, 814-343-3328.

NPDES No. PA0280691. Mining Permit No. 20192801. Meadville Redi-Mix Concrete, Inc., P.O. Box 418, Meadville, PA 16335, Summit Township, **Crawford County.** Renewal of an NPDES permit for management of water on a small industrial minerals surface mine affecting 7.0 acres. Receiving stream(s): Inlet Run, classified for the following use(s): HQ-WWF. Application received: March 19, 2024.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES No. PA0226408. Mining Permit No. 58232804. PA Quarried Bluestone Company, P.O. Box 4, New Gibson, PA 18842-0004, New Milford Township, **Susquehanna County.** New NPDES Permit on small surface mining permit affecting 5 acres. Receiving stream(s): No discharge to Salt Lick Creek Watershed classified for the following use(s): HQ-CWF. The first downstream potable water supply intake from the point of discharge is not applicable, no downstream PADWIS intake. Application received: April 21, 2023.

NPDES No. PA0226386. Mining Permit No. 58232803. PA Quarried Bluestone Company, P.O. Box 4, New Gibson, PA 18842-0004, New Milford Township, **Susquehanna County.** New NPDES Permit on small surface mining permit affecting 5 acres. Receiving stream(s): No discharge to Meylort Creek Watershed classified for the following use(s): HQ-CWF. The first downstream potable water supply intake from the point of discharge is not applicable, no downstream PADWIS intake. Application received: April 14, 2023.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office

noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

E0804224-002. Cargill Taylor Beef, 1252 PA 706, Wyalusing, PA 18853, Wyalusing Borough, **Bradford County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 15, 2024.

Repair exposed waterline in floodway of Wyalusing Creek (WWF, MF). Latitude: 41°, 40', 6.4", Longitude: -76°, 15', 10.4".

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E4002224-007. Wyoming Valley Sanitary Authority, P.O. Box 33A, Hanover, PA 18706-1333, Hanover Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 10, 2024.

To construct and maintain the following water obstructions and encroachments associated with the Warrior Creek Stream Restoration Project: 1) A channel change within a 2,600-LF segment of Warrior Creek (CWF, MF) consisting of regrading to create a constructed stream channel having a 25-foot top width, 4:1 side slopes, 12-inches of natural streambed material, and longitudinal slopes ranging from 0.02% to 2.86%. Other improvements include J-hooks, cross vanes, boulder revetments, and floodplain plantings. 2) A streambank stabilization device within a UNT to Warrior Creek (CWF, MF) consisting of a 12-ft long, 3-ft wide R-4 riprap apron. 3) A streambank stabilization device within a UNT to Warrior Creek (CWF, MF) consisting of an 8-ft long, 3-ft wide R-4 riprap apron. 4) A streambank stabilization device within a UNT to Warrior Creek (CWF, MF) consisting of an 8-ft long, 3-ft wide R-4 riprap apron. 5) A streambank stabilization device within a UNT to Warrior Creek (CWF, MF) consisting of an 8-ft long, 3-ft wide R-4 riprap apron. 6) A streambank stabilization device within a UNT to Warrior

Creek (CWF, MF) consisting of an 8-ft long, 3-ft wide R-4 riprap apron. 7) A streambank stabilization device within a UNT to Warrior Creek (CWF, MF) consisting of an 8-ft long, 3-ft wide R-4 riprap apron. This project will result in a total net cut of 14,299 yd³ within Warrior Creek and its floodway. The project begins approximately 900 feet southwest of the intersection of Ashley Street and Sans Souci Parkway and ends approximately 1,600-foot northeast of the intersection of Logistics Drive and S. Valley Parkway (Wilkes-Barre West, PA Quadrangle Latitude: 41°, 12', 36.61"; Longitude: -75°, 57', 17.13") in Hanover Township, Luzerne County.

E5802124-003. PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Franklin Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: March 6, 2024.

To authorize the following water obstructions and encroachments associated with the SR 4008 Section D01 Project 1. To remove the existing structure and to construct and maintain a 35' wide single span pre-cast concrete box culvert carrying SR 4008 across Tributary to Silver Creek (EV, MF) having a 20' normal clear span and a 5.5' minimum underclearance and to construct and maintain appurtenant structure features. (Stream Impact 1) 2. To implement approximately 930 LF of stream restoration along a Tributary to Silver Creek (EV, MF) consisting of streambed deposit removal, construction of rock step pools, boulder bank revetments, cross rock vanes and a sediment deposit bench. (Stream Impacts 3 and 4; Floodway Impact 7) The proposed project is located along SR 4008 approximately 0.2 mile west of the SR 4008 and SR 0029 intersection (Franklin Forks, PA Quadrangle, Latitude: 41.91736, Longitude: -75.85125) in Franklin Township, Susquehanna County.

E3902224-002. 1619 Hausman Partners, LLC, 250 Cetronia Road, Allentown, PA 18104, South Whitehall Township, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District. Application received: April 17, 2024.

To permanently impact 0.17 acre of PEM wetlands for the construction of an office facility. The project is located at 1619 Hausman Road, (Allentown West, PA Quadrangle Latitude: 40.610099; Longitude -75.568059) in South Whitehall Township, Lehigh County.

E3502224-001. Aqua Pennsylvania, Inc., 762 West Lancaster Ave., Bryn Mawr, PA 19010, Covington Township, **Lackawanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 23, 2024.

To construct and maintain a 12-inch DIP water line crossing of UNT to Roaring Brook (HQ-CWF, MF), and associated wetlands (EV). The utility line will cross the UNT at three locations and be installed via open trenching through the stream. The utility line will also cross three separate wetlands and be installed via open trenching through the wetlands. The project is located in Covington Township, Lackawanna County, PA Quadrangle Latitude: 41°, 19', 25", Longitude: -75°, 30', 40".

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

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

E2506124-004. PADOT Engineering District 1-0, 255 Elm Street, Oil City, PA 16301, Harborcreek Town-

ship, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: April 18, 2024.

To modify and maintain the existing concrete arch stream enclosure carrying SR 0430, Segment 0080 over UNT Sixmile Creek in Harborcreek Township, Erie County, by installing a 4-inch layer of pneumatically sprayed concrete (reinforced with rebar and wire mesh) to the sides and crown of the existing structure resulting in 139-ft of stream impacts. No wetland impacts are proposed. Latitude: 42.11613°, Longitude: -79.95624°.

E2506124-005. PADOT Engineering District 1-0, 255 Elm Street, Oil City, PA 16301, Summit Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: April 18, 2024.

To modify and maintain the existing corrugated metal plate arch stream enclosure carrying SR 4024, Segment 0030 over UNT Walnut Creek in Summit Township, Erie County, by installing a 4-inch layer of pneumatically sprayed concrete (reinforced with rebar and wire mesh) to the sides and crown of the existing structure resulting in 114-ft of stream impacts. No wetland impacts are proposed. Latitude: 42.051936°, Longitude: -80.053549°.

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

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E0703224-002. Ampliform, LLC, 40 E. Montgomery Avenue, 4th Floor, Ardmore, PA 19003, Greenfield Township, **Blair County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 9, 2024.

To construct and maintain the following water obstructions and encroachments associated with the BL-Diamond Solar Project: 1. Construction of an access road crossing of tributary Frankstown Branch Juniata River (Stream 24) and adjacent wetlands (Wetland 13) consisting of a 40-foot long 24-inch diameter SLCPP pipe depressed 6-inches below the existing streambed elevation. 2. Aerial utility line crossing of tributary Frankstown Branch Juniata River (Stream 5). 3. Aerial utility line crossing of tributary Frankstown Branch Juniata River (Stream 6). 4. Aerial utility line crossing of 2 PEM EV wetlands (Wetland 5, Wetland 13). 5. Aerial utility line crossing of a PSS EV wetland (Wetland 9). 6. Aerial utility line crossing of floodway of tributary Polecat Run (Stream 22). Project will impact a total of 70 lf of watercourse and 0.02 acre of EV wetlands. The project is located approximately North of 628 Hileman Hollow Road approximately 0.75-mile West of intersection with SR 220 in Greenfield Township, Blair County. (Roaring Spring, PA Quadrangle, Latitude: 40.30796, Longitude: -78.46422).

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

Contact: ra-ep-ww-sero-105@pa.gov.

E0901224-003. PA DCNR Bureau of State Parks, 400 Market Street, 8th floor RCSOB, Harrisburg, PA 17101, Upper Makefield Township, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: April 23, 2024.

PA DCNR Bureau of State Parks is proposing to construct and maintain a new paved accessible walkway path with eight interpretive stops within the floodway/floodplain of the Delaware River (WWF-MF) associated with the educational panels that details the story of Washington crossing the Delaware. The project will include a new trail connecting an existing comfort station to the west and a new pedestrian crossing of State Route 32 to the east, and installation of new kiosk, an ADA accessible historic walking trail, and road connections, etc., resulting in 41,700 square feet of permanent floodway impact. The project is located within Washington Crossing Historic Park (USGS PA Pennington Quadrangle) in Upper Makefield Township, Bucks County. Latitude: 40.295091°, Longitude: -74.871062°.

ENVIRONMENTAL ASSESSMENTS

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

Contact: 717-705-4802.

EA3603224-001. Donegal Chapter of Trout Unlimited, 189 Soapstone Road, Peach Bottom, PA 17563, Fulton Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: January 2, 2024.

To 1.) restore and re-align the channel, excavate floodplain benches, install and maintain a temporary stream crossing under a General Permit 8 registration, install and maintain 58 rock deflectors, 6 cross vanes, 4 J hooks, 12 mudsills, 33 root wads, 9 sections of toe boulder, 1 section of boulder wall, and 6 random boulder groups projecting into and along the Little Conowingo Creek (HQ-CWF, MF); 2.) restore and re-align, excavate floodplain benches, and install and maintain 9 rock deflectors, 4 cross vanes, 1 J-hook, 2 mudsills, 17 root wads, and 1 section of toe boulder along and projecting into an Unnamed Tributary to the Little Conowingo Creek (HQ, CWF-MF); and to restore and install and maintain 2 sections of toe boulder along a separate Unnamed Tributary to the Little Conowingo Creek (HQ-CWF, MF). All for the purpose of restoring the Little Conowingo Creek and its tributaries. Impacting 4,875-feet of stream, 4,613-feet of floodway, and temporarily impacting 11,027-square feet of wetland using timber mats under a General Permit 8 registration. The project is located 0.08 mile from the intersection of Little Britain Church Road and Soapstone Hill Rod in Fulton Township, Lancaster County. Latitude: 39.76667°, Longitude: -76.150556°.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep’t. of Env’tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep’t of Env’tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0088889	CAFO Individual NPDES Permit	Issued	Pennmar Dairy LLC 110 Cornwall Lane Peach Bottom, PA 17563-9767	Fulton Township Lancaster County	SCRO
PA180002D	Chapter 102 Individual NPDES Permit	Issued	Edwards William J 2332 Eagle Valley Road Mill Hall, PA 17751-8895	Bald Eagle Township Clinton County	NCRO
PAD020086	Chapter 102 Individual NPDES Permit	Issued	Albion Lawrenceville 1211 W 22nd Street Suite 408 Oak Brook, IL 60523-2109	Pittsburgh City Allegheny County	SWRO
PAD060085	Chapter 102 Individual NPDES Permit	Issued	Sheetz Inc. 81 Highland Avenue Bethlehem, PA 18017-9421	Richmond Township Berks County	SCRO
PAD060093	Chapter 102 Individual NPDES Permit	Issued	MAIT/Penelec 600 Eagelview Boulevard Floor 2 Exton, PA 19341	Hamburg Borough Berks County	SCRO
PAD140107	Chapter 102 Individual NPDES Permit	Issued	PSU 139j Physical Plant Bldg University Park, PA 16802-1119	State College Borough Centre County	NCRO
PAD210110	Chapter 102 Individual NPDES Permit	Issued	Giant Co. LLC 4 Barlo Circle Dillsburg, PA 17019-1621	Middlesex Township Cumberland County	SCRO
PAD350049	Chapter 102 Individual NPDES Permit	Issued	JLM Real Estate LLC 950 East Main Street P.O. Box 472 Schuylkill Haven, PA 17972	Covington Township Lackawanna County	NERO
PAD390040	Chapter 102 Individual NPDES Permit	Issued	New Tripoli Bank 6748 Madison Street P.O. Box 468 New Tripoli, PA 18066-3944	North Whitehall Township Lehigh County	NERO
PAD450191	Chapter 102 Individual NPDES Permit	Issued	PA DOT Engineering District 5 0 1002 W Hamilton Street Allentown, PA 18101-1013	Pocono Township Monroe County	NERO
PAD450194	Chapter 102 Individual NPDES Permit	Issued	Pocono International Raceway Inc. P.O. Box 500 Long Pond, PA 18334-0500	Tunkhannock Township Monroe County	NERO
PAD480125	Chapter 102 Individual NPDES Permit	Issued	Valley Ind Properties LLC 21 E 10th Street Northampton, PA 18067-1718	East Bangor Borough Northampton County	NERO
PAD480209	Chapter 102 Individual NPDES Permit	Issued	Schuylkill Health System Development Corp 2100 Mack Boulevard Allentown, PA 18103-5622	Hanover Township Northampton County	NERO
PA0035297	Industrial Stormwater Individual NPDES Permit	Issued	Energy Transfer Market & Terminal LP 4041 Market Street Aston, PA 19014	Upper Chichester Township Delaware County	SERO
PA0087891	Industrial Stormwater Individual NPDES Permit	Issued	Growmark FS LLC 1705 Towanda Avenue P.O. Box 2500 Bloomington, IL 61701-2040	Latimore Township Adams County	SCRO
PA0214396	Industrial Stormwater Individual NPDES Permit	Issued	Three Rivers Marine & Rail Terminal LLC P.O. Box 100 Dunlevy, PA 15432-0100	Glassport Borough Allegheny County	SWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0276791	Industrial Stormwater Individual NPDES Permit	Issued	Stateline Quarry Inc. 1677 Creamery Road Clifford, PA 18407	Apolacon Township Susquehanna County	NERO
PAS223502	Industrial Stormwater Individual NPDES Permit	Issued	Frey Group LLC 372 Puseyville Road Quarryville, PA 17566-9501	East Drumore Township Lancaster County	SCRO
3121801	Joint DEP/PFBC Pesticides Permit	Issued	US Army Corp Of Engineering 6145 Seven Points Road Hesston, PA 16647-8303	Penn Township Huntingdon County	SCRO
3513828	Joint DEP/PFBC Pesticides Permit	Issued	Gravel Pond Association 190 N Gravel Pond Road Clarks Summit, PA 18411-7815	South Abington Township Lackawanna County	NERO
4013804	Joint DEP/PFBC Pesticides Permit	Issued	Lake Louise POA RR 3 Box 290a Dallas, PA 18612	Franklin Township Luzerne County	NERO
4313808	Joint DEP/PFBC Pesticides Permit	Issued	New Light Baptist Church 3803 Frazier Street Pittsburgh, PA 15213-4534	Perry Township Mercer County	NWRO
4513836	Joint DEP/PFBC Pesticides Permit	Issued	East Stroudsburg Borough Monroe County P.O. Box 303 East Stroudsburg, PA 18301-0303	East Stroudsburg Borough Monroe County	NERO
4624802	Joint DEP/PFBC Pesticides Permit	Issued	Old York Road CC P.O. Box 490 Ambler, PA 19002	Horsham Township Montgomery County	SERO
4821801	Joint DEP/PFBC Pesticides Permit	Issued	Thomas H Gulick 441 Bierys Bridge Road Bethlehem, PA 18017-1101	Bethlehem City Northampton County	NERO
6121802	Joint DEP/PFBC Pesticides Permit	Issued	Jack and Penny Ferringer 1010 Buxton Road Titusville, PA 16354-8100	Cherrytree Township Venango County	NWRO
6413804	Joint DEP/PFBC Pesticides Permit	Issued	Ariel Land Owners Inc. P.O. Box 503 Lake Ariel, PA 18436-0503	Lake Township Wayne County	NERO
6413819	Joint DEP/PFBC Pesticides Permit	Issued	Patton Belle 47 Kuhn Lane Honesdale, PA 18431-9600	Paupack Township Wayne County	NERO
6613805	Joint DEP/PFBC Pesticides Permit	Issued	Mazzanti Lisa 102 W Avery Station Road Springville, PA 18844-8016	Lemon Township Wyoming County	NERO
PAI130021	MS4 Individual NPDES Permit	Issued	Marple Township Delaware County 227 S Sproul Road Broomall, PA 19008-2341	Marple Township Delaware County	SERO
PAI130518	MS4 Individual NPDES Permit	Issued	East Vincent Township Chester County 262 Ridge Road Spring City, PA 19475-2203	East Vincent Township Chester County	SERO
PAI132226	MS4 Individual NPDES Permit	Issued	Emmaus Borough Lehigh County 28 S 4th Street Emmaus, PA 18049-3802	Emmaus Borough Lehigh County	NERO
PAI132277	MS4 Individual NPDES Permit	Issued	Hazleton City Luzerne County 40 N Church Street Hazleton, PA 18201-5862	Hazleton City Luzerne County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAI136144	MS4 Individual NPDES Permit	Issued	Dormont Borough Allegheny County 1444 Hillsdale Avenue Suite 10 Pittsburgh, PA 15216-2091	Dormont Borough Allegheny County	SWRO
PA0218413	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Economy Borough Municipal Authority Beaver County 2860 Conway Wallrose Road Baden, PA 15005-2306	Economy Borough Beaver County	SWRO
0183401	Major Sewage Treatment Facility Individual WQM Permit	Issued	Littlestown Borough Authority Adams County 41 South Columbus Avenue Littlestown, PA 17340-1612	Littlestown Borough Adams County	SCRO
3614405	Major Sewage Treatment Facility Individual WQM Permit	Issued	Nebula Realty Trust 123 Gilpin Drive West Chester, PA 19382-7412	Earl Township Lancaster County	SCRO
3602204	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Pennmar Dairy LLC 110 Cornwall Lane Peach Bottom, PA 17563-9767	Fulton Township Lancaster County	SCRO
PA0285056	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Duquesne Light Co. 2825 New Beaver Avenue Pittsburgh, PA 15233	Springdale Township Allegheny County	SWRO
PA0060721	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Pocono Plateau Christian Association 304 Pocono Plateau Road Cresco, PA 18326-7888	Barrett Township Monroe County	NERO
PA0065242	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Lower Milford Township Lehigh County 7607 Chestnut Hill Church Road Coopersburg, PA 18036-3712	Lower Milford Township Lehigh County	NERO
PA0081795	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	TKSM LLC 1190 Wyndsong Drive York, PA 17403-4492	Monroe Township Cumberland County	SCRO
PA0083160	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Anchor Mobile Estates Peifer & Gross Inc. P.O. Box 506 Elizabethtown, PA 17022-0506	Butler Township Adams County	SCRO
PA0085979	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Guest Farm Village Sewer Authority 11364 Fort Loudon Road Mercersburg, PA 17236-8503	Montgomery Township Franklin County	SCRO
PA0262137	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Nebula Realty Trust 123 Gilpin Drive West Chester, PA 19382-7412	Earl Township Lancaster County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0266817	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Fayette Township Juniata County 181 Bunkertown Road McAlisterville, PA 17049	Fayette Township Juniata County	SCRO
PA0033995	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Berks County 633 Court Street 14th Floor Reading, PA 19601-4322	Bern Township Berks County	SCRO
0223207	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	USHHS CDC 626 Cochrans Mill Road P.O. Box 18070 Pittsburgh, PA 15236-3611	South Park Township Allegheny County	SWRO
3424401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Port Royal Borough Municipal Authority Juniata County 804 W 8th Street P.O. Box 236 Port Royal, PA 17082-9400	Port Royal Borough Juniata County	SCRO
NNOEXNC12	No Exposure Certification	Issued	Walmart Stores East LP 702 SW 8th Street Bentonville, AR 72712-6209	Bradford Township Clearfield County	NCRO
NNOEXSC12	No Exposure Certification	Issued	Alcon Research LLC 714 Columbia Avenue Sinking Spring, PA 19608-1405	Sinking Spring Borough Berks County	SCRO
NNOEXSC48	No Exposure Certification	Issued	TE Connectivity Corp 1590 Kauffman Road Landisville, PA 17538-1400	East Hempfield Township Lancaster County	SCRO
NOEXSC276	No Exposure Certification	Issued	Menasha Packaging Co. LLC 30 Grumbacher Road York, PA 17406-8420	Manchester Township York County	SCRO
NOEXSC422	No Exposure Certification	Issued	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Chambersburg Borough Franklin County	SCRO
NOEXSW232	No Exposure Certification	Issued	Eloop LLC 1 Wesco Drive Export, PA 15632-3902	Murrysville Borough Westmoreland County	SWRO
PAG032351	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Flaw Inc. 1600 S 25th Street Easton, PA 18042-6065	Wilson Borough Northampton County	NERO
PAG033857	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Safety Kleen System Inc. 10 Eleanor Drive New Kingstown, PA 17072	Silver Spring Township Cumberland County	SCRO
PAG034077	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sonoco Products Co. 30 W Meadow Avenue Robesonia, PA 19551-1701	Robesonia Borough Berks County	SCRO
PAG034083	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	White Oak Mills Inc. 419 W High Street Elizabethtown, PA 17022-2143	Elizabethtown Borough Lancaster County	SCRO
PAG034915	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Waste Management PA Inc. 206 Quarry Road Coal Township, PA 17866-7731	Coal Township Northumberland County	NCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG034928	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Choice Fuelcorp Inc. 2344 Sylvan Dell Road Williamsport, PA 17702-8521	Armstrong Township Lycoming County	NCRO
PAG034939	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Rolling Frito Lay Sales LP 23 Beethoven Street Binghamton, NY 13905-4250	Ralpho Township Northumberland County	NCRO
PAG036215	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Durham School Service LP 1112 1st Avenue Jefferson Hills, PA 15025	Jefferson Hills Borough Allegheny County	SWRO
PAG036488	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	The Techs Ind Inc. 300 Mifflin Road Pittsburgh, PA 15207-1910	Pittsburgh City Allegheny County	SWRO
PAG036557	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	48forty Solutions LLC 4201 Grand Avenue Pittsburgh, PA 15225-1524	Pittsburgh City Allegheny County	SWRO
PAG036576	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Whiteley Auto Wreckers 140 Willow Street Brownsville, PA 15417-9564	Monongahela Township Greene County	SWRO
PAG038341	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Eli D Miller d/b/a Andys Sawmill 2619 Pike Road Punxsutawney, PA 15767-4052	Henderson Township Jefferson County	NWRO
PAG038344	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Durham School Service LP 2601 Navistar Drive Lisle, IL 60532-3661	Wattsburg Borough Erie County	NWRO
PAG038469	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Speer Carbon Co. LLC 806 Theresia Street Saint Marys, PA 15857-1831	Saint Marys City Elk County	NWRO
PAG038534	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Daniel F Kutsch 4510 Route 322 Reynoldsville, PA 15851-6170	Winslow Township Jefferson County	NWRO
PAG038557	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Northwest Hardwoods Inc. 237 Highland Drive Marienville, PA 16239-4009	Ridgway Township Elk County	NWRO
PAG038564	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Vernon Township Crawford County	NWRO
PAG038569	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lipinski Logging & Lumber Inc. 3731 State Route 208 Kennerdell, PA 16374-1515	Brokenstraw Township Warren County	NWRO
PAG038574	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Saxonburg Blvd Auto Parts Inc. 1140 Saxonburg Boulevard Saxonburg, PA 16056-9116	Clinton Township Butler County	NWRO
PAG041272	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Newell Steven R 102 Abbott Road Saint Marys, PA 15857-3402	Saint Marys City Elk County	NWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG043649	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Blankley Michael G 5083 Elk Lick Road Everett, PA 15537-7721	Monroe Township Bedford County	SCRO
PAG043988	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Foltz Jeremy 15040 Shimpstown Road Mercersburg, PA 17236-9711	Montgomery Township Franklin County	SCRO
PAG045301	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	David A and Hope S Finfrock 377 Seymour Hill Road Mansfield, PA 16933-8958	Sullivan Township Tioga County	NCRO
PAG048313	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Anna and Randy Maring 2803 Pine Valley Road Columbus, PA 16405-3903	Freehold Township Warren County	NWRO
PAG048383	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Duffy Dennis P 198 Church Road Fombell, PA 16123-2404	Deer Creek Township Mercer County	NWRO
PAG048477	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Gary L Gerasimek P.O. Box 261 Sharpsville, PA 16150-0261	South Pymatuning Township Mercer County	NWRO
PAG048488	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Heidi and Michael Kokoski 1831 N Vernon Road Fredonia, PA 16124-3215	Fairview Township Mercer County	NWRO
PAG048490	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Nehme Said 1041 Washington Road Pittsburgh, PA 15228-2005	Lake Township Mercer County	NWRO
PAG048498	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Campbell Jeffrey R 2005 Maxwell Lane Mars, PA 16046-2137	Monroe Township Clarion County	NWRO
PAG048549	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Tutmaher Shawn 734 Egypt Hollow Road Warren, PA 16365-8121	Glade Township Warren County	NWRO
PAG048604	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Debra and Wayne Sutton 5345 Tamarack Drive Sharpsville, PA 16150-9445	South Pymatuning Township Mercer County	NWRO
PAG048679	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Hrwatzki Michael 10339 Johnnycake Ridge Road Concord, OH 44077	Pittsfield Township Warren County	NWRO
PAG048731	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Gildersleeve Jamie 318 Patterson School Road Grove City, PA 16127-7024	Wolf Creek Township Mercer County	NWRO
PAG048830	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Daric and Terilynn Wise 2601 S Roanoke Street Gilbert, AZ 85295-2371	Pittsfield Township Warren County	NWRO
PAG048935	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Donnell Brian 14300 Route 957 Sugar Grove, PA 16350-2806	Freehold Township Warren County	NWRO

II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC390291	PAG-02 General Permit	Issued	Tiger Den Partners V, LLC c/o Joseph Correia 171 Route 173 Suite 201 Asbury, NJ 08802	City of Allentown Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104-5728 610-391-9583 RA-EPWW-NERO@ pa.gov
PAC010265	PAG-02 General Permit	Issued	Brandon Botts 201 West Imperial Drive Aspers, PA 17304	Cumberland Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PA360001C	PAG-02 General Permit	Issued	PPL Elec Utilities Corp 1639 Church Road Allentown, PA 18104	Ephrata Borough Clay Township and Ephrata Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC670306A-2	PAG-02 General Permit	Issued	3625 Mia Brae LP P.O. Box 1627 York, PA 17405	West Manchester Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430
PA300001C	PAG-02 General Permit	Issued	Peoples Natural Gas Company, LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212	Aleppo Township and Ebensburg Township Greene County	Greene County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120 SWRO
PAC380118	PAG-02 General Permit	Issued	Woodcrest Developers, LLC 400 North Cedar Street Lititz, PA 17543	Swatara Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275
PAC380299	PAG-02 General Permit	Issued	Candler's Point, LLC 529 East Main Street Lititz, PA 17543	South Annville Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275
PAC380297	PAG-02 General Permit	Issued	Frank Grigoli 1690 Chestertown Road Allentown, PA 18104	South Lebanon Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360942	PAG-02 General Permit	Issued	Penn Township 97 N. Penryn Rd Manheim, PA 17545	Penn Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360362	PAG-02 General Permit	Issued	Community Bible Church 331 Anderson Ferry Road Marietta, PA 17547	East Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC540156	PAG-02 General Permit	Issued	Douglas R Berry 4550 Lena Drive Suite 201 Mechanicsburg, PA 17055	West Brunswick Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@ pa.gov
PAC140158	PAG-02 General Permit	Issued	Toftrees Golf Resort 1 Country Club Lane State College, PA 16803	Patton Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 814-355-6817
PAC140162	PAG-02 General Permit	Issued	Bellefonte Area School District 1002 Airport Road Bellefonte, PA 16823	Bellefonte Borough Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 814-355-6817
PAC170060-1	PAG-02 General Permit	Issued	Rusty Gate Apartments, LLC c/o Wes Smith Chestnut Ave DuBois, PA 15801	Sandy Township Clearfield County	Clearfield County Conservation District 6395 Clearfield- Woodland Hwy Suite 2 Clearfield, PA 16830 814-765-2629
PAC170085	PAG-02 General Permit	Issued	West Branch Area School District c/o Mark Mitchell 516 AllPort Cutoff Morrisdale, PA 16858	Morris Township Clearfield County	Clearfield County Conservation District 6395 Clearfield- Woodland Hwy Suite 2 Clearfield, PA 16830 814-765-2629
PAC190085	PAG-02 General Permit	Issued	Joel Vought 295 West 11th Street Bloomsburg, PA 17815	Briar Creek Borough Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310
PAC190072 A-1	PAG-02 General Permit	Issued	Columbia Montour Area Vocational Technical School 5050 Sweppenheiser Dr. Bloomsburg, PA 17815	South Centre Township Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310
PAC410108	PAG-02 General Permit	Issued	Steve Krouse 7824 Coudersport Pike Lock Haven, PA 17745	Fairfield Township Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC410105	PAG-02 General Permit	Issued	Penallen Corporation 1821 South 19th Street Harrisburg, PA 17104	City of Williamsport Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003
PAC470041	PAG-02 General Permit	Issued	Lightsource BP, LLC 400 Montgomerly St 8th Floor San Francisco, CA 94104	Liberty Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821 570-271-1140
PAC470043 A-1	PAG-02 General Permit	Issued	Geisinger Medical Center 100 N. Academy Ave Danville, PA 17821	Mahoning Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821 570-271-1140
PAC600118	PAG-02 General Permit	Issued	Lewisburg Area School District Cathy Moser 48 Fairground Road Lewisburg, PA 17837	East Buffalo Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860
PAC430114	PAG-02 General Permit	Issued	PTV 1358 LLC 400 Penn Center Boulevard Building 4 Suite 1000 Pittsburgh, PA 15235	Hempfield Township Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC230279	PAG-02 General Permit	Issued	Asset Realty & Construction Group, Inc. c/o Dino Tomasetti 1590 Troy Avenue Brooklyn, NY 11234-1444	City of Chester Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

NUTRIENT MANAGEMENT PLAN
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Yippe Farms! Arlin Benner 880 Pinkerton Road Mount Joy, PA 17552	Lancaster County	702.3	1349.25	Dairy Beef	NA	Approved
Lexington Acres Dan Bollinger 306 East Lexington Road Lititz, PA 17543	Lancaster County	67.2	401.56	Swine Pullets Steers	NA	Approved
Noah W Kreider and Sons Milton Grove Farms 2036 Mount Pleasant Road Mount Joy, PA 17545	Lancaster County	185.3	5526.4	Layers	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

Contact: Joseph Cherinko, P.E., Environmental Engineer, 570-826-2090.

Operation Permit No. 2450034, Public Water Supply.

Applicant	Brodhead Creek Regional Authority
Address	410 Mill Creek Road East Stroudsburg, PA 18301
Municipality	Stroud Township
County	Monroe County
Consulting Engineer	Dennis Yoder, PE, PP, CME 2059 Springdale Road Cherry Hill, NJ 08003
Application Received	August 29, 2023
Permit Issued	April 26, 2024
Description	Approval to operate the rehabilitated Northgate Elevated Water Storage Tank.

Construction Permit No. 4523507MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water Company
Address	852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Coolbaugh Township
County	Monroe County
Consulting Engineer	Chelsea L. Pearce, P.E. 501 Allendale Road Suite 203 King of Prussia, PA 19406
Application Received	September 14, 2023
Permit Issued	April 10, 2024
Description	Approval to construct the replacement Well 4K Treatment Facility.

Construction Permit No. 5223506, Major Amendment, Public Water Supply.

Applicant	Laurel Woods MHC, LLC
Address	100 Swale Brook Lane Milford, PA 18337
Municipality	Lackawaxen Township

County **Pike County**
 Consulting Engineer Irina O. Hott, P.E.
 466 South Main St
 Montrose, PA 18801
 Application Received November 6, 2023
 Permit Issued April 18, 2024
 Description Approval for addition of
 manganese filtration.

Construction Permit No. 6423507, Major Amend-
 ment, Public Water Supply.

Applicant **Camp Starlight, Inc.**
 Address P.O. Box 33389
 Palm Beach Gardens, FL 33420
 Municipality Preston Township
 County **Wayne County**
 Consulting Engineer Anthony Price, P.E.
 P.O. Box 232
 Kulpsville, PA 19443
 Application Received December 20, 2023
 Permit Issued April 29, 2024
 Description Approval to construct 4-Log
 Inactivation of Viruses.

Construction Permit No. 6423507, Minor Amend-
 ment, Public Water Supply.

Applicant **Orwigsburg Borough**
 Address 333 South Liberty Street
 Orwigsburg, PA 17961
 Municipality Orwigsburg Borough
 County **Schuylkill County**
 Consulting Engineer Chris Cope
 201 Penn Street
 Reading, PA 19603
 Application Received January 22, 2024
 Permit Issued April 17, 2024
 Description Approval to switch to SLI-5216
 and sodium permanganate.

Contact: Ryan Fox, Env. Engineering Specialist, 570-
 826-2533.

Transfer Permit No. 2450129, Public Water Supply.

Applicant **AvenaTec Properties, LLC**
 Address 4492 Hanoverville Rd.
 Bethlehem, PA 18020
 Municipality Middle Smithfield Township
 County **Monroe County**
 Application Received February 20, 2024
 Permit Issued April 30, 2024
 Description Transfer of ownership of Rocky
 Ridge Estates (PWSID 2450129)
 to AvenaTec Properties, LLC.

Transfer Permit No. 2450028, Public Water Supply.

Applicant **AvenaTec Properties, LLC**
 Address 4492 Hanoverville Rd.
 Bethlehem, PA 18020
 Municipality Middle Smithfield Township

County **Monroe County**
 Application Received February 20, 2024
 Permit Issued April 30, 2024
 Description Transfer of ownership of Pocono
 Mobile Home Estates (PWS ID
 2450028) to AvenaTec Properties,
 LLC.

Transfer Permit No. 2450084, Public Water Supply.

Applicant **AvenaTec Properties, LLC**
 Address 4492 Hanoverville Rd.
 Bethlehem, PA 18020
 Municipality Middle Smithfield Township
 County **Monroe County**
 Application Received February 20, 2024
 Permit Issued April 30, 2024
 Description Transfer of ownership of
 Lynwood Acres (PWSID 2540084)
 to AvenaTec Properties, LLC.

Operation Permit No. 3540069, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Address 762 West Lancaster Ave.
 Bryn Mawr, PA 19010
 Municipality Deer Lake Borough
 County **Schuylkill County**
 Consulting Engineer GHD Inc.
 298 East 5th St.
 Suite 1
 Bloomsburg, PA 17815
 Application Received March 25, 2024
 Permit Issued May 6, 2024
 Description Operation Permit issued
 following installation of new
 chemical feed pump equipment
 at Aqua PA, Inc.—The Pines.

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

Contact: Joseph Mattucci, Program Manager, 717-705-
 4931.

Construction/Operation Permit No. 3624506 MA,
 Minor Amendment, Public Water Supply.

Applicant **Christiana Municipal Water
 Authority**
 Address 10 West Slokum Avenue
 Christiana, PA 17509
 Municipality Christiana Borough
 County **Lancaster County**
 Consulting Engineer Daniel R. Connolly, P.E.
 1848 Charter Lane
 Suite 214
 Lancaster, PA 17601
 Application Received February 22, 2024
 Permit Issued May 3, 2024

Description On February 3, 2024, the well pump at Well No. 3 with Christiana Municipal Water Authority (Authority) failed. The Authority replaced the well pump at Well No. 3 on February 5, 2024, simultaneously applied to the Department for an operation permit.

Construction Permit No. 2223516 MA, Minor Amendment, Public Water Supply.

Applicant **Pillow Borough Authority**

Address 174 South Union Street
Pillow, PA 17080

Municipality Pillow Borough

County **Dauphin County**

Consulting Engineer Joshua C. Owens, P.E.
725 Hickory Road
Dalmatia, PA 17017

Application Received December 19, 2023

Permit Issued May 3, 2024

Description This construction permit is for the rehabilitation of the standpipe for the Pillow Borough Authority (Authority) during which repairs to and recoating of the standpipe will occur. Additionally, a section of piping will be replaced. While rehabilitating the standpipe, the Authority proposes to use a temporary 6,000-gallon hydropneumatic bladder tank for the limited duration of the project.

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

Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.

Operation Permit 1424504. PWSID No. **4140814**. **Kearns Campground**, 137 Kearns Road, Spring Mills, PA 16875, Potter Township and Spring Mills, **Centre County**. Application received: April 5, 2024. Permit Issued: May 6, 2024. This permit approves operation of the existing Kearns Campground transient noncommunity water system and recent upgrades. The existing water system includes Well No. 1, disinfection facilities, a hydropneumatic tank, two 120-gallon detention tanks, and the distribution system. Recently completed modifications included the installation of a flow meter, upgraded flow-paced disinfection facilities, two additional 120-gallon detention tanks, a 12-gpm flow restrictor, and verification of 4-log inactivation of viruses.

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist, 717-705-4700.

Construction/Operation Permit 6724504 MA. PWSID No. **7670100**. **The York Water Company**, 130 East Market Street, York, PA 17401, Springettsbury Township, **York County**. Application received: March 13,

2024. Permit Issued: May 6, 2024. This action authorizes rehabilitation and repainting of the Pleasureville Water Storage Tank and the installation of a tank mixer.

Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.

Operation Permit 4446353. PWSID No. **4446353**. **Berube's Crystal Clear Water, LLC**, 819 Electric Avenue, Lewistown, PA 17044, Granville Township, **Mifflin County**. Application received: April 26, 2024. Permit Issued: May 1, 2024. Comprehensive operation permit for the operation of new vending units at a new location, as well as superseding all existing special permit-by-rule approvals.

Construction Permit 5024504 MA. PWSID No. **7500800**. **PA DCNR—Bureau of State Parks**, RCSOB, 8th floor, 400 Market Street, Harrisburg, PA 17101, Juniata Township, **Perry County**. Application received: March 20, 2024. Permit Issued: May 1, 2024. Construction permit for temporary bulk water hauling at the Little Buffalo State Park for the 2024 camping season.

Operation Permit 5024504 MA. PWSID No. **7500800**. **PA DCNR—Bureau of State Parks**, RCSOB, 8th floor, 400 Market Street, Harrisburg, PA 17101, Juniata Township, **Perry County**. Application received: May 2, 2024. Permit Issued: May 3, 2024. Operation permit for the temporary bulk water hauling for Little Buffalo State Park.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: RA-EPSWSDW@pa.gov.

Operation Permit 0424513MA. PWSID No. **5040008**. **Borough of Ambridge Water Authority**, 600 Eleventh Street, P.O. Box 257, Ambridge, PA 15003, Ambridge Borough, **Beaver County**. Application received: April 30, 2024. Permit Issued: May 3, 2024. Issuance of Public Water Supply Operation Permit No. 0424513MA for operation of the rehabilitated Filter No. 3.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

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

Contact: Lindsay Graeff, Sewage Planning Specialist, 717-705-4866.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Marion Township	420 Water Street Stouchsburg, PA 19567	Berks County

Plan Description:

Marion Township Sewage Plan, B1-06943-ACT. The Official Plan Update Provides Connection To Public Sewer In 2 Phases: 1b. And 2. The Total Potential Public Sewer Area Includes Approx 300 Edu's Or Flows Of 67,500 Gpd Using A Combination Of Gravity And Low-Pressure Pumping Systems.

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

Contact: Sewage Facilities Planning Section, ra-epsrocwplanning@pa.gov.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Clifton Heights Borough	30 South Springfield Road Clifton Heights, PA 19018	Delaware County

Plan Description:

Clifton Heights Middle School, 1-23818-020-3J. A new middle school building that will replace the former Clifton Heights Middle School building; the new school population will be 895 students and staff. The project will be connected to the Clifton Heights Borough collection system and will generate 4,377 gallons of sewage per day to be treated at the Philadelphia Water Department's Southwest Water Pollution Control Plant.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

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

Contact: Thomas M. Randis Program Manager.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Benner Township Bellefonte Borough Centre County	1224 Buffalo Run Rd. Bellefonte, PA 16823	Centre County

Plan Description:

PA Game Commission Northcentral Regional Office-SGL-333-Shiloh Road Sewer Extension, APS1112322. The PA Game Commission Northcentral Regional Office-SGL-333-Shiloh Road Sewer Extension is denied as it does not qualify for a Municipal or Authority Sponsored Minor Sewage Collection Project Sewage Facilities Planning Module (Component 3M). The submission entails the construction of a 5,060 linear-foot private collection and conveyance system, and duplex grinder pump station that are to serve entirely new development for the PA Game Commissioner's proposed Northcentral Regional Office and connect to public sewage facilities that do not exist and are not even permitted yet.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of

the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The Department has received the following plans and reports.

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

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

Repsol Oil & Gas USA, LLC Red Burn Road, Primary Facility ID # 873742, Red Burn Road, Trout Run, PA 17771, McIntyre Township, **Lycoming County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Repsol Oil & Gas USA LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, submitted a Final Report concerning remediation of soil contaminated with produced water and diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

Former Gasoline Service Station, Primary Facility ID # 874436, 774-784 Hellertown Road, Bethlehem, PA 18015, City of Bethlehem, **Northampton County**. White-stone Associates, 1600 Manor Drive, Suite 220, Chalfont, PA 18914, on behalf of CCAN, LLC, 1115 Gaspar Avenue, Bethelhem, PA 18017, submitted a Remediation Investigation Report/Final Report concerning remediation of soil and groundwater contaminated with petroleum, lead, and benzo(a)pyrene. The Remediation Investigation Report/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

R&L Carriers, Primary Facility ID # 853014, 115 Armstrong Road, Pittston, PA 18640, Pittston Township, **Luzerne County**. BP Environmental, 8615 Commerce Drive, Unit One, Easton, MD 21601, on behalf of RLR Investments, LLC, 600 Gillam Road, Wilmington, OH 45177, submitted a Final Report concerning remediation of soil contaminated with diesel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

21 Ridge Street, Primary Facility ID # **873420**, 21 Ridge Street, Dallas, PA 18612, Dallas Township, **Luzerne County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Karen Nyland, 21 Ridge Street, Dallas, PA 18612, submitted a Final Report concerning remediation of soil contaminated with heating oil from an aboveground storage tank. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

18 Macintosh Road, Primary Facility ID # **828322**, 18 Macintosh Road, Levittown, PA 19056, Bristol Township, **Bucks County**. Richard D. Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Andrea G. Stewart, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Phoenix French Creek Manor, Primary Facility ID # **804650**, North Main Street, Phoenixville, PA 19460, Phoenixville Borough, **Chester County**. Paul White, ARM Brickhouse, 515 South Franklin Street, West Chester, PA 19382, on behalf of Greg Lingo, Rockwell French Creek TH LP, 126 East State Street, Media, PA 19063, PA 19063, submitted a Final Report concerning remediation of soil contaminated with SVOCs, VOCs and metals. The Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

No. 4 Separator Release, Primary Facility ID # **87444**, 3144 West Passyunk Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Kevin Long, Terraphase Engineering, Inc., 100 Canal Pointe Boulevard, Suite 110, Princeton, NJ 08540, on behalf of Anne R. Garr, Philadelphia Energy Solutions Refining and Marketing LLC, 3144 West Passyunk Avenue, Philadelphia, PA 19153, submitted a Final Report concerning remediation of soil contaminated with petroleum constituents. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Lockheed Martin Corporation, Primary Facility ID # **778937**, 230 Mall Boulevard, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. Mark Eschbacher, H&K Group, Inc., 2052 Locon Road, Skip-pack, PA 19474, on behalf of Tony C. Apanavage, Lockheed Martin Corporation, 550 North Hollywood Way, Suite 406, Burbank, CA, CA 91505, submitted a Cleanup Plan/Final Report concerning remediation of groundwater contaminated with tetrachloroethylene. The Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

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

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

A. Duie Pyle Trucking Terminal, Primary Facility ID # 873512, 2900 Hoover Avenue, Allentown, PA 18109, Hanover Township, **Lehigh County**. Compliance Management International, 2750 Morris Road, Suite A101, Lansdale, PA 19446, on behalf of A. Duie Pyle, 650 Westtown Road, P.O. Box 564, West Chester, PA 19381, submitted a Final Report concerning remediation of soil contaminated with diesel. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 2, 2024.

Aldrich Well Pad 1, Primary Facility ID # 770319, 2882 Great Bend Turnpike, Susquehanna, PA 18847, Gibson Township, **Susquehanna County**. Reliance Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300,

Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated with production fluid (brine). The Final Report demonstrated attainment of the Statewide health standards. Approved: May 6, 2024.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Wawa Store # 153, Primary Facility ID # 622986, 1946 North 11th Street, Reading, PA 19604, City of Reading, **Berks County**. Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite 1A, West Chester, PA 19382, on behalf of Wawa, Inc., 260 West Baltimore Pike, Media, PA 19063, submitted a Final Report concerning remediation of soil contaminated with Lead. The Final Report demonstrated attainment of the site-specific standards. Approved: April 30, 2024.

Michael Black Property, Primary Facility ID # 871172, 420 Willow Street, Highspire, PA 17113, Highspire Borough, **Dauphin County**. Environmental Maintenance Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Mr. Michael Black, 683 Sand Spur Drive, Eppers, PA 17319, submitted a Final Report concerning remediation of soil contaminated with No. 2 Heating Oil Compounds. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 3, 2024.

Kastenbaum Residence, Primary Facility ID # 838506, 3 Seven Springs Drive, Reading, PA 19607, Cumru Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Mr. Michael Kastenbaum, 2000 Cambridge Avenue, Apt. 151, Wyomissing, PA 19610, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with No. 2 Heating Oil Compounds. The Report demonstrated attainment of the Statewide health and site-specific standards. Approved: May 6, 2024.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Point Service Center, Primary Facility ID # 874929, 346 West Walnut Street, North Wales, PA 19454, North Wales Borough, **Montgomery County**. Richard Doran, HETI, 54 Nonset Path, Acton, MA 01720, on behalf of Jeremy Behe, Point Service Center, 346 Walnut Street, North Wales, PA 19454, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, pyrene, chrysene, benzo(a)anthracene, benzo(b)fluoranthene, indeno(1,2,3-cd)pyrene, benzo(g,h,i)perylene, and lead. The Final Report demonstrated attainment of the Statewide health standards. Approved: April 30, 2024.

PB 881 Dike Roadway Release—Point Breeze South Yard, Primary Facility ID # 856437, 3144 Passyunk Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Kevin Long, Terraphase Engineering, Inc., 100 Canal Pointe Boulevard, Suite 108, Princeton, NJ 08540, on behalf of Anne Garr, Philadelphia Energy Solutions Refining and Marketing, LLC, 111 South Wacker Drive, Suite 3000, Chicago, IL 60606,

submitted a Final Report concerning remediation of soil contaminated with benzene, cumene, ethylbenzene, 1,2,4-trimethylbenzene (124-TMB), 1,3,5-trimethylbenzene (135-TMB), toluene, xylenes, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, chrysene, fluorene, naphthalene, phenanthrene, and pyrene. The Final Report demonstrated attainment of the Statewide health standards. Approved: April 30, 2024.

3111 Grays Ferry Avenue, Primary Facility ID # 848277, 3111 Grays Ferry Avenue, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. Craig Herr, Liberty Environmental, Inc., 315 West Street, Suite 205, Lancaster, PA 17603, on behalf of Paul Frank, 3111 Grays Ferry, LLC, 2141 Downyflake Lane, Suite 400, Allentown, PA 18103, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of groundwater contaminated with VOCs, SVOCs and metals. The Report demonstrated attainment of the site-specific standards. Approved: April 25, 2024.

Panzer Residence, Primary Facility ID # 832938, 10 Unity Turn, Levittown, PA 19056, Middletown Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18703, on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169, submitted a Final Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, isopropyl benzene (cumene), methyl tertiary butyl ether (MTBE), 1,2,4-trimethylbenzene (TMB) and 1,3,5-TMB. The Final Report demonstrated attainment of the Statewide health standards. Approved: April 25, 2024.

U-Haul Moving & Storage of Riverview, Primary Facility ID # 817088, 8 East Oregon Avenue, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Aaron Epstein, PG., Partner Engineering & Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355, on behalf of Valentina Smith, AMERCO Real Estate Company, 2727 North Central Avenue, Phoenix, AZ 85004, submitted a Final Report concerning remediation of soil and groundwater contaminated with benzene, naphthalene, and 2-methylnaphthalene; and groundwater contaminated with chrysene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, dibenzo(a,h)anthracene, and lead. The Final Report demonstrated attainment of the Statewide health standards. Approved: April 24, 2024.

860 Unit Cooling Tower and Hartranft Street—Point Breeze South Yard, Primary Facility ID # 854903, 3144 Passyunk Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Kevin Long, Terraphase Engineering, Inc., 100 Canal Pointe Boulevard, Suite 108, Princeton, NJ 08540, on behalf of Anne R. Garr, Philadelphia Energy Solutions Refining and Marketing, LLC, 3144 West Passyunk Avenue, Philadelphia, PA 19153, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, chrysene, fluorene, naphthalene, phenanthrene, and pyrene. The Final Report demonstrated attainment of the Statewide health standards. Approved: April 26, 2024.

**REGISTRATION FOR RESIDUAL WASTE
GENERAL PERMITS**

Actions(s) Taken on Registration(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

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

Contact: Lisa D. Houser, P.E., Facilities Manager, 570 327-3740.

WMGR163NC002. Highland Field Services, LLC, 2000 Westinghouse Drive, Suite 400, Cranberry Township, PA 16066-5238, Chatham Township, **Tioga County**. General Permit registration for the storage of oil and gas liquid waste for use as a water supply to develop or hydraulically fracture an oil or gas well at the Norris Brook Tank Farm. Application received: August 10, 2023. Issued: May 1, 2024.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, 570-327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

**DETERMINATION OF APPLICABILITY FOR
RESIDUAL WASTE GENERAL PERMITS**

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

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

Contact: Carrie A. Fleming, Program Manager.

WMGR028SC007K. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Lower Allen Township, **Cumberland County**. This is for authorization under Residual Waste General Permit WMGR028 for the beneficial use of baghouse fines and/or scrubber precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, at New Enterprise Stone & Lime Co., Inc.'s Camp Hill HMA Plant at 1325 Spanglers Mill Road, Camp Hill, PA 17011. Application received: August 18, 2023. Issued: May 2, 2024.

Persons interested in reviewing the permit may contact John L. Oren, P.E., Permits Chief, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

WMGR028SC007L. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Silver Spring Township, **Cumberland County**. This is for authorization under Residual Waste General Permit WMGR028 for the beneficial use of baghouse fines and/or scrubber precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, at New Enterprise Stone & Lime Co., Inc.'s Locust Point HMA Plant at 55 North Locust Point Road, Mechanicsburg, PA 17050. Application received: August 18, 2023. Issued: May 2, 2024.

Persons interested in reviewing the permit may contact John L. Oren, P.E. Permits Chief, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) Usage Authorized Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to Construct, Modify, Reactivate or Operate Air Contamination Sources and Associated Air Cleaning Devices.

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

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

AG5-59-00016B: NFG Midstream Covington, LLC, 6363 Main Street, Williamsville, NY 14221, Delmar Township, **Tioga County**. The Department granted authorization to construct and operate one (1) 1,380 hp Caterpillar G3516J natural gas fired compressor engine controlled by an oxidation catalyst, one (1) 300-gallon engine oil tank, one (1) 300-gallon compressor oil tank, one (1) Kohler model D183TIC 18.3 L generator engine, ten (10) 2,500 BTU catalytic heaters, associated piping and components and authorization to continue operating three (3) 1,380 bhp Caterpillar G3516B LE, 4-stroke, lean burn, natural gas-fired, engine equipped with an EMIT Tech model ELX-4200 oxidation catalyst, one (1) 60 MMSCFD triethylene glycol dehydration unit with associated 0.50 MMBtu/hr reboiler and flash tank, three (3) 300-gallon engine oil tanks, three (3) 300-gallon compressor oil tanks, one (1) 300-gallon triethylene glycol tank, one (1) 15,000-gallon waste fluid tank and fugitives from associated piping and components, all pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Lawton Compressor Station. Application received: January 24, 2023. Authorized May 2, 2024. New expiration date: May 1, 2029.

AG5-59-000005C: Mainesburg GS, LP, 5613 DTC Parkway, Suite 310, Greenwood Village, CO 80111, Sullivan Township, **Tioga County**. The Department reauthorized the continued operation of one (1) 1,340 bhp Caterpillar model G3516 ultra lean burn natural gas fired compressor engine with an oxidation catalyst, two (2) 3,550 bhp Caterpillar model G3612 lean burn natural gas fired compressor engines with oxidation catalyst and SCR control, two (2) 30 MMscf/day dehydration units with 0.50 MMBtu/hr reboiler burners, two (2) 210 bbl/8,820 gallon produced fluids tanks, one (1) 100 bbl/4,200 gallon produced fluids tank, one (1) 400 bbl/16,800 gallon pro-

duced fluids tank, miscellaneous lubrication oil and glycol tanks and fugitive emissions pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Wells Compressor Station. Application received: April 11, 2024. Renewed: May 3, 2024. New expiration date: May 2, 2029.

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

Contact: Shailesh Patel, New Source Review Chief, 570-826-2341.

AG5-58-00008A: Appalachia Midstream Services, LLC, 30351 Route 6, Wysox, PA 18854, Auburn Township, **Susquehanna County**. The Department renewed the general Operating Permit GP5 for the operation of Natural Gas Compression and Natural Gas Dehydration plant at the facility located in Auburn Township, Susquehanna County. Application received: March 22, 2024. Issued: April 17, 2024.

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

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

GP1-21-03061A: UPMC Pinnacle Carlisle, 361 Alexander Spring Road, Carlisle, PA 17015, South Middleton Township, **Cumberland County**. For two (2) existing 12.555 MMBtu/hr. boilers, fueled with natural gas and No. 2 oil, at the hospital facility. Application received: March 25, 2024. Issued: April 30, 2024.

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

GP3-06-03183B: R.S. Services, 119 Falls Road, Beech Creek, PA 16822, New Morgan Borough, **Berks County**. For portable nonmetallic mineral processing equipment, under GP3, at the Conestoga Landfill. Application received: April 12, 2024. Issued: May 2, 2024.

GP11-06-03183B: R.S. Services, 119 Falls Road, Beech Creek, PA 16822, New Morgan Borough, **Berks County**. For five non-road engines under GP11, to operate portable nonmetallic mineral processing equipment, at the Conestoga Landfill. Application received: April 12, 2024. Issued: May 2, 2024.

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

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

GP5-65-00979G/AG5-65-00016A: Laurel Mountain Midstream Operating, LLC, 111 Enterprise Lane, Conellsville, PA 15425, South Huntingdon Township, **Westmoreland County**. General Operating Permit was authorized to Laurel Mountain Midstream Operating, LLC to replace and operate a flare rated at 6.18 MMBtu/hr at their existing Herminie CS located in South Huntingdon Township Westmoreland County. Application received: April 3, 2024. Authorized: April 30, 2024.

GP5A-04-00750A/AG5A-04-00001B: Range Resources Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317, Independence Township, **Beaver County**. The Department issued GP5A-04-00750A/AG5A-63-00001B authorization for the continued operation of their existing sources which includes: Six (6) gas wells, one (1) indirect fired line heater at 2.0 MMBtu/hr, one (1) separator at 0.5 MMBtu/hr, three (3) condensate 21,000-gallon each storage tanks, three (3) Produced Water Tanks, truck load-out for condensate and

produced water, two (2) enclosed flares rated at 12.2 MMBtu/hr, 14-low-bleed pneumatic controllers, 78-intermittent bleed pneumatic controllers, fugitives, and miscellaneous venting sources at their Jodikinos Carol 11380 Well Pad located in Independence Township, Beaver County. Application received: March 14, 2024. Authorized: May 6, 2024.

PA-65-01127: Kopp Technology Center, LLC, 1016 Progress Circle, Bell Vernon, PA 15012, Rostraver Township, **Westmoreland County**. The Department issued to Kopp Technology Center, LLC (1016 Progress Circle, Bell Vernon, PA 15012) to authorize to manufacture clear and colored glass products and to increase production capacity by adding additional glass melting furnaces at their Technology Center located in Rostraver Township, Westmoreland County, PA. Application received: February 22, 2024. Issued: May 1, 2024.

GP4-63-00462C: Joseph Femiani, 30 Linnwood Rd, Eighty Four, PA 15330, North Strabane Township, **Washington County**. The Department has evaluated and intends to issue a General Plan Approval and General Operating Permit for Burn Off Ovens (GP-4) to Rice Electric Company to operate the following equipment:

- One (1) Pollution Control Products Co. Model VPI-150 burn off oven. Application received: April 18, 2024. Accepted: May 1, 2024.

Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Maryjoy Ulatowski, Chief, Source Registration at 215-685-9476.

IP24-000042: Southeastern Pennsylvania Transportation Authority (SEPTA)—Roberts Complex, 4301 Wissahickon Avenue, Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a Plan Approval to extend the temporary operation of two (2) natural gas fired combined heat and power units, each rated at 6113 HP, and each controlled by a SCR and an Oxidation Catalyst System at the Southeastern Pennsylvania Transportation Authority (SEPTA)—Roberts Complex. The extension is effective until October 31, 2025. Application received: February 26, 2024. Issued: May 1, 2024.

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

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

28-05051A: AJ Stove and Pellet, LLC, 8642 Molly Pitcher Highway, Greencastle, PA 17225, Antrim Township, **Franklin County**. For construction of a wood pellet manufacturing plant with multi-clone emission control device. The plan approval was extended, with a compliance schedule. Application received: April 22, 2024. Issued: April 30, 2024.

67-05083F: Calpine Mid-Merit, LLC, 1055 Pikes Peak Road, Delta, PA 17314, Peach Bottom Township, **York County**. For the upgrade of the Block 2 Electricity Generation Project's nominally rated power output capacity from 760 MW to 830 MW at the York Energy Center. The plan approval was extended. Application received: April 19, 2024. Issued: May 3, 2024.

67-05083G: Calpine Mid-Merit, LLC, 1055 Pikes Peak Road, Delta, PA 17314, Peach Bottom Township, **York County**. For the modification of the York Energy

Center Block 2 Electricity Generation Project's turbine BACT emission limits. These limits are imposed on each combined cycle (CC) combustion turbine (CT) associated with the project. The existing facility is located in Peach Bottom Township, York County. The modification consists of the following changes to the requirements of P.A. No. 67-05083F (issued on August 1, 2016): 1.) Remove provisional status of any emission limits previously so specified except CO, 2.) Remove requirement for second stack test related to provisional emission limits, and 3) Remove the CO BACT emission limit for the CTs firing ULSD without duct burners from 3.5 ppmvd at 15% O₂ (3-hour block average; average of 3 test runs) to a bifurcated limit as follows: Load \geq 90% = 2.0 ppmvd at 15% O₂ (3-hour block average; average of 3 test runs); Load $<$ 90% = 3.5 ppmvd at 15% O₂ (3-hour block average; average of 3 test runs). The plan approval was extended. Application received: April 19, 2024. Issued: May 3, 2024.

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

36-05013A: Lancaster County Solid Waste Management Authority, 1911 River Road, Bainbridge, PA 17502-9360, Conoy Township, **Lancaster County**. For the installation of Covanta proprietary Low NO_x (LN) technology for each of the three (3) municipal waste combustors at the Lancaster Waste-to Energy (LWTE) facility, and the incorporation of presumptive, and alternative RACT 3 requirements for the MWCs, at the facility. As part of this plan approval the facility will upgrade the furnace Type K thermocouples used to measure furnace temperatures with infrared (IR) sensors. The plan approval was extended. Application received: April 23, 2024. Issued: April 30, 2024.

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

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

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

39-00092: Hale Trailer Brake & Wheel Inc., 5361 Oakview Drive, Allentown, PA 18104, Upper Macungie Township, **Lehigh County**. The Department issued a renewal State-Only Operating Permit for the operation of spray paint booths and their truck trailer manufacturing facility. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: September 13, 2023. Accepted: September 26, 2023. Issued: April 11, 2024.

40-00076: Wilkes-Barre Materials, LLC, 500 Chase Road, Shavertown, PA 18708, Plains Township, **Luzerne County**. The Department issued a renewal State-Only Operating Permit for their non-metallic mineral mining and processing and hot mix asphalt production. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: June 7, 2023. Accepted: June 22, 2023. Issued: April 23, 2024.

48-00112: Freshpet, Inc., 176 North Commerce Way, Bethlehem, PA 18017, Hanover Township, **Northampton**

County. The Department has issued a renewal State-Only (Natural Minor) Operating Permit for the Hanover Township facility. Sources at this facility include their boilers and 1.4 MW Cogen system. This permit also includes a CO oxidation catalyst as a control device. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: February 8, 2024. Accepted: February 8, 2024. Issued: May 2, 2024.

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

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

16-00177: Northwestern Pennsylvania Crematory, 330 Wood St., Clarion, PA 16214, Monroe Township, **Clarion County**. The Department issued a State Only Operating Permit for the crematory owned and operated by Northwestern Pennsylvania Crematory, Inc. The facility is a Natural Minor. The conditions of the previous plan approval are incorporated into the Operating Permit. The estimated emissions from the facility are 1.78 tpy Particulate Matter. 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. Application received: November 14, 2022. Permit issued: April 30, 2024.

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

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

67-03117: GEA Systems North America, LLC, 3475 Board Road, York, PA 17406-8414, Manchester Township, **York County**. For the refrigeration equipment manufacturing facility. The State-Only permit was renewed. Application received: August 23, 2023. Issued: April 23, 2024.

07-05025: Energy Transfer Marketing & Terminals LP, 101 West 3rd Street, Williamsport, PA 17701-6413, Allegheny Township, **Blair County**. For the petroleum products distribution terminal. The State-Only permit was renewed. Application received: December 21, 2023. Issued: April 25, 2024.

67-03043: Envirite of PA, Inc., 730 Vogelsong Road, York, PA 17404-6707, City of York, **York County**. For the hazardous waste disposal facility. The State-Only permit was renewed. Application received: June 27, 2023. Issued: April 30, 2024.

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

36-05106: Premier Custom Built, Inc., 110 Short Street, New Holland, PA 17557-1515, East Earl Township, **Lancaster County**. For the kitchen cabinet manufacturing facility. The State-Only permit was renewed. Application received: September 26, 2023. Issued: May 1, 2024.

06-03004: Metropolitan Edison Co., 76 South Main Street, Akron, OH 44308, Muhlenberg Township, **Berks County**. For the emergency generators at the facility. The State-Only permit was renewed. Application received: October 20, 2023. Issued: May 7, 2024.

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

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

09-00227: Central Bucks Crematory, Inc., 344 N Main St, Doylestown, PA 18901-3715, Doylestown Borough, **Bucks County**. This action is for the renewal of a non-Title V, Natural Minor Operating Permit for the operation of one (1) Human Crematory. Application received: December 22, 2023. Issued: April 30, 2024.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Aleppo Townships, **Greene County**. To revise the permit and related NPDES permit for grading at the entrance to the 6 South 3 Portal Facility; affecting 1.7 surface acres. Application received: August 31, 2023. Accepted: September 18, 2023. Issued: May 1, 2024.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17803023. NPDES No. PA0128198. Enercorp, Inc., 1310 Allport Cutoff, Morrisdale, PA 16858, Cooper Township, **Clearfield County**. Permit renewal for a bituminous surface coal mine and associated NPDES permit affecting 11.8 acres. Remaining mining activities consist only of operation and maintenance of a post-mining mine drainage water treatment system. Receiving stream(s): Basin Run classified for the following use(s): CWF. Application received: December 6, 2023. Accepted: December 15, 2023. Issued: May 1, 2024.

Mining Permit No. 17940107. NPDES No. PA0219801. River Hill Coal Company, Inc., P.O. Box 141, Kylertown, PA 16847, Karthaus Township, **Clearfield County**. Modification of an NPDES permit for a bituminous coal mine/coal refuse disposal for construction of a new treatment facility for pit water from a coal

surface mine that utilizes a non-discharge alternative, affecting 531.0 acres. Receiving stream(s): watershed of an unnamed tributary to Saltlick Run classified for the following use(s): HQ—CWF, MF. Application received: November 22, 2023. Accepted: November 28, 2023. Issued: May 1, 2024.

Noncoal Permits

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

Contact: Alicia Cook, Clerical Assistant 3, 814-343-3328.

Mining Permit No. 24240801. R.J. Vollmer Excavating, Inc., 1069 Trout Run Road, St. Marys, PA 15857, City of Saint Marys, **Elk County**. Commencement, operation and restoration of a small industrial minerals mine affecting 4.1 acres. Receiving stream(s): Elk Creek. Application received: February 20, 2024. Issued: May 2, 2024.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.

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

Contact: Andrew Ross, Project Manager, 570-327-3565.

E4904223-003. Blue Creek Investments LLC, 3445-A Box Hill Corporate Center Drive, Abingdon, MD 21009, Mount Carmel Township, **Northumberland County**. U.S. Army Corps of Engineers Baltimore District.

The permittee is authorized construction of a 912,000 square foot warehouse and associated parking, loading docks, and stormwater management facilities. The project proposes .07 acre of permanent wetland impacts and 0.96 acre of permanent pond impacts. Latitude: 40.78177°, Longitude: -76.44121°. Application received: September 12, 2023. Issued: April 29, 2024.

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E6602223-003. Procter & Gamble Paper Products Co. (P&G), 5188 PA-87, Mehoopany, PA 18629-0032, Washington Township, **Wyoming County**. U.S. Army Corps of Engineers Baltimore District.

To modify and maintain an existing water intake structures within the Susquehanna River (WWF, MF) with work consisting of dredging the bottom of the intake cove for the removal of approximately 815 cubic yards of sediment around the two intake pipes. The project is located in Washington Township, Wyoming County, PA, Quadrangle Latitude: 41°, 34', 6.3" Longitude: -76°, 02', 08". Application received: December 20, 2023. Issued: April 30, 2024.

E3502223-011. Lackawanna County, 1280 Mid Valley Drive, Jessup, PA 18434, Elmhurst Township, **Lackawanna County**. U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a 48-foot wide two-span prestressed concrete spread box beam bridge across Roaring Brook (CWF, MF) having a span of 46.67 feet per span and a 4.0-foot underclearance. Fill will be placed within the floodway for the new roadway approaches. To remove an existing gravel bar that is located in the left side of the channel upstream of the proposed bridge replacement. The gravel bar will be removed within 6 inches of the normal water surface, permanently impacting 107 linear feet of floodway. To construct and maintain a drainage outfall in the northwest bridge quadrant, to convey runoff from the roadway to Roaring Brook, permanently impacting 6 linear feet of floodway. The project is located in Elmhurst Township, Lackawanna County. (Olyphant, PA Quadrangle, Latitude: 41°, 22', 36"; Longitude: -75°, 32', 41"). Application received: December 19, 2023. Issued: May 2, 2024.

F4002224-001. Conyngham Township (Luzerne County Flood Protection Authority), P.O. Box 1999, Kingston, PA 18704, Conyngham Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River through the Wyoming Valley Levee Raising Project-Mitigation Program. Sites will be restored and stabilized to open space. Sites are owned by the Luzerne County Flood Protection Authority (LCFPA) and are in Conyngham Township, Luzerne County. 1. 95 Italy Street, Mocanaqua, PA 18655 (Shickshinny, PA Quadrangle Latitude: 41°, 8', 20.60"; Longitude: -76°, 8', 27.58") 2. 97 Italy Street, Mocanaqua, PA 18655 (Shickshinny, PA Quadrangle Latitude: 41°, 8', 20.60"; Longitude: -76°, 8', 27.58") Application received: February 8, 2024. Issued: May 7, 2024.

F4002224-002. Plymouth Township (Luzerne County Flood Protection Authority), P.O. Box 1909, Kingston, PA 18704, Plymouth Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River through the Wyoming Valley Levee Raising Project-Mitigation Program. Sites will be restored and stabilized to open space. Sites are owned by the Luzerne County Flood Protection Authority (LCFPA) and are in Plymouth Township, Luzerne County. 1. 165 U.S. Route 11, West Nanticoke, PA 18634 (Shickshinny, PA Quadrangle Latitude: 41°, 13', 21.68"; Longitude: -76°, 1', 10.31") 2. 175 U.S. Route 11, West Nanticoke, PA 18634 (Shickshinny, PA Quadrangle Latitude: 41°, 13', 21.65"; Longitude: -76°, 1', 12.36"). Application received: February 8, 2024. Issued: May 7, 2024.

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

Contact: 717-705-4802.

E2203223-006. Derry Township Municipal Authority, 670 Clearwater Road, Hershey, PA 17033, Derry Township, **Dauphin County**. U.S. Army Corps of Engineers Baltimore District.

1.) install and maintain a new 68.0-inch-wide by 43.0-inch-high reinforced concrete pipe stormwater outfall with a cast in place endwall and riprap apron choked with native streambed material in and along Spring Creek (WWF, MF) at Latitude: 40.285862, Longitude: -76.659268, all for the purpose of improving the drainage on Ridge Road. The project is located in Derry Township, Dauphin County. No wetlands will be impacted by this project. Application received: July 6, 2023. Approved: May 1, 2024.

E0103222-002. JVI Group, Inc., 8210 Carlisle Pike, York Springs, PA 17372, Straban Township, **Adams County**. U.S. Army Corps of Engineers Baltimore District.

To relocate 882 linear feet of a UNT to Rock Creek (WWF, MF), currently conveyed by defined surface channels, subsurface flow, and piping, for the purpose of a residential housing development. The relocated channel is designed to have a natural meander pattern, a natural streambed, grade control structures, and access to a floodway. A 98-inch by 63-inch elliptical RCP culvert, measuring 31 feet in length, will be installed in the

relocated channel. The project is located northeast of the intersection of Hunterstown Road and Route 30 in Straban Township, Adams County (Latitude: 39.8398; Longitude: -77.2121). No wetland impacts are proposed with the project. Application received: November 23, 2022. Authorized: May 6, 2024.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E0205222-023. North Fayette Township, 400 North Branch Road, Oakdale, PA 15071, Fayette Township, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: Remove an existing 30-foot long, concrete bridge and 90-foot long concrete retaining wall along the right bank, and to construct, operate, and maintain a replacement 14-foot wide, by 6-foot high, by 98-foot long box culvert, in an unnamed tributary (Tributary 36707) to Montour Run (TSF), for the purpose of replacing the existing structure that carries Mahoney Road over Tributary 36707 and repairing a failing embankment structure. Permanent impacts are to 98 linear feet of watercourse and 0.1 acre of floodway. Temporary impacts are to 182 linear feet of watercourse and 0.03 acre of floodway. The project site is located along Mahoney Road approximately 130 feet from its intersection with Cliff Mine Road (Oakdale, PA USGS topographic quadrangle; N: 40°, 27', 5.3"; W: -80°, 12', 21.53"; Sub-basin 20G; USACE Pittsburgh District), in North Fayette Township, Allegheny County. Application received: July 29, 2022. Issued: May 6, 2024.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 **ESG295824005-00**

Applicant Name **Williams Field Services Co, LLC**

Contact Person Jayme Stotka

Address 2000 Commerce Drive

City, State, Zip Pittsburgh, PA 15275

Township(s) Bridgewater Township

County **Susquehanna County**

Receiving Stream(s) and Classification(s) Beebe Creek

(CWF, MF), Unnamed Tributary to East Branch

Wyalusing Creek (CWF, MF)

Application received: April 5, 2024

Issued: May 6, 2024

Southwest District: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCP # **ESP07022300100E**

Applicant Name **Hyperion Midstream, LLC—Leto Compressor Station**

Contact Person Brian Dillemath, (724) 754-0110

bdillemath@olympusenergy.com

Address 305 Oak Road

City, State, Zip Gibsonia, PA 15044

Township(s) West Deer Township

County **Allegheny County**

Receiving Stream(s) and Classification(s) 001. Lat

40.63432, Long -79.88996, Tributary 42335 to Dawson

Run, Ch 93 Class CWF 002. Lat 40.63405, Long

-79.89070, Dawson Run, Ch 93 Class CWF

Application received: December 11, 2023

Issued: May 1, 2024

ESCGP # 3 **ESG070423006-00**

Applicant Name **Range Resources Appalachia, LLC—Miller Ralph 18119 Well Site**

Contact Person Karl Matz, (724) 873-3090,

kmatz@rangeresources.com

Address Bocktown Cork Road

City, State, Zip Clinton, PA 15026

Township(s) Independence Township

County **Beaver County**

Receiving Stream(s) and Classification(s) 001. Lat

40.51729, Long -80.31985, UNT to Raccoon Creek, Ch

93 class WWF 002. Lat 40.51819, Long -80.32004, UNT

to Raccoon Creek, Ch 93 class WWF

Application received: September 22, 2023

Issued: May 2, 2024

ESCGP # 3 **ESG070224001-00**

Applicant Name **Range Resources Appalachia, LLC—Norris Tank Pad**

Contact Person Karl Matz, (724) 873-3090,

kmatz@rangeresources.com

Address 2801 Lardintown Road

City, State, Zip Tarentum, PA 15084

Township(s) Fawn Township

County **Allegheny County**

Receiving Stream(s) and Classification(s) 001. Lat

40.66977, Long -79.79964, Lardintown Run, Ch 93 class

TSF 002. Lat 40.66485, Long -79.79895, Lardintown

Run, Ch 93 class TSF 003. Lat 40.66289, Long

-79.79797, Lardintown Run, Ch 93 class TSF

Application received: March 1, 2024

Issued: May 6, 2024

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

RV Beverage/Vamco Fuel Route 6 & 11 Property, Storage Tank Facility ID # **35-27640**, 801 Northern Boulevard, Clarks Summit, PA 18411, South Abington Township and Clarks Summit, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Vamco Fuel Route 6 & 11, 107 Squirrel Run, Clarks Summit, PA 18411, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting site-specific standards.

G&G Express Mart, Storage Tank Facility ID # **40-15488**, 320 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Gilbro Realty, 1241 South Main Street, Scranton, PA 18504, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide health standards.

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

Contact: Ben, 814-350-5132.

Laurel Run Food & Fuel, Storage Tank Facility ID # **24-00717**, 11117 Million Dollar Highway, Kersey, PA 15846, Fox Township, **Elk County**. DMS Environmental Services LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Sultan 7, LLC, 65 East 99th Street, Apt 9G, New York, NY 10029, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Diesel Fuel. The plan is intended to document the remedial actions for meeting nonresidential Site-Specific, Statewide Health, and Background.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Robin L. Yerger, LPG, 717-705-4705.

Former Hess Oil, Storage Tank Facility ID # **67-60871**, 203 Bunker Hill Avenue, Delta, PA 17314, Delta Borough, **York County**. P. Joseph Lehman, Inc. Consulting Engineers, P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Mr. William Hubbard, 59 Griffith Road, Delta, PA 17314, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document the remedial actions for meeting residential and nonresidential site-specific standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

710 S Gulph Rd, Storage Tank Facility ID # **46-06937**, 710 S Gulph Rd, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of PALG UST, LLC, 600 W. Hamilton Street, Suite 400, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of

studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Reja Real Estate, Storage Tank Facility ID # **48-08863**, 133 South First Street, Bangor, PA 18013, Bangor Borough, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Reja Real Estate, LLC, 133 South First Street, Bangor, PA 18013, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with heating oil. The report demonstrated attainment of the Statewide health standards and was approved by DEP on May 2, 2024.

PA0028 Scranton (former Joe's Kwik Mart 200), Storage Tank Facility ID # **35-20606**, 1327 Providence Road, Scranton, PA 18508, City of Scranton, **Lackawanna County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468, on behalf of Joseph Gentile Jr., 1031B Reeves Street, Dunmore, PA 18512, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report was not acceptable to meet the site-specific standards and was disapproved by DEP on May 3, 2024.

J.A. & W.A. Hess Ready Mix, Storage Tank Facility ID # **40-51043**, 10 Hess Road, Hazleton, PA 18202, Hazle Township, **Luzerne County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of J.A. & W.A. Hess, Inc., 10 Hess Road, Hazleton, PA 18202, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with diesel. The report demonstrated attainment of the site-specific standards and was approved by DEP on May 3, 2024.

Valley Mart 8, Storage Tank Facility ID # **40-22024**, 412 South Main Street, Wilkes-Barre, PA 18703, City of Wilkes-Barre, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of 412 Main,

LLC, 1534 Highway 315 Boulevard, Wilkes-Barre, PA 18702, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan was acceptable to meet the Statewide health standards and was approved by DEP on May 6, 2024.

Fill & Fly of Wind Gap, Storage Tank Facility 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 Fill & Fly of Wind Gap, LLC, 440 East Moorestown Road, Wind Gap, PA 18091, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan was acceptable to meet the Statewide health standards and was approved by DEP on May 6, 2024.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Michael Stefanic, P.G., 717-705-4705.

Pennsylvania State Police Academy, Storage Tank Facility ID # **22-12777**, 175 East Hershey Park Drive, Hershey, PA 17033-9528, Derry Township, **Dauphin County**. Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103, on behalf of Pennsylvania Department of General Services Arsenal Building, 1800 Herr Street, Harrisburg, PA 17125, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel fuel/fuel oil No. 2, leaded gasoline, and unleaded gasoline constituents. The report was acceptable to meet the nonresidential Statewide health standards and was approved by DEP on May 2, 2024.

Contact: Robin L. Yerger, LPG, 717-705-4705.

Former Hess Oil, Storage Tank Facility ID # **67-60871**, 203 Bunker Hill Avenue, Delta, PA 17314, Delta Borough, **York County**. P. Joseph Lehman, Inc. Consulting Engineers, P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Mr. William Hubbard, 59 Griffith Road, Delta, PA 17314, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The report did not demonstrate attainment of the residential and nonresidential site-specific standards and was disapproved by DEP on May 3, 2024.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

Blue Bell Sunoco, Storage Tank Facility ID # **46-20382**, 889 Dekalb Pike, Blue Bell, PA 19422, Whitpain Township, **Montgomery County**. Claymore Environmental LLC, 650 Germantown Pike, Lafayette Hill, PA 19444, on behalf of Brian Halligan, 113 E Mill Road, Flourtown, PA 91031, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan was acceptable to meet the nonresidential Statewide health standards and was approved by DEP on May 2, 2024.

SPECIAL NOTICES

WATER PROGRAMS

Application for National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities.

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

Contact: Andrew Ross, 570-321-6575.

The Department of Environmental Protection (DEP) has received an application for an Individual NPDES Permit from the applicant named as follows to authorize discharges of stormwater associated with construction activities from the project site named as follows to surface waters of the Commonwealth.

Applicant: **AAA State College Storage & Warehousing, LLC**

Applicant Address: 171 Manhasset Dr., Port Matilda, PA 16870

Application Number: **PAD140102**

Project Site Name: The Cascade Development

Project Site Address: North End of High Tech Road

Municipality/County: Benner Township, **Centre County**

Total Earth Disturbance Area: 16.3 acres

Surface Waters Receiving Stormwater Discharges: UNT to Buffalo Run (HQ-CWF, MF)

Project Description: Mixed use development with 146 residential units and 73 commercial units. Construction will include accompanying roadways, drive aisle, stormwater, water and sanitary sewer systems.

DEP has made a tentative decision to deny the application for the Individual NPDES Permit. A 30-day public comment period applies to this application and tentative decision. Interested persons may submit written comments to DEP at the previously listed address for DEP's consideration in taking a final action on the permit application. You may also review the permit application file by contacting DEP's File Review Coordinator at 570.321.6575.

Notice of Public Hearing.

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: RA-EPWW-NERO@Pa.Gov.

On August 31, 2022, the Department of Environmental Protection (PA DEP/Department) received an NPDES Permit application for the I80-115 C-1, Site, LLC Project, Blakeslee, PA 18610, in Tunkhannock Township, Monroe County. The application was deemed administratively complete on December 16, 2022. Written public comments were received during the public comment period and a public hearing was held on April 24, 2023. On March 30, 2024, a draft permit was published in the *Pennsylvania Bulletin* and written public comments were received during the public comment period.

The Department will hold a public hearing to accept additional comments on the documentation and plans

associated with the Individual NPDES Permit Application No. PAD450168 for the discharge of stormwater from construction activities to the following receiving watercourses:

EV Wetlands to Mud Pond Run (EV)

EV Wetlands to Tunkhannock Creek (EV)

The applicant is as follows:

- I80-115, C-1 Site, LLC. 186 Murphy Run Road, Stroudsburg, PA18380. Contact: David W. Moyer, I80-115, C-1 Site, LLC

The public hearing will be conducted on Thursday, June 20, 2024 from 6:00 p.m.—9:00 p.m. at the Tunkhannock Township Fire Hall located at 1539 Long Pond Road, Long Pond PA 18334. Representatives from the Department's Waterways & Wetlands Program, the Monroe County Conservation District and I-80-115 C-1 Site, LLC will be in attendance.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Colleen Connolly, Community Relations Coordinator at: coconnolly@pa.gov.

The Department will accept requests up to the day of the hearing. The Department requests that individuals limit their testimony to 5 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAD450168 documentation and plans. Written copies of oral testimony are requested. All comments, whether delivered orally during the hearing or submitted in writing will carry equal weight and consideration with DEP. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Colleen Connolly at: coconnolly@pa.gov or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and conceptual plans are available for review at the Monroe County Conservation District Office, 8050 Running Valley Road, Stroudsburg, PA 18301 at (570) 629-3060 and/or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Colleen Connolly, Community Relations Coordinator of the Department's Northeast Regional Office at (570) 826-2035.

WASTE, AIR, RADIATION AND REMEDIATION

Notice of Certification to Perform Radon-Related Activities in Pennsylvania.

Central Office: Radiation Protection Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Austyn Shank, 717-783-3594.

In the month of April 2024, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. Sections

2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform

radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Daniel Kostenbader	772 Golden Eagle Drive Nazareth, PA 18064-8747	Testing Individual
SWAT of PA	1125 S. Cedar Crest Blvd Suite 101 Allentown, PA 18103-7903	Mitigation Firm
Matt Abell	304 Wallace Street Stroudsburg, PA 18360-2211	Testing Individual
Edward Schluth	368 Pine Run Road Doylestown, PA 18901-2320	Testing Individual
Stephen Beloyan	2 Field Court Wrightstown, NJ 08562-1825	Testing Individual
Frank Glantz	P.O. Box 866 Lemont, PA 16851-0866	Mitigation Individual
Benjamin Thayer	313 Grimesville Road Williamsport, PA 17701-9255	Testing Individual
Matthew Shaw	P.O. Box 381 Titusville, PA 16354-0381	Mitigation Individual
Jake Bird	1125 S. Cedar Crest Blvd Suite 101 Allentown, PA 18103-7903	Mitigation Individual
Dante Galan	2 Hayes Street Elmsford, NY 10523-2502	Laboratory Individual
Radon Testing Corp. of America	2 Hayes Street Elmsford, NY 10523-2502	Laboratory Firm
Heritage Home Inspections	1148 Meadow Brook Drive Canonsburg, PA 15317	Testing Firm
Micheal Sup, Jr.	2173 Aster Road Macungie, PA 18062-9356	Testing Individual
David Supko	4 North Beech Road Plains, PA 18705	Testing Individual
Shelbi Ritenour	315 Knoch Road Saxonburg, PA 16056	Testing Individual
Jon Shaffer	1115 Cornell Street Pittsburgh, PA 15212-1905	Mitigation individual
Helping Solutions, LLC	3499 Kettle Road Altoona, PA 16601-3017	Testing Firm
Clifford Ardinger, II	101 Bertley Ridge Drive Coraopolis, PA 15108-9762	Testing Individual
Jason Dillion	190 Colbert Avenue Oil City, PA 16301-1775	Testing Individual
Daniel Frederici	395 Brace Brook Road Forest City, PA 18421-1803	Testing Individual
Jeffrey Ralston	422 Valley Road Bloomsburg, PA 17815-8451	Testing Individual

[Pa.B. Doc. No. 24-678. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (PAG-13)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (PAG-13) until PAG-13 is reissued. The Department published notice of availability of the existing PAG-13 at 46 Pa.B. 2910 (June 4, 2016) and extension of the existing PAG-13 at 52 Pa.B. 6107 (September 24, 2022). This notice does not extend any deadlines that are contained in the existing PAG-13 that were previously set to expire on March 15, 2025, including the date by which implementation of Pollutant Reduction Plans and Pollutant Control Measures must be achieved.

The Department is extending the availability of the General Permit to adequately address issues related to the reissuance of PAG-13. During the period of administrative extension, the Department may not authorize new coverage under PAG-13.

To access the General Permit and related documents, visit the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "PAG-13 NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4S) 3800-PM-BCW0100").

Questions regarding the PAG-13 General Permit can be directed to Sean Furjanic, PE, at (717) 787-2137 or sefurjanic@pa.gov.

JESSICA SHIRLEY,
Acting Secretary

[Pa.B. Doc. No. 24-679. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Proposed State Implementation Plan Revision; Redesignation Request and Maintenance Plan for the Beaver, PA Nonattainment Area for the 2010 Sulfur Dioxide National Ambient Air Quality Standard; Public Hearing

The Department of Environmental Protection (Department) is seeking public comment on a redesignation request and proposed revision to the State Implementation Plan (SIP) concerning a maintenance plan demonstrating that the Beaver Area can maintain the 2010 1-hour Sulfur Dioxide (SO₂) National Ambient Air Quality

Standard (NAAQS) for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (CAA) (42 U.S.C. § 7505a(a)). Short-term exposure to SO₂ has been linked to adverse respiratory conditions in humans.

On August 5, 2013, the United States Environmental Protection Agency (EPA) designated the Beaver Area as nonattainment for the 2010 1-hour SO₂ NAAQS at 78 FR 47191 (August 5, 2013). The Beaver Area is comprised of Industry, Midland and Shippingport Boroughs, plus Brighton, Potter and Vanport Townships.

On October 1, 2019, the EPA approved the Commonwealth's 2010 SO₂ Attainment Plan SIP for the Beaver Area at 84 FR 51988 (October 1, 2019), which demonstrated attainment of the 2010 SO₂ NAAQS based on air quality dispersion modeling. Furthermore, the most recent 2017—2022 air quality monitoring data also demonstrates attainment; however, the Beaver Area remains designated as nonattainment for the 2010 SO₂ NAAQS. Once the Commonwealth submits, and the EPA approves, a Request for Redesignation that satisfies the requirements of section 107(d)(3)(E) of the CAA (42 U.S.C. § 7407(d)(3)(E)); as well as a Maintenance Plan SIP Revision that satisfies the requirements of section 175A of the CAA and demonstrates the area can maintain the standard for at least 10 years following redesignation of the area, the EPA can update the attainment status. Therefore, the Department intends to submit this proposed maintenance plan SIP revision and redesignation request for the Beaver Area to the EPA for approval.

The proposed SIP revision is available on the Department's web site at www.ahs.dep.pa.gov/eComment.

The Department will provide the opportunity for a public hearing to receive comments on this proposal on Tuesday, June 18, 2024, at 9 a.m. at the Department of Environmental Protection Southwest Regional Office, 500 Waterfront Drive, Rooms A and B, Pittsburgh, PA 15222. Persons wishing to present testimony should contact Amanda Rodriguez at P.O. Box 8468, Harrisburg, PA 17105, (717) 787-7677 or amarodrigu@pa.gov no less than 24 hours in advance of the public hearing to reserve a time. Witnesses will be limited to 10 minutes and should provide two written copies of their comments.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Amanda Rodriguez at amarodrigu@pa.gov or (717) 787-7677. TDD users may contact the Pennsylvania Hamilton Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than June 21, 2024. Commentators are encouraged to submit comments using the Department's eComment system at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments may be submitted to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "2024 Beaver RR MP 2010 SO₂" as the subject line in written communication.

JESSICA SHIRLEY,
Acting Secretary

[Pa.B. Doc. No. 24-680. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Request for Applications from Eligible Counties for Watershed Stormwater Management Plan Grants

The Department of Environmental Protection (Department) invites eligible counties to apply for funding to develop or revise watershed stormwater management plans under the Commonwealth's Storm Water Management Act (act) (32 P.S. §§ 680.1—680.17). The act requires counties to prepare and adopt a watershed stormwater management plan (Act 167 Plan) for each watershed located in the county in consultation with the municipalities located within each watershed. Each county must periodically review and revise their Act 167 Plan at least every 5 years. Under section 17 of the act (32 P.S. § 680.17), the Department is authorized to award grants to counties for reimbursement of costs in preparing and revising stormwater management plans when funds are appropriated by the General Assembly for this purpose.

This grant opportunity is the second phase of the grant program to reimburse counties for costs associated with preparation or revision of Act 167 Plans. The first phase of this funding was for preparation of Act 167 Plan scopes of study, and was included in the 2023 Growing Greener

Plus Grants Program, as noticed at 53 Pa.B. 1868 (April 1, 2023). This second phase of funding will provide funding to eligible counties for Act 167 Plan development or revision. Counties that have completed a Phase I scope of study in accordance with 25 Pa. Code § 111.14 (relating to Phase I—scope of study) are eligible to apply for Phase II funding. Counties that have completed a Phase I scope of study through a prior grant agreement with the Department and counties that have completed a Phase I scope of study outside of a grant agreement with the Department are eligible to apply for Phase II funding.

Grant applications and attachments must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.dced.state.pa.us. Applications were accepted beginning at 8 a.m. on Wednesday, May 1, 2024, and will be accepted through 11:59 p.m. on Friday, August 30, 2024. Hard copy applications and late submissions will not be considered.

For more information on the Act 167 Plan, visit the Department's Act 167 Plan web site at <https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Pages/Act-167.aspx>. Interested counties with questions about Act 167 Plan funding may e-mail their questions to RA-EPPAMS4@pa.gov for responses.

JESSICA SHIRLEY,
Acting Secretary

[Pa.B. Doc. No. 24-681. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Stream Redesignation Evaluations of Beaver Run, Bald Eagle Creek, Raystown Branch Juniata River, Sibbald Run, Stony Creek, Kettle Run, Haycock Creek, Fletcher Run; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designed use), the Department of Environmental Protection (Department) gives notice that evaluations will be conducted on the stream sections listed in the following table to determine the proper protected use designation in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Beaver Run	Westmoreland	Kiskiminetas River
Bald Eagle Creek	Centre	West Branch Susquehanna River
Raystown Branch Juniata River	Huntingdon	Juniata River
Sibbald Run	Forest	Allegheny River
Stony Creek	Berks	Schuylkill River
Kettle Run	Lancaster	Hammer Creek
Haycock Creek	Bucks	Lake Nockamixon
Fletcher Run	Greene	Grays Fork

The Beaver Run evaluation is being conducted in response to a request by the Department's Interstate Water Resources Management Program and a review of the Fish and Boat Commission's wild trout classification of Beaver Run. Under 25 Pa. Code § 93.9t (relating to Drainage List T), the Beaver Run basin from the source to the Beaver Run Reservoir Dam is currently designated High Quality—Cold Water Fishes (HQ-CWF). The basin from the Beaver Run Reservoir Dam to mouth is currently designated trout stocking (TSF).

The Bald Eagle Creek evaluation is being conducted in response to a request from the United States Army Corps of Engineers (USACE) Baltimore District. Under 25 Pa. Code § 93.9l (relating to Drainage List L), the

Bald Eagle Creek mainstem from the source to Laurel Run (at Port Matilda) is currently designated CWF, Migratory Fishes (MF), the Bald Eagle Creek mainstem from Laurel Run (at Port Matilda) to Nittany Creek is currently designated TSF, MF and the Bald Eagle Creek mainstem from Nittany Creek to mouth is currently designated Warm Water Fishes (WWF) and MF. The USACE Baltimore District is requesting the Bald Eagle Creek mainstem from the Foster Joseph Sayer Dam to the mouth be evaluated to determine its proper protected use designation.

The Raystown Branch Juniata River evaluation is being conducted in response to a request from the USACE Baltimore District. Under 25 Pa. Code § 93.9n (relating

to Drainage List N), the Raystown Branch Juniata River mainstem from the source to mouth is currently designated WWF and MF. The USACE Baltimore District is requesting the Raystown Branch Juniata River mainstem from the Raystown Lake Dam to the mouth be evaluated to determine its proper protected use designation.

The Sibbald Run evaluation is being conducted as a result of ongoing Statewide monitoring and assessment efforts that indicates the existing use of Sibbald Run may be different than the current designated use. Under 25 Pa. Code § 93.9i (relating to Drainage List I), the Sibbald Run basin from the source to mouth is currently designated CWF and MF.

The Stony Creek evaluation is being conducted as a result of ongoing Statewide monitoring and assessment efforts that indicates the existing use of Stony Creek may be different than the current designated use. Under 25 Pa. Code § 93.9f (relating to Drainage List F), the Stony Creek basin from the source to mouth is currently designated CWF and MF.

The Kettle Run evaluation is being conducted as a result of ongoing Statewide monitoring and assessment efforts that indicates the existing use of Kettle Run may be different than the current designated use. Under 25 Pa. Code § 93.9o (relating to Drainage List O), the Kettle Run basin from the source to mouth is currently designated HQ-CWF and MF.

The Haycock Creek evaluation is being conducted as a result of ongoing Statewide monitoring and assessment efforts that indicates the existing use of Haycock Creek may be different than the current designated use. Under 25 Pa. Code § 93.9e (relating to Drainage List E), the Haycock Creek basin from the source to mouth is currently designated TSF and MF.

The Fletcher Run evaluation is being conducted in response to a rulemaking petition submitted to the Environmental Quality Board (EQB) by Consol Pennsylvania Coal Company, LLC. On March 12, 2024, the EQB accepted the rulemaking petition for study under

25 Pa. Code Chapter 23 (relating to Environmental Quality Board Policy for processing petitions—statement of policy). Under 25 Pa. Code § 93.9v (relating to Drainage List V), the Fletcher Run basin is currently designated HQ-WWF. The petitioner is requesting the basin be redesignated to WWF.

The petition is available on the Department’s web site at www.dep.pa.gov (select “Public Participation,” then “Environmental Quality Board,” then “2024 Meetings” and look for the March 12, 2024, meeting materials) or by contacting the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526.

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in these evaluations. These evaluations may lead to recommendations to the EQB for redesignation.

Interested persons may submit data through Monday, June 17, 2024. Persons are encouraged to submit information using the Department’s online eComment tool at www.ahs.dep.pa.gov/eComment. Data may be submitted to eComment by e-mail to ecomment@pa.gov. Data may also be submitted to Mark Brickner by e-mail to mbrickner@pa.gov or by mail to Mark Brickner, Water Quality Division, Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mark Brickner directly at (717) 787-9637 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JESSICA SHIRLEY,
Acting Secretary

[Pa.B. Doc. No. 24-682. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551—571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Laurel Laser & Surgery Center, LP	28 Pa. Code § 553.4(h) (relating to other functions)
	28 Pa. Code § 553.31(a) (relating to administrative responsibilities)
Main Line Surgical Center	28 Pa. Code § 555.31(a) (relating to principle)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 24-683. Filed for public inspection May 17, 2024, 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>
Geisinger Community Medical Center	28 Pa. Code § 51.3(b)—(d) (relating to notification)
	28 Pa. Code § 101.31(5) and (6) (relating to hospital requirements)
	28 Pa. Code § 105.15 (relating to patient identification)
	28 Pa. Code § 107.64 (relating to administration of drugs)
	28 Pa. Code § 117.30(3) and (4) (relating to emergency paramedic services)
	28 Pa. Code § 153.1(a) and (c) (relating to minimum standards)
Heritage Valley Sewickley	28 Pa. Code § 101.4 (relating to definitions)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 24-684. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Change to Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to increase the funding for a class of supplemental payments to qualifying acute care general hospitals for Fiscal Year (FY) 2023-2024 that provide a substantial portion of their inpatient services to Medical Assistance (MA) beneficiaries. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

Fiscal Impact

The total impact, as a result of the increase in the allocation for these supplemental payments, is \$1.800

million (Federal and State). The FY 2023-2024 impact of \$0.900 million (Federal and State) has been approved by the Centers of Medicare & Medicaid Services (CMS) and is anticipated prior to June 30, 2024. The increased amount of \$0.900 million (Federal and State) is budgeted in FY 2024-2025 due to anticipated CMS approval after June 30, 2024.

Public Comment

Interested persons are invited to submit written comments regarding these supplemental payments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120 or to RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1628. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund; (2) Implementing Year 2023-24 is \$252,000; (3) 1st Succeeding Year 2024-25 is \$252,000; 2nd Succeeding Year 2025-26 through 5th Succeeding Year 2028-29 are \$0; (4) 2022-23 Program—\$589,137,000; 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 24-685. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Federal Poverty Income Guidelines for 2024

The Department of Human Services (Department) announces the implementation in this Commonwealth of the 2024 Federal Poverty Income Guidelines (FPIG) which were issued by the Department of Health and Human Services and published at 89 FR 2961 (January 17, 2024).

The FPIGs are the basis for the income eligibility limits for several categories of Medicaid whose regulations are published in 55 Pa. Code (relating to human services) and administered by the Department. These categories include Healthy Horizons for the Elderly and Disabled (55 Pa. Code Chapter 140, Subchapter B (relating to eligibility provisions for the healthy horizons program for the elderly/disabled)), Modified Adjusted Gross Income (MAGI) based eligibility categories for pregnant women, children, parent/caretakers and adults and Medical Assistance for Workers with Disabilities (MAWD). The MAGI categories were established by the Department's implementation of the Affordable Care Act (Pub.L. No.

111-148) at 43 Pa.B. 4035 (July 13, 2013). The MAWD category was established by the Department's implementation of the Ticket to Work and Work Incentives Act of 1999 (Pub.L. No. 106-170) at 32 Pa.B. 289 (January 12, 2002).

The percentages for the Medicaid categories of MAGI, Healthy Horizons and MAWD are set forth as follows:
MAGI—

- 33% for children up through 18 years of age and parents/caretakers.
- 102% for individuals 19—64 years of age with a permanent disability (Medical Review Team (MRT) or Social Security Administration (SSA) determined) who are not eligible for Medicare or individuals 19-20 years of age with income at or below the Medically Needy Only limit who are not eligible for Medicare.
- 133% for children 6—18 years of age and for adults 19—64 years of age.
- 157% for children 1—5 years of age.
- 185% for individuals 0—64 years of age who are eligible for 12 months of Transitional Medical Assistance; this is the second 6-month limit.
- 215% for pregnant and postpartum women, infants under 1 year of age and the Family Planning Services program.

Healthy Horizons—

- 100% for persons eligible for categorically needy, Medicare Buy-In and Medicare cost-sharing benefits.
- 120% for persons eligible for the Specified Low-Income Medicare Beneficiaries.
- 135% for persons eligible for the Qualifying Individuals Beneficiaries benefits.

MAWD—

- 250% for individuals 16—64 years of age who are disabled (MRT or SSA determined) and employed.
- 600% for individuals 16—64 years of age who are disabled (MRT or SSA determined), employed for the previous 12 consecutive months and were also previously eligible for MAWD.

There are different resource limits for each of the Healthy Horizons programs and MAWD.

Persons	33% of FPIGs		100% of FPIGs		102% of FPIGs		120% of FPIGs	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$415	\$4,970	\$1,255	\$15,060	\$1,281	\$15,362	\$1,506	\$18,072
2	\$563	\$6,746	\$1,704	\$20,440	\$1,738	\$20,849	\$2,044	\$24,528
3	\$711	\$8,521	\$2,152	\$25,820	\$2,195	\$26,337	\$2,582	\$30,984
4	\$858	\$10,296	\$2,600	\$31,200	\$2,652	\$31,824	\$3,120	\$37,440
5	\$1,006	\$12,072	\$3,049	\$36,580	\$3,110	\$37,312	\$3,658	\$43,896
6	\$1,154	\$13,847	\$3,497	\$41,960	\$3,567	\$42,800	\$4,196	\$50,352
7	\$1,302	\$15,623	\$3,945	\$47,340	\$4,024	\$48,287	\$4,734	\$56,808
8	\$1,450	\$17,398	\$4,394	\$52,720	\$4,482	\$53,775	\$5,272	\$63,264
Each Additional Person	\$148	\$1,776	\$449	\$5,380	\$458	\$5,488	\$538	\$6,456

Persons	133% of FPIGs		135% of FPIGs		157% of FPIGs		185% of FPIGs	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$1,670	\$20,030	\$1,695	\$20,331	\$1,971	\$23,645	\$2,322	\$27,861
2	\$2,266	\$27,186	\$2,300	\$27,594	\$2,675	\$32,091	\$3,152	\$37,814
3	\$2,862	\$34,341	\$2,905	\$34,857	\$3,379	\$40,538	\$3,981	\$47,767
4	\$3,458	\$41,496	\$3,510	\$42,120	\$4,082	\$48,984	\$4,810	\$57,720
5	\$4,055	\$48,652	\$4,116	\$49,383	\$4,786	\$57,431	\$5,640	\$67,673
6	\$4,651	\$55,807	\$4,721	\$56,646	\$5,490	\$65,878	\$6,469	\$77,626
7	\$5,247	\$62,963	\$5,326	\$63,909	\$6,194	\$74,324	\$7,299	\$87,579
8	\$5,844	\$70,118	\$5,931	\$71,172	\$6,898	\$82,771	\$8,128	\$97,532
Each Additional Person	\$597	\$7,156	\$606	\$7,263	\$704	\$8,447	\$830	\$9,953

Persons	215% of FPIGs		250% of FPIGs		600% of FPIGs	
	Month	Annual	Month	Annual	Month	Annual
1	\$2,699	\$32,379	\$3,138	\$37,650	\$7,530	\$90,360
2	\$3,663	\$43,946	\$4,259	\$51,100	\$10,220	\$122,640
3	\$4,627	\$55,513	\$5,380	\$64,550	\$12,910	\$154,920
4	\$5,590	\$67,080	\$6,500	\$78,000	\$15,600	\$187,200
5	\$6,554	\$78,647	\$7,621	\$91,450	\$18,290	\$219,480
6	\$7,518	\$90,214	\$8,742	\$104,900	\$20,980	\$251,760
7	\$8,482	\$101,781	\$9,863	\$118,350	\$23,670	\$284,040
8	\$9,446	\$113,348	\$10,984	\$131,800	\$26,360	\$316,320
Each Additional Person	\$964	\$11,567	\$1,121	\$13,450	\$2,690	\$32,280

Additional information on the programs is available at the County Assistance Offices.

This notice shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to January 11, 2024.

Public Comment

Interested persons are invited to submit written comments regarding the implementation of FPIGs to the Department of Human Services, Office of Income Maintenance, Carl Feldman, Director, Bureau of Policy, Fourth Floor, Health and Welfare Building, North Seventh and Forster Streets, Harrisburg, PA 17120. Comments received within 30 calendar days will be reviewed and considered.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1630. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 24-686. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Big Cash Payout Instant Lottery Game 1692

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 Big Cash Payout (“Big Cash Payout”). The game number is PA-1692.

2. *Price:* The price of a Big Cash Payout instant lottery game ticket is \$10.

3. *Play symbols:* Each Big Cash Payout 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 and printed in black ink are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN)

and 30 (THIRT). The play symbols and their captions located in the "YOUR NUMBERS" area and printed in black ink are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (EVLN), 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), BIG CASH (WIN1K) symbol and a PAYOUT (WINALL) symbol. The play symbols and their captions located in the "WINNING NUMBERS" area and the "YOUR NUMBERS" area and printed in green ink are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (EVLN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN) and 30 (THIRT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$10,000 (TEN THO) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$50, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000 and \$500,000. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 15 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the Big Cash Payout instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbols and captions printed in black ink, and a prize symbol of \$500,000 (FIVHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbols and captions printed in black ink, and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which a PAYOUT (WINALL) symbol appears in the "YOUR NUMBERS" area printed in black ink and a prize symbol of \$1,000 (ONE THO) appears in five of the "Prize" areas and a prize symbol of \$500 (FIV HUN) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbols and captions printed in black ink, 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.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols, with either the "WINNING NUMBERS" or "YOUR NUMBERS" play symbol and caption printed in green ink, 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 \$5,000.

(f) Holders of tickets upon which a PAYOUT (WINALL) symbol printed in black ink appears in the "YOUR NUMBERS" area and a prize symbol of \$500 (FIV HUN) appears in seven of the "Prize" areas, a prize symbol of \$200 (TWO HUN) appears in seven 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 \$5,000.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbols and captions printed in black ink, 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 BIG CASH (WIN1K) symbol printed in black ink appears in the "YOUR NUMBERS" area and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that BIG CASH (WIN1K) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols, with either the "WINNING NUMBERS" or "YOUR NUMBERS" number symbol and caption printed in green ink, 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 \$1,000.

(j) Holders of tickets upon which a PAYOUT (WINALL) symbol printed in black ink appears in the "YOUR NUMBERS" 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, a prize symbol of \$50⁰⁰ (FIFTY) appears in six of the "Prize" areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in two of the "Prize" areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in two of the "Prize" areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which a PAYOUT (WINALL) symbol printed in black ink 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 \$50⁰⁰ (FIFTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbols and captions printed in black ink, 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.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING

NUMBERS” play symbols, with either the “WINNING NUMBERS” or “YOUR NUMBERS” number symbol and caption printed in green ink, 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 \$500.

(n) Holders of tickets upon which a PAYOUT (WINALL) symbol printed in black ink 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 \$50⁰⁰ (FIFTY) appears in two of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which a PAYOUT (WINALL) symbol printed in black ink appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in five of the “Prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in five of the “Prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(p) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with either the “WINNING NUMBERS” or “YOUR NUMBERS” number symbol and caption printed in green ink, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol on a single ticket, shall be entitled to a prize of \$250.

(q) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with both the “WINNING NUMBERS” and “YOUR NUMBERS” play symbols and captions printed in black ink, 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.

(r) Holders of tickets upon which a PAYOUT (WINALL) symbol printed in black ink appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which a PAYOUT (WINALL) symbol printed in black ink appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in 11 of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in three of the “Prize” areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with either the “WINNING NUMBERS” or “YOUR NUMBERS” number symbol and caption printed in green ink, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$150.

(u) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with both the “WINNING NUMBERS” and “YOUR NUMBERS” play symbols and

captions printed in black ink, 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.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with either the “WINNING NUMBERS” or “YOUR NUMBERS” number symbol and caption printed in green ink, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with both the “WINNING NUMBERS” and “YOUR NUMBERS” play symbols and captions printed in black ink, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with either the “WINNING NUMBERS” or “YOUR NUMBERS” number symbol and caption printed in green ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with both the “WINNING NUMBERS” and “YOUR NUMBERS” play symbols and captions printed in black ink, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with both the “WINNING NUMBERS” and “YOUR NUMBERS” play symbols and captions printed in black ink, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with both the “WINNING NUMBERS” and “YOUR NUMBERS” play symbols and captions printed in black ink, and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(bb) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols, with both the “WINNING NUMBERS” and “YOUR NUMBERS” play symbols and captions printed in black ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

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:

NOTICES

2701

<i>Match Any Of YOUR NUMBERS To Any Of The WINNING NUMBERS To Win Prize Shown Under That Match. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$10	\$10	8.57	1,260,000
\$15	\$15	17.65	612,000
\$10 × 2	\$20	46.15	234,000
\$20	\$20	46.15	234,000
\$10 × 3	\$30	200	54,000
\$15 × 2	\$30	200	54,000
\$20 + \$10	\$30	150	72,000
\$30	\$30	150	72,000
\$10 × 5	\$50	600	18,000
(\$15 × 2) + (\$10 × 2)	\$50	600	18,000
(\$20 × 2) + \$10	\$50	600	18,000
\$10 w/ GREEN MATCH	\$50	120	90,000
\$50	\$50	600	18,000
\$10 × 10	\$100	600	18,000
\$20 × 5	\$100	600	18,000
\$50 × 2	\$100	600	18,000
\$20 w/ GREEN MATCH	\$100	300	36,000
\$100	\$100	600	18,000
PAYOUT w/ ((\$10 × 11) + (\$20 × 3) + \$30)	\$200	1,714	6,300
PAYOUT w/ ((\$20 × 5) + (\$10 × 10))	\$200	1,714	6,300
\$20 × 10	\$200	12,000	900
\$50 × 4	\$200	24,000	450
(\$20 w/ GREEN MATCH) + (\$10 w/ GREEN MATCH) + (\$15 × 2) + (\$10 × 2)	\$200	6,000	1,800
(\$30 w/ GREEN MATCH) + \$50	\$200	6,000	1,800
(\$30 w/ GREEN MATCH) + (\$10 w/ GREEN MATCH)	\$200	4,000	2,700
\$200	\$200	24,000	450
PAYOUT w/ ((\$50 × 5) + (\$30 × 5) + (\$20 × 5))	\$500	12,000	900
PAYOUT w/ ((\$100 × 3) + (\$50 × 2) + (\$10 × 10))	\$500	12,000	900
\$100 × 5	\$500	120,000	90
(((\$20 w/ GREEN MATCH) × 2) + (\$50 × 4) + (\$20 × 5))	\$500	24,000	450
(((\$30 w/ GREEN MATCH) × 3) + (\$15 × 2) + (\$10 × 2))	\$500	24,000	450
(\$50 w/ GREEN MATCH) + (\$30 w/ GREEN MATCH) + (\$20 w/ GREEN MATCH)	\$500	24,000	450
(\$50 w/ GREEN MATCH) × 2	\$500	24,000	450
\$100 w/ GREEN MATCH	\$500	24,000	450
\$500	\$500	120,000	90
PAYOUT w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	24,000	450
PAYOUT w/ ((\$200 × 2) + (\$100 × 2) + (\$50 × 6) + (\$30 × 2) + (\$15 × 2) + \$10)	\$1,000	24,000	450
\$200 × 5	\$1,000	120,000	90

<i>Match Any Of YOUR NUMBERS To Any Of The WINNING NUMBERS To Win Prize Shown Under That Match. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
(\$100 w/ GREEN MATCH) × 2	\$1,000	120,000	90
\$200 w/ GREEN MATCH	\$1,000	120,000	90
\$1,000 w/ BIG CASH	\$1,000	1,263	8,550
\$1,000	\$1,000	120,000	90
PAYOUT w/ ((\$500 × 7) + (\$200 × 7) + \$100)	\$5,000	1,080,000	10
(\$1,000 w/ BIG CASH) × 5	\$5,000	540,000	20
\$1,000 w/ GREEN MATCH	\$5,000	1,080,000	10
\$5,000	\$5,000	1,080,000	10
PAYOUT w/ ((\$1,000 × 5) + (\$500 × 10))	\$10,000	1,080,000	10
(\$1,000 w/ GREEN MATCH) × 2	\$10,000	1,080,000	10
(\$1,000 w/ BIG CASH) × 10	\$10,000	540,000	20
\$10,000	\$10,000	1,080,000	10
\$500,000	\$500,000	1,080,000	10

Match any GREEN number to win 5 TIMES the PRIZE shown under that match!

Reveal a “BIG CASH” (WIN1K) symbol to win \$1,000 instantly.

Reveal a “PAYOUT” (WINALL) symbol to win ALL 15 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 Big Cash Payout 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 Big Cash Payout, prize money from winning Big Cash Payout 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 Big Cash Payout 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 Big Cash Payout or through normal communications methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 24-687. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Ca\$h Overload Crossword Instant Lottery Game 1694

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 Ca\$h Overload Crossword (“Ca\$h Overload Crossword”). The game number is PA-1694.

2. *Price:* The price of a Ca\$h Overload Crossword instant lottery game ticket is \$5.

3. *Play symbols:* Each Ca\$h Overload Crossword instant lottery game ticket will feature a “YOUR LET-

TERS” area, two crossword puzzle play grids, known as “GRID 1” and “GRID 2,” respectively, and a “CA\$H OVERLOAD” prize legend. Each crossword “GRID” is played separately. “CASH OVERLOAD” is played by revealing Bolt symbols in the non-lettered blocks in each crossword “GRID.” The play symbols located in the “YOUR LETTERS” area are: the letters A through and including Z. The play symbols located in “GRID 1” and “GRID 2” are: the letters A through and including Z and a Bolt symbol.

4. Prizes: The prizes that can be won in “GRID 1” are: \$5, \$10, \$20, \$30, \$50, \$100, \$1,000, \$10,000 and \$200,000. The prizes that can be won in “GRID 2” are: \$10, \$20, \$50 and \$100. The prizes that can be won in “CA\$H OVERLOAD” are: \$25, \$40, \$60, \$150, \$200 and \$500. A player can win up to three times on a ticket. For a complete description of how these prizes can be won, see section 7 (relating to number and description of prizes and approximate odds).

5. Approximate number of tickets printed for the game: Approximately 13,200,000 tickets will be printed for the Ca\$h Overload Crossword instant lottery game.

6. Determination of prize winners:

(a) Holders of tickets upon which the player completely matches ten entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$200,000.

(b) Holders of tickets where the player completely matches nine entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets where the player completely matches eight entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a combined total of ten Bolt symbols appear in the non-lettered blocks in “GRID 1” and “GRID 2,” on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which a combined total of nine Bolt symbols appear in the non-lettered blocks in “GRID 1” and “GRID 2,” on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets upon which a combined total of eight Bolt symbols appear in the non-lettered blocks in “GRID 1” and “GRID 2,” on a single ticket, shall be entitled to a prize of \$150.

(g) Holders of tickets where the player completely matches seven entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets where the player completely matches five entire words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which a combined total of seven Bolt symbols appear in the non-lettered blocks in “GRID 1” and “GRID 2,” on a single ticket, shall be entitled to a prize of \$60.

(j) Holders of tickets where the player completely matches six entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets where the player completely matches four entire words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which a combined total of six Bolt symbols appear in the non-lettered blocks in “GRID 1” and “GRID 2,” on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets where the player completely matches five entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$30.

(n) Holders of tickets upon which a combined total of five Bolt symbols appear in the non-lettered blocks in “GRID 1” and “GRID 2,” on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets where the player completely matches four entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets where the player completely matches three entire words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets where the player completely matches three entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets where the player completely matches two entire words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets where the player completely matches two entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$5.

7. 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:

GRID 1 Win With:	GRID 2 Win With:	CASH OVERLOAD Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 13,200,000 Tickets:
2 WORDS			\$5	10	1,320,000
	2 WORDS		\$10	50	264,000
3 WORDS			\$10	50	264,000
2 WORDS	2 WORDS		\$15	42.86	308,000
3 WORDS	2 WORDS		\$20	120	110,000
	3 WORDS		\$20	600	22,000

<i>GRID 1 Win With:</i>	<i>GRID 2 Win With:</i>	<i>CASH OVERLOAD Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
4 WORDS			\$20	600	22,000
2 WORDS	3 WORDS		\$25	150	88,000
		\$25 w/ 5 BOLT SYMBOLS	\$25	60	220,000
2 WORDS		\$25 w/ 5 BOLT SYMBOLS	\$30	600	22,000
3 WORDS	3 WORDS		\$30	600	22,000
4 WORDS	2 WORDS		\$30	600	22,000
5 WORDS			\$30	600	22,000
2 WORDS	2 WORDS	\$25 w/ 5 BOLT SYMBOLS	\$40	600	22,000
5 WORDS	2 WORDS		\$40	600	22,000
		\$40 w/ 6 BOLT SYMBOLS	\$40	150	88,000
	2 WORDS	\$40 w/ 6 BOLT SYMBOLS	\$50	600	22,000
5 WORDS	3 WORDS		\$50	600	22,000
	4 WORDS		\$50	600	22,000
6 WORDS			\$50	600	22,000
3 WORDS	4 WORDS		\$60	2,400	5,500
4 WORDS		\$40 w/ 6 BOLT SYMBOLS	\$60	1,500	8,800
6 WORDS	2 WORDS		\$60	6,000	2,200
		\$60 w/ 7 BOLT SYMBOLS	\$60	1,333	9,900
5 WORDS	2 WORDS	\$60 w/ 7 BOLT SYMBOLS	\$100	1,714	7,700
6 WORDS	4 WORDS		\$100	12,000	1,100
	5 WORDS		\$100	12,000	1,100
7 WORDS			\$100	12,000	1,100
3 WORDS	5 WORDS	\$40 w/ 6 BOLT SYMBOLS	\$150	3,636	3,630
6 WORDS	5 WORDS		\$150	60,000	220
7 WORDS	4 WORDS		\$150	60,000	220
		\$150 w/ 8 BOLT SYMBOLS	\$150	6,000	2,200
	4 WORDS	\$150 w/ 8 BOLT SYMBOLS	\$200	6,000	2,200
6 WORDS		\$150 w/ 8 BOLT SYMBOLS	\$200	6,000	2,200
7 WORDS	5 WORDS		\$200	24,000	550
		\$200 w/ 9 BOLT SYMBOLS	\$200	12,000	1,100
		\$500 w/ 10 BOLT SYMBOLS	\$500	12,000	1,100
8 WORDS			\$1,000	120,000	110
9 WORDS			\$10,000	1,320,000	10
10 WORDS			\$200,000	1,320,000	10

1. Scratch the YOUR LETTERS to reveal 18 letters. Scratch each matching letter every time it is found in Crossword GRID 1 or Crossword GRID 2. Each letter's square, when scratched gently, will turn white.

2. When you have matched the letters of two (2) or more entire words in either Crossword GRID, win the corresponding PRIZE shown in the PRIZE KEY for that Crossword GRID. Only the highest PRIZE won in each Crossword GRID will be paid.

3. Each Crossword GRID is played separately.

CASH OVERLOAD: After completing the main game play in Crossword GRID 1 and Crossword GRID 2, scratch the non-lettered blocks in each Crossword GRID to reveal one or more “Bolt” symbols. Reveal a combined total of at least five “Bolt” symbols in Crossword GRID 1 and Crossword GRID 2 to win the corresponding prize shown in the CASH OVERLOAD PRIZE LEGEND.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Ca\$h Overload Crossword instant lottery game tickets.

9. *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.

10. *Unclaimed prize money:* For a period of 1 year from the announced close of Ca\$h Overload Crossword, prize money from winning Ca\$h Overload Crossword 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 Ca\$h Overload Crossword 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.

11. *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.

12. *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 Ca\$h Overload Crossword or through normal communication methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 24-688. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash To Go Instant Lottery Game 1695

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 Cash To Go (“Cash To Go”). The game number is PA-1695.

2. *Price:* The price of a Cash To Go instant lottery game ticket is \$1.

3. *Play symbols:* Each Cash To Go 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) and 20 (TWENT). 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) and a GO (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$2, \$4, \$10, \$20, \$40, \$50, \$100, \$400 and \$5,000. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to four times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Cash To Go instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either 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.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either 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.

(c) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in all four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match 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.

(e) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$40⁰⁰ (FORTY) appears in two of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in one of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in three of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$4⁰⁰ (FOR DOL) appears in two of the “prize” areas, a prize symbol of \$40⁰⁰ (FORTY) appears in one of the “prize” areas and a prize symbol of \$2⁰⁰ (TWO DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in all four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the match-

ing “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$4⁰⁰ (FOR DOL) appears in two of the “prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “prize” areas and a prize symbol of \$2⁰⁰ (TWO DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$4⁰⁰ (FOR DOL) appears in two of the “prize” areas and a prize symbol of \$1⁰⁰ (ONE DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$2⁰⁰ (TWO DOL) appears in three of the “prize” areas and a prize symbol of \$4⁰⁰ (FOR DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which a GO (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1⁰⁰ (ONE DOL) appears in all four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(u) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of FREE (TICKET) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Cash To Go 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>Match Any Of YOUR NUMBERS To Either Of The WINNING NUMBERS To Win Prize Shown Under That Match. 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	9.43	890,400
\$1 × 2	\$2	40	210,000
\$2	\$2	33.33	252,000
GO w/ (\$1 × 4)	\$4	38.46	218,400
\$2 × 2	\$4	500	16,800
(\$1 × 2) + \$2	\$4	1,000	8,400
\$4	\$4	500	16,800
GO w/ ((\$2 × 3) + \$4)	\$10	125	67,200
GO w/ ((\$4 × 2) + (\$1 × 2))	\$10	125	67,200
(\$4 × 2) + \$2	\$10	1,000	8,400
\$10	\$10	1,000	8,400
GO w/ ((\$4 × 2) + \$10 + \$2)	\$20	800	10,500
\$10 × 2	\$20	2,400	3,500
\$20	\$20	2,400	3,500
GO w/ (\$10 × 4)	\$40	902.26	9,310
\$20 × 2	\$40	20,000	420
\$40	\$40	20,000	420
GO w/ ((\$4 × 2) + \$40 + \$2)	\$50	6,000	1,400
GO w/ ((\$10 × 3) + \$20)	\$50	8,000	1,050
(\$20 × 2) + \$10	\$50	24,000	350
\$50	\$50	40,000	210
GO w/ ((\$20 × 2) + \$50 + \$10)	\$100	12,000	700
GO w/ ((\$40 × 2) + (\$10 × 2))	\$100	12,000	700
\$50 + \$40 + \$10	\$100	120,000	70
\$100	\$100	120,000	70
GO w/ (\$100 × 4)	\$400	420,000	20
\$400	\$400	840,000	10
\$5,000	\$5,000	840,000	10

Reveal a "GO" (WINALL) symbol to win all 4 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 Cash To Go 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 Cash To Go, prize money from winning Cash To Go 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 Cash To Go 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 Cash To Go or through normal communications methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 24-689. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Keys and Cash Instant Lottery Game 1693

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 Keys and Cash (“Keys and Cash”). The game number is PA-1693.

2. *Price:* The price of a Keys and Cash instant lottery game ticket is \$5.

3. *Play symbols:* Each Keys and Cash instant lottery game ticket will contain one play area featuring eleven play symbols and four “BUCKING BRONCO” spots. The play symbols and their captions located in the play 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 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), Cash (CASH) symbol and a Speedometer (ADD20) symbol. The play symbols and their captions located in the four “BUCKING BRONCO” spots 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 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), Cash (CASH) symbol, Speedometer (ADD20) symbol and a Keys (KEYS) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$5,000 (FIV THO). The prize symbols and their captions located in the four “BUCKING BRONCO” spots are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and BRONCO (YOUPICK).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$30, \$50, \$100, \$300, \$500, \$1,000 and \$5,000. The prize that can be won when a Keys (KEYS)

symbol appears in any of the four “BUCKING BRONCO” spots is a FORD BRONCO® Vehicle Prize, as described in Section 10 (relating to FORD BRONCO® vehicle prize description). For a complete description of how these prizes can be won, see section 9 (relating to number and description of prizes and approximate odds). A player can win up to 15 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the Keys and Cash instant lottery game.

7. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Buckin’ Buck\$ Second-Chance Drawing, for which non-winning Keys and Cash instant lottery game tickets may be eligible as provided in section 11 (relating to Second-Chance Drawing).

8. *Determination of prize winners:*

(a) Holders of tickets upon which a Keys (KEYS) symbol appears in any of the “BUCKING BRONCO” spots and a prize symbol of BRONCO (YOUPICK) appears in the “Prize” area under that Keys (KEYS) symbol, on a single ticket, shall be entitled to a FORD BRONCO® Vehicle Prize as described in section 10 (relating to FORD BRONCO® vehicle prize description).

(b) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four “BUCKING BRONCO” spots and a prize symbol of \$5,000 (FIV THO) appears in the “Prize” area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a Speedometer (ADD20) symbol appears in the play area or any one of the four “BUCKING BRONCO” spots and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under that Speedometer (ADD20) symbol, on a single ticket, shall be entitled to a prize of \$1,020.

(d) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four “BUCKING BRONCO” spots and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a Speedometer (ADD20) symbol appears in the play area or any one of the four “BUCKING BRONCO” spots and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that Speedometer (ADD20) symbol, on a single ticket, shall be entitled to a prize of \$520.

(f) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four “BUCKING BRONCO” spots and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which a Speedometer (ADD20) symbol appears in the play area or any one of the four “BUCKING BRONCO” spots and a prize symbol of \$300 (THR HUN) appears in the “Prize” area under that Speedometer (ADD20) symbol, on a single ticket, shall be entitled to a prize of \$320.

(h) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four “BUCKING BRONCO” spots and a prize symbol of \$300 (THR HUN) appears in the “Prize” area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$300.

(i) Holders of tickets upon which a Speedometer (ADD20) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Speedometer (ADD20) symbol, on a single ticket, shall be entitled to a prize of \$120.

(j) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which a Speedometer (ADD20) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$50.00 (FIFTY) appears in the "Prize" area under that Speedometer (ADD20) symbol, on a single ticket, shall be entitled to a prize of \$70.

(l) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$50.00 (FIFTY) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which a Speedometer (ADD20) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$30.00 (THIRTY) appears in the "Prize" area under that Speedometer (ADD20) symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which a Speedometer (ADD20) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$20.00 (TWENTY) appears in the "Prize" area under that Speedometer (ADD20) symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four

"BUCKING BRONCO" spots and a prize symbol of \$30.00 (THIRTY) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$30.

(p) Holders of tickets upon which a Speedometer (ADD20) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$10.00 (TEN DOL) appears in the "Prize" area under that Speedometer (ADD20) symbol, on a single ticket, shall be entitled to a prize of \$30.

(q) Holders of tickets upon which a Speedometer (ADD20) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area under that Speedometer (ADD20) symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$20.00 (TWENTY) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$10.00 (TEN DOL) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which a Cash (CASH) symbol appears in the play area or any one of the four "BUCKING BRONCO" spots and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *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 "Cash" (CASH) Symbol To Win PRIZE Shown Under That Symbol Automatically. Win With:</i>	<i>GRAB THE KEYS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$5		\$5	8.57	1,260,000
\$5 × 2		\$10	54.55	198,000
\$10		\$10	30	360,000
\$5 × 4		\$20	100	108,000
\$10 × 2		\$20	100	108,000
\$20		\$20	300	36,000
\$10 × 3		\$30	600	18,000
\$10 w/ SPEEDOMETER		\$30	60	180,000
\$30		\$30	600	18,000
\$10 × 5		\$50	600	18,000
(\$5 w/ SPEEDOMETER) × 2		\$50	600	18,000
(\$20 w/ SPEEDOMETER) + \$10		\$50	600	18,000
\$30 w/ SPEEDOMETER		\$50	200	54,000
\$50		\$50	600	18,000
\$20 × 5		\$100	12,000	900
\$50 × 2		\$100	12,000	900

<i>Reveal a "Cash" (CASH) Symbol To Win PRIZE Shown Under That Symbol Automatically. Win With:</i>	<i>GRAB THE KEYS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
$(\$10 \times 5) + (\$5 \times 10)$		\$100	12,000	900
$\$50 + \$30 + \$20$		\$100	12,000	900
$(\$5 \text{ w/ SPEEDOMETER}) \times 4$		\$100	4,000	2,700
$((\$20 \text{ w/ SPEEDOMETER}) \times 2) + (\$5 \times 4)$		\$100	4,000	2,700
$(\$30 \text{ w/ SPEEDOMETER}) + ((\$5 \text{ w/ SPEEDOMETER}) \times 2)$		\$100	4,000	2,700
$(\$30 \text{ w/ SPEEDOMETER}) \times 2$		\$100	4,000	2,700
$(\$50 \text{ w/ SPEEDOMETER}) + (\$10 \text{ w/ SPEEDOMETER})$		\$100	4,000	2,700
\$100		\$100	12,000	900
$\$100 \times 3$		\$300	24,000	450
$(\$30 \times 5) + (\$10 \times 8) + \$50 + \20		\$300	24,000	450
$((\$20 \text{ w/ SPEEDOMETER}) \times 5) + (\$10 \text{ w/ SPEEDOMETER}) + (\$10 \times 4) + \$30$		\$300	4,800	2,250
$((\$30 \text{ w/ SPEEDOMETER}) \times 5) + \$30 + \$20$		\$300	4,800	2,250
$((\$50 \text{ w/ SPEEDOMETER}) \times 2) + ((\$30 \text{ w/ SPEEDOMETER}) \times 2) + ((\$10 \text{ w/ SPEEDOMETER}) \times 2)$		\$300	4,800	2,250
$((\$100 \text{ w/ SPEEDOMETER}) \times 2) + ((\$10 \text{ w/ SPEEDOMETER}) \times 2)$		\$300	4,800	2,250
\$300		\$300	24,000	450
$\$100 \times 5$		\$500	40,000	270
$(\$50 \times 6) + (\$30 \times 2) + (\$20 \times 7)$		\$500	40,000	270
$((\$50 \text{ w/ SPEEDOMETER}) \times 5) + ((\$30 \text{ w/ SPEEDOMETER}) \times 2) + \$30 + \$20$		\$500	12,000	900
$((\$100 \text{ w/ SPEEDOMETER}) \times 4) + (\$10 \times 2)$		\$500	12,000	900
$(\$300 \text{ w/ SPEEDOMETER}) + (\$100 \text{ w/ SPEEDOMETER}) + (\$10 \times 5) + (\$5 \times 2)$		\$500	12,000	900
\$500		\$500	60,000	180
$\$500 \times 2$		\$1,000	1,080,000	10
$(\$100 \times 5) + (\$50 \times 10)$		\$1,000	1,080,000	10
$((\$100 \text{ w/ SPEEDOMETER}) \times 4) + \$500 + \$20$		\$1,000	1,080,000	10
$((\$300 \text{ w/ SPEEDOMETER}) \times 3) + (\$20 \text{ w/ SPEEDOMETER})$		\$1,000	1,080,000	10
$(\$500 \text{ w/ SPEEDOMETER}) + (\$50 \text{ w/ SPEEDOMETER}) + \$300 + \$100 + \10		\$1,000	1,080,000	10
\$1,000		\$1,000	1,080,000	10
$\$500 \times 10$		\$5,000	1,080,000	10
$((\$1,000 \text{ w/ SPEEDOMETER}) \times 4) + (\$500 \text{ w/ SPEEDOMETER}) + \$300 + \$100$		\$5,000	1,080,000	10
\$5,000		\$5,000	1,080,000	10

<i>Reveal a "Cash" (CASH) Symbol To Win PRIZE Shown Under That Symbol Automatically. Win With:</i>	<i>GRAB THE KEYS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
	FORD BRONCO w/ KEYS SYMBOL	\$100,000	540,000	20

Reveal a "Speedometer" (ADD20) symbol to add \$20 to the PRIZE shown under that symbol and win that amount!

GRAB THE KEYS: Reveal a "Keys" (KEYS) symbol in any of the four BUCKING BRONCO spots to win a 2024 FORD BRONCO® of your choice instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *FORD BRONCO® Vehicle Prize Description:*

(a) Each FORD BRONCO® Vehicle Prize shall have a value of \$100,000 and shall include dealers' fees, dealer preparation, set up fees, freight charges, delivery charges, registration, \$894.78 state income tax withholding and \$24,000 federal income tax withholding.

(b) Each FORD BRONCO® Vehicle Prize winner shall select one prize from the following four available choices:

(1) 2024 FORD BRONCO® Badlands®, 4 Door: Base model includes standard 2.3L EcoBoost® I-4 engine;

(2) 2024 FORD BRONCO® Everglades®: Base model includes 2.3L EcoBoost® I-4 engine; or

(3) 2024 FORD BRONCO® Wildtrak®, 4 Door: Base model includes 2.7L EcoBoost® V6 engine.

(4) The cash value of the prize ("Cash Option"), as described in section 10(d), below

(c) The amount allocated to the vehicle itself (hereafter "Allocated Amount") is \$75,105.22. Each FORD BRONCO® Vehicle Prize will be a 2024 production year model at the time of the claim or may be replaced with a 2025 model if a 2024 model is no longer available. During 2024 model production, the Lottery may factory order a FORD BRONCO® Vehicle Prize with winner's specifications up to the Allocated Amount or locate the FORD BRONCO® Vehicle Prize based on local dealer stock. Once 2024 model production ceases, a FORD BRONCO® Vehicle Prize will be ordered based on current local dealer stock up to the Allocated Amount.

(d) A FORD BRONCO® Vehicle Prize winner opting for the Cash Option will receive the cash value of the FORD BRONCO® Vehicle Prize (\$100,000) minus required income tax withholding, subject to the provisions of section 10(e)(1), below.

(e) *FORD BRONCO® Vehicle Prize Restrictions:*

(1) If the Department of Human Services, pursuant to 23 Pa.C.S.A. § 4308, determines that a winner of the FORD BRONCO® Vehicle Prize owes certain debts to the Commonwealth as provided in 23 Pa.C.S.A. § 4308 or 72 P.S. § 215, the winner shall be awarded the Cash Option, and the amount of any arrearages shall be deducted from the cash value of the prize. After the delinquent support obligation is met, the winner will receive the remaining prize value, if any, according to Lottery procedure.

(2) In the event a prize described in section 10(b)(1)—10(b)(3) is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash

payment to the winner in an amount determined by the Secretary to have an equivalent value to the prize won.

(3) Each winner, his or her respective heirs, legal representatives and assigns, agrees to indemnify, defend, release and discharge the Pennsylvania Lottery, its employees, officers, directors and commissioners and Ford Motor Company from and against any loss, claim, damage, suit or injury arising out of or relating to this game, acceptance and possession of the FORD BRONCO® Vehicle Prize or any action taken pursuant to these rules. By entering, the winner indemnifies, releases, discharges and agrees to hold harmless the Pennsylvania Lottery, its employees, officers, directors and commissioners and Ford Motor Company from unanticipated cancellation, suspension or postponement of the promotion due to natural disaster, national emergency or other unforeseen act of God or man.

11. *Second-Chance Drawing:* The Pennsylvania Lottery's Buckin' Buck\$ Second-Chance Drawing for qualifying instant and Fast Play lottery game tickets ("Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1693 Keys and Cash (\$5) Instant lottery game tickets and PA-5243 Adventure Ahead (\$5) Fast Play lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.PAiLottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.pailottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery

terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(7) Only one claimant per entry is allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) Drawing description:

(1) The Lottery will conduct one Buckin' Buck\$ Second-Chance Drawing from among all qualifying Instant and Fast Play lottery game qualifying tickets. All time references are Eastern Prevailing Time.

(2) The entry period for qualifying PA-1693 Keys and Cash Instant lottery game tickets will begin after 11:59:59 p.m. May 19, 2024 and will end at 11:59:59 p.m. July 25, 2024. The entry period for qualifying PA-5243 Adventure Ahead Fast Play lottery game tickets will begin after 4:59:59 a.m. June 4, 2024 and will end at 11:59:59 p.m. July 25, 2024. All entries received during the entry periods will be entered into the Drawing tentatively scheduled to be held between July 29, 2024 and August 9, 2024.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1693 Keys and Cash (\$5) = five entries; and PA-5243 Adventure Ahead (\$5) = five entries.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) Prizes available to be won, determination of winners and odds of winning:

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 11(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 11(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$75,000, less required income tax withholding.

(ii) The second through the sixth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iii) The seventh through the eleventh entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$4,000.

(iv) The twelfth through the sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(v) The seventeenth through the sixty-sixth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) Drawing restrictions:

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), Hasbro, Inc., Scientific Games, LLC and MDI Entertainment, LLC, (collectively "SG") and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses,

worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within one (1) year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 11(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

12. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Keys and Cash instant lottery game tickets.

13. *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.

14. *Unclaimed prize money:* For a period of 1 year from the announced close of Keys and Cash, prize money from winning Keys and 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 Keys and 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.

15. *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.

16. *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 Keys and Cash or through normal communications methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 24-690. Filed for public inspection May 17, 2024, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Public-Private Partnerships Board Meeting

The Public-Private Partnerships Board will hold a meeting on Wednesday, June 12, 2024, at 9 a.m. in the Forest Room, Plaza Level, Keystone Building, Harrisburg, PA. For more information, contact Maddie Vergos, (717) 214-2264, mvergos@pa.gov.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 24-691. Filed for public inspection May 17, 2024, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Liberty Township and CEASRA, Inc. v. Department of Environmental Protection and Tri-County Landfill, Permittee; EHB Doc. No. 2023-036-L

Liberty Township and CEASRA, Inc. have appealed the issuance by the Department of Environmental Protection

of NPDES Permit No. PA0263664 authorizing discharges from Tri-County Landfill to an Unnamed Tributary to Black Run in Liberty Township, Mercer County.

A hearing on the appeal has been scheduled to begin at 10:30 a.m. on August 5, 2024. The hearing will be conducted at the Pittsburgh offices of the Environmental Hearing Board, Hearing Room 2014, Second Floor, Piatt Place, 301 Fifth Avenue, Pittsburgh, PA. Changes to the hearing schedule may be found on the Environmental Hearing Board's (Board) web site at <http://ehb.courtapps.com>.

The appeal is filed with the Board. The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board's web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

STEVEN C. BECKMAN,
Chairperson

[Pa.B. Doc. No. 24-692. Filed for public inspection May 17, 2024, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Additions and Revisions; April 2024

The Fish and Boat Commission (Commission) approved the addition of 20 streams sections and revisions to the section limits of 4 streams as set forth at 54 Pa.B. 1026 (February 24, 2024). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at <https://www.fishandboat.com/Fishing/All-About-Fish/Catch-PA-Fish/Trout/Pages/TroutWaterClassifications.aspx>.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 24-693. Filed for public inspection May 17, 2024, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions; July 2024

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on July 22, 2024, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Bedford	Burns Creek	Headwaters to Mouth	Shawnee Branch	40.038249 78.675375
Bedford	Shoup Run	Headwaters to Mouth	Raystown Branch Juniata River	40.224037 78.244514
Bedford	Snake Spring Valley Run	Headwaters to Mouth	Raystown Branch Juniata River	40.014242 78.399430
Bedford	Unnamed tributary (UNT) to Bobs Creek (RM 10.28)	Headwaters to Mouth	Bobs Creek	40.252390 78.579230
Bedford	West Branch Georges Creek	Headwaters to Mouth	Georges Creek	40.208460 78.604193
Blair	Piper Hollow Run	Headwaters to Mouth	Bobs Creek	40.322590 78.599790
Carbon	UNT to Lizard Creek (RM 5.49)	Headwaters to Mouth	Lizard Creek	40.768882 75.741058
Carbon	UNT to Mahoning Creek (RM 7.08)	Headwaters to Mouth	Mahoning Creek	40.794368 75.790203
Carbon	UNT to Shingle Mill Run (RM 0.58)	Headwaters to Mouth	Shingle Mill Run	41.078251 75.611795
Carbon	UNT to Shingle Mill Run (RM 0.95)	Headwaters to Mouth	Shingle Mill Run	41.074578 75.616331

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Centre	UNT to Marsh Creek (RM 14.46)	Headwaters to Mouth	Marsh Creek	41.042000 77.815340
Centre	UNT to Potter Run (RM 3.84)	Headwaters to Mouth	Potter Run	40.778368 77.618644
Centre	UNT to South Fork Beech Creek (RM 4.43)	Headwaters to Mouth	South Fork Beech Creek	41.024454 77.903633
Clearfield	Fox Run	Headwaters to Mouth	Laurel Run	41.147220 78.513340
Clearfield	UNT to Laurel Run (RM 3.46)	Headwaters to Mouth	Laurel Run	41.242248 78.471642
Clinton	UNT to East Branch Hyner Run (RM 1.76)	Headwaters to Mouth	East Branch Hyner Run	41.362111 77.589633
Clinton	UNT to Left Branch Hyner Run (RM 3.12)	Headwaters to Mouth	Left Branch Hyner Run	41.419462 77.599349
Clinton	UNT to Lick Run (RM 4.47)	Headwaters to Mouth	Lick Run	41.221163 77.527448
Clinton	UNT to Lick Run (RM 4.61)	Headwaters to Mouth	Lick Run	41.223142 77.528035
Clinton	UNT to Monument Run (RM 0.86)	Headwaters to Mouth	Monument Run	41.120460 77.710890
Clinton	UNT to Monument Run (RM 1.24)	Headwaters to Mouth	Monument Run	41.125320 77.710590
Clinton	UNT to Right Branch Hyner Run (RM 2.51)	Headwaters to Mouth	Right Branch Hyner Run	41.392040 77.569452
Clinton	UNT to Robbins Run (RM 1.36)	Headwaters to Mouth	Robbins Run	41.335568 77.511864
Crawford	UNT to Deckard Run (RM 0.51)	Headwaters to Mouth	Deckard Run	41.539128 80.001585
Crawford	UNT to Little Sugar Creek (RM 0.16)	Headwaters to Mouth	Little Sugar Creek	41.603312 79.888394
Crawford	UNT to West Branch Sugar Creek (RM 2.21)	Headwaters to Mouth	West Branch Sugar Creek	41.598891 79.879158
Elk	UNT to Laurel Run (RM 1.24)	Headwaters to Mouth	Laurel Run	41.265157 78.461864
Fayette	Laurel Run	Headwaters to Mouth	Meadow Run	39.848889 79.492222
Huntingdon	Sugar Grove Run	Headwaters to Mouth	Juniata River	40.438589 77.938577
Lehigh	UNT (RM 0.31) to UNT to Trout Creek (RM 0.62)	Headwaters to Mouth	UNT to Trout Creek (RM 0.62)	40.757824 75.613987
Lehigh	UNT to Lehigh River (RM 32.25)	Headwaters to Mouth	Lehigh River	40.736126 75.592824
Lehigh	UNT to Lehigh River (RM 32.27)	Headwaters to Mouth	Lehigh River	40.736389 75.593060
Lehigh	UNT to Trout Creek (RM 0.62)	Headwaters to Mouth	Trout Creek	40.754164 75.611602
Lehigh	UNT to Trout Creek (RM 5.58)	Headwaters to Mouth	Trout Creek	40.735954 75.678106
Lycoming	UNT to Blockhouse Creek (RM 9.83)	Headwaters to Mouth	Blockhouse Creek	41.530212 77.121620
Lycoming	UNT to Grays Run (RM 5.12)	Headwaters to Mouth	Grays Run	41.484552 77.028036
Lycoming	UNT to Miller Run (RM 2.33)	Headwaters to Mouth	Miller Run	41.371008 77.489158

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Lycoming	UNT to Second Big Fork (RM 1.52)	Headwaters to Mouth	Second Big Fork	41.390954 77.522422
Lycoming	UNT to Trout Run (RM 5.30)	Headwaters to Mouth	Trout Run	41.420169 77.543029
Lycoming	UNT to Trout Run (RM 6.26)	Headwaters to Mouth	Trout Run	41.427021 77.557801
McKean	UNT to Brewer Run (RM 3.34)	Headwaters to Mouth	Brewer Run	41.680343 78.443012
McKean	UNT to Combs Creek (RM 0.66)	Headwaters to Mouth	Combs Creek	41.766990 78.274272
McKean	UNT to Meade Run (RM 3.02)	Headwaters to Mouth	Meade Run	41.749420 78.811670
McKean	UNT to Meade Run (RM 3.21)	Headwaters to Mouth	Meade Run	41.747962 78.809059
McKean	UNT to Meade Run (RM 5.15)	Headwaters to Mouth	Meade Run	41.738607 78.778879
McKean	UNT to Meade Run (RM 5.55)	Headwaters to Mouth	Meade Run	41.740701 78.771799
McKean	UNT to Meade Run (RM 6.11)	Headwaters to Mouth	Meade Run	41.739240 78.762290
McKean	UNT to Red Mill Brook (RM 2.09)	Headwaters to Mouth	Red Mill Brook	41.711465 78.425200
McKean	UNT to Red Mill Brook (RM 4.43)	Headwaters to Mouth	Red Mill Brook	41.707986 78.462310
McKean	UNT to Walcott Brook (RM 3.08)	Headwaters to Mouth	Walcott Brook	41.737282 78.345117
McKean	UNT to White Hollow Run (RM 0.74)	Headwaters to Mouth	White Hollow Run	41.755990 78.373326
McKean	White Hollow Run	Headwaters to Mouth	Walcott Brook	41.748059 78.381016
Mifflin	UNT to Tea Creek (RM 4.74)	Headwaters to Mouth	Tea Creek	40.701176 77.646029
Monroe	Beaver Creek	Headwaters to Mouth	Upper Tunkhannock Creek	41.105765 75.484554
Monroe	Deep Run	Headwaters to Mouth	Tobyhanna Creek	41.096667 75.552500
Monroe	UNT to Beaver Creek (RM 0.48)	Headwaters to Mouth	Beaver Creek	41.101184 75.480526
Monroe	UNT to Forest Hills Run (RM 3.31)	Headwaters to Mouth	Forest Hills Run	41.111146 75.323568
Monroe	UNT to Upper Tunkhannock Creek (RM 0.79)	Headwaters to Mouth	Upper Tunkhannock Creek	41.102827 75.499429
Monroe	UNT to Upper Tunkhannock Creek (RM 4.33)	Headwaters to Mouth	Upper Tunkhannock Creek	41.119402 75.441888
Northampton	UNT to Bertsch Creek (RM 3.62)	Headwaters to Mouth	Bertsch Creek	40.770750 75.561186
Northampton	UNT to Lehigh River (RM 28.29)	Headwaters to Mouth	Lehigh River	40.735370 75.540996
Pike	UNT (RM 0.40) to UNT to Shohola Creek (RM 7.88)	Headwaters to Mouth	UNT to Shohola Creek (RM 7.88)	41.407561 74.980160
Pike	UNT (RM 0.88) to UNT to Shohola Creek (RM 7.88)	Headwaters to Mouth	UNT to Shohola Creek (RM 7.88)	41.403550 74.987093
Pike	UNT to Delaware River (RM 282.06)	Headwaters to Mouth	Delaware River	41.532777 75.023630

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Pike	UNT to Delaware River (RM 282.19)	Headwaters to Mouth	Delaware River	41.534753 75.025408
Pike	UNT to Dingmans Creek (RM 1.64)	Headwaters to Mouth	Dingmans Creek	41.228345 74.886424
Pike	UNT to Dingmans Creek (RM 1.77)	Headwaters to Mouth	Dingmans Creek	41.230064 74.887374
Pike	UNT to Dingmans Creek (RM 2.84)	Headwaters to Mouth	Dingmans Creek	41.231364 74.904575
Pike	UNT to Shohola Creek (RM 3.10)	Headwaters to Mouth	Shohola Creek	41.442727 74.932931
Pike	UNT to Shohola Creek (RM 3.60)	Headwaters to Mouth	Shohola Creek	41.436623 74.932893
Potter	UNT to Phoenix Run (RM 3.27)	Headwaters to Mouth	Phoenix Run	41.782963 77.613530
Potter	UNT to Phoenix Run (RM 3.76)	Headwaters to Mouth	Phoenix Run	41.788978 77.615804
Potter	UNT to Phoenix Run (RM 3.94)	Headwaters to Mouth	Phoenix Run	41.791498 77.616511
Somerset	UNT to Harbaugh Run (RM 1.76)	Headwaters to Mouth	Harbaugh Run	39.924837 79.360846
Tioga	UNT to East Branch Stony Fork (RM 3.50)	Headwaters to Mouth	East Branch Stony Fork	41.662480 77.363670
Venango	UNT (RM 1.04) to UNT to East Branch Sugar Creek (RM 2.63)	Headwaters to Mouth	UNT to East Branch Sugar Creek (RM 2.63)	41.511980 79.818623
Venango	UNT (RM 2.47) to UNT to East Branch Sugar Creek (RM 2.63)	Headwaters to Mouth	UNT to East Branch Sugar Creek (RM 2.63)	41.505292 79.798294
Venango	UNT to East Branch Sugar Creek (RM 1.32)	Headwaters to Mouth	East Branch Sugar Creek	41.512230 79.850063
Venango	UNT to Little Sugar Creek (RM 3.19)	Headwaters to Mouth	Little Sugar Creek	41.569667 79.801624
Warren	UNT to Wolf Run (RM 0.92)	Headwaters to Mouth	Wolf Run	41.853070 78.929490
Wayne	UNT (RM 0.47) to UNT to West Branch Lackawaxen River (RM 9.71)	Headwaters to Mouth	UNT to West Branch Lackawaxen River (RM 9.71)	41.643212 75.368522
Wayne	UNT to Alder Marsh Brook (RM 0.86)	Headwaters to Mouth	Alder Marsh Brook	41.738649 75.244911
Wayne	UNT to Big Brook (RM 1.06)	Headwaters to Mouth	Big Brook	41.645563 75.264037
Wayne	UNT to Big Brook (RM 3.06)	Headwaters to Mouth	Big Brook	41.667456 75.253175
Wayne	UNT to Carley Brook (RM 5.63)	Headwaters to Mouth	Carley Brook	41.628270 75.235560
Wayne	UNT to Carley Brook (RM 6.42)	Headwaters to Mouth	Carley Brook	41.637659 75.230685
Wayne	UNT to Dyberry Creek (RM 6.60)	Headwaters to Mouth	Dyberry Creek	41.652769 75.281976
Wayne	UNT to East Branch Dyberry Creek (RM 4.57)	Headwaters to Mouth	East Branch Dyberry Creek	41.714403 75.269632
Wayne	UNT to East Branch Dyberry Creek (RM 6.21)	Headwaters to Mouth	East Branch Dyberry Creek	41.735639 75.266606
Wayne	UNT to Indian Orchard Brook (RM 1.43)	Headwaters to Mouth	Indian Orchard Brook	41.559105 75.209648

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Wayne	UNT to South Branch Calkins Creek (RM 2.89)	Headwaters to Mouth	South Branch Calkins Creek	41.634938 75.120775
Wayne	UNT to South Branch Calkins Creek (RM 4.02)	Headwaters to Mouth	South Branch Calkins Creek	41.639487 75.138536
Wayne	UNT to South Branch Calkins Creek (RM 4.76)	Headwaters to Mouth	South Branch Calkins Creek	41.638392 75.147400
Wayne	UNT to West Branch Dyberry Creek (RM 5.05)	Headwaters to Mouth	West Branch Dyberry Creek	41.709861 75.317160
Wayne	UNT to West Branch Lackawaxen River (RM 1.28)	Headwaters to Mouth	West Branch Lackawaxen River	41.576143 75.274695

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments, objections or suggestions may also be submitted electronically to RA-pfbcregulations@pa.gov.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 24-694. Filed for public inspection May 17, 2024, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Changes to List of Class A Wild Trout Waters; July 2024

The Fish and Boat Commission (Commission) is considering changes to its list of Class A wild trout streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

(1) Criteria developed for Class A Wild Trout fisheries are species specific.

(2) Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild brook trout fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild brown trout fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass shall comprise at least 75% of the total trout biomass.

(iii) *Mixed wild brook and brown trout fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(iv) *Wild rainbow trout fisheries*. Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed wild brook and rainbow trout fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed wild brown and rainbow trout fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A wild trout streams at its meeting on July 22, 2024.

County	Stream	Section	Limits	Tributary to	Mouth Lat/Lon	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey year
Adams	Clear Run	1	Headwaters to Mouth	Carbaugh Run	39.899551 77.451942	31.15	—	—	1.93	2023
Bedford	Bank Run	1	Headwaters to Mouth	Yellow Creek	40.143391 78.293892	—	90.61	—	1.45	2023
Bedford	Wallacks Branch	2	Little Break Hollow Run to Mouth	Bobs Creek	40.263058 78.592224	3.57	54.72	—	2.00	2023
Blair	Schmucker Run	1	Headwaters to Mouth	Frankstown Branch Juniata River	40.481244 78.173201	41.41	—	—	2.88	2023
Cameron	Lower Pine Run	1	Headwaters to Mouth	Wykoff Run	41.282818 78.126373	35.72	0.14	—	1.01	2023
Clearfield	Buck Run	1	Headwaters to Mouth	Deer Creek	41.086944 78.245000	34.13	—	—	3.71	2023
Clearfield	Deer Creek	1	Headwaters to Little Deer Creek	West Branch Susquehanna River	41.078609 78.235420	33.49	—	—	5.51	2023
Clearfield	Unnamed Tributary (UNT) to Big Run (Fairview) (RM 1.46)	1	Headwaters to Mouth	Big Run (Fairview)	41.049194 78.220358	40.40	—	—	0.80	2022
Clinton	Round Island Run	1	Headwaters to Mouth	Sinnemahoning Creek	41.298889 77.995000	45.51	1.49	—	4.47	2023
Cumberland	Burd Run	3	Ritner Highway to Mouth	Middle Spring Creek	40.070000 77.535553	—	41.97	—	1.92	2023
Huntingdon	Robinson Run	2	UNT at RM 2.61 to Mouth	Frankstown Branch Juniata River	40.539472 78.087405	—	61.06	—	2.61	2023
Juniata	Macedonia Run	1	Headwaters to Mouth	Juniata River	40.609474 77.445000	66.49	9.98	—	2.96	2023
Lycoming	Daugherty Branch	1	Headwaters to Mouth	Manor Fork	41.511997 77.537437	38.75	20.74	—	2.65	2023
Lycoming	Dry Run	1	Headwaters to Mouth	Grays Run	41.443611 77.020554	45.61	6.71	—	1.42	2023
Lycoming	Holly Hollow Run	1	Headwaters to Mouth	Grays Run	41.492916 77.069754	41.99	—	—	1.47	2023
Lycoming	Murray Run	1	Headwaters to Mouth	Wallis Run	41.386951 76.929176	0.10	52.40	—	1.29	2023
Lycoming	Short Run	1	Headwaters to Mouth	Grays Run	41.491112 77.038330	36.21	—	—	0.51	2023
Lycoming	Trout Run	1	Headwaters to UNT approximately 0.75 mile upstream No. 4 hollow	Pine Creek	41.400276 77.461945	18.12	34.45	—	2.72	2023
Lycoming	Upper Pine Bottom Run	1	Headwaters to Zinck Fork	Pine Creek	41.322778 77.386389	42.95	16.29	—	2.09	2023

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>	<i>Brook Trout (kg / ha)</i>	<i>Brown Trout (kg / ha)</i>	<i>Rainbow Trout (kg / ha)</i>	<i>Length (miles)</i>	<i>Survey year</i>
Lycoming	Yoder Hollow Run	1	Headwaters to Mouth	Grays Run	41.489445 77.051941	62.35	3.01	—	1.74	2023
Mifflin	Granville Run	1	Headwaters to Mouth	Juniata River	40.573009 77.584732	54.30	11.36	—	3.31	2023
Mifflin	UNT (RM 0.08) to UNT to Laurel Creek Reservoir (RM 5.82)	1	Headwaters to Mouth	UNT to Laurel Creek Reservoir (RM 5.82)	40.729017 77.640042	36.68	—	—	1.18	2023
Monroe	Poplar Run	3	Downstream boundary of Delaware State Forest to Mouth	Brodhead Creek	41.113611 75.223889	24.17	45.67	—	0.40	2023
Potter	Bergstresser Hollow	1	Headwaters to Mouth	Kettle Creek	41.513889 77.755000	45.11	0.08	—	2.08	2023
Potter	Bolich Run	1	Headwaters to Mouth	Cross Fork	41.608056 77.780000	31.14	—	—	3.67	2022
Potter	Heth Run	1	Headwaters to Mouth	South Woods Branch	41.698464 78.033801	50.16	6.46	—	1.76	2023
Potter	Jamison Run	1	Headwaters to Mouth	East Fork Sinnemahoning Creek	41.586111 77.900833	32.68	9.26	—	2.96	2023
Tioga	Brackman Hollow Run	1	Headwaters to Mouth	Apple Tree Hollow Run	41.581580 77.575034	55.35	—	—	0.65	2022
Tioga	Coon Creek	1	Headwaters to Mouth	South Creek	41.670278 76.944167	38.05	—	—	2.39	2023
Tioga	Jenkins Hollow Run	1	Headwaters to Mouth	Frying Pan Run	41.591389 77.506943	71.34	7.29	—	0.78	2022
Union	Halfway Run	1	Headwaters to Mouth	Rapid Run	40.991554 77.188789	44.15	4.48	—	1.88	2023

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments, objections or suggestions may also be submitted electronically to RA-pfbcregulations@pa.gov.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 24-695. Filed for public inspection May 17, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Newhart Insurance Agency, Inc.; Millville Mutual Insurance Company; Doc. No. AT24-03-025

Newhart Insurance Agency, Inc. has requested review of an agency contract termination by Millville Mutual Insurance Company under sections 1–6 of the act of September 22, 1978 (P.L. 763, No. 143) (40 P.S. §§ 241–246).

A pre-review telephone conference initiated by this office is scheduled for June 18, 2024, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 14, 2024. A date for a review shall be determined, if necessary, at the pre-review conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before June 4, 2024. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before June 14, 2024.

Persons with a disability who wish to attend the previously referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the review, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-696. Filed for public inspection May 17, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Chad Kenneth Aitken; License Denial Appeal; Doc. No. AG24-05-002

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1–310.99a), Chad Kenneth Aitken has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501–508, 561–588 and 701–704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1–56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for June 17, 2024, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 14, 2024. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before May 31, 2024. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before June 14, 2024.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-697. Filed for public inspection May 17, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Richard J. Santone, Sr.; Consent Order; Doc. No. CO21-11-022

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501–508, 561–588 and 701–704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1–56.3 (relating to Special Rules of Administrative Practice and Procedure) except as modified by order.

A prehearing telephone conference initiated by this office is scheduled for May 29, 2024, at 11 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 28, 2024. A hearing will occur on June 12, 2024, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before May 15, 2024. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before May 28, 2024.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-698. Filed for public inspection May 17, 2024, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-24-011, Dated April 18, 2024. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and the Pennsylvania Social Services Union, affiliated with Service Employees International Union, AFL-CIO. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2023 through June 30, 2027.

Resolution No. CB-24-012, Dated April 18, 2024. Authorizes the Memorandum of Understanding between the Commonwealth and OPEIU (P5 Unit) effective 7/1/2023 through 6/30/2027.

AMY J. MENDELSON,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 24-699. Filed for public inspection May 17, 2024, 9:00 a.m.]

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Publication of Guidelines for the Disaster Recovery Assistance Program

This notice of publication of guidelines provides updates for the Disaster Recovery Assistance Program (DRAP) as required by the act of July 11, 2022 (P.L. 540, No. 54), which added section 1735-F.1(3) of The Fiscal Code (72 P.S. § 1735-F.1(3)), and the act of December 13, 2023 (P.L. 251, No. 34), which added section 1735-F.3(3) of The Fiscal Code (72 P.S. § 1735-F.3(3)). DRAP is designed to provide disaster relief when other Federal, State, local, nongovernmental or private aid is not available to assist victims of disasters. DRAP is a State grant program that may offer relief to eligible homeowners and renters in this Commonwealth who have suffered certain losses due to a disaster and do not qualify for a Small Business Administration disaster loan or have insurance to cover their losses. DRAP is administered by the Pennsylvania Emergency Management Agency (Agency). The 2024 Guidance document supersedes the guidelines published on January 6, 2024.

The guidelines for activation, eligibility and application instructions are published on the Agency's web site at www.pema.pa.gov.

DAVID (RANDY) PADFIELD,
Director

Disaster Recovery Assistance Program 2024 Guidance

PART I: RECOVERING FROM A DISASTER

Prevention, mitigation, preparedness, response, and recovery are the five phases of Emergency Management. The recovery phase of a disaster consists of those activities that continue beyond the emergency period to return a community to normal or near-normal conditions. Recovery activities include the restoration of basic services and the repair of physical, social, and economic damages. The goal of the recovery phase is to bring the affected area back to some degree of normalcy. After life-safety risks are addressed, some immediate actions you can take to aid the recovery process include:

- Take photos of your damaged home and belongings for your own records
- If you have insurance (such as flood, homeowners, renters, auto or other types of insurance), file a claim with your insurance provider as soon as possible
- Report your property damages to your community's emergency management coordinator

Reporting Damages is Critical to the Recovery Process:

If your home or property is impacted by a disaster, timely reporting of these damages to your community's emergency management coordinator is critical to the disaster recovery process. Reporting your damages as soon as possible enables officials to determine resources that may be available at the local, state, and federal levels to help recover from the disaster. Your action in promptly reporting damages is foundational to your community's recovery from a disaster.

Immediate and Long-Term Disaster Recovery Resources:

Disaster recovery is the cumulative effort of federal, state, county, and local governments in conjunction with non-governmental organizations and private industries pooling financial and personnel resources to assist disaster-impacted communities. Below are examples of potential resources that may be available to assist you with recovering from the impacts of a disaster:

Insurance is the first resource in recovering from a disaster. Contact your insurance agent or company representative to report your losses, review your coverage, and answer any questions. The Pennsylvania Insurance Department provides assistance with insurance related questions or issues and can be reached by calling 1-877-881-6388 or by visiting the Pennsylvania Insurance Department website.

Local programs and services may be available to assist with recovery efforts.

• Voluntary and Nonprofit Organizations are often ready to step in and help take care of immediate needs. These organizations may be able to assist with food and water, clothing, sheltering services, immediate debris clearance, home repair/cleanout, or address other immediate needs. Contact your local municipality or county for additional information. You may also contact relief agencies and local volunteer and faith-based communities directly. Resources can also be found on the Information and Referral line by dialing 2-1-1 or visiting <https://www.pa211.org/>.

• County Assistance Offices, which are part of the Pennsylvania Department of Human Services, may offer assistance and other services to people and families in need.

Federal assistance may be requested if the total amount of damages from the disaster exceeds thresholds established by the Federal Emergency Management Administration (FEMA). Damages that meet those thresholds may result in a federal disaster declaration. The importance of reporting your damages to the local emergency management coordinator as soon as possible cannot be over emphasized. In the absence of federal assistance, residents affected by a disaster may need to rely on personal resources and assistance from local programs and/or voluntary organizations.

U.S. Small Business Administration (SBA) offers low-interest disaster loans to eligible homeowners, renters, businesses of all sizes and certain private nonprofit organizations in areas where a physical disaster is declared by SBA. SBA is most often the primary form of federal assistance that becomes available in Pennsylvania.

- Physical Disaster Loans are for permanent rebuilding and replacement of uninsured or underinsured disaster-damaged privately-owned real and/or personal property. SBA makes physical disaster loans to qualified homeowners, renters, businesses, and certain private nonprofit organizations.

The Disaster Recovery Assistance Program (DRAP) is designed to provide disaster relief when other local, state, federal, non-governmental, or private aid is not available to assist victims of disasters. DRAP is a state grant program that may offer relief to eligible homeowners and renters in Pennsylvania who have suffered certain losses due to a disaster and do not qualify for an SBA disaster loan or have insurance to cover their losses. DRAP is administered by the Pennsylvania Emergency Management Agency (PEMA).

PART II: 2024 DRAP GUIDELINES

Program Availability:

DRAP is made available when the following three criteria are met:

1. Federal Individual Assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act has not been authorized.
2. The U.S. Small Business Administration issues an administrative agency declaration of a physical disaster authorizing low interest loans to homeowners or renters.
3. The governor determines that the program should be activated.

When DRAP is activated, PEMA will define the disaster event and areas where DRAP is available pursuant to an SBA determination of an administrative agency declaration of a disaster. This information will be published by

PEMA on its publicly available website and sent to appropriate local officials and to the public through all appropriate means under the circumstances.

Applicant Eligibility:

DRAP is designed to provide disaster relief when other local, state, federal, non-governmental, or private aid is not available to assist victims of disasters and the losses are not covered by insurance. DRAP funds are limited, and individuals are required to utilize insurance, SBA loans, and other disaster recovery assistance programs prior to seeking DRAP funds. Survivors of a declared disaster may receive a one-time grant of up to \$10,000 per household. To be eligible for DRAP:

1. Applicants must have suffered losses caused directly by the disaster and in the areas defined by PEMA. The applicant’s primary residence must be:

- In a Pennsylvania county that is identified as a primary or contiguous county in an SBA administrative agency declaration of disaster as requested by the Governor of Pennsylvania.
- In a municipality that issued a declaration of disaster emergency within two weeks of the disaster event and has submitted at least one damage assessment report to the county emergency management agency or PEMA for damage related to the declared disaster emergency.

o In general, each local governmental entity and county has a process for reporting damages caused by a disaster. Individuals who are impacted by a disaster are encouraged to immediately inform their local emergency management coordinator. The local emergency management coordinator submits a report of the damage to the county emergency management agency. The county aggregates the information and submits the collected data to PEMA.

- Identified on the list of affected properties provided by the county or municipality. PEMA will cross-check applications against damage assessments provided by the affected county’s emergency management office(s) to ensure the applicant’s residence appears on the list of known affected properties. If the applicant’s residence is not on a list of known affected properties, PEMA will work with the appropriate county officials or other stakeholders to determine whether the property was affected by the disaster. Businesses or secondary properties, such as vacation homes or investment properties, are not eligible for DRAP.

2. Eligibility to receive a DRAP grant is based on annual household income. Households earning below 500% of the most recent National Federal Poverty Guidelines¹ published by the United States Department of Health and Human Services may be eligible to receive DRAP grants:

• Households with annual household income that is higher than the amounts in this table are not eligible to apply for DRAP grants.	
Household Size	Income
1	\$75,300
2	\$102,200
3	\$129,100
4	\$156,000
5	\$182,900
6	\$209,800

7	\$236,700
8	\$263,600
Each additional person	Add \$26,900

3. Households receiving income-based government assistance may apply directly for a DRAP grant without first applying and being denied a disaster loan through SBA. Proof of government assistance must be provided by the applicant. Examples of income-based government assistance programs include, but are not limited to: Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Low Income Home Energy Assistance Program (LIHEAP), and Medicaid.

4. When the household is not receiving income-based government assistance, the applicant must first apply for a disaster loan through SBA and be denied because of inability to repay or inadequate credit to be eligible for a DRAP grant.

- The SBA denial notification must be submitted with the DRAP application.

For purposes of DRAP:

- A household is an individual or group living together at one mailing address.

- Annual household income is the combined gross income of all members of the household in the preceding calendar year.¹

- Gross income is the total amount of money earned in a year before any taxes, healthcare or payroll or deductions are taken out. Gross income is different from net income. Net income is the money taken home after taxes and any deductions are removed.

DRAP Eligible Expenses

DRAP grants may help pay for losses that were a direct result of the disaster. Covered losses fit in to one of three categories.

1. Category 1—Home Repairs for the primary residence of eligible homeowners:

- For eligible homeowners, DRAP funds may be used to return the home to a safe, healthy, accessible, and weatherproof condition. DRAP grant funds may be eligible for the following home repair categories necessitated by a disaster:

- Entrance or exit ways from the home to ensure safe access. This does not include improvements to entrance and exit ways.

- Disaster related debris removal that causes a threat to health, safety, or access to the residence.

- Structural damage to the home.

- Windows, doors, floors, walls, ceilings, or cabinetry.

- Septic or sewage systems.

- Well or other water systems.

- Heating, ventilation, or air conditioning systems.

- Utilities, including electrical, plumbing and gas systems.

- Blocking, leveling, and anchoring of a mobile home, and reconnecting or resetting its sewer, water, electrical, and fuel lines and tanks.

- Permitting and inspection.

- Other projects required to make the home safe, sanitary, and weatherproof.

- Applicants may receive up to \$10,000 for home repairs.

- Applicants must submit at least two quotes from two different contractors registered with the Office of Attorney General under the Home Improvement Consumer Protection Act (73 P.S. §§ 517.1—517.19) for a particular project and meet all other eligibility requirements to recover costs for home repairs. If an applicant has already had work performed, detailed receipts must be submitted.

2. Category 2—Temporary Housing

- For eligible homeowners and renters, DRAP funds may be used for temporary housing if the home is destroyed, uninhabitable, inaccessible, or unavailable due to a disaster.

- DRAP grants may cover up to 60 days lodging at a licensed establishment, such as a hotel or motel, in the Commonwealth of Pennsylvania.

- The maximum amount DRAP may award per room will not exceed 150% of the daily lodging rates established by the U.S. Department of General Services Administration for destinations in Pennsylvania. See Appendix A for a schedule of DRAP maximum daily lodging rates per room for various areas in Pennsylvania.

- Meals, incidental costs, and other hotel services are not an eligible use of DRAP funds.

- Rooms must be booked with at least two members of the household staying in each room, whenever possible.

- DRAP funds may be used for fees charged by the licensed establishment to allow household pets during the stay. DRAP funds may also be used to temporarily shelter household pets at a kennel for up to 60 days while the owner is required to stay in temporary housing because their home is uninhabitable.

- Applicants may receive up to \$5,000 for temporary housing.

3. Category 3—Essential Personal Property

- For eligible homeowners and renters, DRAP funds may be used to cover the loss of essential personal property destroyed due to the disaster and not covered by insurance. Please see Appendix B for a list of personal property eligible under DRAP and the maximum amount that may be awarded for each item.

- Essential personal property not covered by insurance is eligible under DRAP for reimbursement up to \$5,000.

DRAP Grant Awards & Prioritization of Funding:

Each eligible household may receive a maximum grant of up to \$10,000 in DRAP funding. For example, an applicant may receive \$6,000 for home repairs, \$2,000 for temporary housing, and \$2,000 for essential personal property, where those losses are not covered by insurance

¹ <https://aspe.hhs.gov/sites/default/files/documents/7240229f28375f54435c5b83a3764cd1/detailed-guidelines-2024.pdf>.

or reimbursed from another source. The maximum total award applies even if eligible losses exceed \$10,000.

DRAP has limited financial resources. For disasters that occur after 75% of the annual funds for the program have been exhausted, essential personal property losses will no longer be recoverable until additional funding becomes available.

PEMA maintains discretion to prioritize DRAP funds towards certain cost categories as needed during current or future disasters. If it becomes necessary to prioritize the allocation of awards due to limited funds, the priority shall be:

1. Home repairs
2. Temporary housing
3. Essential personal property

DRAP Application Process and Requirements:

Households earning below 500% of the National Federal Poverty Guidelines must first apply for a disaster loan through SBA and be denied unless the household is receiving income-based government assistance. PEMA will coordinate with SBA to identify individuals who were denied an SBA loan. PEMA will work to contact these individuals to provide information about DRAP and application process. Individuals that are income eligible, who were denied an SBA loan, do not have to wait to be contacted by PEMA to submit a DRAP application.² Applicants must follow the process, and meet the requirements, specified below.

1. Applications must be for a primary residence only.
2. One application may be submitted per household.
3. DRAP grant application must be submitted within 90 days of the date DRAP activation is announced for the applicable disaster.

4. When DRAP is made available, eligible households apply for the grant using the Commonwealth online eGrants system.

5. To apply using the eGrants system, the applicant needs to register for a Keystone Login. Keystone login is a username and password that can be used to log into any Commonwealth agency online service that participates in Keystone Login. A Keystone Login can be obtained here: <https://keystonelogin.pa.gov/Account/Register>.

• A paper application may be submitted to PEMA if an applicant is unable to submit a grant application electronically using the eGrants system.

6. Applicants will be required to provide the following information on a DRAP grant application:

- Contact information.
- Insurance information including the claim denial (if applicable).
- Household information including whether the applicant owns or rents their home and the total number of adults in the household.
- Income information.
- Description of damages.

7. Applicants will need to submit the following documents to PEMA for the application to be finalized:

- Proof of residency (ex. utility bill, driver's license, lease agreement, mortgage document, or tax records).

- Proof of income (ex. tax records, Medicaid card, or three months of paystubs from the last calendar year for all members of household).

- Photographs of damage claimed.
- Receipts for any reimbursements requested.
- Quotes for remediation or repair work.
- Cancelled check for direct deposit bank account.
- Copies of Home and/or Renter's Insurance Declaration Page.
- Proof of SBA Loan Request Denial where required.
- Proof of income-based government assistance where appropriate.

8. In addition to completing the DRAP grant application, applicants will be required to:

- Disclose the receipt of benefits from any other source, including insurance, charitable organizations, and other government organizations related to the loss for which they are seeking benefits.

- Acknowledge that willfully making a false statement or misrepresentation in their application or failing to disclose a material fact regarding their eligibility may subject them to criminal penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

9. Applicants must be willing to permit an inspection of their home by PEMA or another entity designated by PEMA to verify damages.

10. PEMA may, at its discretion, perform any investigation they deem appropriate to corroborate the values placed on personal property items by an applicant.

DRAP Application Review

PEMA is responsible for receiving and managing applications, as well as making recommendations on the disposition of the applications. After review by PEMA personnel, applications will receive one of three dispositions:

1. *Approved*—The application is complete and the request is approved in whole.

2. *Incomplete*—The application is incomplete. The application will be returned to the applicant as soon as possible with feedback identifying the application's deficiencies. If an application is returned as incomplete, the applicant will be able to redress the deficiencies within: a) 30 days from the date they are first notified the application was incomplete, or b) within 90 days after DRAP was activated, whichever is longer.

3. *Denied*—The application demonstrates that an applicant is ineligible for the program, the identified losses are not covered by the program, or other good cause for denial exists.

DRAP Grant Agreement & Payment

DRAP is a state grant program. Individuals awarded DRAP funds will receive an award letter and grant agreement from PEMA. The grant agreement specifies the requirements of the grant program and items that must be completed by the recipient of the funds. The individual applicant should review the grant agreement. If the individual applicant agrees to the terms, the grant agreement must be signed and returned to PEMA utilizing the eGrants portal within 30 calendar days. If the grant agreement is not returned within 30 days, PEMA

² Applicants receiving income-based government assistance are not required to provide proof of SBA loan denial.

will make at least three attempts to contact the applicant via the applicant's preferred method of communication. PEMA will document each attempt to contact the applicant, with at least one attempt in writing. PEMA may rescind the grant award if the applicant does not make contact within 30 days of their first notification.

Please note that the Commonwealth is unable to process grant payments until the grant agreement is signed by all parties. Once the grant agreement is fully executed, the grant payment will be processed as quickly as possible.

DRAP payments may be made electronically into a grant recipient's bank account. A grant recipient will need to provide banking information to allow for direct deposit. Payments may be made by check if a bank account is not available.

Post Award Requirements & Grant Closeout

1. Grant recipients must use DRAP funds for costs provided on the grant application. If funds remain after these needs are addressed, the grant recipient must either use the remaining funds for eligible DRAP costs or return the funds to the Commonwealth.

- Grant recipients shall not use DRAP funds for any loss that is covered by an insurance policy or any other funding source, including any other governmental or non-profit disaster assistance program.

2. Grant recipients must obtain and retain documentation of all expenditures of awarded funds.

3. Documentation of expenditure of all grant funds must be submitted to PEMA within 60 days after the project is complete or the grant agreement expires, whichever is earlier.

- If a grant recipient does not provide supporting documentation or PEMA determines that DRAP funds were spent on items or activities that are not eligible under the laws, regulations, policies, directives, guidelines, and requirements applicable to DRAP funds, a grant recipient will be required to return those funds to PEMA.

4. Grant recipients must maintain receipts for all purchases made for losses claimed as part of their DRAP application for three years after receiving the award.

DRAP Compliance Reviews

PEMA, through its Bureau of Grants Management, will conduct compliance reviews in accordance with its most recently published "Grant Monitoring Standard Operating Procedure." If a compliance review or audit reveals inappropriate use of state funds, the matter may be referred to the Office of Attorney General, or other appropriate authority.

Questions about DRAP

- For questions about the program (program availability, due dates, eligibility, etc.):

- email PADRAP@pa.gov, or
- call 717-562-5771

- For help desk support when using the Commonwealth online eGrants system, call 833-448-0647 from 8:30 a.m. to 6 p.m. Monday through Friday, or email egrantshelp@pa.gov.

APPENDIX A: DRAP MAXIMUM DAILY LODGING RATES

Primary Destination	County	2024													
		Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec		
Allentown/Easton/Bethlehem	Lehigh/Northampton	\$177	\$177	\$177	\$177	\$177	\$177	\$177	\$177	\$177	\$177	\$177	\$177	\$177	\$177
Bucks	Bucks	\$179	\$179	\$179	\$179	\$179	\$179	\$179	\$179	\$179	\$179	\$179	\$179	\$179	\$179
Chester/Radnor/Essington	Delaware	\$186	\$186	\$186	\$186	\$186	\$186	\$186	\$186	\$186	\$186	\$186	\$186	\$186	\$186
Gettysburg	Adams	\$165	\$165	\$165	\$165	\$165	\$165	\$165	\$165	\$165	\$165	\$165	\$165	\$165	\$165
Harrisburg	Dauphin excluding Hershey	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182
Hershey	Hershey	\$200	\$200	\$200	\$200	\$200	\$305	\$305	\$305	\$156	\$234	\$200	\$200	\$200	\$200
Lancaster	Lancaster	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182
Malvern/Frazer/Berwyn	Chester	\$194	\$194	\$194	\$194	\$194	\$194	\$194	\$194	\$194	\$194	\$194	\$194	\$194	\$194
Montgomery	Montgomery	\$189	\$189	\$189	\$189	\$189	\$189	\$189	\$189	\$189	\$189	\$189	\$189	\$189	\$189
Philadelphia	Philadelphia	\$236	\$236	\$315	\$315	\$315	\$315	\$254	\$254	\$317	\$317	\$317	\$317	\$317	\$236
Pittsburgh	Allegheny	\$204	\$204	\$204	\$204	\$204	\$204	\$204	\$204	\$204	\$204	\$204	\$204	\$204	\$204
Reading	Berks	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182	\$182
Standard Rate	All locations not specified	\$161	\$161	\$161	\$161	\$161	\$161	\$161	\$161	\$161	\$161	\$161	\$161	\$161	\$161
State College	Centre	\$171	\$171	\$171	\$171	\$171	\$171	\$171	\$171	\$171	\$171	\$171	\$171	\$171	\$171

Notes:

- DRAP rates are 150% of the 2024 U.S. Department of General Services daily lodging rates for Pennsylvania destinations
- DRAP rates represent the maximum amount eligible for lodging per room under DRAP
- DRAP funds must be used for the costs of lodging only
- Meals, incidental costs, and other hotel services are not an eligible use of DRAP funds

APPENDIX B: ELIGIBLE PERSONAL PROPERTY

Item	Maximum Award Amount
Bedroom	
Clothing Allowance (per person)	\$300
Mattress (per item)	\$250
Bedframe (per item)	\$250
Sheets/Blankets/Pillows (per person)	\$150
Dresser (per item)	\$200
Nightstand (per item)	\$75
Lamp (per item)	\$50
Bathroom	
Personal Hygiene Items (per person)	\$50
Bathroom Supplies (towels, shower mats, mirrors, etc.) (per household)	\$150
Kitchen	
Cooking Implements (pots, pans, bowls, plates, cutlery, etc.) (per household)	\$250
Kitchen Furniture (table, chairs, placemats, highchair) (per household)	\$250
Appliances	
Air Conditioner (per item)	\$225
Oven (per household)	\$850
Refrigerator/Freezer (per household)	\$725
Toaster (per household)	\$50
Microwave (per household)	\$200
Space Heater (per item)	\$150
Other	
Medication (per person)	\$150
Medical Supplies (per person)	\$500
Smoke Detector (per item)	\$25
Cleaning Supplies (vacuum, broom, mop, etc.) (per household)	\$175
Car Seat (per child)	\$150
Household Tools (per household)	\$200
Professional Craftsman Tools ■ (With proof of employment and specific identification of items)	Up to \$3500
Work Uniform/Professional Attire (per adult)	\$300

[Pa.B. Doc. No. 24-700. Filed for public inspection May 17, 2024, 9:00 a.m.]

**PENNSYLVANIA INFRASTRUCTURE
INVESTMENT AUTHORITY
DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

**Clean Water and Drinking Water State Revolving
Fund Programs; Federal Fiscal Year 2024 In-
tended Use Plans; Available for Public Comment**

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal Year (FFY) 2024 Intended Use Plans (IUP). The IUPs demonstrate the Commonwealth's plan to utilize the State Revolving Funds (SRF) and include detailed infor-

mation that illustrates the intended implementation for the SRF program in this Commonwealth. These IUPs include a list of drinking water, wastewater, nonpoint source and pollution abatement projects to be considered for a design and engineering or construction loan or grant from funds the Commonwealth expects to receive from the United States Environmental Protection Agency (EPA) through the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs for FFY 2024. The DWSRF program includes the Base Grant funds as well as supplemental Grant funds made available through the FFY 2024 Federal appropriation, under the Federal Safe Drinking Water Act (42 U.S.C. §§ 300f—300j-27) including appropriate State match funds and principal, interest and investment income. In addition, the IUP also applies to the FFY 2024 Bipartisan Infrastructure Law (BIL) Grants—General Supplemental, Lead Service Line Re-

placement and Emerging Contaminants and the appropriate State match funds. The CWSRF program includes the Base Grant funds as well as supplemental Grant funds made available through the FFY 2024 Federal appropriation under Title VI of the Water Quality Act of 1987 (33 U.S.C. §§ 1251—1389) including appropriate State match funds and principal, interest and investment income. In addition, the IUP also applies to the FFY 2024 BIL Grants—General Supplemental, Emerging Contaminants and the appropriate State match funds.

The projects to be considered for a loan or grant from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and the Federal Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to the use of the DWSRF and CWSRF loan or grant funds. A project must appear on a PENNVEST-approved IUP before it can receive a loan or grant from the Commonwealth's SRF programs. Projects listed in the FFY 2024 IUPs are on the Commonwealth's Project Priority Lists (PPL) and are expected to proceed with design and engineering or construction within the next 2 years. A project's readiness to proceed and the reasonable availability of alternative funds also impact project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

The DWSRF will be capitalized with an approximated maximum of \$280.2 million in Federal funds (\$272.3 million for FFY 2024 and \$7.9 million from FFY 2022 reallocations) and \$18.4 million of State funds. Approximately \$20.8 million of these funds will be set aside for technical assistance to small systems, operator training and certification, and source water assessment and protection, as authorized under the Federal Safe Drinking Water Act. The DWSRF IUP also includes a narrative work plan that describes how these set-aside funds will be used. PENNVEST is also allocating \$3.6 million for administrative purposes. Finally, approximately \$145.9 million will be set aside as additional subsidy for primarily disadvantaged communities. The FFY 2024 DWSRF grant does not have a requirement to set aside funding for green infrastructure projects. However, the Commonwealth will continue to promote green infrastructure projects that meet EPA criteria for green infrastructure and can fall into one or more of the following four categories: (1) water efficiency, (2) energy efficiency, (3) environmentally innovative and (4) green stormwater infrastructure.

The CWSRF will be capitalized with an approximated maximum of \$128.3 million in Federal funds and approximately \$23.9 million in State funds. Approximately \$1 million will be set aside for the Onlot Sewage Disposal Program. An approximated maximum of \$58.5 million will be set aside as additional subsidy for primarily disadvantaged communities. Finally, a goal has been set to identify a minimum of \$12.8 million of green infrastructure projects that meet the EPA criteria for green infrastructure and can fall into one or more of four categories: (1) water efficiency, (2) energy efficiency, (3) environmentally innovative and (4) green stormwater infrastructure.

A copy of the IUPs, ranking frameworks, the PPLs and the DWSRF set-aside work plan may be obtained by contacting Richard Wright, Division of Municipal Facilities at (717) 787-5017 or through the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/

InfrastructureFinance. The link to these documents is on the right-hand side of the page under "State Revolving Fund Intended Use Plan."

Interested persons may submit comments to the Department on the narrative portion of the IUPs, the PPLs and the DWSRF set-aside work plan to the Department through Monday, June 17, 2024. 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 or by e-mail to ecomment@pa.gov. Written comments can also be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Clean Water and Drinking Water State Revolving Funds" as the subject line in written communication.

Department of Environmental Protection
Bureau of Clean Water
Division of Municipal Facilities
P.O. Box 8774
Rachel Carson State Office Building
400 Market Street, 11th Floor
Harrisburg, PA 17101-8774
(717) 787-5017

PENNVEST
333 Market Street, 18th Floor
Harrisburg, PA 17101-2210
(717) 783-4493
(877) 787-8137

JESSICA SHIRLEY,
Acting Secretary
Department of Environmental Protection
Vice Chairperson
Pennsylvania Infrastructure Investment Authority

ROBERT BOOS,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 24-701. Filed for public inspection May 17, 2024, 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 June 3, 2024. Filings are recommended to 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 June 3, 2024. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness.

Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the listed docket number as follows or by searching the applicant's web site.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2024-3048018. Sirawan Transportation, Inc., t/a Super-Trans Philly Shuttle (2362 State Road, Bensalem, Bucks County, PA 19020) persons in limousine service, between points in Bucks and Montgomery Counties, limited to the portions of Montgomery County south of State Route 276 and east of State Route 476 and limited to the portions of Bucks County south of State Route 202 and east of State Route 611 and from the points, to the Philadelphia International Airport, and vice versa.

A-2024-3048334. Jean D. Mimy, t/a JDM Limo Service (7518 North 20th Street, Philadelphia, Philadelphia County, PA 19138) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2024-3048432. Beth A. Elkins (480 Balmer Road, Lititz, Lancaster County, PA 17543) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2024-3048555. Transit4Life Corporation (21 Yost Boulevard, Suite 505, Pittsburgh, Allegheny County, PA 15221) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Allegheny County, to points in Pennsylvania, and return.

A-2024-3048852. Podk Corporation (403 East North Hampton Street, Wilkes-Barre, Luzerne County, PA 18702) persons upon call or demand, in the Counties of Lackawanna and Luzerne. *Attorney:* Todd S. Stewart, 100 North Tenth Street, Harrisburg, PA 17101.

A-2024-3048858. DWG Transportation, LLC (1017 Oak Lane Avenue, Philadelphia, Philadelphia County, PA 19126) to transport, as a common carrier, by motor vehicle, persons in paratransit service, in wheelchairs or stretcher vans, within the City and County of Philadelphia, and from points in the City and County of Philadelphia, to points in the Counties of Bucks, Chester, Delaware and Montgomery, and return, and from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in the City and County of Philadelphia, and return. *Attorney:* Hawke McKeon & Sniscak, LLP, Todd S. Stewart, Esquire, 100 North Tenth Street, Harrisburg, PA 17101.

A-2024-3048866. Retsel Transport, Inc. (8432 Pickering Avenue, Philadelphia, Philadelphia County, PA 19150) to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the City

and County of Philadelphia, and from points in the City and County of Philadelphia, to points in Bucks, Chester, Delaware and Montgomery Counties, and return. *Attorney:* Hawke McKeon & Sniscak, LLP, Todd S. Stewart, Esquire, 100 North Tenth Street, Harrisburg, PA 17101.

A-2024-3048872. Best Ride Services, Inc. (8118 Old York Road, Suite E, Elkins Park, Montgomery County, PA 19027) persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware, Lehigh and Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* Adeolu Bakare, 100 Pine Street, Harrisburg, PA 17101.

Application of the following for the approval of the transfer of stock as described under the application.

A-2024-3048845. Allegheny Transportation Services, Inc. (9 Crescent Street, Etna, Allegheny County, PA 15223) a corporation of the Commonwealth, for the approval of the transfer of 100% of issued and outstanding shares held by Fred Kline to Van Pool Transportation, LLC. *Attorney:* Matthew Jandrisavitz, Esquire, RC Kelly Law Associates, LLC, 623 North Broad Street, Lansdale, PA 19446.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-702. Filed for public inspection May 17, 2024, 9:00 a.m.]

STATE BOARD OF CHIROPRACTIC

Bureau of Professional and Occupational Affairs v. John S. Kondus, DC; Case No. 20-43-008684

On February 13, 2024, the State Board of Chiropractic (Board) placed on suspended status for 2 years the chiropractor license, PA license No. DC006764L, and certificate to practice adjunctive procedures, PA certificate No. AJ006764L, of John S. Kondus, DC, last known of Simpsonville, SC or Skippack, Montgomery County, PA, due to respondent's criminal convictions, fraudulent submission of a claim to a third-party payor and failing to report convictions and sentences to the Board.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov or by writing to Shawn J. Jayman, Board Counsel, State Board of Chiropractic, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously named Board counsel.

WILLIAM AUKERMAN, DC,
Chairperson

[Pa.B. Doc. No. 24-703. Filed for public inspection May 17, 2024, 9:00 a.m.]

PENNSYLVANIA BULLETIN

Volume 54

Number 20

Saturday, May 18, 2024 • Harrisburg, PA

Part II

This part contains
The Courts, Rules and
Regulations and Proposed
Rulemakings



THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Order Amending Rule 5.50 of the Pennsylvania Rules of Orphans' Court Procedure; No. 985 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 2nd day of May, 2024, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been published for public comment at 52 Pa.B. 3057 (May 28, 2022):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 5.50 of the Pennsylvania Rules of Orphans' Court Procedure is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective on July 1, 2024.

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

Deletions from the rules are shown in bold and brackets.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER V. RULES GOVERNING SPECIFIC TYPES OF PETITIONS

Rule 5.50. Settlement of Small Estates by Petition.

(a) *Applicability.* This Rule applies to all petitions filed pursuant to 20 Pa.C.S. § 3102, pertaining to settlement of small estates by petition.

(b) *Contents.* In addition to the requirements provided by the Rules in Chapter III, a petition shall set forth the following:

(1) *Estate.*

(i) the name and address of each petitioner and the petitioner's relationship to the decedent;

(ii) the decedent's name, date of death, and domicile at the time of death;

(iii) a statement whether the decedent died testate or intestate and, if testate[,]:

(A) that the original will [is attached,] has been lodged or probated with the Register; or

(B) that the original will cannot be produced, the reason it cannot be produced[, and that a photocopy of the original will is attached] and that the Register issued a decree accepting the photocopy as an original;

(iv) the name and address of each testate or intestate beneficiary, and if any such beneficiary is a minor or otherwise incapacitated, the name and address of such beneficiary's legal representative, as applicable; and

(v) whether a claim for family exemption is included, and if the claimant is not the surviving spouse, the relationship of the claimant to the decedent, and a statement that the claimant resided with the decedent at the date of death and if the claimant is the surviving spouse, that he or she has not forfeited the right to claim the family exemption.

(2) *Assets.* All assets of decedent's estate, other than real estate and property distributable under 20 Pa.C.S. § 3101, and the value of each asset.

(3) *Liabilities.*

(i) [**the**] **The** names and addresses of all known creditors, total amounts claimed by each, whether the debts have been satisfied, and an itemized list of all debts, including whether or not admitted, a description of the property claimed and the gross value thereof, and whether there is any objection to the debt, and if so, by whom;

(ii) an itemized list of unpaid administrative expenses, unpaid taxes, all other unpaid debts, and, if insolvent, as prioritized under 20 Pa.C.S. § 3392; and

(iii) if the decedent was 55 years of age or older at the time of death, whether a request for a statement of claim was sent to the Department of Human Services in accordance with 62 P.S. § 1412, the date the request was made, and the response received from the Department.

(4) *Distribution.*

(i) [**the**] **The** name of any distributee paid prior to the filing of the petition, including the nature and amount of each payment;

(ii) the name of each proposed distributee and respective proposed distribution;

(iii) the name of each interested person who has consented to or joined in the petition; and

(iv) the names of each testate or intestate beneficiary, as applicable, who has not consented to or joined in the petition.

(5) *Taxes.* A statement that a Pennsylvania inheritance tax return has been filed, that all taxes due on the assets listed on the petition have been paid in full, and that proof of such payment is attached to the petition, or the reason why **the filing has not been made or** payment has not occurred.

(c) *Exhibits.* The following items shall be attached as exhibits to the petition in the following order:

(1) an original death certificate;

(2) [**the decedent's will, if any**] **a photocopy of the decedent's will along with either:**

(i) proof the original will was lodged or probated with the Register; or

(ii) a decree of the Register accepting a photocopy as the original.

(3) [**Pennsylvania Department of Revenue Notice of Appraisal and Assessment of Tax**] **documentation supporting the statement required by subdivision (b)(5), if any;**

(4) original consents, joinders, and statements of no objection signed by interested parties; and

(5) a copy of any correspondence received from the Department of Human Services in response to the statement of claim referenced in [**subparagraph**] **subdivision** (b)(3)(iii).

(d) *Notice*. The petitioner shall serve written notice on interested parties in compliance with [**Chapter III**] **Pa.R.O.C.P. 3.5(b)**.

[**Explanatory**] Comment:

If the petitioner does not have the original will, he or she must petition the Register for a decree accepting a photocopy of the will as the original. The decree by the Register establishes the validity of the copy of the will and is not intended to initiate probate.

20 Pa.C.S. § 3101, referenced in [**paragraph**] **subdivision** (b)(2), sets forth certain allowable payments to the decedent's family members, and to a licensed funeral director for the decedent's burial expenses. Property payable under 20 Pa.C.S. § 3101 shall not be included when determining whether the decedent's personal property exceeds a gross value of \$50,000.

In [**paragraph**] **subdivision** (b)(3), the term "creditors" includes creditors of the decedent on the date of death, providers of funeral services, and providers of goods and services to the petitioner arising from settlement of the estate.

The Medical Assistance Estate Recovery Program, established by federal law, requires the Commonwealth to recover the Medical Assistance costs from decedents' estates. See 42 U.S.C. § 1396p; 62 P.S. § 1412.

Examples of documentation required by subdivision (c)(3) include, but are not limited to, a copy of the Pennsylvania Department of Revenue Notice of Appraisal and Assessment of Tax, the filed inheritance tax return together with proof of payment of the inheritance tax, or a statement from the Department of Revenue or its agent that no tax is due.

The filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. See [**Rule**] **Pa.R.O.C.P. 1.99**.

**SUPREME COURT OF PENNSYLVANIA
ORPHANS' COURT PROCEDURAL RULES
COMMITTEE**

ADOPTION REPORT

Amendment of Pa.R.O.C.P. 5.50

On May 2, 2024, the Supreme Court of Pennsylvania amended Pennsylvania Orphans' Court Rule of Procedure 5.50 governing small estate petitions. The Orphans' Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Background

Effective October 1, 2020, Pa.R.O.C.P. 5.50 established procedures for the filing of small estate petitions.¹ Subsequently, the Committee received correspondence expressing two concerns about certain provisions in the rule. The

¹ A small estate is one with a gross value not exceeding \$50,000 "exclusive of real estate and property payable under 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) but including property claimed as the family exemption." 20 Pa.C.S. § 3102.

first issue related to the requirement that the petitioner attach the Department of Revenue Notice of Appraisal and Assessment of Tax ("Notice") to the petition as an exhibit.² Commenters reported issuing delays of the Notice by the Department of Revenue.³ It was conveyed that, in some cases, the delay could outweigh the benefits of filing a small estate petition. Thus, the Committee reconsidered the need to require the Notice as an exhibit and contemplated other means that would demonstrate payment or waiver of tax.

Another issue related to service on interested persons in compliance with Chapter III, concerning petition practice and pleadings. The service rule provided that "[t]he petitioner shall serve written notice on interested parties in compliance with Chapter III." See Pa.R.O.C.P. 5.50(d). Commenters expressed concern that failure to designate the precise service procedure, *i.e.*, citation or notice, forced practitioners to elect the issuance of a preliminary decree and citation for all parties. While the Committee initially thought it preferable to leave the service determination to practitioners, it was sensitive to the cost burden reported by the commenters.

Finally, while reviewing the two issues raised by correspondents, the Committee identified a need to refine provisions relating to attachment of an original or a photocopy of the decedent's will, if the original will cannot be produced, as an exhibit to the petition. See Pa.R.O.C.P. 5.50(c)(2). The Committee observed that attaching a photocopy of a will to the petition could lead to an incorrect distribution if the decedent revoked the will. In the absence of the original will, the validity of the photocopy and the potential for revocation of an original will must be contemplated and determined. Thus, the Committee considered whether a petitioner not in possession of the original will should petition the Register of Wills to obtain a decree validating the photocopy.

Concurrently, the Committee reconsidered whether an original will should be filed with the petition. See Pa.R.O.C.P. 5.50(c)(2). The Register of Wills is the office for the lodging and probating of wills and maintains filing and cataloging systems for such responsibilities. In contrast, an original will filed as an exhibit to a petition may be difficult to locate in the future. Therefore, the Committee proposed that the original will be lodged or probated with the Register of Wills before the filing of the small estate petition. Rather than attaching the original will to the small estate petition, the petitioner would attach a photocopy demonstrating proof of lodging the will with the Register or a decree of the Register accepting a photocopy of the original.

The Committee approached these two new concepts with the goal of ensuring the intent of the will is carried out by adding procedures to ensure that the distribution is correct and the original will has not been revoked. The Committee published proposed amendments to Pa.R.O.C.P. 5.50 at 52 Pa.B. 3057 (May 28, 2022). All public comments received were reviewed and discussed by the Committee.

² The Department of Revenue issues the Notice after an inheritance tax return is filed. The Notice sets forth the Department's valuation of the estate's assets, allowable deductions, and tax due. See *Pennsylvania Department of Revenue, Inheritance Tax General Information, Form REV-720(SU)02-23*, available at <https://www.revenue.pa.gov/FormsandPublications/FormsforIndividuals/InheritanceTax/Documents/rev-720.pdf> (last visited April 26, 2024).

³ The Department of Revenue advises that it can take three to six months to complete processing from the date an inheritance tax return is filed with the Register of Wills, depending on the complexity of the return. See *supra* note 2.

Rule Changes

Notice of Appraisal and Assessment of Tax. The original intent of requiring the Notice as an exhibit to the petition was to ensure that taxes were satisfied prior to distribution. However, the Committee subsequently concluded there may be flaws with this approach, *e.g.*, there may be circumstances when the petitioner has not yet made a tax filing or cannot discern the exact value of decedent's assets if records are unavailable. Consideration was also given to the limited exposure of an underpayment, given the parameters for small estate eligibility and the ability to petition for revocation of the decree of distribution in the event of an improper distribution. 20 Pa.C.S. § 3102.

Subdivision (b)(5) was amended to require the reason a tax return has not been filed, if any. Subdivision (c)(3) was amended to replace the requirement to attach the Notice as an exhibit to the petition with the “documentation supporting the statement required by subdivision (b)(5), if any.”

Service. The Committee also examined the service provision of Pa.R.O.C.P. 5.50(d), which required the petitioner to “serve written notice on interested parties in compliance with Chapter III.” Pa.R.O.C.P. 3.5 provides two service methods—citation and notice. Pa.R.O.C.P. 3.5(a), pertaining to citation practice, is used to obtain personal jurisdiction when it has not previously been obtained or conferred by statute. When an orphans' court issues a citation, it is served on an interested party together with the petition in the same manner as original process in the Pennsylvania Rules of Civil Procedure. In contrast, when personal jurisdiction is not required, has been previously obtained, or conferred by statute, a petitioner proceeds by notice practice, *i.e.*, attaching a notice to plead to the petition and providing the documents to interested parties. Pa.R.O.C.P. 3.5(b).

The Committee extensively discussed service of the small estate petition prior to making Orphans' Recommendation 4 of 2019. While some commenters at the time suggested designating Pa.R.O.C.P. 3.5(b), permitting service by notice, as the sole method of service, the Committee at the time found it preferable to let practitioners decide what method of service was needed, consistent with practice in the other specific petitions set forth in Chapter V.

However, correspondence received after the adoption of Pa.R.O.C.P. 5.50 relayed that requiring service by citation creates a financial burden on an estate of limited means. The Committee discussed designating Pa.R.O.C.P. 3.5(b), notice practice, as the method of service for small estate petitions. The statute governing small estates gives discretion in the provision of notice regarding the petition filing and proposed distribution. “[U]pon petition of any party in interest . . . and with such notice as the court shall direct. . . .” See 20 Pa.C.S. § 3102. The Committee further contemplated that the *in rem* nature of small estate proceedings was more compatible with notice practice. Therefore, Pa.R.O.C.P. 5.50(d) was amended to direct service in compliance with Pa.R.O.C.P. 3.5(b).

Photocopies of Will. In addition to the Notice and service issues, the Committee reviewed the advisability of accepting a photocopy of the will as an exhibit to the petition. Attaching a photocopy of the will to the petition could result in an incorrect distribution if the decedent had revoked the will, unknown to the petitioner. The Committee considered whether a petitioner not in possession

of the original will should petition the Register of Wills to obtain a decree as to the validity of the photocopied will.

Having the Register of Wills decree accept a photocopy of a will establishes proof of its validity and will enable the court to order distribution in accordance with the will. A petition to accept the photocopy does not necessarily initiate probate, although a decree could be used to do so or to file a small estate petition. The Committee acknowledges that adding this practice to Pa.R.O.C.P. 5.50 could disincentivize petitioners who do not have an original will from electing a small estate petition over probate when a photocopy is of questionable validity. However, it seemed a necessary change to ensure the integrity and validity of the document in question.

Lodging and Probate. As part of the discussion relating to original and photocopied wills, the Committee considered whether an original will should be attached to a small estate petition as an exhibit. Specifically, the Committee was concerned that an original will filed as an exhibit to a petition may be difficult to locate in the future and not easily discoverable. Moreover, the Register of Wills is the office for the lodging and probating of wills and maintains filing and cataloging systems for such responsibilities. The Committee also considered that a petitioner could probate the will but subsequently elect to file a small estate petition once the assets of the estate are fully known. This change makes clearer that filing a small estate petition is still an option even if probate has been initiated.

The Committee also discussed electronic filing in the context of small estate petition filings. When electronic filing is authorized by local rule, a party may require the filing party to file an original of a legal paper or exhibit with the clerk. Pa.R.O.C.P. 4.7(b)(2). However, absent such a demand, the filing party is required to “maintain the original of all documents, . . . together with any exhibits filed, for [five] years after the disposition of the case.” See Pa.R.O.C.P. 4.7(c)(3). Because the original will is not necessarily filed in a small estate case, ensuring the location of the will becomes more important. The proposal was intended to ensure that all parties know the will exists and where it is located.

Therefore, the Committee proposed that a petitioner lodge or probate the original will with the Register of Wills before filing of the small estate petition. Rather than attach the original will as an exhibit, the petitioner would attach a photocopy demonstrating proof of lodging with the Register of Wills or the decree of the Register accepting a photocopy of the original.

The Committee believed there is a known distinction between lodging and probating a will with the Register. A person can be compelled to deposit a will with the Register of Wills. See 20 Pa.C.S. § 3137. The practice of lodging of a will with the Register of Wills is referenced in an unpublished Superior Court memorandum involving a premature estate dispute between siblings prior to the death of their mother, an incapacitated person. “[T]he guardian of the estate could lodge the will with the Register of Wills [to prevent sister from wrongfully gaining access to estate assets upon mother's death].” See *Matter of Bush*, 2019 WL 1283906, *2 (Pa. Super. filed March 19, 2019) (citing *Matter of Bush*, Court of Common Pleas of Chester County, Orphans' Court, No. 1509-1720). The *Register of Wills of Philadelphia County Manual* includes a chapter on lodging and compelling production

of a will. It provides “[a] person holding the original last Will of a decedent may lodge (*i.e.*, deposit) the Will with the Register for safekeeping pending further proceedings.” See *Register of Wills of Philadelphia County Manual*, Chapter 9, 1977465.pdf (last visited April 26, 2024). Finally, a treatise instructs, without further citation, that “a will may be deposited with the Register for safe keeping without the will being probated.” Cleaver Daniel C., *West’s Pennsylvania Practice, Pennsylvania Probate and Estate Administration*, § 1.3 (5th ed. 2017). The Committee does not suggest a probate requirement with this provision, but merely a decree establishing the validity of a photocopy. The Committee acknowledges that this requirement will add a step to the small estate procedure, but balanced the inconvenience of an additional step with ensuring the validity of the document and, therefore, the accurate distribution of the estate.

* * * * *

The amendments become effective July 1, 2024.

[Pa.B. Doc. No. 24-704. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 4 AND 5]

Order Amending Rules 135, 460, and 547 of the Pennsylvania Rules of Criminal Procedure; No. 554 Criminal Procedural Rules Docket

Order

Per Curiam

And Now, this 2nd day of May, 2024, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published for public comment at 50 Pa.B. 5224 (September 26, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 135, 460, and 547 of the Pennsylvania Rules of Criminal Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 1, 2025.

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

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART C. Venue, Location, and Recording of Proceedings Before Issuing Authority

Rule 135. Transcript of Proceedings Before Issuing Authority.

[(A)] (a) The issuing authority shall prepare and forward to the court of common pleas a transcript of the proceedings in all summary cases when an appeal is taken and in all court cases when the defendant is held for court.

[(B)] (b) The transcript shall contain the following information, where applicable:

- (1) the date and place of hearings;
- (2) the names and addresses of the prosecutor, defendant, and witnesses;
- (3) the names and office addresses of counsel in the proceeding;
- (4) the charge against the defendant as set forth in the prosecutor’s complaint;
- (5) the date of issuance of any citation, summons, or warrant of arrest and the return of service thereon;
- (6) a statement whether the parties and witnesses were sworn and which of these persons testified;
- (7) when the defendant was held for court the amount of bail set;
- (8) the nature of the bail posted and the name and address of the corporate surety or individual surety;
- (9) a notation that the defendant has or has not been fingerprinted;
- (10) a specific description of any defect properly raised in accordance with Rule 109;
- (11) a notation that the defendant was advised of the right to apply for the assignment of counsel;
- (12) the defendant’s plea of guilty or not guilty, the decision that was rendered in the case and the date thereof, and the judgment of sentence and place of confinement, if any; **and**

(13) any other information required by the rules to be in the issuing authority’s transcript.

(c) ***Electronic Transmission.***

(1) The president judge by local rule may require the transcript and any associated documents to be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents.

(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.

(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.

Comment:

The requirement of a docket was deleted from this rule in 1985 because dockets are now routinely maintained under the supervision of the Administrative Office of Pennsylvania Courts. It is expected that issuing authorities will continue to keep dockets of criminal proceedings. The transcript requirements presuppose an accurate docket to supply the information necessary to prepare a transcript.

The procedures regarding the filing of a transcript after appeal in summary cases are set forth in Rule [460(C) and (D)] **460(c) and (d)**. For such procedures after the defendant is held for court in a court case, see Rule 547. With regard to other information required by the rules to be in the transcript, see, *e.g.*, Rule 542(G)(1).

The requirement that there be a notation indicating whether the defendant has been fingerprinted as required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, is to alert the district attorney and the court whether it is necessary to have the defendant fingerprinted after the case is held for court.

[**Official Note: Formerly Rule 125 adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970, effective May 1, 1970; renumbered Rule 26 and subparagraphs (b)(5) and (b)(10) amended September 18, 1973, effective January 1, 1974; subparagraph (b)(10) amended April 8, 1982, effective July 1, 1982; previous subparagraph (b)(7) deleted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 135 and amended March 1, 2000, effective April 1, 2001; amended July 10, 2008, effective February 1, 2009.**]

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the July 10, 2008 amendment adding new paragraph (9) requiring a notation of fingerprinting published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).]

CHAPTER 4. PROCEDURES IN SUMMARY CASES

**PART F. Procedures in Summary Cases for
Appealing to Court of Common Pleas for Trial *De
Novo***

**Rule 460. Notice of Appeal; Transmittal of Transcript
and Associated Documents.**

[(A)] (a) When an appeal is authorized by law in a summary proceeding, including an appeal following a prosecution for violation of a municipal ordinance that provides for imprisonment upon conviction or upon failure to pay a fine, an appeal shall be perfected by filing a notice of appeal within 30 days after the entry of the guilty plea, the conviction, or other final order from which the appeal is taken. The notice of appeal shall be filed with the clerk of courts.

[(B)] (b) The notice of appeal shall contain the following information:

- (1) the name and address of the appellant;
- (2) the name and address of the issuing authority who accepted the guilty plea or heard the case;
- (3) the magisterial district number in which the case was heard;
- (4) the name and mailing address of the affiant as shown on the complaint or citation;
- (5) the date of the entry of the guilty plea, the conviction, or other final order from which the appeal is taken;
- (6) the offense(s) of which convicted or to which a guilty plea was entered, if any;
- (7) the sentence imposed, and if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;
- (8) the type or amount of bail or collateral, if any, furnished to the issuing authority;

(9) the name and address of the attorney, if any, filing the notice of appeal; and

(10) except when the appeal is from a guilty plea or a conviction, the grounds relied upon for appeal.

[(C)] (c) Within [5] **five** days after filing the notice of appeal, a copy shall be served either personally or by mail by the clerk of courts upon the issuing authority, the affiant, and the appellee or appellee's attorney, if any.

[(D)] (d) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
 - (2) the original complaint or citation, **or a copy thereof if electronically transmitting the transcript and associated documents**, if any;
 - (3) the summons or warrant of arrest, if any; and
 - (4) the bail bond, if any.
- (e) **Electronic Transmission.**

(1) The president judge by local rule may require the transcript and any associated documents to be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents.

(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.

(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.

[(E)] (f) This rule shall provide the exclusive means of appealing from a summary guilty plea or conviction. Courts of common pleas shall not issue writs of *certiorari* in such cases.

[(F)] (g) This rule shall not apply to appeals from contempt adjudications.

Comment:

This rule is derived from former Rule 86(A), (D), (E), (F), (H), and (I).

This rule applies to appeals in all summary proceedings, including appeals from prosecutions for violations of municipal ordinances that provide for the possibility of imprisonment, and default hearings. **The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.**

[This rule was amended in 2000 to make it clear in] Subdivision (a) makes clear that in a summary criminal case [that] the defendant may file an appeal for a trial *de novo* following the entry of a guilty plea.

Appeals from contempt adjudications are governed by Rule 141.

[The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.

See] See Rule 461 for the procedures for executing a sentence of imprisonment when there is a stay.

“Entry,” as used in this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the magisterial district judge computer system.

When the only issues on appeal arise solely from an issuing authority’s determination after a default hearing pursuant to Rule 456, the matter must be heard *de novo* by the appropriate judge of the court of common pleas and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

[Paragraph (D) was amended in 2003 to align this rule with Rule 401(A), which permits the electronic transmission of parking violation information in lieu of filing a citation. Therefore, in] In electronically transmitted parking violation cases **[only]**, because there is no original citation, the issuing authority would file the summons with the clerk of courts pursuant to **[paragraph (D)(3)] subdivision (d)(3)**.

Rule 462(D) provides for the dismissal of an appeal when the defendant fails to appear for the trial *de novo*.

[See] See Rule 462(F) regarding the retention of a case at the court of common pleas when a petition to file an appeal *nunc pro tunc* has been denied.

Certiorari was abolished by the Criminal Rules in 1973 pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of *certiorari* continues with this rule.

For dismissal upon satisfaction or by agreement in summary cases, as defined in Rule 103, that have been appealed to the court of common pleas, see Rule 463.

[Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; Comment revised February 28, 2003, effective July 1, 2003; Comment revised December 29, 2017, effective April 1, 2018; Comment revised January 27, 2021, effective June 1, 2021.

Committee Explanatory Reports:

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court’s Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court’s Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court’s Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court’s Order at 27 Pa.B. 5408 (October 18, 1997).

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court’s Order 30 Pa.B. 1509 (March 18, 2000).

New Rule 460:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 460 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the February 6, 2003 changes concerning electronically transmitted parking citations published at 33 Pa.B. 969 (February 22, 2003).

Final Report explaining the February 28, 2003 Comment revision cross-referencing Rule 461 published with the Court’s Order at 33 Pa.B. 1324 (March 15, 2003).

Final Report explaining the December 29, 2017 Comment revision cross-referencing Rule 462(F) published with the Court’s Order at 48 Pa.B. 226 (January 12, 2018).

Final Report explaining the January 27, 2021 Comment revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published with the Court’s Order at 51 Pa.B. 688 (February 6, 2021).]

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 547. **[Return] Transmittal** of Transcript and **[Original Papers] Associated Documents**.

[(A)] (a) When a defendant is held for court, or after the issuing authority receives notice that the case will be presented to the indicting grand jury and closes out the case, the issuing authority shall prepare a transcript of the proceedings. The transcript shall contain all the information required by these rules to be recorded on the transcript. It shall be signed by the issuing authority, and have affixed to it the issuing authority’s seal of office.

[(B)] (b) The issuing authority shall transmit the transcript to the clerk of the proper court within **[5] five** days after holding the defendant for court or after closing out the case upon receipt of the notice that the case will be presented to the indicting grand jury.

[(C)] (c) In addition to this transcript the issuing authority also shall transmit the following **[items] documents**:

(1) the original complaint **or a copy thereof if electronically transmitting the transcript and associated documents**;

(2) the summons or the warrant of arrest and its return;

- (3) all affidavits filed in the proceeding;
- (4) the appearance or bail bond for the defendant, if any, or a copy of the order committing the defendant to custody;
- (5) a request for the court of common pleas to issue a bench warrant as required in Rule 543(D)(3)(b);
- (6) notice informing the court of common pleas that the defendant has failed to comply with the fingerprint order as required in Rule 543(D)(3)(b)(ii); and
- (7) a copy of the notice that the case will be presented to the indicting grand jury.

(d) Electronic Transmission.

(1) The president judge by local rule may require the transcript and any associated documents to be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents.

(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.

(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.

Comment:

[See] See Rule 135 for the general contents of the transcript. There are a number of other rules that require certain things to be recorded on the transcript to make a record of the proceedings before the issuing authority. See, e.g., Rules 542(G)(1) and 543.

When the case is held for court pursuant to Rule 543(D)(3), the issuing authority must include with the transcript transmittal a request for the court of common pleas to issue a bench warrant.

When the case is held for court pursuant to Rule 543(D)(3)(b)(ii), the issuing authority must include with the transcript transmittal a notice to the court of common pleas that the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2). See [Rule] Pa.R.Crim.P. 543(D)(3)(b)(ii). The court of common pleas [must] shall take whatever actions deemed appropriate to address this non-compliance.

[See] See Chapter 5 Part E for the procedures governing indicting grand juries. Pursuant to Rule 556.2(A)(3), the judge [is required to] shall notify the issuing authority that the case will be presented to the indicting grand jury. Pursuant to Rule [556.11(A)] 556.2(A)(3)(a), upon receipt of the notice, the issuing authority [is required to] shall close out the case in his or her office, and forward it to the court of common pleas for all further proceedings. When the case is transmitted to the court of common pleas, the clerk of courts should associate the transcript and other documents transmitted by the issuing authority with the motion and order filed pursuant to Rule 556.2(A)(5).

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

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

[*Official Note: Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended June 21, 2012, effective in 180 days; amended December 23, 2013, effective March 1, 2014.*]

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the August 24, 2004 changes published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).

Final Report explaining the May 1, 2007 amendments concerning the request for a bench warrant published with the Court's Order at 37 Pa.B. 2496 (June 2, 2007).

Final Report explaining the July 10, 2008 amendments to paragraph (C)(6) concerning the fingerprint order published at 38 Pa.B. 3971 (July 26, 2008).

Final Report explaining June 21, 2012 amendments to paragraph (A) and adding paragraph (C)(7) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4140 (July 7, 2012).

Final Report explaining the December 23, 2013 Comment revisions concerning sealed arrest warrant documents published with the Court's Order at 44 Pa.B. 239 (January 11, 2014).]

**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE**

ADOPTION REPORT

Amendment of Pa.R.Crim.P. 135, 460, and 547

On May 2, 2024, the Supreme Court amended Pennsylvania Rules of Criminal Procedure 135, 460, and 547. The Criminal Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Background

Prior to the amendments discussed below, Pa.R.Crim.P. 460(D) required an issuing authority to file the transcript, original complaint or citation, the summons or warrant of arrest, and the bail bond with the clerk of courts if an appeal were taken. Similarly, Pa.R.Crim.P. 547(b)-(c) required an issuing authority to transmit to the clerk of courts a number of documents, including the original complaint, along with the transcript, if a defendant had been held for court or if the case was to be presented to the indicting grand jury. These rules required the transcript and documents to be physically transferred in their paper form.

With the introduction of the Electronic Records Management System (ERMS), magisterial district courts are now able to scan paper documents and convert them into an electronic format. Because of the availability of this technology, the Committee began considering amendments to the rules that would permit magisterial district courts to electronically transmit scanned transcripts and documents to the clerk of courts. Electronically transmitting these documents would eliminate delay and reduce costs.

To accomplish this modernization of the rules, the Committee favored rulemaking that would subject the electronic transmission of transcripts and documents to minimal requirements. First, the Committee chose to make the practice voluntary. By making the practice voluntary, the rules would not interfere with existing local procedures, or local procedures still being developed, by mandating statewide procedures. Additionally, the benefits of electronic transmission were viewed as sufficiently persuasive to render compulsion unnecessary. Second, rather than allowing electronic transmission to be at the discretion of each magisterial district court, the adoption of electronic transmission should be at the president judge's direction, ensuring uniformity across the judicial district. Third, any documents that were originally in paper form, including the transcript, would remain with the magisterial district court subject to the Court's Record Retention Policy. See 204 Pa. Code § 213.51.¹

The Committee published a proposal consistent with the above requirements for comment. See 50 Pa.B. 5224 (September 26, 2020). One response was received from a clerk of courts who questioned whether the proposal would include miscellaneous cases such as fugitives from justice, see 42 Pa.C.S. § 9134, and indirect criminal contempt, see 23 Pa.C.S. § 6114. The Committee concluded that these types of cases should not be included because the rules do not currently provide for the transfer of these miscellaneous dockets. Moreover, the scope of the proposal was limited to court cases and appeals from summary proceedings. See Pa.R.Crim.P. 135(a), 460(a), and 547(a).

Amendments

Rules 135, 460, and 547 have each been amended to include a new subdivision titled "Electronic Transmission," which is further subdivided into three additional subdivisions. The new subdivision provides for a president judge to require, via the adoption of a local rule, that "the transcript and any associated documents [] be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the

physical paper transcript and associated documents;" identifies the scanned transcript and associated documents as the original documents for purposes of these rules; and requires the magisterial district judge to "retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies." Pa.R.Crim.P. 135(c); Pa.R.Crim.P. 460(e); Pa.R.Crim.P. 547(d).

Rules 460 and 547 have also been amended to permit a copy of the complaint or citation, which ever applies, to be transmitted electronically when electronically transmitting the transcript and associated documents. Pa.R.Crim.P. 460(d)(2); Pa.R.Crim.P. 547(c)(1). Prior to this amendment, the original complaint or citation was required to be transmitted with the transcript. If the physical file is mailed or couriered to the clerk of courts, the original is still required.

Finally, the title of Rule 460 has been amended to read, "Notice of Appeal; Transmittal of Transcript and Associated Documents," and the title to Rule 547 has been amended to read, "Transmittal of Transcript and Associated Documents."

* * *

The following commentary has been removed from Rule 135:

Official Note: Formerly Rule 125 adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970, effective May 1, 1970; renumbered Rule 26 and subparagraphs (b)(5) and (b)(10) amended September 18, 1973, effective January 1, 1974; subparagraph (b)(10) amended April 8, 1982, effective July 1, 1982; previous subparagraph (b)(7) deleted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 135 and amended March 1, 2000, effective April 1, 2001; amended July 10, 2008, effective February 1, 2009.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the July 10, 2008 amendment adding new paragraph (9) requiring a notation of fingerprinting published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

The following commentary has been removed from Rule 460:

Comment, ¶ 9: "Paragraph (D) was amended in 2003 to align this rule with Rule 401(A), which permits the electronic transmission of parking violation information in lieu of filing a citation."

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460

¹ The paper version of the documents, including wet signatures, have no discernible administrative or evidentiary value in subsequent proceedings. See also Pa.R.Crim.P. 103 (defining "copy" and "signature"). The archival value is governed by the Record Retention Policy.

adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; *Comment* revised February 28, 2003, effective July 1, 2003; *Comment* revised December 29, 2017, effective April 1, 2018; *Comment* revised January 27, 2021, effective June 1, 2021.

Committee Explanatory Reports:

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997.)

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order 30 Pa.B. 1509 (March 18, 2000).

New Rule 460:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 460 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the February 6, 2003 changes concerning electronically transmitted parking citations published at 33 Pa.B. 969 (February 22, 2003).

Final Report explaining the February 28, 2003 *Comment* revision cross-referencing Rule 461 published with the Court's Order at 33 Pa.B. 1324 (March 15, 2003).

Final Report explaining the December 29, 2017 *Comment* revision cross-referencing Rule 462(F) published with the Court's Order at 48 Pa.B. 226 (January 12, 2018).

Final Report explaining the January 27, 2021 *Comment* revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published with the Court's Order at 51 Pa.B. 688 (February 6, 2021).

The following commentary has been removed from Rule 547:

Official Note: Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended June 21, 2012, effective in 180 days; amended December 23, 2013, effective March 1, 2014.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the August 24, 2004 changes published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).

Final Report explaining the May 1, 2007 amendments concerning the request for a bench warrant published with the Court's Order at 37 Pa.B. 2496 (June 2, 2007).

Final Report explaining the July 10, 2008 amendments to paragraph (C)(6) concerning the fingerprint order published at 38 Pa.B. 3971 (July 26, 2008).

Final Report explaining June 21, 2012 amendments to paragraph (A) and adding paragraph (C)(7) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4140 (July 7, 2012).

Final Report explaining the December 23, 2013 *Comment* revisions concerning sealed arrest warrant documents published with the Court's Order at 44 Pa.B. 239 (January 11, 2014).

* * *

These amendments are effective April 1, 2025.

[Pa.B. Doc. No. 24-705. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 2, 5 AND 10]

Order Amending Rules 201, 205, 206, 208, 209, 211, 540, and 1003 of the Pennsylvania Rules of Criminal Procedure; No. 553 Criminal Procedural Rules Docket

Order

Per Curiam

And Now, this 2nd day of May, 2024, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published for public comment at 49 Pa.B. 1357 (March 23, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 201, 205, 206, 208, 209, 211, 540, and 1003 of the Pennsylvania Rules of Criminal Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective October 1, 2024.

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

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART A. Search Warrant

Rule 201. Purpose of Warrant.

A search warrant may be issued to search for and to seize:

[(1)] (a) contraband, the fruits of a crime, or things otherwise criminally possessed; [or]

[(2)] (b) property that is or has been used as the means of committing a criminal offense; [or]

[(3)] (c) property that constitutes evidence of the commission of a criminal offense[.]; or

(d) a person for whom a bench or arrest warrant has been issued.

Comment:

Concerning the provisions of [paragraph (1)] **subdivision (a)** see *United States v. Rabinowitz*, 339 U.S. 56 (1950), overruled as to other points, *Chimel v. California*, 395 U.S. 752, 786 (1969). Also compare, *Cooper v. California*, 386 U.S. 58 (1967), with *One 1958 Plymouth Sedan v. Pennsylvania*, 380 U.S. 693 (1964).

Warrants may not be issued unless the affidavit alleges a pre-existing crime. See *United States ex. rel. Campbell v. Rundle*, 327 F.2d 153, 161 (3rd Cir. 1964), followed *sub nom. Commonwealth ex rel. Ensor v. Cummings*, 207 A.2d 230 (Pa. 1965) and *Commonwealth ex rel. Campbell v. Russell*, 207 A.2d 232 (Pa. 1965). [**The Third Circuit's opinion cited with approval *Commonwealth v. Patrone*, 27 D&C 2d 343 (Philadelphia Co. 1962); *Commonwealth v. Rehmeier*, 29 D&C 2d 635 (York Co. 1962); and *Simmons v. Oklahoma*, 286 P.2d 296, 298 (Okla. Cr. 1955).**]

Concerning the provisions of [paragraph (3)] **subdivision (c)**, see *Warden v. Hayden*, 387 U.S. 294 (1967).

Subdivision (d) clarifies that a person is a proper subject of a search warrant when the person is also the subject of a bench or arrest warrant. In such circumstances, the search warrant is to effectuate the arrest by permitting the search of a premises other than the residence of the subject of the bench or arrest warrant. The search warrant does not take the place of the underlying bench or arrest warrant.

[*Official Note*: Rule 2002 adopted March 28, 1973, effective 60 days hence; renumbered Rule 201 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).]

Rule 205. Contents of Search Warrant.

[(A)] (a) Each search warrant shall be signed by the issuing authority and shall:

- (1) specify the date and time of issuance;
- (2) identify specifically the property **or person** to be seized;
- (3) name or describe with particularity the person or place to be searched;
- (4) direct that the search be executed either;

[(a)] (i) within a specified period of time, not to exceed 2 days from the time of issuance, or;

[(b)] (ii) when the warrant is issued for a prospective event, only after the specified event has occurred;

(5) direct that the warrant be served in the daytime unless otherwise authorized on the warrant, *provided that*, for purposes of the rules of Chapter 200, Part A, the term "daytime" shall be used to mean the hours of 6 a.m. to 10 p.m.;

(6) designate by title the judicial officer to whom the warrant shall be returned;

(7) certify that the issuing authority has found probable cause based upon the facts sworn to or affirmed before the issuing authority by written affidavit[(s)] attached to the warrant; and

(8) when applicable, certify on the face of the warrant that for good cause shown the affidavit[(s)] is sealed pursuant to Rule 211 and state the length of time the affidavit[(s)] will be sealed.

[(B)] (b) A warrant under [paragraph (A)] **subdivision (a)** may authorize the seizure of electronic storage media or of electronically stored information. Unless otherwise specified, the warrant authorizes a later review of the media or information consistent with the warrant. The time for executing the warrant in [(A)(4)(a)] **subdivision (a)(4)(i)** refers to the seizure of the media or information, and not to any later off-site copying or review.

Comment:

[**Paragraphs (A)(2) and (A)(3) Subdivisions (a)(2) and (a)(3)** are intended to proscribe general or exploratory searches by requiring that searches be directed only towards the specific items, persons, or places set forth in the warrant. Such warrants should, however, be read in a common sense fashion and should not be invalidated by hypertechnical interpretations. This may mean, for instance, that when an exact description of a particular item is not possible, a generic description may suffice. See *Commonwealth v. Matthews*, 285 A.2d 510, 513-14 (Pa. 1971).

Subdivision (a)(2) reflects the provision of Rule 201(d) that provides that a person may be the subject of a search warrant when the person is also the subject of a bench or arrest warrant. In such circumstances, the search warrant is to effectuate the arrest by permitting the search of a premises other than the residence of the subject of the bench or arrest warrant. The search warrant does not take the place of the underlying bench or arrest warrant.

[**Paragraph (A)(4) Subdivision (a)(4)** is included pursuant to the Court's supervisory powers over judicial procedure to supplement *Commonwealth v. McCants*, 299 A.2d 283 (Pa. 1973), holding that an unreasonable delay between the issuance and service of a search warrant jeopardizes its validity. [**Paragraph (A)(4) Subdivision (a)(4)** sets an outer limit on reasonableness. A warrant could, in a particular case, grow stale in less than two days. If the issuing authority believes that only a particular period which is less than two days is reasonable, he or she must specify such period in the warrant.

[**Paragraph (A)(4)(b) Subdivision (a)(4)(ii)** provides for anticipatory search warrants. These types of warrants are defined in *Commonwealth v. Glass*, 754 A.2d 655 (Pa. 2000), as "a warrant based upon an affidavit showing probable cause that at some future time (but not presently) certain evidence of crime will be located at a specified place."

[**Paragraph (A)(5)**] **Subdivision (a)(5)** supplements the requirement of Rule 203(E) that special reasonable cause must be shown to justify a nighttime search. A warrant allowing a nighttime search may also be served in the daytime.

[**Paragraph (A)(6)**] **Subdivision (a)(6)** anticipates that the warrant will list the correct judicial officer to whom the warrant should be returned. There may be some instances in which the judicial officer who issues the warrant may not be the one to whom the warrant will be returned. For example, it is a common practice in many judicial districts to have an “on-call” magisterial district judge. This “on-call” judge would have the authority to issue search warrants anywhere in the judicial district but may not be assigned to the area in which the search warrant would be executed. There may be cases when the warrant is incorrectly returned to the judge who originally issued the warrant. In such cases, the issuing judge should forward the returned search warrant to the correct judicial officer. Thereafter, that judicial officer should administer the search warrant and supporting documents as provided for in these rules, including the Rule 210 requirement to file the search warrant and supporting documents with the clerk of courts.

[**Paragraph (A)(8)**] **Subdivision (a)(8)** implements the notice requirement in Rule 211(C). When the affidavit[(s)] is sealed pursuant to Rule 211, the justice or judge issuing the warrant must certify on the face of the warrant that there is good cause shown for sealing the affidavit[(s)] and must also state how long the affidavit will be sealed.

For purposes of this rule, the term “electronically stored information” includes writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained. This definition is intended to cover all current types of computer-based information and to encompass future changes and developments.

For purposes of this rule, the term “seizure” includes the copying of material or information that is subject to the search warrant. This includes the copying of electronically stored information for later analysis.

For the procedures for motions for return of property, see Rule 588.

[**Official Note: Rule 2005 adopted October 17, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 205 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; Comment revised October 22, 2013, effective January 1, 2014; amended July 31, 2017, effective October 1, 2017.**

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the October 19, 2005 amendments to paragraph (4) and the Comment published with the Court’s Order at 35 Pa.B. 6087 (November 5, 2005).

Final Report explaining the October 22, 2013 revisions to the Comment regarding the return of the search warrant published at 43 Pa.B. 6649 (November 9, 2013).

Final Report explaining the July 31, 2017 amendment regarding search warrants for electronically stored information published with the Court’s Order at 47 Pa.B. 4680 (August 12, 2017).]

Rule 206. Contents of Application for Search Warrant.

Each application for a search warrant shall be supported by a written affidavit[(s)] signed and sworn to or affirmed before an issuing authority, which affidavit[(s)] shall:

[(1)] (a) state the name and department, agency, or address of the affiant;

[(2)] (b) identify specifically the items[or], property, or person to be searched for and seized;

[(3)] (c) name or describe with particularity the person or place to be searched;

[(4)] (d) identify the owner, occupant, or possessor of the place to be searched;

[(5)] (e) specify or describe the crime which has been or is being committed;

[(6)] (f) set forth specifically the facts and circumstances which form the basis for the affiant’s conclusion that there is probable cause to believe that the items, [or] property, or person identified are evidence or the fruit of a crime, or are contraband, or are expected to be otherwise unlawfully possessed or subject to seizure, and that these items or property are or are expected to be located on the particular person, or that these items, property, or persons are or are expected to be located at the particular place described;

[(7)] (g) if a “nighttime” search is requested (*i.e.*, 10 p.m. to 6 a.m.), state additional reasonable cause for seeking permission to search in nighttime;

[(8)] (h) when the attorney for the Commonwealth is requesting that the affidavit(s) be sealed pursuant to Rule 211, state the facts and circumstances which are alleged to establish good cause for the sealing of the affidavit(s); and

[(9)] (i) a certification that the application complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* regarding confidential information and documents.

Comment[s]:

For the contents of the search warrant, see Rule 205.

[While this rule continues to require written affidavits, the form of affidavit was deleted in 1984 because it is no longer necessary to control the specific form of written affidavit by rule.]

Subdivisions (b) and (f) reflect the provision of Rule 201(d) that provides that a person may be the subject of a search warrant when the person is also the subject of a bench or arrest warrant. In such circumstances, the search warrant is to effectuate the arrest by permitting the search of a premises other than the residence of the subject of the bench

or arrest warrant. The search warrant does not take the place of the underlying bench or arrest warrant.

[**The 2005 amendments to paragraph (6) recognize**] **Subdivision (f) recognizes** anticipatory search warrants. To satisfy the requirements of [**paragraph (6)] subdivision (f)** when the warrant being requested is for a prospective event, the application for the search warrant also must include a statement explaining how the affiant knows that the items to be seized on a later occasion will be at the place specified. *See Commonwealth v. Coleman*, 830 A.2d 554 (Pa. 2003)[, and]; *Commonwealth v. Glass*, 754 A.2d 655 (Pa. 2000).

When the attorney for the Commonwealth is requesting that the search warrant affidavit[(s)] be sealed, the affidavit[(s)] in support of the search warrant must set forth the facts and circumstances the attorney for the Commonwealth alleges establish that there is good cause to seal the affidavit[(s)]. *See also* [**Rule**] **Pa.R.Crim.P.** 211(B)(2). Pursuant to Rule 211(B)(1), when the attorney for the Commonwealth requests that the search warrant affidavit be sealed, the application for the search warrant must be made to a judge of the court of common pleas or to an appellate court justice or judge, who would be the issuing authority for purposes of this rule. For the procedures for sealing search warrant affidavit[(s)], see Rule 211.

See Rule 113.1 regarding the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and the requirements regarding filings and documents that contain confidential information.

[**Official Note: Previous Rule 2006 adopted October 17, 1973, effective 60 days hence; rescinded November 9, 1984, effective January 2, 1985. Present Rule 2006 adopted November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 206 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; amended June 1, 2018, effective July 1, 2018.**

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the October 19, 2005 amendments to paragraph (6) and the Comment published with the Court's Order at 35 Pa.B. 6087 (November 5, 2005).

Amendment regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018).]

Rule 208. Copy of Warrant; Receipt for Seized Property.

[(A)] (a) A law enforcement officer, upon taking property **or person** pursuant to a search warrant, shall leave with the person from whom or from whose premises the property **or person** was taken a copy of the warrant and affidavit[(s)] in support thereof, and a receipt for the

property seized. A copy of the warrant and affidavit[(s)] must be left whether or not any property **or person** is seized.

[(B)] (b) If no one is present on the premises when the warrant is executed, the officer shall leave the documents specified in [**paragraph (A)] subdivision (a)** at a conspicuous location in the said premises. A copy of the warrant and affidavit[(s)] must be left whether or not any property **or person** is seized.

[(C)] (c) Notwithstanding the requirements in [**paragraphs (A) and (B)] subdivisions (a) and (b)**, the officer shall not leave a copy of an affidavit that has been sealed pursuant to Rule 211.

Comment:

Subdivisions (a) and (b) include the provision of Rule 201(d) that provides that a person may be the subject of a search warrant when the person is also the subject of a bench or arrest warrant. In such circumstances, the search warrant is to effectuate the arrest by permitting the search of a premises other than the residence of the subject of the bench or arrest warrant. The search warrant does not take the place of the underlying bench or arrest warrant.

[**Official Note: Rule 2008 adopted October 17, 1973, effective 60 days hence; amended September 3, 1993, effective January 1, 1994; renumbered Rule 208 and amended March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).]

Rule 209. Return With Inventory.

* * * * *
Comment:
* * * * *

[**See**] **See** Rule [**205(A)(6)] 205(a)(6)** regarding the circumstances under which the issuing authority to whom the warrant is returned may differ from the one that issued the warrant.

As provided in Rule [**205(A)(4)] 205(a)(4)**, search warrants generally authorize execution within a period not to exceed two days. Paragraph (B) requires that an unexecuted warrant be returned to the issuing authority upon expiration of this period.

* * * * *

Rule 211. Sealing Search Warrant Affidavits.

* * * * *
Comment:
* * * * *

District justices, [**bail commissioners**] **arraignment court magistrates**, and municipal court judges do not have authority to seal an affidavit(s). In cases in which it is believed that there is good cause to seal the affidavit(s), the application for the search warrant must be presented to a judge of the court of common pleas or a

justice or judge of an appellate court. *See also* [**Rule 206(8)**] **Pa.R.Crim.P. 206(h)**.

* * * * *

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 540. Preliminary Arraignment.

* * * * *

Comment:

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Paragraph (D) requires that the defendant receive copies of the arrest warrant and the supporting affidavit(s) at the time of the preliminary arraignment. *See also* Rules 513(A), [**208(A)**] **208(a)**, and 1003. *See* Rule 513.1(F) concerning a defendant’s access to arrest warrant information that has been sealed.

* * * * *

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

PART A. Philadelphia Municipal Court Procedures

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

* * * * *

Comment:

* * * * *

Paragraph (D)(3)(c) requires that the defendant’s attorney, or if unrepresented the defendant, receive copies of the arrest warrant and the supporting affidavits at the preliminary arraignment. This amendment parallels Rule 540(C). *See also* [**Rules 208(A)**] **Pa.R.Crim.P. 208(a)** and 513(A).

* * * * *

**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE**

ADOPTION REPORT

Amendment of Pa.R.Crim.P. 201, 205, 206, 208, 209, 211, 540, and 1003

On May 2, 2024, the Supreme Court amended Pennsylvania Rules of Criminal Procedure 201, 205, 206, 208, 209, 211, 540, and 1003.¹ The Criminal Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Background

Prompted by the Court’s opinion in the companion cases of *Commonwealth v. Romero* and *Commonwealth v. Castro*, 183 A.3d 364 (Pa. 2018) (hereinafter “*Romero and Castro*”), the Committee began examining the manner in which an arrest warrant is used to gain access to a residence or other premises in an attempt to apprehend the subject of the warrant. The Committee concluded that the extent to which the police may search a residence pursuant to an arrest warrant and the manner in which such a search is adjudicated is primarily a substantive

issue and, as demonstrated in *Romero* and *Castro*, this substantive law is still being developed.

However, in considering these issues, the Committee became concerned that Rule 201 (Purpose of Warrant) could cause confusion as “persons” are not identified in the rule as proper subjects of a search warrant. As a result, law enforcement, reading Rule 201 as not governing the issuance of a search warrant for a person, might conclude that an arrest warrant is sufficient regardless of where the subject of the warrant is to be located, even when intending to search a premises that is not the residence of the subject of the arrest warrant. Under such circumstances, the search would be conducted without a judge having first determined that there was probable cause for the search. Additionally, because the rule provides for the issuance of a warrant that permits law enforcement “to search” and “to seize,” the Committee was concerned that the term “seize” would suggest that a search warrant could replace the need for an arrest warrant. To address these concerns, the following amendments have been adopted.

Amendments

Rule 201 has been amended to add a subdivision (d). This subdivision states that the search for and seizure of a person can be authorized by a search warrant if that person is also the subject of either a bench or arrest warrant. The Comment to Rule 201 has been revised to state specifically that a search warrant alone is insufficient; a bench or arrest warrant must also be issued.

The proposed amendment of Rule 201 was published for comment in March of 2019. *See* 49 Pa.B. 1357 (March 23, 2019). Two responses to the publication were received. One response questioned the description of the holding in the *Romero* and *Castro* cases contained in the Publication Report. As this did not implicate the proposed rule change itself, the Committee made no change to the proposal.

The other comment suggested that other rules might need to be amended in light of the proposed provision that would permit a person to be the subject of a search warrant. The Committee concurred that the terminology of several rules should be broadened to incorporate this concept. The Committee identified Rules 205 (Contents of Search Warrant), 206 (Contents of Application for Search Warrant), and 208 (Copy of Warrant; Receipt for Seized Property) as warranting amendment. Those rules have been amended to specifically incorporate a person as a proper subject of a search warrant. Additionally, corollary amendments have been made to Rules 209, 211, 540, and 1003.

Additionally, the proposed subdivision published for comment would have also provided for the issuance of a search warrant to search for “a person for whom there is probable cause to believe is a victim of a crime and for whom there is no other means of access.” However, concerns were raised post-publication that this proposed subdivision might permit the issuance of a search warrant to gain access to a victim of any crime, even a lesser one, or result in the issuance of a warrant to gain access to a victim who is merely declining to participate in a prosecution or investigation rather than being prevented from such participation. The Committee concluded that other, less intrusive methods, such as subpoenas, were more appropriate for gaining access to these individuals. Consequently, this subdivision and related commentary were not adopted.

¹ Stylistic amendments have also been made to conform to the Supreme Court of Pennsylvania Style and Rulemaking Guide for Procedural and Evidentiary Rules.

Lastly, commentary has been removed from Rules 201 and 206. The following commentary has been removed from Rule 201: “The Third Circuit’s opinion cited with approval *Commonwealth v. Patrone*, 27 D&C 2d 343 (Philadelphia Co. 1962); *Commonwealth v. Rehmeier*, 29 D&C 2d 635 (York Co. 1962); and *Simmons v. Oklahoma*, 286 P.2d 296, 298 (Okla. Cr. 1955).” This sentence has been removed as superfluous. The cases cited in that sentence are discussed in *United States ex. Rel. Campbell v. Rundle*, 327 F.2d 153 (3rd Cir. 1964), which is cited earlier in the second paragraph of the Comment. The following commentary has been removed from Rule 206: “While this rule continues to require written affidavits, the form of affidavit was deleted in 1984 because it is no longer necessary to control the specific form of written affidavit by rule.” This paragraph has been removed as unnecessary historical commentary.

* * * * *

The following commentary has been removed from Rule 201:

Comment, ¶ 2: “The Third Circuit’s opinion cited with approval *Commonwealth v. Patrone*, 27 D&C 2d 343 (Philadelphia Co. 1962); *Commonwealth v. Rehmeier*, 29 D&C 2d 635 (York Co. 1962); and *Simmons v. Oklahoma*, 286 P.2d 296, 298 (Okla. Cr. 1955).”

Official Note: Rule 2002 adopted March 28, 1973, effective 60 days hence; renumbered Rule 201 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

The following commentary has been removed from Rule 205:

Official Note: Rule 2005 adopted October 17, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 205 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; *Comment* revised October 22, 2013, effective January 1, 2014; amended July 31, 2017, effective October 1, 2017.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the October 19, 2005 amendments to paragraph (4) and the Comment published with the Court’s Order at 35 Pa.B. 6087 (November 5, 2005).

Final Report explaining the October 22, 2013 revisions to the Comment regarding the return of the search warrant published at 43 Pa.B. 6649 (November 9, 2013).

Final Report explaining the July 31, 2017 amendment regarding search warrants for electronically stored information published with the Court’s Order at 47 Pa.B. 4680 (August 12, 2017).

The following commentary has been removed from Rule 206:

Comment, ¶ 2: “While this rule continues to require written affidavits, the form of affidavit was deleted in 1984 because it is no longer necessary to control the specific form of written affidavit by rule.”

Official Note: Previous Rule 2006 adopted October 17, 1973, effective 60 days hence; rescinded November 9, 1984, effective January 2, 1985. Present Rule 2006 adopted November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 206 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; amended June 1, 2018, effective July 1, 2018.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the October 19, 2005 amendments to paragraph (6) and the Comment published with the Court’s Order at 35 Pa.B. 6087 (November 5, 2005).

Amendment regarding the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018).

The following commentary has been removed from Rule 208:

Official Note: Rule 2008 adopted October 17, 1973, effective 60 days hence; amended September 3, 1993, effective January 1, 1994; renumbered Rule 208 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

* * * * *

These amendments are effective October 1, 2024.

[Pa.B. Doc. No. 24-706. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rule of Judicial Administration of the Court of Common Pleas; No. AD-2024-148-PJ

Order of Court

And Now, this 6th day of May, 2024, it is hereby *Ordered* that the following proposed Local Rules of Judicial Administration of the Court of Common Pleas of Allegheny County, Pennsylvania, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

ALLEGHENY COUNTY RULES OF JUDICIAL
ADMINISTRATION 5101.4—5103.4.
FAMILY DIVISION: CUSTODY OF EXHIBITS IN
COURT PROCEEDINGS

By the Court

SUSAN EVASHAVIK DiLUCENTE,
President Judge

**Allegheny County Rules of Judicial Administration.
Family Division: Custody of Exhibits in Court Proceedings.**

**Rule 5101.4. Family Division Custody of Exhibits.
Definitions.**

(a) The following words and phrases when used in these rules shall have the following meanings, unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in this chapter:

(1) “*Court proceeding.*” Any trial, hearing, argument, or similar event before a judge, panel, or hearing officer where evidence, if entered, is on the record; however, this rule shall not apply to, and thus this definition does not encompass, record hearings that may be appealed de novo to a court of common pleas or upon which exceptions or objections can be filed to a court of common pleas. A court proceeding also does not include a proceeding before a magisterial district court, a judicial arbitration matter pursuant to Pa.R.C.P. 1301 et seq., a hearing before a register of wills pursuant to Pa.R.O.C.P. 10.3, or any matter that is not a record proceeding. A court proceeding may occur over more than one day, including non-consecutive days;

(2) “*Custodian.*” The person or persons designated by these rules to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall be either the proponent of the exhibit or a member of court staff. A custodian shall also include that custodian’s designee;

(3) “*Exhibit.*” A document, record, object, photograph, model, or similar item offered into evidence, whether or not admitted, in a court proceeding;

(4) “*Proponent.*” A party seeking the admission of an exhibit into the record in a court proceeding; and

(5) “*Records office.*” The Allegheny County Department of Court Records, Civil/Family Division (“Department of Court Records”) will serve as the records office for purposes of this rule and shall have the responsibility and function to maintain and retain the official case file and list of docket entries as required by rule or law. The records office for purposes of filing under this rule shall not include the automated systems of the Unified Judicial System such as the Common Pleas Case Management System or the Pennsylvania Appellate Case Court Management System, or PACFile.

(b) For any words and phrases not defined by these rules, a meaning may be discerned through examination of its dictionary definition, and its legal meaning may be gleaned from its use in an applicable body of law.

Comment: This rule as defined in (a)(1) would not apply, for example, to record hearings before hearing officers in divorce, enforcement/contempt, custody, support, delinquency, and dependency matters. Nonetheless, litigants or court personnel who believe that this rule does not apply to a proceeding should independently verify that the proceeding fits the above exception.

**Rule 5102.4. Family Division Custody of Exhibits.
General Provisions.**

(a) *During Court Proceedings.* In all Family Division proceedings, the court may designate a member of the court staff or the proponent of evidence to serve as custodian during and throughout court proceedings, and the custodian’s name shall be placed on the record. When a custodian names a designee, the court shall place the name of the designee on the record. In naming a custo-

dian or accepting a custodian’s designee, the court shall consider the proponent’s capabilities and circumstances as set forth below in (b) of this Subsection. Where these rules would apply in a proceeding before a hearing officer as set forth herein in Subsection 5101.4(a)(1), the hearing officer shall serve as custodian during proceedings.

(1) The custodian shall secure and maintain all exhibits during court proceedings, including during breaks and recesses, unless otherwise provided herein at 5103.4(c)(3) regarding bulky exhibits and 5103.4(d) regarding hazardous exhibits; and

(2) The custodian shall secure all exhibits at the end of each day during the proceeding, unless otherwise provided herein in Subsection 5103.4(c)(3) or 5103.4(d). However, subject to the considerations immediately below at Subsection 5102.4(b), if a proceeding is conducted over nonconsecutive days, the court may designate the proponent of the evidence to serve as custodian on days when court proceedings are not taking place.

(b) *After Court Proceedings.* Unless the court directs otherwise by naming a member of court staff as custodian, at the conclusion of a court proceeding, the custodian shall become the proponent of the evidence that the proponent proffered. The name of all custodians shall be placed on the record. If the court determines that through the exhaustion of post-trial actions and appeals, a pro se party is unable to perform the duties of a custodian or that any other party or proponent is unable to maintain and secure an exhibit or that a particular proponent or proponents may tamper with or permit the degradation of any exhibits, the court may designate a court custodian in each such proponent’s stead to perform all duties identified in this rule. Where these rules apply in a proceeding before a hearing officer as set forth herein in Subsection 5101.4(a)(1), after proceedings before that hearing officer, the hearing officer may serve as custodian or may designate the hearing officer’s staff (such as the hearing officer’s clerk) to serve as custodian.

(1) *Custodian.* The custodian shall:

(i) take custody of and secure all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected into evidence during the court proceeding;

(ii) file all documentary exhibits, photographs, and photographs of non-documentary exhibits with the Department of Court Records within five business days of the conclusion of the court proceeding unless directed otherwise by the court; and

(iii) secure and maintain all other non-documentary exhibits as directed by the court or as agreed to by the parties.

(2) *Index of Exhibits.* A custodian filing exhibits with the Department of Court Records shall include a list of exhibits using the same numbers used by the proponent during the court proceeding to refer to each exhibit. For each exhibit, the custodian filing the exhibits shall also: identify the proponent; indicate whether the exhibit was admitted into or rejected from evidence; and provide a textual description or identification of the exhibit. Court staff, as designated by the presiding judge and whether serving as custodian or not, shall keep an index of exhibits utilizing substantially the same form set forth at

the conclusion of these rules. In proceedings before a hearing officer, the hearing officer shall create and keep the index. A proponent custodian filing exhibits may utilize a copy of the court's completed form for filing.

(3) *Method of Filing.* For matters on the adult docket, exhibits must be filed electronically utilizing the eFiling and Retrieval System at the Department of Court Records. Pro se litigants are encouraged to file electronically as well but the Department of Court Records accepts filing of court documents in person or by other means which may be posted on the Department of Court Records website. Matters on the juvenile docket shall be filed with the Department of Court Records Juvenile Section, which is located at 414 Grant Street, Second Floor City-County Building, Room 229, Pittsburgh, Pennsylvania 15219; unless the court permits otherwise, proponents of exhibits in such matters other than those proceeding in forma pauperis shall be responsible for printing exhibits for filing when those exhibits are not contained on a Universal Serial Bus ("USB") flash drive under Subsection 5103.4(a)(3) or other format as the court might allow for digital media under Subsection 5103.4(e).

(4) *Confirmation.* If exhibits are transferred from a member of the court staff serving as custodian to a proponent custodian, the court custodian shall confirm that the proponent custodian has complied with the filing requirements set forth herein in Subsection (b)(1)(ii). Otherwise, the court custodian shall be responsible for the filing of exhibits in keeping with the requirements of this rule.

(5) *Relief.* If a custodian does not file the exhibits as required in this Subsection, then a party or proponent not designated as the custodian or in possession of the exhibits may seek appropriate relief from the court.

Comment: The parties are encouraged to work collaboratively prior to trial to stipulate to trial exhibits that they find unobjectionable and file the stipulations and exhibits covered by the stipulations along with an index in substantially the form provided at the end of these rules with the Department of Court Records. In the event of a stipulation, the parties shall notify the court and provide the court with a copy of the exhibits and index of the exhibits filed as soon as such stipulation is reached and the index is completed.

In a court proceeding, there could be multiple parties and multiple proponent custodians each of whom is responsible for the exhibits they proffered. Proponent custodians and/or court custodians should label their exhibits with reference to the party proffering the exhibit and using sequential numbers (for example, "CYF Exhibit 1" and "CYF Exhibit 2" or "Defendant Smith Exhibit 1" and "Defendant Smith Exhibit 2"). If a listed exhibit is withdrawn, the withdrawal may be noted on the index of exhibits. Where an exhibit is withdrawn, the custodian preparing the index and the proffering party should maintain the numbering system in place before withdrawal to avoid confusion from renumbering. This could result in a gap in the numbering of exhibits. A hearing officer who serves as custodian during court proceedings will prepare the index of exhibits.

Under (a)(3), courts and custodians should bear in mind that as of this rules enactment, the eFiling and Retrieval System allows individuals to file documents in a case and see the docket, the official list of documents filed in a case

as well as scanned images of the documents filed unless the case or specific item is sealed by order of court or if an applicable statute, local rule, or other source of law prohibits public access. Pertinent information can often be found on the Department of Court Records website as well as the Allegheny County website.

Under (a)(4), proponent custodians should notify the court staff on the same day on which they have filed exhibits to aid the court staff in confirming the proponent custodians' compliance.

The custodian, if a member of the court staff, may direct the proponent to secure and maintain exhibits that are bulky, oversized, or otherwise physically impractical for the custodian to maintain during the court proceedings. See Subsection 5103.4(c)(3). Typically, non-documentary exhibits will be returned to their respective proponent at the conclusion of a court proceeding.

If a court finds that there is a need to review the exhibits as filed, for example in preparing an opinion for appeal, the court may requisition the file from the department of court records, using any forms or procedures established for such review.

Rule 5103.4. Family Division Custody of Exhibits. Special Provisions.

(a) Documentary Exhibits.

(1) If a proponent offers into evidence an exhibit such as a letter, report, drawing, map, or other document that exceeds 8 1/2 × 11 inches, the proponent shall ensure in advance of the proceeding that a copy of the document is reduced to 8 1/2 × 11-inches and is entered into the record.

(2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document or copy of a photograph, where submitted, is clear and can be further reproduced or transferred to digital media.

(3) Voluminous documentary exhibits are those where the intended original documentary exhibit exceeds 150 physical pages (whether single- or double-sided). Each proponent of a voluminous documentary exhibit in advance of a proceeding shall have that exhibit placed onto USB flash drive or other format that the court may deem acceptable for entry into the record.

(b) Photographs.

(1) If a proponent offers into evidence a photograph, the proponent shall ensure in advance of the proceeding that the original or a copy of the photograph instead of the original is no larger than 8 1/2 × 11 inches when entered into the record. If the original photograph is in color, any copy placed in the record shall also be in color.

(2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and can be further reproduced or transferred to digital media.

(c) Non-Documentary Exhibits Generally.

(1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure in advance of the proceeding that a photograph no larger than 8 1/2 × 11 inches of the exhibit is entered into the record instead of the non-documentary exhibit. If the non-documentary exhibit displays color, the copy shall also be in color.

(2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and can be further reproduced or transferred to digital media. If more than one photograph is required to convey a full image of an exhibit (for example, from more than one angle), the proponent shall take as many such additional photographs as are necessary; in this case, the exhibit shall be labeled with subparts under one number (such as Exhibit 1(a), 1(b), etc.).

(3) If the exhibit is bulky, oversized, or otherwise physically impractical for a court staff custodian to maintain, the court may direct the proponent offering the exhibit to maintain custody of it and secure it during the court proceeding.

(d) *Non-Documentary Exhibits: Weapons, Contraband, Hazardous Materials.*

(1) In any court proceeding in which weapons, cash, other items of value, drugs, or other dangerous materials are offered into evidence, the proponent shall secure the exhibits while the court proceeding is in session as well as during all breaks and recesses.

(2) During the proceeding, the proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit including compliance with any court orders relating to the exhibit.

(e) *Use of Digital Media.* Any media or videos presented at a court proceeding shall be retained by the proponent, but the proponent shall ensure in advance of the court proceeding that an exhibit of this type is placed onto a USB flash drive or other format acceptable to the court for entry into the record. If the court determines that a party lacks the ability to comply with this Subsection, such as those who are pro se and/or do not understand the requirement or those who are proceeding in forma pauperis, the court shall have court staff assist the proponent in attempting to comply with this rule, including but not limited to supplying a USB flash drive unless another format has been deemed acceptable to the court.

(f) *Duplicates.* The court may direct that the original item, and not a duplicate, be entered into the record.

(g) *Exhibits Under Seal.* If an exhibit offered into evidence contains confidential information or confidential documents as defined by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania ("Policy"), the proponent shall give a copy of the exhibit and a certification prepared in compliance with the Policy and any related local rules to the records office no later than five days after the conclusion of the court proceeding. Any exhibit sealed by the court during the court proceeding shall not be accessible to the public.

(h) *Copies to the Court:* In accordance with each judge's operating procedures, parties shall provide copies of all exhibits proffered to the trial judge before or at the time of the court proceedings and no later than at the time of the proceedings. The Court is not required to maintain the exhibits after court proceedings conclude except for circumstances in which a court custodian is

named and must retain the exhibits until filed in compliance with Subsection (g) directly above.

Comment: Subsection (b) recognizes that a proponent may have a sentimental attachment to a photograph and might not want to relinquish it for inclusion in the record if it can be submitted in compliance with this rule.

Regarding the use of media in the courtroom, technology is constantly evolving, and judicial districts have access to varying levels of technology. Accordingly, the rule requires a proponent to provide evidence using USB flash drives but also gives the court discretion to approve alternatives. As set forth in Subsection (e), a proponent offering an audio, visual, or computer file into evidence is solely responsible for ensuring that the court has the means to access it during a court proceeding. This situation may occur in many settings; for example, on occasion, a proponent desires to play a video from a cell phone as evidence. That proponent must first ensure that the media or video can be provided to the court by an acceptable method. Whenever possible, a proponent should provide such evidence to the court prior to the hearing so as not to slow proceedings.

In Subsection (d), the phrase "weapons, cash, other items of value, drugs, or other dangerous materials" includes, but is not limited to, guns, knives, explosives, controlled substances, narcotics, intoxicants, currency, money, negotiable instruments, toxic materials, and bio-hazards. For purposes of this rule, "secured" means inaccessible by unauthorized persons. See UJS Pennsylvania Court Safety Manual for best practices on firearms handling. The court may consider additional safety measures if substances likely to cause bodily harm are present in the courtroom, such as fentanyl and its derivatives or other substances known to be especially lethal or toxic.

Neither documentary exhibits of unusual bulk or weight nor non-documentary exhibits should be transmitted unless authorized by a party or by the prothonotary of the appellate court. See Pa.R.A.P. 1931(c). In the case of exhibits under Subsection (d) of this rule, such exhibits should only be transmitted by law enforcement personnel who are authorized to transport such items to the appellate court.

With regard to other limitations on the use of duplicates, see Pa.R.E. 1003.

Subsection (g) relates to the confidentiality of information contained in exhibits. Although the Policy does not apply directly to exhibits, important policy considerations are set forth therein, particularly as it relates to personal identification information and highly sensitive financial, medical, and psychological information. While the Policy does not address the handling of non-documentary exhibits, it is expected that parties will adhere to the policy considerations set forth therein and ensure that otherwise confidential information and documents are not made available through the record. Adhering to the guidance of the Policy will ensure that a protected version of the exhibit is maintained in the record for public viewing. Moreover, this Subsection recognizes that some exhibits contain such highly sensitive information or images that they are sealed by the court during the court proceeding.

[Pa.B. Doc. No. 24-707. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Administrative Procedures for Clerk of Courts; No. 0014-12-MD-2024; AO. 15-2024

Administrative Order

And Now, this 1st day of May, 2024, the Court having determined that action is necessary to safeguard the filing of legal papers and other critical functions related to the administration of justice and due process and noting the current deficiencies and unacceptable backlog in filing, docketing, scanning, and processing of Orders and documents within the Clerk of Courts Office, and also based upon the information gathered at an evidentiary hearing held on April 1, 2024, including the assurances of the Clerk of Courts that the factors causing the aforementioned deficiencies and backlog were substantially rectified and that the office had cleared those backlogs and was up to date with its filing obligations, it is hereby *Ordered, Adjudged, and Decreed* that the filing office of the Clerk of Courts shall follow the procedures set forth as follows:

Hours of Operation

All filing offices shall be open to the public and judiciary staff from 8:00 a.m. to 4:30 p.m., daily Monday through Friday, excepting holidays and other judicially sanctioned closures. Filing offices may be open longer than the established hours of operation. The Court is “always open for the transaction of judicial business,” and a filing office may be requested to stay open outside of the established hours of operation if the Court remains in session or requires the processing of judicial business. See 42. Pa.Con.Stat.Ann § 324. This includes the answering of all telephone inquiries throughout the times of public operation.

Bench Warrant Orders

All Orders directing the issuance of a Bench Warrant, including the issuance of the Bench Warrant or the lifting of a Bench Warrant, shall be filed, docketed, scanned, and fully processed and distributed on the same business day if received by 4:00 p.m. by the Clerk of Courts. If the

Bench Warrant is filed after 4:00 p.m., it shall be processed by noon for the next business. Excluded from said calculation shall be all weekends and holidays.

Accelerated Rehabilitative Disposition (ARD) Orders and Dispositions

All ARD orders or other dispositions of ARD cases shall be filed, docketed, scanned, and fully processed and distributed within seventy-two (72) hours of the date of the issuance of the Order or disposition.

Driving Under the Influence (DUI) Orders and Dispositions

All DUI orders or other dispositions of Driving Under the Influence cases shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours of the date of the issuance of the Order or disposition. Forms required for submission to the Pennsylvania Department of Transportation are to be processed in a timely fashion.

Verdicts

All verdicts, whether entered following a bench or jury trial, shall be filed, docketed, scanned, and fully processed within twenty-four (24) hours from the time of receipt by the Prothonotary.

State Sentencing Orders

All orders or dispositions that result in a defendant being sentenced to a period of state incarceration shall be filed immediately upon presentation to the Clerk of Courts with three certified copies being immediately sent to the Sheriff’s Department. Within forty-eight (48) hours from the time of delivery to the Clerk of Courts of the Order or other disposition, said document shall be docketed, scanned, and fully processed and distributed including but not limited to the entry of all information necessary for the printing of a complete DC-300B such that the individual State packets necessary for transport of the Defendant may be completed in a timely manner.

Sentencing Orders and Dispositions

All sentencing orders and dispositions, other than state sentencing orders noted above, shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts.

Juvenile Orders and Dispositions

All juvenile orders and dispositions shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts. All juvenile orders, including orders executed electronically (CPCMS), shall be properly filed in the appropriate physical file within five (5) business days.

Dependency Orders and Dispositions

All dependency orders and disposition shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts. All dependency orders, including orders executed electronically (CPCMS), shall be properly filed in the appropriate physical file within five (5) business days.

General Court Orders, Inmate Mail, and Indirect Criminal Contempt (ICC) Orders

All general court orders and dispositions, including ICC orders, shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts. Inmate mail shall be appropriately processed, including docketing and/or distribution to the Court and Counsel, within twenty-four (24) hours from the time of receipt.

Summary Appeal Orders and Dispositions

All Notices of Appeal from summary convictions shall be filed, docketed, scanned, fully processed, and distributed within forty-eight (48) hours of receipt by the Clerk of Courts. All summary appeal Orders and dispositions shall be filed docketed, scanned, and fully processed and distributed within forty-eight (48) hours from the time of receipt by the Clerk of Courts. Forms required for submission to the Pennsylvania Department of Transportation are to be processed in a timely fashion.

Bail and Pretrial Services Order

Bail Orders shall be filed, docketed, scanned, fully processed and distributed on the same day as received by the Clerk of Courts unless received after 4:00 p.m. In that event, bail Orders shall be processed and distributed by noon the following business day. If applicable, distribution of such Orders shall include the Dauphin County Prison and/or the Magisterial District Court by facsimile or email.

Notices of Appeal from Court of Common Pleas and Related Documents

All Notices of Appeal and any appeal-related documents shall be filed, docketed, scanned, fully processed and distributed to the appropriate appellate court within twenty-four (24) hours. The Clerk of Courts shall advise the appropriate Judge of the filing of a Notice of Appeal. The Clerk of Courts shall provide to the appropriate judge a copy of all communications and Orders received by the Clerk of Courts from any appellate court. The Clerk of Courts shall coordinate the preparation of the record for appeal with the appropriate judge.

Further, when directed by either a Pennsylvania appellate court, or a federal court, the Clerk of Courts shall prepare, copy, and transmit the requested record of any Dauphin County Court of Common Pleas case to the appropriate appellate court or federal court.

Probation and Parole Orders and Other Probation Office Documents

All probation and parole Orders and other probation office documents shall be filed, docketed, scanned, and fully processed and distributed within forty-eight (48) hours from the time of receipt by the Clerk of Courts.

Distribution of Filings

All filings accepted by the Clerk of Courts shall be distributed to parties and any interested entities or persons as noted by the filing party or entity. Those filings include, but are not limited to, transport Orders, transcript requests forms, Omnibus Pretrial Motions, motions in limine, discovery requests, reciprocal discovery requests, and discovery inventories.

Commitments to Dauphin County Prison or Other Correctional Facility

All Orders providing for a commitment to Dauphin County Prison, or another correctional facility, must be filed, docketed, scanned, and distributed to the appropriate facility within forty-eight (48) hours.

However, any Order for immediate release from incarceration, or Orders imposing a sentence of probation, setting or modifying bail, entering a nolle prosequi, or waiving extradition for an incarcerated individual must be docketed, scanned, and distributed on the same day it is received unless received after 4:00 p.m. In that event, all processing must be completed by noon on the following business day.

Statistical Reporting

All AOPC statistical docket corrections or reporting shall be fully processed and completed by all filing offices as requested by Court Administration. The compilation of statistical information for reporting to the AOPC is the responsibility of Court Administration.

Enforcement

The elected Clerk of Courts and their staff shall comply with the provisions of this Administrative Order. The Court may initiate contempt proceedings if there is a failure to adhere to the requirements set forth in this Administrative Order. Questions concerning a provision of the Administrative Order shall be directed to the Court Administrator, who is responsible for bringing those matters needing clarification or other action to the attention of the President Judge and other appropriate judges. Any other Order that conflicts or is otherwise inconsistent with this Administrative Order is hereby *Rescinded*, except those issued pursuant to a locally declared judicial emergency.

It is further *Ordered* that the Court Administrator shall cause a copy of this Order to be published in the *Dauphin County Reporter*, the official legal publication of Dauphin County, at the expense of the County of Dauphin, and in the *Pennsylvania Bulletin*.

By the Court

SCOTT ARTHUR EVANS,
President Judge

[Pa.B. Doc. No. 24-708. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Custody of Exhibits in Court Proceedings; F.C.R.J.A. 5104; No. 930 of 2024 G.D.

Order

And Now, this 8th day of May 2024, it is hereby Ordered that the local rule of judicial administration of Custody of Exhibits in Court Proceedings is adopted as follows. Further, it is hereby Ordered that the Fayette County Administrative Order of Custody of Evidence Admitted in Court adopted September 9, 2014, is hereby rescinded.

The Prothonotary is directed as follows:

(1) A copy of the order and rule shall be filed with the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

(2) Two copies of the order and rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The local rule shall be e-mailed in Microsoft Word format to bulletin@palrb.us.

(3) One copy of the order and rule shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of this rule on the website of Administrative Office of Fayette County Courts at www.fayettecountypa.org.

(2) Compile the rule within the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

The local rule of Custody of Exhibits in Court Proceedings shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

STEVE P. LESKINEN,
President Judge

Rule 5104. Custody of Exhibits in Court Proceedings.

(a) *Designation of Custodian.*

1. In court proceedings before a Judge, the Court Reporter is designated as the custodian to safeguard and maintain exhibits introduced in a court proceeding.

2. In court proceedings before a Hearing Officer, the Hearing Officer is designated as the custodian to safeguard and maintain exhibits introduced in the court proceeding.

(b) *During Court Proceedings.*

1. Throughout court proceedings, all documentary and non-documentary exhibits shall remain in the custody of the proponent until the exhibit is offered for admission into the record.

2. Non-documentary exhibits, including, but not limited to, weapons, cash, other items of value, drugs, and other dangerous contraband or materials, and bulky, oversized, or otherwise physically impractical exhibits for the custodian to maintain shall remain in the custody of the proponent during court proceedings.

3. Non-documentary exhibits shall be photographed by the proponent and the photograph shall be appropriately marked and produced during the court proceedings for inclusion in the official case record.

4. After being offered into evidence, whether accepted or rejected by the presiding Judge or Hearing Officer, documentary and photograph exhibits shall then be placed in the custody of the custodian.

5. The proponent may reduce oversized documentary exhibits to 8.5 × 11 inches paper, so long as the quality is not compromised, or may submit the exhibits digitally via a CD or USB flash drive as a PDF with a file name identifying the exhibit.

6. The proponent may submit voluminous documentary exhibits digitally via a CD or USB flash drive as a PDF with a file name identifying the exhibit.

(c) *After Court Proceedings.*

1. *Proponent Responsibilities.*

i. The proponent of non-documentary exhibits shall safeguard and maintain such exhibits and may only dispose of or destroy non-documentary exhibits as required by any applicable records retention periods or by Order of Court.

ii. If not submitted during the court proceedings, the proponent shall provide to the custodian a photograph (no larger in size than 8.5 × 11 inches) of the non-documentary exhibits in lieu of the non-documentary exhibit, within five business days of the conclusion of the court proceeding.

2. *Custodian Responsibilities.*

i. The custodian shall retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding.

ii. The custodian shall prepare and file a numbered list of exhibits, and for each exhibit identify the proponent, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit.

iii. The custodian shall file all documentary exhibits, photographs, and photographs of non-documentary exhibits with the records office within five business days of the conclusion of the court proceeding unless otherwise directed by the court.

(d) All other issues regarding custody of exhibits in court proceedings shall be governed by Pennsylvania Rule of Judicial Administration 5101—5104.

[Pa.B. Doc. No. 24-709. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MERCER COUNTY

Amendment to Local Rule of Civil Procedure L309; No. 1060 CIVIL 2024

And Now, this 18th day of April, 2024, the Court hereby *Approves, Adopts and Promulgates* the following Amendment to Mercer County Local Rule L309 regarding Praecepte for Trial List.

It Is Further Ordered and Directed that the Court Administrator of Mercer County shall file one (1) certified copy of the Amendment with the Administrative Office of the Pennsylvania Court and furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

It Is Further Ordered and Directed that this Amendment shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of Mercer County and the Office of the Prothonotary of Mercer County.

By the Court

DANIEL P. WALLACE,
President Judge

AMENDMENT TO LOCAL RULE OF CIVIL PROCEDURE L309 PRAECEPTE FOR TRIAL

A. LOCAL RULE L309 shall be deleted and replaced with the following:

1. Pursuant to Local Rules L317(c)(3) and L317(c)(4), regarding case management orders for regular and complex cases, all matters shall be placed on the trial list utilizing a Praecepte for Trial.

[Pa.B. Doc. No. 24-710. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2024-07 Increasing Fee of Alcohol Highway Safety Program and Wages for Alcohol Highway Safety Instructors; No.: C-48-AD-75-2024

Administrative Order

And Now, this 6th day of May, 2024, it is hereby *Ordered and Decreed* that the fee for the Northampton County Alcohol Highway Safety Program is hereby increased to \$300.00 per class and the wages for each Alcohol Highway Safety Instructor shall also be increased to \$450.00 per 12.5 hours of sessions.

It is further *Directed* that the Northampton County Court of Common Pleas' Court Administrator shall comply with all requirements set forth in Pa.R.J.A. 103(c), such as: distributing two (2) certified copies of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; filing one (1) certified copy of the Order with the Administrative Office of Pennsylvania Courts; publishing a copy of this Order on the Court's website; and incorporating these procedures into the

complete set of Northampton County Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

This Administrative Order shall become effective Monday, June 17, 2024 or thirty (30) days from when publication in the *Pennsylvania Bulletin* occurs.

By the Court

CRAIG A. DALLY,
President Judge

[Pa.B. Doc. No. 24-711. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Administrative Order; No. AD-41-24

Administrative Order

And Now, this 1st day of May, 2024, it is *Ordered and Decreed* that this Court adopts the following Rules of Civil Procedure For Magisterial District Judges: Rule 201 (Citation of Civil Procedural Rules), Rule 1203 (Jurisdiction for Emergency Protective Relief) and Rule 1206 (Commencement of Abuse and Sexual Violence or Intimidation Proceedings):

The Schuylkill County Court Administrator is *Hereby Ordered* to:

1. Distribute one copy of each Rule to the Administrative Office of Pennsylvania Courts via email at adminrules@pacourts.us.

2. Distribute two paper copies of each Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Distribute one copy of each Rule to the Legislative Reference Bureau via email at bulletin@palrb.us in a Microsoft Word format.

4. Publish the local Rules on the Schuylkill County Court's website.

5. Incorporate the local Rules into the set of local Rules on this Court's website within 30 days after the publication of the Rule in the *Pennsylvania Bulletin*.

6. File one copy of each local Rule in the Office of the Clerk of Courts of Schuylkill County.

By the Court

JACQUELINE L. RUSSELL,
President Judge

Sch.R.Civ.P.M.D.J. 201. Citation of Civil Procedural Rules for Magisterial District Judges.

These rules shall be known as Schuylkill County Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges. They shall be cited as "Sch.R.Civ.P.M.D.J. _____."

Effective Date.

This Rule is effective 60 days after publication in the *Pennsylvania Bulletin*.

Sch.R.Civ.P.M.D.J. 1203. Jurisdiction for Emergency Protective Relief.

A. Magisterial District Judges serving on-call duty on holidays and outside of regular business hours, pursuant to a schedule prepared by the Schuylkill County Criminal Court Administrator, shall provide continuous coverage as required by the Protection from Abuse Act, the Protection of Victims of Sexual Violence or Intimidation Act, and the Older Adults Protective Services Act.

This Order is effective 60 days after publication in the *Pennsylvania Bulletin*.

Sch.R.Civ.P.M.D.J. 1206. Commencement of Abuse and Sexual Violence or Intimidation Proceedings.

A. Individuals seeking emergency protection orders under the Protection from Abuse Act or the Protection of Victims of Sexual Violence or Intimidation Act outside of normal business hours or on holidays shall go to the site of the Schuylkill Hope Center for Victims of Domestic Violence, or its successor, in Pottsville, Schuylkill County where, at a time agreed upon by the Magisterial District Judge and personnel of the Hope Center, or its successor, the Magisterial District Judge shall receive the petition for relief, conduct an ex parte hearing, and grant or deny requested relief.

This Order is effective 60 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 24-712. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES**SCHUYLKILL COUNTY****Administrative Order; No. AD-43-24****Administrative Order**

And Now, this 1st day of May, 2024, it is *Ordered and Decreed* that this Court adopts the following Rules of Juvenile Civil Procedure: Rule 102 (Citing the Juvenile Court Procedural Rules) and Rule 210 (Arrest Warrants):

The Schuylkill County Court Administrator is *Hereby Ordered* to:

1. Distribute one copy of each Rule to the Administrative Office of Pennsylvania Courts via email at adminrules@pacourts.us.
2. Distribute two paper copies of each Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Distribute one copy of each Rule to the Legislative Reference Bureau via email at bulletin@palrb.us in a Microsoft Word format.
4. Publish the local Rules on the Schuylkill County Court's website.
5. Incorporate the local Rules into the set of local Rules on this Court's website within 30 days after the publication of the Rule in the *Pennsylvania Bulletin*.
6. File one copy of each local Rule in the Office of the Clerk of Courts of Schuylkill County.

By the Court

JACQUELINE L. RUSSELL,
President Judge

Sch.R.J.C.P. 102. Citing the Schuylkill County Juvenile Court Procedural Rules.

Juvenile court procedural rules adopted by this Court shall be known as Schuylkill County Rules of Juvenile Court Procedure, and shall be cited as "Sch.R.J.C.P. _____."

Effective Date.

This Rule is effective 60 days after publication in the *Pennsylvania Bulletin*.

Sch.R.J.C.P. 210. Arrest Warrants.

A. The Magisterial District Judge serving on-call duty outside of regular business hours, including on holidays, shall be the designated issuing authority for purposes of Pa.R.J.C.P. 210(a).

Effective Date.

This Rule is effective 60 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 24-713. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES**SCHUYLKILL COUNTY****Administrative Order; No. AD-44-24****Administrative Order**

And Now, this 1st day of May, 2024, it is *Ordered and Decreed* that this Court adopts the following Rule of Criminal Procedure 117 regarding Magisterial District Court Coverage and *Rescinds* Administrative Order No. AD-102-2006:

The Schuylkill County Court Administrator is *Hereby Ordered* to:

1. Distribute one copy of the Rule and Order to the Administrative Office of Pennsylvania Courts via email at adminrules@pacourts.us.
2. Distribute two paper copies of the Rule and Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Distribute one copy of the Rule and Order to the Legislative Reference Bureau via email at bulletin@palrb.us in a Microsoft Word format.
4. Publish the local Rule on the Schuylkill County Court's website.
5. Incorporate the local Rule into the set of local Rules on this Court's website within 30 days after the publication of the Rule in the *Pennsylvania Bulletin*.
6. File one copy of the local Rule and Order in the Office of the Clerk of Courts of Schuylkill County.

By the Court

JACQUELINE L. RUSSELL,
President Judge

Sch.R.Crim.P. 117. Magisterial District Court Coverage.*Regular Business Hours*

A. Each Magisterial District Court Office shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:30 a.m. to 4:30 p.m. The times may be modified upon approval of the President Judge to meet the needs of the public and the Court.

B. All court proceedings normally conducted before a Magisterial District Court Judge shall be handled by the appropriate Magisterial District Judge as determined by the Rules regarding venue. The Magisterial District Judge shall be available for all court proceedings without unreasonable delay during normal business hours for the purposes of accepting the posting of bail, performing preliminary arraignments, accepting complaints, issuing search and arrest warrants, conducting summary trials or setting collateral in summary cases following arrests with or without a warrant.

C. In the event a Magisterial District Judge with jurisdiction over a matter is unavailable during regular business hours, the President Judge will transfer the matter to another Magisterial District Judge in the 21st Judicial District.

On-Call Magisterial District Judge

A. The President Judge shall assign, on a rotating basis, Magisterial District Judges to serve on-call duty outside of regular business hours, including on holidays, to fulfill the duties of a Magisterial District Judge within the 21st Judicial District by providing continuous coverage as required by the Pennsylvania Rules of Criminal Procedure, pursuant to a schedule prepared by the Schuylkill County Court Administrator.

B. On days that the Court is open for business, the On-Call Magisterial District Judge shall commence duty at 4:30 p.m. and remain on duty until 8:30 a.m. the following morning. On weekends and holidays the On-Call Magisterial District Judge shall be on duty from 8:30 a.m. on the day that their duty starts until 8:30 a.m. when the Court is next open for regular business.

C. The On-Call Magisterial District Judge shall be available, without unreasonable delay, to issue search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513, to conduct summary trials or set collateral in summary cases following arrests with a warrant issued pursuant to Pa.R.Crim.P. 430(A) as provided in Pa.R.Crim.P. 431(B)(3) and following arrests without a warrant as provided in Pa.R.Crim.P. 441(C), to conduct preliminary arraignments whenever a warrant of arrest is executed within the judicial district pursuant to Pa.R.Crim.P. 516, to set bail whenever an out-of-county warrant of arrest is executed within the judicial district pursuant to Pa.R.Crim.P. 517(A), and to accept complaints and conduct preliminary arraignments whenever a case is initiated by arrest without warrant pursuant to Pa.R.Crim.P. 519(A)(1). The foregoing shall be conducted at the On-Call Magisterial District Judge's established office or, in the Judge's discretion, via advanced communication technology. In the event of a technological failure, the proceedings shall be conducted at the Judge's established office.

D. The Magisterial District Judge may, in the Judge's sole discretion, accept bail deposits outside of normal business hours. However, the posting of bail shall be accepted outside of normal business hours and on holidays at the Schuylkill County Prison. The Warden, or in his absence the Warden's designee in charge, shall be authorized to accept bail deposits, as provided in Pa.R.Crim.P. 117, have the defendant sign the bail bond, release the defendant upon execution of the bail bond, and deliver the bail deposit and bail bond to the Clerk of Courts promptly upon the opening of the courthouse the next business day. Bail deposits after normal business hours and on holidays must be by cash, money order, or by bail bond posted by a professional bail bondsman registered with Schuylkill County. Persons desiring to post bail after normal business hours or on holidays shall contact the Schuylkill County Prison at 570-628-1450 to make arrangements to do so. All parties authorized to accept bail shall comply with the provisions of and be subject to the limitations specified in the Pennsylvania Rules of Criminal Procedure.

Effective Date.

This Rule is effective 60 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 24-714. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES**WASHINGTON COUNTY****Approval and Adoption of Amendments to Local Rules of Civil Procedure; No. 2024-1****Administrative Order**

And Now, this 3rd day of May, 2024, having received approval from the appropriate statewide rules committee in accordance with Pennsylvania Rule of Judicial Administration 103(d)(4), it is hereby *Ordered, Adjudged, and Decreed* that the amendments to the following Local Rules of Civil Procedure:

1. Rule L-205.2(a);
2. Rule L-205.2(b);
3. Rule L-208;
4. Rule L-210;
5. Rule L-212.7;
6. Rule L-212.8;
7. Rule L-227.1;
8. Rule L-240;
9. Rule L-440;
10. Rule L-1028(c);
11. Rule L-1034;
12. Rule L-1035.2(a),
13. Rule L-1041.1;
14. Rule L-1303.1;

15. Rule L-1308; and

16. Rule L-5000.1,

as set forth following this Order, are *Approved* and *Adopted*.

The amendments of the above-identified local rule of civil procedure shall be effective June 20, 2024, and following publication in the *Pennsylvania Bulletin* pursuant to Pa.R.J.A. 103(c)(5). The District Court Administrator is directed to:

1. File copies of this Administrative Order and the adopted local rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

2. File one (1) electronic copy of this Administrative Order and the adopted local rules with the Administrative Office of Pennsylvania Courts;

3. Arrange for the publication of the local rules on the website for the Twenty-seventh Judicial District, www.washingtoncourts.us, within thirty (30) days of the effective date; and

4. Cause a copy hereof to be published in the *Washington County Reports* once a week for two (2) successive weeks at the expense of the County of Washington.

By the Court

GARY GILMAN,
President Judge

Rule L-205.2(a). Pleadings and Legal Papers. Physical Characteristics. Proposed Order.

(1) All pleadings and legal papers filed with the Prothonotary shall be on white, letter-sized (8.5 inch by 11 inch) paper of good quality, and otherwise conform to the requirements of Pa.R.C.P. 204.1.

(a) Footnotes shall be single-spaced and in 10-point font.

(b) Every paper filed shall be fastened only at the top left corner of the pages with one staple, or, if the document is too thick, a metal fastener. Cloth tape and “bluebacks” shall not be used.

(2) All attachments, supporting documents, and exhibits shall be on letter-sized (8.5 inch by 11 inch) paper at the time of filing with the Prothonotary. Documents that are sized differently in original form shall be re-sized and reproduced to comply with this rule.

(3) *Proposed Order*. Every motion, petition, or preliminary objection shall include a proposed order of court which shall be attached before the certificate of service. If a legal paper is filed electronically, there shall be a separately filed proposed order of court in a Microsoft Word format in accordance with Wash.L.R.C.P. 205.4(b)(2).

Rule L-205.2(b). Caption Sheet.

(1) The first page of any pleading, petition, motion or other legal paper shall be a cover sheet setting forth the items of information specified below, according to the format presented in Form of Caption Sheet below. If needed, a second page may be attached and numbered “Caption Sheet 2” at the bottom of the page.

(a) The lettering shall be in a font of no smaller than twelve-point size or an equivalent and shall substantially follow the format in Form of Caption Sheet below.

(b) The Caption Sheet on the document commencing the action (e.g., praecipe or complaint), shall have a margin at the top of three (3) inches for the stamp of the Prothonotary.

(2) The information required includes:

(a) (In capital letters from the left to right margins)

“IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA”

(b) (In capital letters on left side of center) The complete names of all parties; if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used.

(c) (In appropriate upper and lower case, except where otherwise indicated, on the right side of center on separate lines):

i. the specific DIVISION, e.g., CIVIL or DOMESTIC RELATIONS;

ii. the docket number;

iii. the name of the assigned judge, if applicable;

iv. the name of the pleading, in bold face and all capital letters;

v. if the action is filed as a class action, then “CLASS ACTION” shall be set forth following the title of the document;

vi. if the action involves real estate, then the address, municipality, ward if applicable, and a tax identification number shall be set forth;

vii. the completed statement: “Filed on behalf of (party’s name, party’s relationship to case)”;

viii. the completed statement: “Counsel of Record: (attorney’s name and Pennsylvania Identification Number, firm name, firm number, address, and telephone number)”;

ix. the electronic mail address for service of the filing party; and

x. every motion, petition, or pleading must include a “Certificate of Service” which sets forth the manner of service upon each party including the name of an attorney of record for each party that is represented and the address at which service was made. The “Certificate of Service” shall be substantially in the following form:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing [Title of Document] has been served upon all other parties at the address(es) listed below via [manner of service], this ____ day of _____, 20__.

[Name and address of counsel]
[Signature]

(3) *Form of Caption Sheet.*

The Caption Sheet shall be formatted substantially in the following form:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

JOHN DOE,
Plaintiff,
vs
BIG CORPORATION, INC., and
JANE DOE,
Defendants.

CIVIL DIVISION
Docket No. _____
JUDGE _____
[TITLE OF DOCUMENT]
CLASS ACTION (if applicable)
Real Estate Involved (if applicable):
(Address, municipality, ward if applicable; a tax identification number is required in all cases involving real estate.)
Filed on behalf of Plaintiff, JOHN DOE
Counsel of Record for this Party:
Henry Smith, Esquire
Pennsylvania I.D. #12345
Eeny, Meeny, Miny & Mo
Firm I.D #6789
123 South Main Street, Suite 100
Washington, PA 15301-0000
724-867-5309
724-987-6543 (fax)
emmm@domain.com

Rule L-208.4. Court Order.

In all cases in which the Court enters an order after initial consideration of a petition or motion, the Court may:

- (1) file and docket the order directly into the case management system and require the Prothonotary to perform service; or
- (2) require counsel, or the moving party if unrepresented, to retrieve and file the order immediately with the Prothonotary. Upon receipt of the order, the moving party shall serve a copy on all other parties within three (3) business days.

Rule L-210. Briefs.

(1) Absent a court order for cause shown, the body of a brief shall not exceed 3,000 words. Non-conforming or illegible briefs may not be considered in the discretion of the Court. All briefs shall use a proportionally spaced typeface in fourteen (14) point font; the proportionally spaced typeface must include serifs, but sans-serif type may be used in headings and captions. All other physical characteristics of a brief shall comply with Wash.L.R.C.P. 204.1.

- (2) Every brief shall contain the following:
 - (a) a brief history of the case;

- (b) a statement of the issue(s) involved;
 - (c) a copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, order, and/or transcript;
 - (d) an argument with citations of the authority relied upon;
 - (e) a citation or copy to any opinion of the Court or an agency involved in the case; and
 - (f) a conclusion.
- (3) No supplemental brief(s) shall be filed, absent an order of court.
- (4) Unless otherwise ordered by the Court, the brief of a moving party shall be filed contemporaneously with the motion. The brief of the responsive party shall be filed at least ten (10) days prior to the argument.

(5) This rule shall not apply to any brief filed in support of, or in opposition to, a motion for post-trial relief pursuant to Pa.R.C.P. 227.1.

Rule L-212.7. Washington County Civil Litigation Mediation Program.

(1) In the discretion of the assigned Judge, a case may be ordered to the Washington County Civil Litigation Mediation Program. This rule shall not apply to asbestos

cases, cases ordered to private mediation under this rule, or professional liability cases. The selection of a case for mediation shall not delay any scheduled trial of the matter.

(2) The mediators shall be practicing attorneys that are members of the Washington County Bar Association, with an emphasis in their practice on civil litigation. An approved list of mediators shall be maintained by the District Court Administrator. The parties may agree to a particular mediator from the list if permitted by the Court.

(3) Upon appointment, the mediator shall schedule the mediation within sixty (60) days of the order of court. The attendance, in person, of trial counsel, the parties, and the representative of the defendant's insurance carrier, with authority to enter into a full and complete compromise and settlement, is mandatory. If trial counsel, the parties, or a representative fail to appear, absent good cause, the mediation will not be held and sanctions, upon request of the mediator, shall be entered against the non-appearing individual(s) by the Court. Sanctions may include an award of reasonable mediator and attorney's fees and other costs associated with the failure to appear.

(4) At least seven (7) days prior to the mediation, each party shall file, with the mediator, a mediation statement which must include the following: (1) a succinct explanation of liability and damages; (2) significant legal issues that remain unresolved; (3) a summary of medical and expert reports (if applicable); (4) an itemized list of damages; and (5) settlement posture and rationale.

(a) This requirement shall be deemed satisfied if a party has previously filed a pre-trial statement pursuant to rule of court, in which case the mediation statement shall only provide updated or additional information.

(b) Failure to file a mediation statement may result in sanctions, if requested by the mediator.

(5) Each party to a case selected for mediation shall pay a mediation fee to be made payable to the County of Washington and submitted to the Office of the Court Administrator. The mediation fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the Court Administrator.

(6) If the case has not been resolved, within ten (10) days from the date of the mediation, the mediator shall send the Court a report setting forth the following information:

- (a) the mediator's assessment of liability;
- (b) the mediator's assessment of damages;
- (c) the mediator's opinion regarding the potential range of a verdict and the settlement value of the case;
- (d) the Plaintiff's final settlement demand;
- (e) the Defendant's final settlement offer; and
- (f) the mediator's recommendation regarding settlement of the case. A copy of the report shall be provided to and maintained by the Court Administrator until the case is closed.

(7) If the case is resolved and a settlement agreed upon, the mediator shall send a letter to the Judge, with copies to counsel and the Court Administrator.

(8) The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be

liable to and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to common pleas judges.

Comment: Confidentiality of mediation communications and mediation documents are subject to the protections and exceptions prescribed in 42 Pa.Con.Stat. § 5949.

(9) Notwithstanding the preceding subsections and Wash.L.R.C.P. 1042.1—1042.20, the Court may in its discretion submit a civil case for an alternative dispute resolution ("ADR") before a private mediator/arbitrator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-ordered ADR, unless otherwise agreed upon; provided, however, that the Court will take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

(a) The method of ADR shall be in the discretion of the private mediator/arbitrator.

(b) The fact that a case is selected for ADR shall not delay the scheduled trial of a case.

(c) Nothing in this rule shall prevent the parties from voluntarily engaging in ADR before a private mediator/arbitrator on their own initiative.

Note: When selecting a case for ADR before a private mediator, the Court shall consider various criteria, including the nature of the claims involved and their complexity, whether any of the litigants is pro se, the potential for a successful resolution, and the interests of justice.

Rule L-212.8. Mini-Jury Trials.

(1) *Purposes.* The purpose of mini-jury trials is to establish a less formal procedure for the resolution of civil actions for money damages while preserving the right to a jury trial de novo. As a part of the Court's pre-trial procedure, the Court may refer cases for a mini-jury trial upon motion of a party or sua sponte.

(2) *Preliminary considerations.* The following shall be considered, but shall not be controlling, in determining if civil cases are amenable for a mini-jury trial.

(a) *Time necessary for regular trial.* The Court will determine if the regular trial time would be three (3) days or more.

(b) *Consent of attorneys.* While the Court will attempt to obtain the consent of the attorneys to a mini-jury trial, the Court shall have the authority to direct a mini-jury trial as an extension of the settlement conference.

(c) *Existing offer and demand.* The Court will attempt to obtain the agreement of counsel to keep any current offer or demand open for forty-eight hours after the mini-jury trial verdict.

(d) *Credibility.* The Court will determine if the major issues will be resolved on the basis of credibility.

(e) *Appeals from arbitration.* Cases appealed from arbitration will be presumptive candidates for mini-jury trials.

(3) The following procedures shall apply to all mini-jury trials:

(a) *Attendance of parties.* Individual parties shall attend the mini-jury trial in person. An officer or other

responsible lay representative of a corporate party or a claims adjuster for an insurance carrier shall attend the mini-jury trial.

(b) *Non-binding effect.* Mini-jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the mini-jury trial shall be binding on counsel, the parties, nor shall anything constitute a waiver, unless specifically stipulated to or agreed upon by the parties.

(c) *Special verdict questions.* Cases will be submitted to the jurors by way of special verdict questions. Counsel shall submit to the Special Master, forty-eight (48) hours prior to the selection of the jury, a joint statement or proposed special verdict questions, for use at trial. If counsel cannot agree on a joint statement, the Special Master will select the special verdict questions to be used. Special verdict questions for the mini-jury trial need not be the same as those for a regular jury trial. The jury will determine the amount of damages in all cases, regardless of whether a defendant is found to be liable or not liable. The Special Master will determine the format to be used and make rulings on disputed questions.

(d) *Size of Jury.* The number of jurors shall be six (6) and the agreement of five-sixths of the jury shall be necessary to reach a verdict. There shall be no preemptory challenges to jurors, but jurors may be excused for cause.

(e) *Presentation of the case by counsel.* Each side shall be entitled to one hour for presentation of its case unless counsel presents a compelling reason at a pre-trial conference why more time for each side should be allocated. Presentation of the case by counsel may involve a combination of argument, summarization of evidence to be presented at the regular trial, and a statement of the applicable law but only to the extent it is needed to be known by the jury in answering the special verdict questions. Counsel may call witnesses, but cross-examination shall only be done as part of a party's presentation of its case. Counsel may quote from depositions and/or reports to the extent that such evidence can reasonably be anticipated to be admissible at the time of trial. Counsel should not refer to evidence which would not be admissible at trial. The Plaintiff shall proceed first and shall have a five (5) minute rebuttal following the presentation of the defendant's case.

(f) *Applicable law.* The Special Master will charge the jury on the applicable law to the extent it is appropriate and needed to be known by the jury in answering the special verdict questions. The points for charge shall be submitted jointly by the parties to the Special Master forty-eight (48) hours prior to the selection of the mini-jury. The Special Master shall decide on any disputes on a point for charge.

(g) *Jury verdict.* The jury will be asked to return a verdict if five-sixth of them agree to it. (The same five-sixth majority need not answer each special verdict question.)

(h) *Length of Deliberations.* If the jury does not reach a five-sixth majority verdict within a reasonable time, the Special Master will consider polling the jurors individually.

(i) *Oral Questions to Mini-Jury.* After the verdict, counsel may address questions in open court to the foreperson of the jury. Only questions that can be answered "yes" or "no" or by a dollar figure may be asked. The attorneys shall be limited to ten questions each unless a greater number is allowed by the Special Master. No questions

shall be asked such that the answers will disclose the personal view of any particular member of the jury.

(j) *Scheduling Regular Trial.* Should the mini-jury trial not result in a settlement, the regular trial shall not be held the same calendar week unless the jury is dismissed and will not come into contact with the balance of the venire.

(k) *Release of verdict.* The mini-jury trial is an extension of the settlement conference, and the verdict shall not be filed or otherwise made public.

(4) *Selection of Special Masters.* The Court Administrator shall maintain a roster of approved Special Masters, who shall be attorneys admitted to practice for not less than ten (10) years. The parties may agree upon a Special Master who is not on the roster maintained by the Court Administrator, provided that the name of such person is submitted to, and approved by, the President Judge or the judge to whom the case is assigned.

(5) Each party to a case selected for mini-jury trial shall pay a fee made payable to the County of Washington and submitted to the Office of the Court Administrator for processing. The mini-jury trial fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the Court Administrator. The special master shall be compensated at a commensurate rate to their service, as established by the Court Administrator and approved by the Court.

(a) *Application Process.* Any lawyer possessing the qualifications may submit a written request to serve as a Special Master to the Court Administrator. The President Judge shall certify as many Special Masters as determined to be necessary for the program.

(b) *Withdrawal by Special Master.* Any person whose name appears on the roster maintained by the Court Administrator may ask to have his/her name removed or, if selected to serve, decline to serve but remain on the roster.

(c) *Disqualification.* Persons selected to be Special Masters shall be disqualified for bias or prejudice and shall disqualify themselves in any action in which they would be required to disqualify themselves if they were a judge.

(6) *Sanctions.* If a party, or their counsel, fails to comply with this rule, the Special Master may continue the mini-jury trial to another date as selected by the Court Administrator. If the mini-jury trial is continued, the Court may enter sanctions against the offending party or counsel, including the imposition of counsel fees, juror costs, and any other appropriate relief.

Rule L-227.1. Motion for Post-Trial Relief.

(1) Any post-trial motions shall be filed with the Prothonotary in accordance with Pa.R.C.P. 227.1, together with a transcript request form designating that portion of the record to be transcribed.

(2) All post-trial motions must specify the grounds relied upon as provided by Pa.R.C.P. 227.1(b)(2).

(3) Unless otherwise ordered by the Court, a brief in support of post-trial motions shall be filed within thirty (30) days following receipt of the transcript or, if no request for transcript has been made by either party, within thirty (30) days of the date of the filing of the post-trial motion.

(4) Unless otherwise provided by the Court, briefs in opposition to post-trial motions shall be filed within twenty (20) days from the date of the filing of the brief of the moving party.

(5) A certificate of service shall accompany all briefs filed hereunder.

Rule L-240. In Forma Pauperis.

(1) A party seeking leave to proceed in forma pauperis shall apply to the Court for such status. The application shall include as an attachment the affidavit of the party demonstrating an inability to pay the costs of litigation.

Note: The affidavit form is set forth in Pa.R.C.P. 240; application forms are available in the County Law Library. Presentation of the application to the Court must comply with the requirements of Local Rule 208.3(a).

(2) Legal counsel employed by or affiliated with Summit Legal Aid are authorized to file a praecipe for in forma pauperis status on behalf of their client.

(3) The Prothonotary shall accept for filing by a party a praecipe as provided by Pa.R.C.P. 240(d), or an application under this rule, without charge to the party.

(a) Except as provided in Wash.L.R.C.P. 1915.37, upon withdrawal of an attorney who has filed a praecipe on behalf of a client pursuant to Pa.R.C.P. 240(d), the party must file a petition to for leave to proceed in forma pauperis to continue to have the costs of litigation waived as set forth in Pa.R.C.P. 240(f).

(4) If there is an improvement in the financial circumstances of a party which will enable the party to pay costs, the party must immediately file a praecipe to decertify in forma pauperis status. The Prothonotary shall not be permitted to retroactively charge previously waived costs to a party because of a change in economic status or if a party is no longer receiving free legal service from an attorney.

Rule L-440. Service of Copies of Legal Papers.

(1) Copies of all legal papers other than original process that are filed in an action may be served upon an attorney for a party by:

(a) the procedures for electronic service set forth in Pa.R.C.P. 205.4 and Wash.L.R.C.P. 205.4; or

(b) facsimile transmission if the requirements of Pa.R.C.P. 440(d)(1)—(3) are satisfied.

(2) It is the responsibility of the attorney, or a party if unrepresented, to maintain valid physical and electronic mail addresses with the Prothonotary and the C-Track E-Filing portal.

Rule L-1028(c). Procedures for Disposition of Preliminary Objections.

(1) All preliminary objections shall be filed with the Prothonotary.

(2) The issues raised in all preliminary objections shall be disposed of at regular sessions of Argument Court, which shall be scheduled as part of the annual court calendar, and shall follow the procedures set forth below.

Comment: See Wash.L.R.C.P. 302, entitled "Argument Court. Argument List."

(3) The Court Administrator shall maintain the Argument Court list.

(4) The schedule for briefs shall be in accordance with these local rules, unless otherwise ordered by the Court.

(5) The argument list shall be closed thirty (30) days prior to the date for argument. The list shall then be prepared by the Court Administrator and the cases shall be set out in order of their listing. Upon the closing of the argument list, the Prothonotary shall furnish notification to all attorneys and unrepresented parties who have cases listed for argument of the listing by regular mail.

(6) Briefs shall be filed of record and conform to the requirements of Wash.L.R.C.P. 210.

(7) Issues raised, but not briefed, shall be deemed abandoned.

(8) References in any brief to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear; e.g., "(R. pg. 30 L. 15)." If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., "(Answer p. 7)," "(Motion for Summary Judgment p. 2)."

(9) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes total, unless prior permission is granted to extend argument for cause shown.

(10) The Court may decide a case on briefs only sua sponte, or upon motion of a party.

(11) All agreements for continuances and/or withdrawals shall be communicated to the Court Administrator no less than seven (7) days prior to Argument Court. The Court shall continue an argument only upon good cause shown.

Rule L-1034(a). Procedures for Disposition of a Motion for Judgment on the Pleadings.

All motions for judgment on the pleadings shall be filed with the Prothonotary. The procedures for the disposition of a motion for judgment on the pleadings shall be identical to those described in Wash.L.R.C.P. 1028(c).

Rule L-1035.2(a). Procedures for Disposition of a Motion for Summary Judgment.

All motions for summary judgment shall be filed with the Prothonotary. The procedures for the disposition of a motion for summary judgment shall be identical to those described in Wash.L.R.C.P. 1028(c).

Rule L-1041.1. Asbestos Litigation.

(1) Upon filing of a case in asbestos the case shall be assigned to a judge, who shall preside over all proceedings relating to the case.

(2) All pleadings and proposed orders shall include a caption substantively as follows:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION—ASBESTOS

John Doe,

Plaintiff,

vs.

Big Corporation, Inc.

Defendant.

No. _____

(3) In all asbestos cases, the course of litigation shall be governed by the terms set forth in a case management order (“CMO”).

a. Any party may present a CMO to the Court for approval within sixty (60) days of the filing of the complaint. The proposed CMO shall set forth the actual dates in which each stage of the litigation must be completed.

(4) In the absence of a CMO approved by the Court within sixty (60) days from the filing of the complaint, the Court shall enter the following CMO:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION—ASBESTOS

John Doe,

Plaintiff,

vs.

Big Corporation, Inc.

Defendant.

No. _____

CASE MANAGEMENT ORDER

AND NOW, this ____ day of _____, 20 __, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. This Case Management Order (“CMO”) shall govern the litigation in the above-captioned matter.
2. Within sixty (60) days of the commencement of the action, defendants shall select an attorney from one of their number to act as lead defense counsel. Lead defense counsel shall promptly file a notice of his or her selection with the Prothonotary. In the event that lead defense counsel ceases to act in that capacity, the defendants shall select a replacement within thirty (30) days. Replacement lead counsel shall promptly file a notice of his or her selection with the Prothonotary.
3. Plaintiff’s Answers to Standard Short Form Interrogatories shall be served on all defense counsel within six (6) months of the date of the filing of the complaint.
4. The parties shall disclose all known fact witnesses within eight (8) months of the date of the filing of the complaint.
5. Discovery shall be completed within fourteen (14) months of the date of the filing of the complaint.
6. All Motions for Summary Judgment shall be filed within sixteen (16) months of the filing of the complaint.
7. Responses to the Motions for Summary Judgment shall be filed within seventeen (17) months of the filing of the complaint.
8. After the responses to the Motions for Summary Judgment have been filed, any party may present a motion for argument date. Arguments for all Motions for Summary Judgment shall be heard on the same day.
9. Plaintiff shall file a pre-trial statement within twenty-one (21) months of the date of the filing of the complaint.
10. Defendant(s) shall file a pre-trial statement within thirty (30) days of the filing of Plaintiff’s pre-trial statement.
11. The pre-trial statements shall contain a narrative statement, a list of any expert witnesses intended to be called at trial, all expert reports, and an assessment of damages. The pre-trial statement shall also include any presently known

motions in limine and any legal research, memorandum, or brief in support thereof. Failure to file a motion in limine shall bar a future filing, unless said motion could not be anticipated prior to the filing of the pre-trial statement.

12. Upon the filing of pre-trial statements by all active parties, the Court Administrator shall place the case on the trial list of the assigned judge.

13. This CMO may be modified by agreement of all parties, subject to Court approval, or upon motion of any party for good cause shown.

BY THE COURT

_____, J.
ASSIGNED JUDGE

(5) It is the responsibility of the moving party to file all original Orders with the Prothonotary. Further, the moving party shall serve copies of all Orders upon all counsel of record and any pro se litigant. If the Court serves copies of any Order, such service shall be made to counsel for the plaintiff and lead counsel for the defendants, who shall be responsible for providing service upon all counsel of record and any pro se litigant.

Rule L-1303.1. Scheduling of Arbitration Hearing. Discovery Time Limits.

(1) A matter subject to compulsory arbitration shall be scheduled for a hearing as set forth below.

(a) An appeal of a decision of a magisterial district judge pursuant to Pa.R.M.D.J. 1002 shall be scheduled for arbitration within one hundred twenty (120) days of the filing of the appeal in the Court of Common Pleas.

(b) All other matters subject to compulsory arbitration shall be scheduled at the direction of the Court Administrator.

(c) The parties may seek to schedule an arbitration hearing earlier than the limits listed above in subsection (b) upon the filing of a joint praecipe with the Prothonotary.

i. There shall be no discovery permitted after the filing of a joint praecipe.

(2) Discovery in all matters subject to compulsory arbitration other than appeals pursuant to Pa.M.D.J. 1002 shall be limited to one hundred fifty (150) days from the commencement of the action, unless otherwise ordered by the Court for good cause shown. In no case shall discovery be permitted to exceed two hundred forty (240) days.

(3) If a party fails to appear for a scheduled arbitration hearing, the Court may act as follows:

(a) immediately hear the matter as an ex parte, non-jury trial and enter a verdict; or

(b) order the matter to proceed to arbitration for a hearing and the entry of an award by the arbitration panel.

(4) A non-jury verdict entered by the Court shall not exceed \$50,000.00 to any party, exclusive of costs and interest.

Comment: When the Court “hears the matter,” it accelerates the time for conducting a de novo trial. However, the proceeding is still a “trial” and the rules otherwise applicable to a trial in the Court of Common Pleas are not suspended. Therefore, counsel, or a party if unrepresented, should be prepared to present testimony and introduce evidence at the trial, and the Court should make findings of fact and conclusions of law. See *Hayes v. Donohue Designer Kitchen, Inc.*, 818 A.2d 1287 (Pa.Super.Ct. 2003).

Rule L-1308. Appeals from Arbitration.

All appeals from arbitration must be timely filed with the Prothonotary accompanied by payment in the amount of \$500.00 or 50% of the amount in controversy, whichever is less.

Rule L-5000.1. Real Estate Tax Assessment Appeal.

(1) Real Estate Tax Assessment Appeal from a decision of the Board as to the amount of the assessment for real estate tax purposes, or as to exemption of real estate from payment of real estate taxes, shall be captioned “Petition for Real Estate Tax Assessment Appeal” or “Petition for Real Estate Tax Exemption Appeal” and filed with the Prothonotary within the time prescribed by statute.

(2) The appeal shall contain the following:

(a) Caption designating the named party taking the appeal as Appellant, the Board as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as a matter of course as a party in the assessment appeal by designating such named owner in the caption as an Appellee. All taxing authorities shall be named as parties in the appeal. The tax parcel identification number for the real estate in question shall appear in the caption.

(b) Identification of the subject real estate, including the street address and tax parcel identification number, and a designation of the municipality and school district wherein the real estate is located. A copy of the property card from the tax records shall be attached as an exhibit to the petition.

(c) Name and address of the taxpayer(s), and any other party to the appeal.

(d) Nature of and reasons for the appeal.

(e) Reference to the decision of Washington County Board of Assessment Appeals (Board) from which the appeal is taken. The date of notification shall be provided. A copy of the Board’s notice of decision shall be attached as an exhibit to the petition.

(f) *Reason(s) for the appeal.* The petition shall identify whether the challenge is based on fair market value, base year value, or a constitutional challenge based on uniformity.

(g) A verification in accordance with Pa.R.C.P. 206.3, if the petition contains an allegation of fact which does not appear of record.

(3) Within ten (10) days after filing the appeal, appellant shall serve a copy of the appeal on the Board, on all affected taxing authorities at their business addresses,

and any other party, in the manner prescribed by Pa.R.C.P. 440. The property owner shall be served notice at the registered address designated on the tax records of Washington County.

(4) Within twenty (20) days of service of the appeal, the appellant shall file a verified proof of service of the petition.

(5) There shall be no requirement that the appellee, or any other party, file an answer or responsive pleading to the petition.

(6) All appeals shall be subject to Pa.R.C.P. 1012, 1023.1, and 1025.

(7) Cross-appeals shall not be permitted, and, if a cross-appeal is filed, the Court shall dismiss the cross-appeal, and proceed at the earlier filed appeal.

(8) No appeal may be withdrawn without the consent of all other parties, or leave of court.

Note: The Pennsylvania Rules of Civil Procedure do not apply to real estate tax assessment appeals, unless specifically adopted by local rule or order of court. *In re Mackey*, 687 A.2d 1186 (Pa.Comm.w.Ct. 1997).

[Pa.B. Doc. No. 24-715. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Approval and Adoption of Local Rule of Civil Procedure L-205.4; No. 2024-1

Administrative Order

And Now, this 3rd day of May, 2024, having received approval from the appropriate statewide rules committee in accordance with Pennsylvania Rule of Judicial Administration 103(d)(4), it is hereby *Ordered, Adjudged, and Decreed* that Local Rule of Civil Procedure L-205.4, as set forth following this Order, is *Approved and Adopted*.

The above-identified local rule of civil procedure shall be effective June 20, 2024, and following publication in the *Pennsylvania Bulletin* pursuant to Pa.R.J.A. 103(c)(5). The District Court Administrator is directed to:

1. File copies of this Administrative Order and the adopted local rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

2. File one (1) electronic copy of this Administrative Order and the adopted local rules with the Administrative Office of Pennsylvania Courts;

3. Arrange for the publication of the local rules on the website for the Twenty-seventh Judicial District, www.washingtoncourts.us, within thirty (30) days of the effective date; and

4. Cause a copy hereof to be published in the *Washington County Reports* once a week for two (2) successive weeks at the expense of the County of Washington.

By the Court

GARY GILMAN,
President Judge

Rule L-205.4. Electronic Filing of Legal Papers.

For the purposes of this rule, the following words shall have the following meaning:

“case management system,” means an electronic document repository maintained, administered, and managed by the Court to track information and manage cases;

“electronic filing,” the electronic transmission of legal papers by means other than facsimile transmission;

“filing party,” an attorney, party, or other person who files a legal paper by means of electronic filing; and

“legal paper,” a pleading or other paper filed in an action, including exhibits and attachments.

(a) *Electronic filing.* Beginning January 1, 2025, the filing of legal papers with the Prothonotary of the Court of Common Pleas of Washington County, 27th Judicial District, is required to be done electronically unless otherwise excluded below. Prior to the date identified in the preceding sentence, the filing of legal papers electronically shall be permissive.

(1) Notwithstanding the previous section, the following legal papers shall not be filed electronically:

(i) a complaint for custody;

(ii) a complaint for divorce that includes a count for custody;

(iii) an appeal taken pursuant to Pa.M.D.J. 1002 through 1008;

(iv) a notice of appeal from a decision of the court of common pleas pursuant to Chapter 9 of the Rules of Appellate Procedure;

(v) an appeal from an award by a board of arbitration;

(vi) an appeal of a suspension of a driver’s license or motor vehicle registration;

(vii) exemplification of records;

(viii) filings under seal;

(ix) a petition for a name change;

(x) praecipe to continue an arbitration hearing;

(xi) praecipe to reinstate a complaint;

(xii) praecipe to reissue a writ of summons;

(xiii) a request for special relief pursuant to Pa.R.C.P. 1531;

(xiv) a request for a second or subsequent continuance of an arbitration hearing;

(xv) filing of a bond, supersedeas, or any other monies into court; and

(xvi) oversized documents that cannot be reduced to an 8.5 by 11-inch paper format.

(2) The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(3) Actions for child support or alimony are filed in the Domestic Relations Section and are not subject to this rule.

(b) *Document Format.*

(1) Electronically filed legal papers shall be presented in a portable document format (PDF).

(2) If a legal paper contains a proposed order of court, the filing party shall separately file only the proposed order in a Microsoft Word format.

(3) In the event any legal paper is presented in hard copy for filing, the Prothonotary shall convert and maintain the legal paper as a PDF. The physical legal paper

shall be returned to the filing party for retention in accordance with Pa.R.C.P. 205.4(b)(4).

(c) *Electronic Access.*

(1) The Prothonotary shall provide sufficient terminals for use by filing parties and to provide for public access to court records.

(a) The Prothonotary shall make the terminals available for use during business hours as established by the President Judge.

(b) The Prothonotary shall provide assistance to users of the public terminals in accordance with Pa.R.C.P. 205.4.

(2) The designated website for electronic filing is the C-Track E-Filing Portal, which can be accessed by clicking on the “e-File” link on the Court’s website (www.washingtoncourts.us).

(3) All electronic filers must register with the C-Track E-Filing Portal by clicking on the “Register as an E-Filer” link of the designated website.

(4) Use of the C-Track E-Filing Portal shall be in accordance with the user manual (if applicable), this local rule, and all instructions contained on the designated website.

(5) Registered users that submit electronic filings shall be individuals, and not law firms, agencies, corporations, or other groups; provided, however, that the filer of a legal paper must be a party or counsel of record.

(d) *Fees.*

(1) The Prothonotary shall accept payment of all electronic filings fees through credit or debit card. The payment processor shall be approved by the Court through the President Judge, or his or her designee.

(a) A reasonable convenience fee may be charged for the use of a credit or debit card.

(b) The Prothonotary may not accept alternate payment or a deposit of funds in advance of filing; provided however, that a filing party who utilizes a public terminal may pay all fees associated with the filing by cash or money order in addition to those methods prescribed in paragraph (1).

(2) The Prothonotary shall collect a user fee for the filing of certain legal papers as established by the Court through the President Judge. The user fee and list of legal papers shall be delineated by Administrative Order.

(e) *Acceptance of Filing.*

(1) In the event that a legal paper is to be filed by a deadline, the filing shall be timely if filed by 11:59:59 P.M. EST/EDT on the day of the deadline.

Note: The electronic filing system is presumed to always be available. However, there will be times that the system is unavailable due to maintenance or other reasons. In such an event, the filing party shall make all reasonable attempts to file the legal paper as soon as the unavailability ends.

(2) The Court upon motion shall resolve any dispute arising under the preceding paragraph or Pa.R.C.P. 205.4(e). If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted, or filed by the system or Prothonotary, the Court may order that the paper be accepted and filed nunc pro tunc upon a showing that the filing party made reasonable efforts to present and file the paper in a timely manner.

(3) If a legal paper is accepted by the Prothonotary, it shall be deemed to have been filed upon the date and time it was received by the C-Track E-Filing Portal; provided, however, that the Prothonotary is authorized to refuse for filing a legal paper that is submitted without the requisite fee being paid.

(4) Nothing shall prohibit the Court and/or District Court Administrator, or their respective designees, from directly filing an order, notice, or transcript into the C-Track case management system or E-Filing Portal. For purposes of this rule, an order may include an unfiled motion or petition that is attached to order once it has been signed by a common pleas judge.

(f) *Filing Status; Record; and Other Procedures.*

(1) Upon receipt of an electronic filing, the Prothonotary shall provide the filing party with an e-mail notification, or automated notification from the C-Track E-Filing Portal, which includes the date and time the document was received by the C-Track E-Filing Portal.

(2) After review of the electronic filing, the Prothonotary shall provide the filing party with a second e-mail notification, or automated notification from the C-Track E-Filing Portal, that the document has been accepted for filing (“filed”) or refused and not accepted for filing and the reason.

(3) When a legal paper is accepted by the Prothonotary, the PDF is considered part of the official record. Proposed orders filed in Microsoft Word are to aid the Court and not part of the official record.

(4) The Prothonotary shall maintain hard copies of the following documents regardless of the method of filing:

(i) a final order in an Abuse Act case until five years after the date of the order;

(ii) a verdict;

(iii) a final order in a petition for a name change; and

(iv) a divorce decree.

For all other legal papers, notices, or orders filed or maintained electronically under this Rule, the Prothonotary is not required to maintain a hard copy.

(5) Hard copy case files in existence at the time this Rule is adopted must continue to be maintained by the Prothonotary. Except as otherwise authorized by the Court through the President Judge, the Prothonotary may only purge a case file upon closure of the case if the legal papers in the case file are scanned into the C-Track case management system in a PDF format. To purge a case file, the Prothonotary must file an attestation that the electronic documents represent a full and complete copy of the papers in the case file.

Note: This paragraph does not apply to cases that are expunged in accordance with statute, rule, or order of court.

(6) When an electronic filer files a document that should be marked “confidential” or otherwise secured, the filer shall indicate such required security at the time of their filing submission through the prompts on the C-Track E-Filing Portal.

Note: A docket entry, legal paper, or other information may only be sealed by the Court upon issuance of an order. A party may not seal a filing sua sponte; rather, the party should present a motion if requesting that a case or filing be sealed.

(7) All electronic filing fees and costs shall be submitted and collected according to subsection (d) of this Rule.

(8) Except as provided in Pa.R.C.P. 240, the Prothonotary is authorized to refuse for filing a legal paper submitted without the requisite payment. If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the C-Track E-Filing Portal. If a legal paper is submitted without the requisite fee, the legal paper shall be deemed to have been accepted for filing as of the date payment was received. If the pleading or legal paper other than original process is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. 205.4(g)(2)(ii).

(9) Attachments, including exhibits, required to be part of any filing, shall be filed electronically at the same time as the legal paper. An attachment or exhibit that exceeds the technical standards for the C-Track E-Filing Portal or is unable to be electronically filed due to its physical characteristics must be filed in person within one business day of the filing of the legal paper.

(g) *Service.* The C-Track E-Filing Portal will automatically distribute a copy of any legal paper filed in a case to each registered C-Track user who has entered his or her appearance in that case and has been selected by the electronic filer to receive electronic service. Such automatic distribution by the C-Track E-Filing Portal of electronically filed legal papers other than original process constitutes service in accordance with the Pennsylvania Rules of Civil Procedure. The electronic filer must serve the electronically filed legal papers upon any opposing parties or attorneys who are not registered users of the C-Track E-Filing Portal in accordance with the Pennsylvania Rules of Civil Procedure.

(1) Service through the C-Track E-Filing Portal upon transmission on a Saturday, a Sunday, a holiday recognized by Court, or after 5:00 P.M. EST/EDT, shall be considered complete on the next business day.

(2) Establishment as a registered user of the C-Track E-Filing Portal constitutes consent to participate in electronic filing, including acceptance of service electronically of any document, other than original process, filed on the C-Track E-Filing Portal in any type of civil proceeding that permits electronic filing.

(3) Use of the C-Track E-Filing Portal does not relieve a party of service requirements for a notice of appeal pursuant to Pa.R.A.P. 906(a)(2)–(4).

(h) *Civil Cover Sheet.* The filing of a cover sheet pursuant to Pennsylvania Rule of Civil Procedure 205.5 is not required in the C-Track E-Filing Portal.

(i) *Termination Notices for Inactive Cases.* In addition to the procedures set forth in Pa.R.C.P. 230.2, notice of proposed termination for inactive cases may be accomplished electronically in cases where a party is a registered user of the C-Track E-Filing Portal.

(j) *Public Access Policy.* Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania. Use of electronic filing does not relieve any obligation regarding the filing of confidential information and/or documents.

(k) *Signature and Verification.* A legal paper filed electronically is deemed an original document.

(1) A legal paper filed electronically must include a signature block for the name of the authorized filer.

(2) A required signature shall be supplied either by filing a scanned image of the legal paper that bears the original signature of the filer, or, by affixing the digitalized signature, or the name of the filer preceded by /s/, and the printed name of the attorney, to the electronically filed legal paper.

[Pa.B. Doc. No. 24-716. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Approval and Adoption of Local Rule of Orphans' Court Procedure L-O.C. 4.7; No. 2024-1

Administrative Order

And Now, this 3rd day of May, 2024, having received approval from the appropriate statewide rules committee in accordance with Pennsylvania Rule of Judicial Administration 103(d)(4), it is hereby *Ordered, Adjudged, and Decreed* that Local Rule of Orphans' Court Procedure L-OC 4.7, as set forth following this Order, is *Approved and Adopted*.

The above-identified local rule of Orphans' Court procedure shall be effective June 20, 2024, and following publication in the *Pennsylvania Bulletin* pursuant to Pa.R.J.A. 103(c)(5). The District Court Administrator is directed to:

1. File copies of this Administrative Order and the adopted local rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
2. File one (1) electronic copy of this Administrative Order and the adopted local rules with the Administrative Office of Pennsylvania Courts;
3. File one (1) copy of this Administrative Order in the Orphans' Court at docket OC-2024-1;
4. Arrange for the publication of the local rules on the website for the Twenty-seventh Judicial District, www.washingtoncourts.us, within thirty (30) days of the effective date; and
5. Cause a copy hereof to be published in the *Washington County Reports* once a week for two (2) successive weeks at the expense of the County of Washington.

By the Court

GARY GILMAN,
President Judge

L-O.C. Rule 4.7. Electronic Filing.

For the purposes of this rule, the following words shall have the following meaning:

“case management system,” means an electronic document repository maintained, administered, and managed by the Court to track information and manage cases;

“electronic filing,” the electronic transmission of legal papers by means other than facsimile transmission;

“filing party,” a party or counsel of record who files a legal paper by means of electronic filing; and

“legal paper,” a pleading or other paper filed in an action, including exhibits and attachments.

(a) *Electronic Filing.* Beginning June 20, 2024, a filing party may electronically file legal papers with the Regis-

ter of Wills/Clerk of the Orphans' Court ("clerk") following the procedures set forth in this Rule and consistent with the procedures set forth in Pa.R.O.C.P. Rule 4.7.

(1) Notwithstanding the preceding paragraph, the following legal papers may not be filed electronically:

- (i) Grant of letters;
- (ii) Inheritance tax return; and
- (iii) An original will or codicil.

Note: Filings made pursuant to Pa.R.O.C.P. 14.8 and Pa.R.J.A. 510 must be done in the Guardianship Tracking System, and not via C-Track.

(2) The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(b) *Electronic Filing of Legal Paper.*

(1) Electronically filed legal papers shall be submitted in a portable document format ("PDF").

(2) If a legal paper contains a proposed order of court, the filing party shall separately file only the proposed order in a Microsoft Word format.

(3) In the event any legal paper is presented in hard copy for filing, the clerk shall convert and maintain the legal paper as a PDF. The physical legal paper shall be returned to the filing party for retention in accordance with Pa.R.O.C.P. Rule 4.7(b)(2), with the exception of an original will or codicil. If an original will or codicil is filed, the clerk shall scan and retain the testamentary writing for a minimum of ten (10) years after the closure of the case.

(c) *Signature and Verification.*

(1) A legal paper filed electronically is deemed an original document.

(2) A legal paper filed electronically must include a signature block for the name of the authorized filer.

(3) A required signature shall be supplied either by filing a scanned image of the legal paper that bears the original signature of the filer, or, by affixing the digitalized signature, or the name of the filer preceded by /s/, and the printed name of the attorney, to the electronically filed legal paper.

(d) *Website and Filing Date.*

(1) The clerk shall provide sufficient terminals for use by filing parties and to provide for public access to court records.

(i) The clerk shall make the terminals available for use during business hours as established by the President Judge.

(ii) The clerk shall provide assistance to users of the public terminals.

(2) The designated website for electronic filing is the C-Track E-Filing Portal, which can be accessed by clicking on the "e-File" link on the Court's website (www.washingtoncourts.us).

(3) All electronic filers must register with the C-Track E-Filing Portal by clicking on the "Register as an E-Filer" link of the designated website.

(4) Use of the C-Track E-Filing Portal shall be in accordance with the user manual (if applicable), this local rule, and all instructions contained on the designated website.

(5) Registered users that submit electronic filings shall be individuals, and not law firms, agencies, corporations, or other groups; provided, however, that the filer of a legal paper must be a party or counsel of record.

(6) In the event that a legal paper is to be filed by a deadline, the filing shall be timely if filed by 11:59:59 P.M. EST/EDT on the day of the deadline.

(7) If a legal paper is accepted by the clerk, it shall be deemed to have been filed upon the date and time it was received by the C-Track E-Filing Portal; provided, however, that the clerk is authorized to refuse for filing a legal paper that is submitted without the requisite fee being paid.

(8) Nothing shall prohibit the Court and/or District Court Administrator, or their respective designees, from directly filing an order or notice into the C-Track case management system or E-Filing Portal. For purposes of this rule, an order may include an unfiled motion or petition that is attached to an order once it has been signed by a common pleas judge.

(9) Upon receipt of an electronic filing, the clerk shall provide the filing party with an e-mail notification, or automated notification from the C-Track E-Filing Portal, which includes the date and time the document was received by the C-Track E-Filing Portal.

(10) After review of the electronic filing, the clerk shall provide the filing party with a second e-mail notification, or automated notification from the C-Track E-Filing Portal, that the document has been accepted for filing ("filed") or refused and not accepted for filing and the reason.

(11) When a legal paper is accepted by the clerk, the PDF is considered part of the official record. Proposed orders filed in Microsoft Word are to aid the Court and shall not be part of the official record.

(12) When an electronic filer files a document that should be marked "confidential" or otherwise secured, the filer shall indicate such required security at the time of their filing submission through the prompts on the C-Track E-Filing Portal.

(i) Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania. Use of electronic filing does not relieve any obligation regarding the filing of confidential information and/or documents.

(ii) Electronic filings that contain "Confidential Information" as defined by the Case Records Public Access Policy of the Administrative Office of Pennsylvania Courts shall be filed appropriately redacted, as required under the Public Access Policy. The electronic filer shall separately electronically file a Confidential Information Form and shall indicate that the form is a confidential filing at the time of their filing submission through the prompts on the C-Track E-Filing Portal.

(iii) Electronic filings that contain "Confidential Documents" as defined by the Case Records Public Access Policy of the Administrative Office of Pennsylvania Courts shall be marked confidential at the time of their filing submission through the prompts on the C-Track E-Filing Portal. The electronic filer shall separately file a publicly accessible Confidential Document Form indicating the confidential documents and the type of pleading.

Note: A docket entry, legal paper, or other information may only be sealed by the Court upon issuance of an order. A filing party may not seal a filing sua sponte;

rather, the filing party should present a motion if requesting that a case or filing be sealed.

(e) *Delay in Filing.* The Court upon motion shall resolve any dispute arising under Pa.R.O.C.P. Rule 4.7(e). If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted, or docketed by the system or clerk, the Court may order that the paper be accepted and filed nunc pro tunc upon a showing that the filing party made reasonable efforts to present and file the paper in a timely manner.

(f) *Fees.*

(1) The clerk shall accept payment of all electronic filings fees through credit or debit card. The payment processor shall be approved by the Court through the President Judge, or his or her designee.

(i) A reasonable convenience fee may be charged for the use of a credit or debit card. The convenience fee shall be set by the Court through the President Judge, or his or her designee.

(ii) The clerk may not accept alternate payment or a deposit of funds in advance of filing; provided however, that a filing party who utilizes a public terminal may pay all fees associated with the filing by cash or money order in addition to those methods prescribed in paragraph (1).

(2) The clerk shall collect a user fee for the filing of certain legal papers as established by the Court through the President Judge. The user fee and list of legal papers shall be delineated by Administrative Order.

(3) The Court may require the payment of a one time or reoccurring user fee to access the public docket or legal papers through the C-Track E-Filing Portal. Such fees shall be delineated by Administrative Order and shall be published on the C-Track E-Filing Portal or on the Courts website (www.washingtoncourts.us).

(4) Payment of fees in person at the office of the clerk may be made in cash, check, money order, or by credit card/debit card. Payment of Inheritance Tax may only be made in person and shall not be accepted through the C-Track E-Filing Portal.

(g) *Service.* The C-Track E-Filing Portal will automatically distribute a copy of any legal paper filed in a case to each registered C-Track user who has entered his or her appearance in that case and has been selected by the electronic filer to receive electronic service. Such automatic distribution by the C-Track E-Filing Portal of electronically filed legal papers other than original process constitutes service in accordance with the Pennsylvania Orphans' Court Rules. The electronic filer must serve the electronically filed legal papers upon any opposing parties or attorneys who are not registered users of the C-Track E-Filing Portal in accordance with the Pennsylvania Orphans' Court Rules.

(1) Service through the C-Track E-Filing Portal upon transmission on a Saturday, a Sunday, a holiday recognized by Court, or after 5:00 P.M. EST/EDT, shall be considered complete on the next business day.

(2) Establishment as a registered user of the C-Track E-Filing Portal constitutes consent to participate in electronic filing, including acceptance of service electronically of any document, other than original process, filed on the C-Track E-Filing Portal in any type of proceeding that permits electronic filing.

(3) Use of the C-Track E-Filing Portal does not relieve a party of service requirements for a notice of appeal pursuant to Pa.R.A.P. 906(2)—(4).

(h) *Termination Notices for Inactive Cases.* In addition to the procedures set forth in Pa.R.J.A. 1901 and Local Rule of Judicial Administration 1901, notice of proposed termination for inactive cases may be accomplished electronically in cases where a party is a registered user of the C-Track E-Filing Portal.

(i) *Maintenance of Physical Files.* Hard copy case files in existence at the time this Rule is adopted must continue to be maintained by the clerk, as well as any physical case records created after the effective date of this rule.

(a) The clerk may only purge a case file upon closure of the case if the legal papers in the case record are scanned into the C-Track case management system in a PDF format. To purge a case record, the clerk must file an attestation that the electronic documents represent a full and complete copy of the papers in the case file, in addition to any requirements that may be required by Pa.R.J.A. 507 or the County Records Committee (16 P.S. § 13001, et seq.).

(b) Notwithstanding the previous subsection, the President Judge may require the clerk to create or maintain physical case records as necessary for the administration of justice and the business of the court.

[Pa.B. Doc. No. 24-717. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Rescission of Local Rule of Civil Procedure L-223A; No. 2024-1

Administrative Order

And Now, this 3rd day of May, 2024, it is hereby *Ordered, Adjudged, and Decreed* that Local Rule of Civil Procedure L-223A is *Rescinded*. In accordance with the applicable statewide rules of judicial administration, the custody of exhibits in civil cases shall be governed by Local Rules of Judicial Administration L-5101.1—L 5105.

This Order shall be effective following publication in the *Pennsylvania Bulletin* pursuant to Pa.R.J.A. 103(c)(5). The District Court Administrator is directed to:

1. File copies of this Administrative Order and the adopted local rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

2. File one (1) electronic copy of this Administrative Order and the adopted local rules with the Administrative Office of Pennsylvania Courts;

3. Arrange for the publication of the local rules on the website for the Twenty-seventh Judicial District, www.washingtoncourts.us, within thirty (30) days of the effective date; and

4. Cause a copy hereof to be published in the *Washington County Reports* once a week for two (2) successive weeks at the expense of the County of Washington.

By the Court

GARY GILMAN,
President Judge

[Pa.B. Doc. No. 24-718. Filed for public inspection May 17, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

SUZANNE E. PRICE,
Attorney Registrar

FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

Bank Code A.

595 Abacus Federal Savings Bank
2 ACNB Bank
613 Allegent Community Federal Credit Union
375 Altoona First Savings Bank
376 Ambler Savings Bank
532 AMERICAN BANK (PA)
615 Americhoice Federal Credit Union
116 AMERISERV FINANCIAL
648 Andover Bank (The)
377 Apollo Trust Company

Bank Code B.

558 Bancorp Bank (The)
485 Bank of America, NA
662 BANK OF BIRD-IN-HAND
415 Bank of Landisburg (The)
596 Bank of Princeton (The)
664 BankUnited, NA
501 BELCO Community Credit Union
673 BENCHMARK FEDERAL CREDIT UNION
652 Berkshire Bank
663 BHCU
5 BNY Mellon, NA
392 Brentwood Bank
495 Brown Brothers Harriman Trust Co., NA

Bank Code C.

654 CACL Federal Credit Union
618 Capital Bank, NA
**675 CENTRE 1ST BANK, A DIVISION OF OLD
DOMINION NATIONAL BANK**
394 CFS BANK
623 Chemung Canal Trust Company
599 Citibank, NA
238 Citizens & Northern Bank
561 Citizens Bank, NA
206 Citizens Savings Bank
576 Clarion County Community Bank
591 Clearview Federal Credit Union
23 CNB Bank
223 Commercial Bank & Trust of PA
21 Community Bank (PA)
371 Community Bank, NA (NY)
132 Community State Bank of Orbisonia
380 County Savings Bank
536 Customers Bank

Bank Code D.

339 Dime Bank (The)
27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
567 Embassy Bank for the Lehigh Valley
541 Enterprise Bank
28 Ephrata National Bank
601 Esquire Bank, NA
340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
158 1st Summit Bank
31 F & M Trust Company—Chambersburg
658 Farmers National Bank of Canfield
34 Fidelity Deposit & Discount Bank (The)
583 Fifth Third Bank
661 First American Trust, FSB
643 First Bank
174 First Citizens Community Bank
539 First Commonwealth Bank
674 First Commonwealth Federal Credit Union
504 First Federal S & L Association of Greene
County
525 First Heritage Federal Credit Union
42 First Keystone Community Bank
51 First National Bank & Trust Company of
Newtown (The)
48 First National Bank of Pennsylvania
426 First Northern Bank & Trust Company
604 First Priority Bank, a division of Mid Penn
Bank

592 FIRST RESOURCE BANK

657 First United Bank & Trust
408 First United National Bank
151 Firsttrust Savings Bank
416 Fleetwood Bank
175 FNCB Bank
647 FORBRIGHT BANK
291 Fox Chase Bank
241 Franklin Mint Federal Credit Union
639 Freedom Credit Union
58 Fulton Bank, NA

Bank Code G.

499 Gratz Bank (The)
498 Greenville Savings Bank

Bank Code H.

244 Hamlin Bank & Trust Company
362 Harleysville Savings Bank
363 Hatboro Federal Savings
463 Haverford Trust Company (The)
606 Hometown Bank of Pennsylvania
68 Honesdale National Bank (The)
605 Huntington National Bank (The)
608 Hyperion Bank

Bank Code I.

669 Industrial Bank
365 InFirst Bank
668 Inspire FCU
557 Investment Savings Bank
526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
127 Jim Thorpe Neighborhood Bank
488 Jonestown Bank & Trust Company
191 Journey Bank
659 JPMorgan Chase Bank, NA

72 JUNIATA VALLEY BANK (THE)**Bank Code K.**

651 KeyBank NA
414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

361 M & T Bank
510 Marion Center Bank
387 Marquette Savings Bank
367 Mauch Chunk Trust Company
511 MCS (Mifflin County Savings) Bank
641 Members 1st Federal Credit Union
555 Mercer County State Bank
192 Merchants Bank of Bangor
671 Merchants Bank of Indiana
610 Meridian Bank
294 Mid Penn Bank
276 MIFFLINBURG BANK & TRUST COMPANY
457 Milton Savings Bank

Bank Code N.

433 National Bank of Malvern
168 NBT Bank, NA
347 Neffs National Bank (The)
434 NEW TRIPOLI BANK
15 NexTier Bank, NA
666 Northern Trust Co.
439 Northumberland National Bank (The)
93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
489 OMEGA Federal Credit Union
94 Orrstown Bank

Bank Code P.

598 PARKE BANK
584 Parkview Community Federal Credit Union
40 Penn Community Bank
540 PennCrest Bank
419 Pennian Bank
447 Peoples Security Bank & Trust Company
99 PeoplesBank, a Codorus Valley Company
556 Philadelphia Federal Credit Union
448 Phoenixville Federal Bank & Trust
665 Pinnacle Bank
79 PNC Bank, NA
449 Port Richmond Savings
667 Premier Bank
354 Presence Bank
451 Progressive-Home Federal Savings & Loan Association
637 Provident Bank
491 PS Bank

Bank Code Q.

107 QNB Bank
560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank

Bank Code S.

153 S & T Bank
316 Santander Bank, NA

460 Second Federal S & L Association of Philadelphia
646 Service 1st Federal Credit Union
458 Sharon Bank
462 Slovenian Savings & Loan Association of Franklin-Conemaugh
486 SOMERSET TRUST COMPANY
633 SSB Bank
122 Susquehanna Community Bank

Bank Code T.

638 3Hill Credit Union
143 TD Bank, NA
656 TIOGA FRANKLIN SAVINGS BANK
182 Tompkins Community Bank
660 Top Tier FCU
577 Traditions Bank
609 Tristate Capital Bank
672 Truist Bank
640 TruMark Financial Credit Union
467 Turbotville National Bank (The)

Bank Code U.

483 UNB Bank
481 Union Building and Loan Savings Bank
634 United Bank, Inc.
472 United Bank of Philadelphia
475 United Savings Bank
600 Unity Bank
232 Uninvest Bank & Trust Co.

Bank Code V.

611 Victory Bank (The)

Bank Code W.

119 Washington Financial Bank
121 Wayne Bank
631 WELLS FARGO BANK, NA
553 WesBanco Bank, Inc.
494 West View Savings Bank
473 Westmoreland Federal S & L Association
476 William Penn Bank
272 Woodlands Bank
573 Woori America Bank
630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.****Bank Code Z.****PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.

New

Name Change

- 81 Mars Bank—Change to 15 NexTier Bank, NA
- 182 Tompkins Vist Bank—Change to 182 Tompkins Community Bank
- 220 Republic First Bank, d/b/a Republic Bank—Change to 58 Fulton Bank, NA

Platinum Leader Change

- 596 Bank of Princeton (The)—Remove

Correction

Removal

[Pa.B. Doc. No. 24-719. Filed for public inspection May 17, 2024, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 244 Disciplinary Rules Docket

Order

Per Curiam

And Now, this 7th day of May, 2024, it is hereby Ordered that the financial institutions named on the attached list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

Bank Code A.

- 595 Abacus Federal Savings Bank
- 2 ACNB Bank
- 613 Allegent Community Federal Credit Union
- 375 Altoona First Savings Bank
- 376 Ambler Savings Bank
- 532 AMERICAN BANK (PA)**
- 615 Americhoice Federal Credit Union
- 116 AMERISERV FINANCIAL**
- 648 Andover Bank (The)
- 377 Apollo Trust Company

Bank Code B.

- 558 Bancorp Bank (The)
- 485 Bank of America, NA
- 662 BANK OF BIRD-IN-HAND**
- 415 Bank of Landisburg (The)
- 596 Bank of Princeton (The)
- 664 BankUnited, NA
- 501 BELCO Community Credit Union
- 673 BENCHMARK FEDERAL CREDIT UNION**
- 652 Berkshire Bank
- 663 BHCU
- 5 BNY Mellon, NA
- 392 Brentwood Bank
- 495 Brown Brothers Harriman Trust Co., NA

Bank Code C.

- 654 CACL Federal Credit Union
- 618 Capital Bank, NA
- 675 CENTRE 1ST BANK, A DIVISION OF OLD DOMINION NATIONAL BANK**

- 394 CFS BANK**
- 623 Chemung Canal Trust Company
- 599 Citibank, NA
- 238 Citizens & Northern Bank
- 561 Citizens Bank, NA
- 206 Citizens Savings Bank
- 576 Clarion County Community Bank
- 591 Clearview Federal Credit Union
- 23 CNB Bank
- 223 Commercial Bank & Trust of PA
- 21 Community Bank (PA)
- 371 Community Bank, NA (NY)
- 132 Community State Bank of Orbisonia
- 380 County Savings Bank
- 536 Customers Bank

Bank Code D.

- 339 Dime Bank (The)
- 27 Dollar Bank, FSB

Bank Code E.

- 500 Elderton State Bank
- 567 Embassy Bank for the Lehigh Valley
- 541 Enterprise Bank
- 28 Ephrata National Bank
- 601 Esquire Bank, NA
- 340 ESSA Bank & Trust

Bank Code F.

- 629 1st Colonial Community Bank
- 158 1st Summit Bank
- 31 F & M Trust Company—Chambersburg
- 658 Farmers National Bank of Canfield
- 34 Fidelity Deposit & Discount Bank (The)
- 583 Fifth Third Bank
- 661 First American Trust, FSB
- 643 First Bank
- 174 First Citizens Community Bank
- 539 First Commonwealth Bank
- 674 First Commonwealth Federal Credit Union
- 504 First Federal S & L Association of Greene County
- 525 First Heritage Federal Credit Union
- 42 First Keystone Community Bank
- 51 First National Bank & Trust Company of Newtown (The)
- 48 First National Bank of Pennsylvania
- 426 First Northern Bank & Trust Company
- 604 First Priority Bank, a division of Mid Penn Bank
- 592 FIRST RESOURCE BANK**
- 657 First United Bank & Trust
- 408 First United National Bank
- 151 Firstrust Savings Bank
- 416 Fleetwood Bank
- 175 FNCB Bank
- 647 FORBRIGHT BANK**
- 291 Fox Chase Bank
- 241 Franklin Mint Federal Credit Union
- 639 Freedom Credit Union
- 58 Fulton Bank, NA

Bank Code G.

- 499 Gratz Bank (The)
- 498 Greenville Savings Bank

Bank Code H.

- 244 Hamlin Bank & Trust Company
- 362 Harleysville Savings Bank
- 363 Hatboro Federal Savings

463 Haverford Trust Company (The)
 606 Hometown Bank of Pennsylvania
 68 Honesdale National Bank (The)
 605 Huntington National Bank (The)
 608 Hyperion Bank

Bank Code I.

669 Industrial Bank
 365 InFirst Bank
 668 Inspire FCU
 557 Investment Savings Bank
 526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 191 Journey Bank
 659 JPMorgan Chase Bank, NA
 72 **JUNIATA VALLEY BANK (THE)**

Bank Code K.

651 KeyBank NA
 414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

361 M & T Bank
 510 Marion Center Bank
 387 Marquette Savings Bank
 367 Mauch Chunk Trust Company
 511 MCS (Mifflin County Savings) Bank
 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 671 Merchants Bank of Indiana
 610 Meridian Bank
 294 Mid Penn Bank
 276 **MIFFLINBURG BANK & TRUST COMPANY**
 457 Milton Savings Bank

Bank Code N.

433 National Bank of Malvern
 168 NBT Bank, NA
 347 Neffs National Bank (The)
 434 **NEW TRIPOLI BANK**
 15 NextTier Bank, NA
 666 Northern Trust Co.
 439 Northumberland National Bank (The)
 93 Northwest Bank

Bank Code O.

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 489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 **PARKE BANK**
 584 Parkview Community Federal Credit Union
 40 Penn Community Bank
 540 PennCrest Bank
 419 Pennian Bank
 447 Peoples Security Bank & Trust Company
 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 665 Pinnacle Bank
 79 PNC Bank, NA

449 Port Richmond Savings
 667 Premier Bank
 354 Presence Bank
 451 Progressive-Home Federal Savings & Loan
 Association
 637 Provident Bank
 491 PS Bank

Bank Code Q.

107 QNB Bank
 560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank

Bank Code S.

153 S & T Bank
 316 Santander Bank, NA
 460 Second Federal S & L Association of
 Philadelphia
 646 Service 1st Federal Credit Union
 458 Sharon Bank
 462 Slovenian Savings & Loan Association of
 Franklin-Conemaugh
 486 **SOMERSET TRUST COMPANY**
 633 SSB Bank
 122 Susquehanna Community Bank

Bank Code T.

638 3Hill Credit Union
 143 TD Bank, NA
 656 **TIOGA FRANKLIN SAVINGS BANK**
 182 Tompkins Community Bank
 660 Top Tier FCU
 577 Traditions Bank
 609 Tristate Capital Bank
 672 Truist Bank
 640 TruMark Financial Credit Union
 467 Turbotville National Bank (The)

Bank Code U.

483 UNB Bank
 481 Union Building and Loan Savings Bank
 634 United Bank, Inc.
 472 United Bank of Philadelphia
 475 United Savings Bank
 600 Unity Bank
 232 Uninvest Bank & Trust Co.

Bank Code V.

611 Victory Bank (The)

Bank Code W.

119 Washington Financial Bank
 121 Wayne Bank
 631 **WELLS FARGO BANK, NA**
 553 WesBanco Bank, Inc.
 494 West View Savings Bank
 473 Westmoreland Federal S & L Association
 476 William Penn Bank
 272 Woodlands Bank
 573 Woori America Bank
 630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.****Bank Code Z.**

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FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.*New**Name Change*

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- 182 Tompkins Vist Bank—Change to 182 Tompkins Community Bank
- 220 Republic First Bank, d/b/a Republic Bank—Change to 58 Fulton Bank, NA

Platinum Leader Change

- 596 Bank of Princeton (The)—Remove

*Correction**Removal*

[Pa.B. Doc. No. 24-720. Filed for public inspection May 17, 2024, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedure

The Environmental Hearing Board (Board) amends Chapter 1021 (relating to practice and procedure) to read as set forth in Annex A. The amendments to Chapter 1021 modify the rules of practice and procedure before the Board by implementing improvements in practice and procedure.

The Board approved the final regulations at its meeting on October 24, 2023.

Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

Contact Person

For further information, contact Maryanne Wesdock, Judge, Environmental Hearing Board at mwesdock@pa.gov, (412) 565-5245, or Suite 310, Piatt Place, 301 Fifth Avenue, Pittsburgh, PA 15222. If information concerning this notice is required in an alternative form, contact Christine Walker, Secretary to the Board, at christiwal@pa.gov or (814) 871-2573. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Statutory Authority

The Board has the authority under section 5(c) of the Environmental Hearing Board Act (act) (35 P.S. § 7515(c)) to adopt regulations pertaining to practice and procedure before the Board. Under section 5(c), regulations “shall be promulgated by the Board upon a majority affirmative vote on the recommended regulations.”

Additionally, with regard to the amendments to §§ 1021.182—1021.184 and 1021.191, dealing with recovery of costs and attorney fees, certain statutes authorize the Board to award attorney fees and costs, including but not limited to section 307(b) of The Clean Streams Law (35 P.S. § 691.307(b)); and 27 Pa.C.S. § 7708 (relating to costs for mining proceedings).

Background and Purpose

The purpose of the amendments is to improve practice and procedure before the Board. The revisions are based on the recommendations of the Environmental Hearing Board Rules Committee (Rules Committee) which is a nine-member advisory committee created under section 5(a) and (c) of the act to make recommendations to the Board on its rules of practice and procedure.

Comments and Revisions to Proposed Rulemaking

The proposed rulemaking was published at 53 Pa.B. 3193 (June 17, 2023), with a 30-day public comment period. Two comments were submitted by the Independent Regulatory Review Commission (IRRC). The comments and the Board’s response were discussed at a public meeting of the Rules Committee held by videoconference on September 14, 2023. In response to the comments received on the proposed rulemaking, the

final rulemaking was prepared. A summary of the comments and Board’s response follows:

§§ 1021.51(f)(1)(iv) and (2)(vi)(C). *Commencement, form and content—Service of a notice of appeal on potentially adversely affected persons*

IRRC noted that paragraphs (1)(iv) and (2)(vi)(C) include a general citation to the Pennsylvania Rules of Civil Procedure that is vague and does not provide clear guidance to an appellant. IRRC asked the Board to clarify these provisions. In response, the Board deletes the proposed reference to “Pennsylvania Rules of Civil Procedure” in paragraphs (1)(iv) and (2)(vi)(C) and replaces it with language allowing service of a notice of appeal “at any office or usual place of business of any potentially adversely affected persons.”

This amendment is necessary because, in some instances, appellants would have difficulty determining what constitutes a person’s “chief place of business” as currently required. The amendment in this final-form rulemaking achieves the ultimate goal of expanding the locations at which service can be made to potentially adversely affected persons.

In striking the proposed language and further amending this final-form rulemaking, the Rules Committee reviewed Pennsylvania Rules of Civil Procedure (Pa.R.C.P.) 402, 403 and 440 (relating to manner of service, acceptance of service; service by Mail; and service of Legal Papers Other than Original Process) and concluded that none of the rules specifically addressed what was contemplated by the proposed amendment to paragraphs (1)(iv) and (2)(vi)(C). For example, Pa.R.C.P. 402 provides for service by hand delivery or the filing of a specific form instead of hand delivery, whereas the Board allows service by mail. Pa.R.C.P. 403 allows service by mail but requires a receipt signed by the defendant or his authorized agent. In contrast, the Board does not require a signature for delivery of a notice of appeal by mail. Nor is the recipient of the notice of appeal a defendant. Finally, Pa.R.C.P. 440 addresses service of legal papers other than original process, whereas § 1021.51(f) (relating to commencement, form and content) addresses service of original process. After a great deal of discussion, the Rules Committee recommended deleting the reference to “Pennsylvania Rules of Civil Procedure” in paragraphs (1)(iv) and (2)(vi)(C) and, instead, allowing service of a notice of appeal “at any office or usual place of business of any potentially adversely affected persons.”

§ 1021.51(j). *Intervention in an appeal*

IRRC asked whether an interested person identified under subsection (h)(4) is required to file a petition to intervene or whether the person may simply file an entry of appearance. In response, the Board amends the language in subsection (j) to make clear how an interested person identified under subsection (h)(4) may intervene. Namely, an interested person under subsection (h)(4) must file a petition to intervene unless the Board specifies otherwise.

IRRC also asked what intervention procedure is typically included in the order referenced in subsection (h)(4). While the Board does not retain specific data on this subject, the Board anticipates that most persons filing a petition under subsection (h)(4) will be allowed to intervene by filing an entry of appearance; however, the Board would like to preserve the right to require a petition to intervene where further information is needed.

Finally, IRRC asked the Board to consider clarifying subsection (j) so that it is consistent with the proposed comment to § 1021.81 (relating to intervention), which provides:

Section 1021.51(j) (relating to commencement, form and content) allows certain potentially adversely affected persons, as that term is defined in § 1021.51(h), to intervene in an appeal as of right by simply filing an entry of appearance.

The Board believes that the final-form language is now consistent with the comment to § 1021.81, because § 1021.51 now allows certain potentially adversely affected persons, as that term is identified in § 1021.51(h), to intervene in an appeal as of right by simply filing an entry of appearance.

Miscellaneous changes and corrections

§ 1021.5(b). Citations to Board decisions

The Board makes one stylistic change in § 1021.5(b) (relating to citations to Board decisions) to avoid confusion among practitioners. Specifically, in the example provided by the Board to show the proper citation, the Board replaces the year “2022” with a generalized reference to “(Date and Year).”

This generalized reference is necessary because subsection (b) of the proposed rule sets forth the format for citing to a slip opinion. Prior to publication, the Board’s decisions are available as slip opinions by means of an opinion search on the Board’s web site. The docket number and date of issuance are listed in the caption of each decision and, therefore, this information is easily available to anyone citing the decision.

The Board’s Opinions and Adjudications (decisions) are published in reporters each year, and so the opinions and adjudications for 2022 have since been published. The reporters are available in hard copy and on the Board’s web site.

The Board believes the language set forth previously provides more clarification to practitioners than the use of an actual date and year in the example.

“Fees and Costs” language

Finally, this final-form rulemaking corrects §§ 1021.182—1021.184 and 1021.191 and the undesignated center headings that appear before those sections to replace the phrase “costs and fees” with “fees and costs.” The language was inadvertently changed to “costs and fees” in the proposed rulemaking and is corrected to “fees and costs” in this final-form rulemaking.

Sunset Date

A sunset date has not been established for these regulations. The effectiveness of the regulations will be evaluated on an ongoing basis by the Board and the Rules Committee.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 6, 2023, the Board submitted a copy of the notice of proposed rulemaking, published at 53 Pa.B. 3193, to IRRC and the chairperson of the Environmental Resources and Energy Committees of the Senate and chairperson of the Environmental Resources and Energy Committees of the House of Representatives for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC and the House and Senate committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC. No comments on the proposed regulations were received from either of the legislative committees or the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 21, 2024, the final-form rulemaking was deemed approved by the House and Senate committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 21, 2024, and approved the final-form rulemaking.

Findings of the Board

The Board finds that:

(1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law, and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 53 Pa.B. 3193.

(4) These regulations are necessary and appropriate for administration of the act.

Order

(1) The regulations of the Board, 25 Pa. Code Chapter 1021, are amended by amending §§ 1021.2, 1021.51, 1021.61, 1021.63, 1021.81, 1021.92, 1021.94a, 1021.133, 1021.182, 1021.183, 1021.184 and 1021.191 and adding § 1021.5 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The Chairperson of the Board shall submit this final-form rulemaking and Annex A to the Office of Attorney General and Office of General Counsel for review and approval as to legality and form, as required by law.

(3) The Chairperson of the Board shall submit this final-form rulemaking and Annex A to the House and Senate committees, and IRRC, as required by law.

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

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

STEVEN C. BECKMAN,
Chief Judge and Chairperson

(*Editor’s Note:* See 54 Pa.B. 1907 (April 6, 2024) for IRRC’s approval.)

Fiscal Note: Fiscal Note 106-14 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART IX. ENVIRONMENTAL HEARING BOARD
CHAPTER 1021. PRACTICE AND PROCEDURE
PRELIMINARY PROVISIONS
GENERAL

§ 1021.2. Definitions.

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

* * * * *

Business day—A day that is not a Saturday, Sunday or a legal holiday.

Conventional filing—Presenting documents to the Board by hand, mail or other personal delivery services, for purposes of filing.

Department—The Department of Environmental Protection or other governmental entities whose decisions are appealable to the Board.

Dispositive motion—A motion that seeks to resolve the issues in an appeal without the need for hearing or further hearing. The term includes a motion to quash appeal, a motion to dismiss, a motion for summary judgment, and a motion for partial summary judgment, but not a motion in limine.

* * * * *

Pa.R.C.P.—Pennsylvania Rules of Civil Procedure, 42 Pa.C.S.; 231 Pa. Code.

Party—An appellant, appellee, plaintiff, defendant, permittee or intervenor.

Permittee—The recipient of a permit, license, approval or certification issued by the Department.

* * * * *

Registration statement—A completed application to use the electronic filing provider for electronic filing and electronic service in Board proceedings.

Supersedeas—A suspension of the effect of an action of the Department pending proceedings before the Board.

Third-party appeal—The appeal of an action by a person to whom the action is not directed or issued.

(b) Subsection (a) supplements 1 Pa. Code § 31.3 (relating to definitions) except for “pleading” which supersedes the definition of “pleading” in 1 Pa. Code § 31.3.

§ 1021.5. Citations to Board decisions.

(a) Citations to Board decisions in briefs, legal memoranda and other documents filed with the Board shall contain the names of the parties, and the year and page number of the Environmental Hearing Board Reporter (Opinion and Adjudication volumes) located on the Board’s web site. The citation shall be provided using the following format: Name of Appellant v. DEP, 2021 EHB 43. Pinpoint citations shall be preceded with a comma and a space, in the following format: Name of Appellant v. DEP, 2021 EHB 43, 45.

(b) If the Environmental Hearing Board Reporter has not been published for a particular year, the citation shall be to the slip opinion which can be found on the Board’s web site. The citation shall include the names of the parties, the docket number, the type of decision being issued (that is, Adjudication or Opinion) and the date of issuance, using the following format: Name of Appellant

v. DEP, EHB Docket No. ____ (Opinion and Order on Motion to Dismiss issued (date and year)).

Comment:

Additional citations to legal research databases such as LexisNexis and Westlaw are permissible.

FORMAL PROCEEDINGS
APPEALS

§ 1021.51. Commencement, form and content.

* * * * *

(f) An original notice of appeal shall be filed electronically, conventionally or by facsimile.

(1) Electronic filing.

* * * * *

(iv) The appellant shall, concurrent with or prior to the filing of a notice of appeal, serve a copy on any potentially adversely affected persons as identified in subsection (h)(1)—(3). The service shall be made at the address in the document evidencing the action by the Department or at any office or usual place of business of any potentially adversely affected persons.

* * * * *

(2) Conventional filing.

* * * * *

(vi) The appellant shall, concurrent with or prior to the filing of a notice of appeal, serve a copy on each of the following in the same manner in which the notice of appeal is filed with the Board:

(A) The office of the Department issuing the Departmental action.

(B) The Office of Chief Counsel of the Department.

(C) A potentially adversely affected person as identified in subsection (h)(1)—(3). The service shall be made at the address in the document evidencing the action by the Department or at any office or usual place of business of any potentially adversely affected persons.

* * * * *

(h) For purposes of this section, a “potentially adversely affected person” includes the following:

(1) The recipient of a permit, license, approval, certification or order.

(2) In appeals involving a decision under section 5 or section 7 of the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.5 or 750.7), any affected municipality, its municipal authority, the proponent of the request, when applicable, and any municipality or municipal authority whose official plan may be affected by the decision or a decision of the Board in the appeal.

(3) A mining company, well operator, or owner or operator of a storage tank in appeals involving a claim of subsidence damage, water loss or contamination.

(4) Other interested persons as ordered by the Board.

(i) The service upon the recipient of a permit, license, approval, certification or order, as required under subsection (h)(1), shall subject the recipient to the jurisdiction of the Board, and the recipient shall be added as a party to the appeal without the necessity of filing a petition for leave to intervene under § 1021.81 (relating to intervention). The recipient of a permit, license, approval, certification or order who is added to an appeal under this section shall still comply with §§ 1021.21 and 1021.22 (relating to representation; and notice of appearance).

(j) Potentially adversely affected persons under subsection (h)(2) or (3) may intervene as of right in the appeal by filing an entry of appearance within 30 days of service of the notice of appeal in accordance with §§ 1021.21 and 1021.22, without the necessity of filing a petition for leave to intervene under § 1021.81. Potentially adversely affected persons under subsection (h)(4) may seek leave to intervene by filing a petition to intervene under § 1021.81, or may intervene as of right by filing an entry of appearance where permitted to do so by order of the Board.

* * * * *

Comment:

If a potentially adversely affected person under subsection (h)(2), (3) or (4) elects not to intervene following service of notice of an appeal or notice by the Board that the person's rights may be affected by an appeal, the person's right to appeal from the Board's adjudication in the matter may be adversely affected. This comment is added in response to the Commonwealth Court's ruling in *DEP v. Schneiderwind*, 867 A.2d 724 (Pa. Cmwlth. 2005).

SUPERSEDEAS

§ 1021.61. General.

* * * * *

(d) At the discretion of the Board, if necessary to ensure prompt disposition, supersedeas hearings may be limited in time and format, with parties given a fixed amount of time to present their entire case, and with restricted rights of discovery, cross-examination or reopening the record in accordance with § 1021.133 (relating to reopening of record prior to adjudication).

* * * * *

§ 1021.63. Circumstances affecting grant or denial.

(a) The Board, in granting or denying a supersedeas, will be guided by relevant judicial precedent and the Board's own precedent. Among the factors to be considered:

- (1) Irreparable harm to the petitioner.
- (2) The likelihood of the petitioner prevailing on the merits.
- (3) The likelihood of injury to the public or other parties in the case.

* * * * *

CONSOLIDATION, INTERVENTION AND SUBSTITUTION OF PARTIES

§ 1021.81. Intervention.

* * * * *

Comment:

Section 1021.51(j) (relating to commencement, form and content) allows certain potentially adversely affected persons, as that term is defined in § 1021.51(h), to intervene in an appeal as of right by simply filing an entry of appearance.

MOTIONS

§ 1021.92. Procedural motions.

* * * * *

(e) Procedural requests, whether in letter or motion form, shall be accompanied by a proposed order.

* * * * *

§ 1021.94a. Summary judgment motions.

* * * * *

(g) *Opposition to motion for summary judgment.* Within 30 days of service of the motion or, if a supporting party files a memorandum of law alone, within 30 days of service of the memorandum of law, a party opposing the motion shall file the following:

(1) A response to the motion for summary judgment which includes a concise statement, not to exceed two pages in length, as to why the motion should not be granted.

(2) A response to the statement of undisputed material facts either admitting or denying or disputing each of the facts in the movant's statement. Any response must include a citation to the portion of the record controverting a material fact. The citation must identify the document and specify the pages and paragraphs or lines thereof or the specific portions of exhibits relied on demonstrating existence of a genuine issue as to the fact disputed. An opposing party may also include in the responding statement additional facts the party contends are material and as to which there exists a genuine issue. Each fact shall be stated in separately numbered paragraphs and contain citations to the motion record. The response to the statement of undisputed material facts may not exceed five pages in length unless leave of the Board is granted.

* * * * *

POSTHEARING PROCEDURES

§ 1021.133. Reopening of record.

(a) After the conclusion of the hearing on the merits of the matter pending before the Board and before the Board issues an adjudication, or after the conclusion of a hearing on a supersedeas and before the Board issues an order granting or denying a supersedeas, the Board, upon its own motion or upon a petition filed by a party, may reopen the record as provided in this section.

* * * * *

ATTORNEY FEES AND COSTS AUTHORIZED BY STATUTE

§ 1021.182. Application for fees and costs.

(a) If statutorily authorized, a party may initiate a request for fees and costs by filing a fee application with the Board. The fee application shall conform to any requirements set forth in the statute under which fees and costs are being sought and shall also conform to any requirements set forth in §§ 1021.181, 1021.183, 1021.184 and 1021.191.

(b) A fee application shall be verified by the applicant, and shall set forth sufficient grounds to justify the award, including the following:

(1) A copy of the order of the Board in the proceedings in which the applicant seeks attorney fees and costs.

(2) A statement of the basis upon which the applicant claims to be entitled to attorney fees and costs, setting forth in numbered paragraphs the facts in support of the fee application and the amount of fees and costs requested. The statement must identify all legal issues upon which the applicant contends it prevailed and the degree to which the relief sought in the appeal was granted. The fee application may not be accompanied by a supporting memorandum of law unless otherwise ordered by the Board.

(3) An affidavit, or affidavits, signed by each of the applicant's lawyers and each consultant or expert witness whose fees and costs the applicant seeks to recover,

setting forth in detail all reasonable fees and costs incurred for or in connection with issues in which the party prevailed.

(4) Where attorney fees are claimed, evidence concerning the hours expended on the case, the customary commercial rate of payment for such services in the area and the experience, reputation and ability of the individual or individuals performing the services.

(5) The name of each party from whom fees and costs are sought.

(c) An applicant shall file a fee application with the Board within 30 days of the date of a final order of the Board. An applicant shall serve a copy of the fee application upon the other parties to the proceeding.

(d) The Board may deny a fee application sua sponte or require an applicant to amend its fee application within a specified time frame if the applicant fails to provide all the information required by this section in sufficient detail to enable the Board to fully evaluate the request for relief.

Comment:

For the purpose of establishing the number of hours an attorney or consultant/expert witness worked under subsection (b)(4), the Board encourages the submission of records that avoid grouping multiple tasks into a single time entry.

§ 1021.183. Response to fee application.

A response to a fee application shall be filed within 30 days of service, unless a longer period of time is ordered by the Board following a fees conference under § 1021.184(c) (relating to disposition of fee application). The factual bases for the response shall be supported by affidavits signed by the parties from whom the fees and costs are sought or others with relevant knowledge. A response to a fee application shall set forth in correspondingly numbered paragraphs all factual disputes and the reason the opposing party objects to the fee application. Material facts set forth in a fee application that are not denied may be deemed admitted for the purposes of deciding the fee application.

§ 1021.184. Disposition of fee application.

(a) [Reserved].

(b) [Reserved].

(c) Within 7 days of the Board's receipt of a fee application, the Board will hold a fees conference with all parties to the appeal to determine the process and deadlines for responses, briefing, discovery and evidentiary hearings, if any. Following the fees conference, the Board will issue a fees conference order establishing case management procedures for these and any other issues that the Board may address.

(d) The applicant has the burden of proving its entitlement to the recovery of fees and costs.

(e) The fee application process will be stayed if one of the parties files an appeal from the Board's final order in the underlying appeal.

**ATTORNEY FEES AND COSTS UNDER
MORE THAN ONE STATUTE**

§ 1021.191. Application for fees and costs under more than one statute.

An applicant seeking to recover fees and costs under more than one statute shall file a single fee application which sets forth, in separate counts, the basis upon which

fees and costs are claimed under each statute. The fee application shall comport with the requirements in § 1021.182 (relating to application for fees and costs).

[Pa.B. Doc. No. 24-721. Filed for public inspection May 17, 2024, 9:00 a.m.]

**Title 49—PROFESSIONAL AND
VOCATIONAL STANDARDS**

STATE BOARD OF MEDICINE

[49 PA. CODE CHS. 16 AND 18]

Registration of Naturopathic Doctors

The State Board of Medicine (Board) amends Chapters 16 and 18 (relating to State Board of Medicine—general provisions; and State Board of Medicine—practitioners other than medical doctors) to read as set forth in Annex A. Specifically, the Board amends §§ 16.1, 16.11—16.13, 18.13a, 18.15, 18.15a, and adds Subchapter M (relating to registration of naturopathic doctors), comprised of §§ 18.901—18.913, to Chapter 18.

Effective Date

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

Statutory Authority

The primary statutory authority to regulate the registration of naturopathic doctors is the Naturopathic Doctor Registration Act (NDRA) (63 P.S. §§ 272.101—272.301). Specifically, section 207 of the NDRA (63 P.S. § 272.207) provides that “[t]he board shall enforce and administer the provisions of this act and shall promulgate regulations that are consistent with the intent of this act.” Further, section 203(b) of the NDRA (63 P.S. § 272.203(b)), provides the authority of the Board to require naturopathic doctor registrations to be renewed “. . . in a manner and at such intervals as the board shall determine by regulation. . . .” Sections 202(6) and 203(c) of the NDRA (63 P.S. § 272.202(6)) set forth the authority of the Board to set fees for initial registration and biennial renewal of registration. The Board sets all fees by regulation.

The Board is taking this opportunity to update its regulations and to delete outdated provisions in the Board's existing regulations relating to “drugless therapists” under the authority of section 8 of the Medical Practice Act of 1985 (act) (63 P.S. § 422.8), which provides, in part, that, “[t]he board, in the exercise of its duties under this act, shall have the power to adopt regulations as are reasonably necessary to carry out the purposes of this act.” This authority necessarily includes the power to repeal provisions of the regulations that are no longer necessary.

Background, Need for and Description of Amendments

The Board amends § 16.1 (relating to definitions) to update the definitions of “act” and “Board-regulated practitioner.” The definition of “act” is amended to update the citation to the Medical Practice Act of 1985 (act) (63 P.S. §§ 422.1—422.53). The definition of “Board-regulated practitioner” is amended to delete references to “drugless therapists” and adds several license classifications which are currently missing from the definition. Specifically, the licensure classifications of respiratory therapist, genetic counselor, prosthetist, orthotist, pedorthist, orthotic fitter

and naturopathic doctor are added to the definition of “Board-regulated practitioner” in § 16.1. Persons applying for a registration issued by the Board are also included in the definition of “Board-regulated practitioner.”

Additionally, this final-form rulemaking deletes all regulatory references to “drugless therapists.” The Board last issued a new license to practice as a drugless therapist in 1951 (1 month after the State Board of Chiropractic began operations) and no longer has the authority to issue new drugless therapist licenses. See *Reisinger v. Com., State Bd. of Med. Ed. & Licensure*, 399 A.2d 1160 (Pa. Cmwlth. 1979). *Reisinger* involved an individual trained as a chiropractor and naturopathic doctor who petitioned for licensure as a “drugless therapist,” but was denied because the Board determined that it no longer had the authority to license drugless therapists. On appeal, the Commonwealth Court agreed, holding that although the Board could continue to register and regulate persons engaged in the practice of drugless therapy, “the Board lacks the authority now to license Drugless Therapists.” See *id.*, 399 A.2d at 1163. Since 1951, the Board has continued to biennially register/renew existing drugless therapist licenses and has continued to regulate their practice but has not issued new licenses. No individual currently holds an active license as a drugless therapist from the Board. Therefore, it is no longer necessary to keep any references to drugless therapists in the Board’s regulations. This is especially true now that the Board will be registering individuals as naturopathic doctors under this final-form rulemaking.

As such, the Board also amends § 16.11 (relating to licenses, certificates and registrations) to delete the reference to biennial registration of a drugless therapist license and add the initial registration as a naturopathic doctor and the biennial registration of a naturopathic doctor. Section 16.12 (relating to general qualifications for licenses and certificates) is amended to update its title and to extend its provisions to initial registrations issued by the Board. In addition, the fees associated with biennial renewal of the drugless therapist license are deleted from § 16.13 (relating to licensure, certification, examination and registration fees), and the fees associated with naturopathic doctor registration, including the initial registration fee of \$100 and biennial registration renewal fee of \$50, are added.

Next, the Board amends Chapter 18, Subchapter B (relating to registration and practice of acupuncturists and practitioners of Oriental medicine) to address the perceived overlap between the practice of a registered naturopathic doctor and a licensed acupuncturist or practitioner of Oriental medicine. Specifically, §§ 18.13a and 18.15a (relating to requirements for licensure as a practitioner of Oriental medicine; and scope of practice of acupuncturists and practitioners of Oriental medicine) are amended to point out that these regulations do not limit a registered naturopathic doctor when recommending herbs, minerals and other supplements according to traditions other than Oriental medicine traditions. Section 18.15 (relating to practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a physician) is significantly amended and reorganized (see the final-form rulemaking published on September 16, 2023 (53 Pa.B. 5759)), necessitating amendments to subsections (a)(10) and (b.1)(3) with regard to identification tags/badges for licensed acupuncturists and practitioners of Oriental medicine who are also registered as naturopathic doctors.

The Board adds Subchapter M to Chapter 18 to implement the provisions of the NDRA. Section 18.901 (relating to purpose) notes that this subchapter implements the registration of naturopathic doctors as required under the NDRA. Section 18.902 (relating to definitions) defines necessary terms used in Subchapter M, including “authorization to practice,” “CNME—Council on Naturopathic Medical Education,” “marketing activity,” “merchandise,” “NABNE—North American Board of Naturopathic Examiners,” “naturopathic doctor,” “naturopathic medicine,” “naturopathic physical medicine,” “naturopathic service,” “natural therapies,” “NDRA,” “NPLEX—Naturopathic Physicians Licensing Examinations” and “regionally accredited or pre-accredited college or university.”

Next, the Board includes the process and requirements to apply for a registration as a naturopathic doctor in § 18.903 (relating to application for naturopathic doctor registration), including the qualifications for registration as a naturopathic doctor as set forth in section 202 of the NDRA. The Board is also including the requirement that an applicant for registration as a naturopathic doctor shall have completed at least 3 hours of approved education/training in child abuse recognition and reporting requirements, as required for all Board-regulated practitioners under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training) and in the Board’s regulations in § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

The Board includes the requirements for the biennial renewal of the naturopathic doctor registration in § 18.904 (relating to biennial registration of naturopathic doctor) as required by section 203(b) of the NDRA. Section 203(b) of the NDRA provides for renewal “. . . in a manner and at such intervals as the board shall determine by regulation. . . .” As such, this final-form rulemaking requires that all registrations of naturopathic doctors will expire on December 31st of each even-numbered year, to correspond with the expiration of existing licenses issued by the Board. The manner of renewing a registration is found in subsection (b), which sets forth the requirements for renewal as informed by the existing practice of the Board. As a condition of biennial renewal, the Board requires the completion of at least 2 hours of approved continuing education in child abuse recognition and reporting, as required under 23 Pa.C.S. § 6383(b)(3)(ii) and the Board’s regulations in § 16.108(b).

Similarly, the Board provides for reactivation of inactive and expired registrations in § 18.905 (relating to inactive status; reactivation of inactive and expired registration). Again, the manner in which expired and inactive registrations are reactivated is informed by the Board’s existing practices and includes payment of applicable fees and the completion of the required continuing education in child abuse recognition and reporting. Section 18.906 (relating to display of registration) simply requires registered naturopathic doctors to prominently display their certificate of registration at the registrant’s regular place of business and have evidence of current registration available for inspection when providing services at other locations.

In § 18.907 (relating to acceptable titles and professional designations by registrants; prohibited titles), the Board clarifies the acceptable titles that may be used by registered naturopathic doctors. Section 201 of the NDRA (63 P.S. § 272.201) provides that “[i]t shall be unlawful for an individual to use the title of “naturopathic doctor” or “doctor of naturopathic medicine” unless that person is

registered as a naturopathic doctor with the board.” Further, § 18.907 makes it clear that a naturopathic doctor who uses the designation “Dr.” shall further identify himself as a “naturopathic doctor,” “registered naturopathic doctor” or “doctor of naturopathic medicine” and may not use a term or a designation that implies that the naturopathic doctor is authorized to practice medicine or other health care profession, unless the naturopathic doctor also holds a current and active authorization to practice the other profession issued by the appropriate licensing authority of this Commonwealth. The Board has chosen not to regulate the terms that may be used by individuals who are not registered naturopathic doctors as beyond the Board’s statutory authority.

Next, the Board addresses informed consent and required disclosures in § 18.908 (relating to informed consent and disclosure of financial interests). In this section, the Board requires that the informed consent include notice that the naturopathic doctor is not a physician. Further, in subsection (b), the Board includes a requirement that a naturopathic doctor inform the patient if the naturopathic doctor will receive any financial incentive for marketing activities, as that term is now defined in this final-form rulemaking.

In § 18.909 (relating to naturopathic records) the Board provides standards for the creation and retention of patient records and authorizes a naturopathic doctor to charge patients no more than the applicable costs for production of health records as annually adjusted by the Secretary of Health and published in the *Pennsylvania Bulletin*. It further prohibits a naturopathic doctor from requiring payment for naturopathic services rendered as a condition of releasing records to a patient or the patient’s designee.

Section 18.910 (relating to advertising) sets forth information that must be included in all advertisements for naturopathic services by registered naturopathic doctors, as well as standards for what may not be included in advertisements. Items that must be included in all advertisements include the name of the naturopathic doctor as registered with the Board and the words “naturopathic doctor” or “doctor of naturopathic medicine.” Prohibitions include misrepresentations and other statements that are likely to mislead or deceive, those that create false or unjustified expectations as to results and those that imply that a manifestly incurable condition can be cured or that guarantee a cure of any condition. The Board is prohibiting statements recommending any modality or service that is inconsistent with the health, safety and welfare of the public. In addition, a registered naturopathic doctor may not include the term “physician” unless also licensed as a physician or physician assistant by the Board or the State Board of Osteopathic Medicine.

Section 18.911 (relating to Code of Ethics) establishes the ethical principles for registered naturopathic doctors in this Commonwealth. These principles were informed by the ethical standards of other health care professions regulated by the Board and the ethical standards for licensed naturopathic doctors in other states and by National organizations such as the American Association of Naturopathic Physicians. These standards include items relating to competence, confidentiality and privacy, informed consent and maintenance of professional boundaries. Specific unethical conduct is prohibited such as making misrepresentations relating to credentials, qualifications or affiliations; engaging in fraudulent, dishonest or deceitful conduct; exploiting the professional relation-

ship including a personal, sexual, romantic or financial relationship; and engaging in sexual misconduct.

Section 18.912 (relating to sexual misconduct) makes clear that sexual misconduct, to include sexual exploitation of a current or former patient or of an immediate family member of a patient, and sexual behavior with a current patient, constitute unprofessional conduct and subjects the registered naturopathic doctor to disciplinary action.

Finally, § 18.913 (relating to grounds for discipline) sets forth the grounds for discipline of a registered naturopathic doctor, including those reasons set forth in section 204 of the NDRA (63 P.S. § 272.204), and additional reasons such as engaging in fraud in obtaining a registration as a naturopathic doctor; false or deceptive advertising; aiding, assisting, employing or advising an unregistered individual to hold themselves out in a manner which states or implies that the individual is a naturopathic doctor; paying or receiving a commission, bonus, kickback or rebate or engaging in a fee splitting arrangement based on patient referrals; promoting the sale of services, drugs, devices, appliances or goods to a patient so as to exploit the patient for financial gain; failing to disclose the contents of substances or merchandise or the nature and description of naturopathic services recommended, provided or offered to a patient; failing to maintain records; and failing to cooperate with a lawful investigation of the Board. Subsection (b) summarizes the panoply of potential disciplinary and corrective actions that the Board may impose for violations as authorized by the NDRA, the act and 63 Pa.C.S. § 3108(b) (relating to civil penalties), including denying an application for registration, administering a public reprimand, imposing probation or other restrictions on a registration, requiring other corrective actions or assessing monetary civil penalties and costs of investigation.

Proposed Rulemaking

Notice of the proposed rulemaking was published at 51 Pa.B. 7877 (December 18, 2021). The Board did not receive any comments from the Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) or from the Professional Licensure Committee of the House of Representatives (HPLC). The Independent Regulatory Review Committee (IRRC) reviewed this proposed rulemaking and provided comments and recommendations. The Board received a comment from the Honorable Senator Doug Mastriano as well as comments from multiple stakeholders and members of the public.

Advance Notice of Final Rulemaking

After reviewing the comments to the proposed rulemaking, the Board determined the amendments contemplated as a result of these comments were sufficiently significant to warrant the solicitation of additional comments. Thus, the Board published an “Advance Notice of Final Rulemaking” (ANFR). See 53 Pa.B. 2961 (June 3, 2023). In the ANFR, the Board proposed adding key terms and definitions to the definition section, rectifying ambiguity, providing clarity and replacing non-regulatory language with regulatory language, among other things. As a result of the publication of the ANFR, the Board received comments from the Honorable Senator Jay Costa and the Honorable Senator Doug Mastriano, stakeholders and members of the public.

Summary of Comments to the Proposed Rulemaking and Advance Notice of Final Rulemaking and the Board's Response

General letters of support received in response to proposed rulemaking

The Board received approximately 60 comments from members of the public expressing support for this final-form rulemaking. These comments were received in a form letter generally indicating an anticipated positive impact on public assurance of competency of naturopathic doctors, an increase in the number of practitioners in this Commonwealth and the potential for mainstream recognition of these services, including by insurance companies in the form of plan coverage. In addition, the Board received comments from three patients of naturopathic doctors expressing the importance of their naturopathic doctor's role to their health.

The Board received several individual comments expressing support for the regulations as a whole and indicating the belief that registration of naturopathic doctors will assist with access to business and practice resources and increase opportunities for integrative care and collaboration across the health care community. The Pennsylvania Association of Naturopathic Doctors submitted a comment that included general support for the registration of naturopathic doctors to increase the health care workforce.

The Council on Naturopathic Medical Education (CNME) offered that the registration of naturopathic doctors in this Commonwealth will benefit individuals seeking "integrative/natural healthcare approaches," naturopathic doctors currently practicing in this Commonwealth or those who may wish to relocate from other states, and the overall health and well-being of the citizens of this Commonwealth. The comment further described the function of the CNME in establishing standards for naturopathic doctor training programs and the acceptance of these standards by multiple states. The CNME offers that its standards provide public assurance of the safety and effectiveness of graduates of naturopathic doctor programs.

§ 16.1. Definitions

The American Association of Naturopathic Medical Colleges submitted a comment inquiring into the nature of the practice of a drugless therapist. The Board directs the commentator to the lengthy discussion previously set forth relating to drugless therapists, a licensure category which was eliminated decades ago. As such, the Board determined that another lengthy discussion about an outdated classification of licensee was unnecessary except to note that the "drugless therapist" was eliminated when the State Board of Chiropractic began issuing licenses to practice chiropractic.

§ 18.13a. Requirements for licensure as a practitioner of Oriental medicine

In response to the ANFR, the Board received 46 comments relating to § 18.13a(e) asserting that § 18.13a(e) stands for the proposition that a registration is required for "recommending herbs, minerals and other supplements, or combinations, according to traditions other than Oriental medicine traditions." With this interpretation, the commentators suggest that no individual other than a Board licensee/registrant would be able to recommend herbs, minerals or supplements to another individual in any context. The commentators' misinterpretation appears to be a result of the lack of context for the amendment. Reading § 18.13a in its entirety makes clear

that § 18.13a(e) relates solely to registered naturopathic doctors who are also licensed acupuncturists. There is no explicit or implied restriction on "GNC clerks" or "mothers," as suggested by the commentators, when recommending herbs, minerals and other supplements according to traditions other than Oriental medicine traditions. Thus, the Board did not amend this final-form rulemaking as a result of these comments.

The Board also received a comment to the ANFR from the Association of Accredited Naturopathic Medical Colleges (AANMC) in response to all subsections using the term "Oriental medicine." AANMC asserts the term "Oriental" is inappropriate. The appropriateness of the term "Oriental medicine" was discussed at length in the proposed rulemaking relating to acupuncturists and practitioners of Oriental medicine published at 52 Pa.B. 985 (February 12, 2022). For the reasons set forth in that proposed rulemaking, the Board has not replaced the term used here.

§ 18.15. Practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a physician

The Board did not receive any comments on the proposed rulemaking relating to this section. The Board did receive 46 form comments to this section in response to the ANFR. The group of commentators assert concerns about § 18.15(b) relating to the titles that may be used by an individual licensed as an acupuncturist. In addition, the Board received a comment from a self-identified naturopathic doctor and licensed acupuncturist, which comment further addresses the usage of the terms "doctor of naturopathy" or "N.D." by acupuncturists, as set forth in § 18.15. The Board received a comment which generally takes issue with the required name tag or badge indicating the title of the licensee.

The Board notes that § 18.15(b) was deleted by the final-form rulemaking published at 53 Pa.B. 5759 (September 16, 2023), and § 18.15 was significantly restructured, necessitating amendments to § 18.15(a)(10), pertaining to acupuncturists, and to § 18.15(b.1)(3), pertaining to practitioners of Oriental medicine. The Board notes that section 201 of the NDRA (63 P.S. § 272.201) makes it unlawful for an individual to use the title of "naturopathic doctor" or "doctor of naturopathic medicine" unless registered by the Board. Therefore, the Board has determined that its statutory authority only extends to the use of those titles. The amendments to § 18.15 merely permit licensed acupuncturists and practitioners of Oriental medicine to incorporate either of these terms on their required identification if they are also registered with the Board as a naturopathic doctor under the NDRA.

§ 18.15a. Scope of practice of acupuncturists and practitioners of Oriental medicine

As indicated by IRRC in its comment to the proposed rulemaking, proposed § 18.15a(d) contained language appearing to reference a scope of practice. In this section, and throughout the rulemaking, the Board eliminates references to the "scope of practice" of a naturopathic doctor where necessary based on the legislative intent of the NDRA to create a registration for individuals that meet the qualifications set forth in the NDRA. The Board notes that the provision in § 18.15a(d) simply provides an exception for individuals registered as naturopathic doctors when recommending herbs, minerals and other supplements.

§ 18.902. *Definitions*

In a comment to the proposed rulemaking received from IRRC, a list of terms classified as essential to administer and enforce the act and provide the regulated community with a common understanding of key terms was provided. In response to this comment, the Board adds and defines the following key terms in the ANFR: “naturopathic medicine,” “naturopathic physical medicine,” “naturopathic service,” and “natural therapies.” The NDRA authorizes the Board to impose discipline when a naturopathic doctor provides a naturopathic service below the standard of care. Thus, the Board concludes that the NDRA contains the requisite statutory authority for the Board to define several key terms. Thus, as set forth in the ANFR, “naturopathic medicine,” “naturopathic physical medicine,” “naturopathic service,” and “natural therapies” are defined in this final-form rulemaking. In addition, the Board determines the terms “commercial activity” and “purveyor of merchandise or services” could be replaced with the term “marketing activity” and defined, thereby providing clarity that may have been lacking. The Board finds that the remaining terms identified by IRRC (“naturopathic evaluation,” “naturopathy,” “natural substances,” “naturopathic plan of service” and “service regimen”) are either deleted from this final-form rulemaking or are clarified by the added definitions, and therefore do not need to be defined in this final-form rulemaking.

The Board received 46 form comments relating to the terms and definitions added in response to the comments from IRRC and as set forth in the ANFR. Specifically, the commentators opine that, by negative implication, “only board-registered doctors of naturopathic medicine” may perform naturopathic medicine, naturopathic services and naturopathic therapies. This group of commentators suggest that by defining these terms, the Board has devised a scope of practice unauthorized by the NDRA. To the contrary, the Board defines the terms in this final-form rulemaking to provide a regulatory scheme that is administrable and enforceable as to naturopathic doctors registered by the Board. By way of specific example, under section 204(8) of the NDRA, the Board is permitted to discipline a registrant for immoral or unprofessional conduct, which conduct includes “acting outside the scope of a registration.” Without the additional definitions provided in this final-form rulemaking, this provision of the NDRA may be unenforceable because it would fail to place registrants on notice of their obligations and the consequences for failing to meet those obligations. Therefore, the Board declines to delete these additional terms as suggested by the commentators. However, the Board notes that there is no provision in the NDRA that makes it unlawful to provide these types of services without being registered. Indeed, the only prohibition provided for by the NDRA is found in section 201 of the NDRA, which makes it unlawful for an individual to use the title of “naturopathic doctor” or “doctor of naturopathic medicine” unless registered by the Board. It was not the Board’s intention to regulate the activities of unregistered individuals who provide these types of services by negative implication as suggested by the commentators.

The Board received comments from CNME as well as a practicing naturopathic doctor suggesting the definition of CNME in § 18.902 should include language that would include CNME’s existing role of program accreditor. Specifically, the CNME accredits naturopathic doctor programs, which are offered by institutions of higher education which have been accredited by an accrediting body recognized by the United States Department of Educa-

tion. To clarify the role of CNME as a program accreditor, the Board amends the definition of CNME in this final-form rulemaking.

The Board received a comment from a practicing naturopath suggesting the addition of a definition for the key term identified by IRRC, “traditional naturopath.” Given that the term “traditional naturopath” does not appear in this final-form rulemaking as a result of the deletion of § 18.907(b), this is no longer a key term and does not require a definition.

The Board received an additional comment suggesting that the Board specifically permit naturopathic physicians to perform multiple tasks, including medical and nutritional testing and granting prescriptive authority. The comment also suggests, and provides, definitions for natural substances and naturopath, and suggests amendments to the definition of natural therapies. The Board declines to amend or add definitions as suggested, particularly because many of the tasks listed by the commentator fall squarely within the scope of practice of other health care practitioners required to be licensed by other boards within the Bureau of Professional and Occupational Affairs, and would require an act of the General Assembly to provide this authority.

§ 18.903. *Application for naturopathic doctor registration*

IRRC asked whether, for consistency with the NDRA, should § 18.903(b)(3) read “An applicant who graduated prior to 1986 shall demonstrate a passing score on a state naturopathic licensure examination.” The Board declines to use the term “licensure” examination because not all states that regulate naturopathic doctors use the term “license;” at least one state uses the term “registration.” Therefore, to be inclusive of all state regulatory schemes relating to naturopathic doctors regardless of whether the categorization term is a license, registration or something else, the Board elected to simply refer to a state naturopathic examination.

The Board received a comment on the proposed rulemaking relating to the education requirements for registration as a naturopathic doctor as set forth in § 18.903(b). The Board identified these education requirements to ensure competency of naturopathic doctors and protect the public, which requirements are consistent with the NDRA. The Board is not authorized to modify the statutorily imposed education requirements and declines to do so.

Following publication of the ANFR, the Honorable Senator Jay Costa, the prime sponsor of the NDRA, provided valuable comments relating to the legislative intent of the NDRA. The Honorable Senator Jay Costa stated the requirements for registration as a naturopathic doctor are to provide “safe and regulated access to naturopathic medicine for Pennsylvanians.” To that end, the Honorable Senator Jay Costa succinctly reiterated many of the qualifications for registration as set forth in section 202 of the NDRA: graduate of an accredited college, completion of a Federally recognized postgraduate education, competency-based licensure examinations and completion of advanced clinical training. The regulations mimic these requirements for registration.

A comment was received suggesting the North American Board of Naturopathic Examiners (NABNE) is not the singular examination provider capable of measuring the competency of a prospective naturopathic doctor. Instead, it is asserted by the commentator that the National Board of Naturopathic Examiners is likewise qualified to be an examiner provider. Notably the commentator

does acknowledge the NDRA provides only for the Naturopathic Physicians Licensing Examinations (NPLEX) examination to meet the registration requirements. In opposition, the comment received from NABNE sets forth its perception of the differences between traditional naturopaths and naturopathic doctors, and identification of the states and territories where naturopathic doctors are regulated and the associated identification of either or both the NABNE and NPLEX. As set forth by the Honorable Senator Jay Costa, the requirements for registration as a naturopathic doctor are to provide safe and regulated access to naturopathic medicine. Therefore, the Board declines to add an additional examination provider not contemplated or authorized by the NDRA.

IRRC commented that inconsistency exists between the disciplinary history disclosures on initial applications in § 18.903 and those for registration and renewal and reactivation registration applications in § 18.904(b)(3). Section 18.903 relates to the criteria for registration as a naturopathic doctor and is consistent with other regulatory provisions relating to criteria for a license, certificate, permit or registration. The disclosures required by all applicants for a license, certification or registration are set forth in the Board's regulations in § 16.16 (relating to reporting of disciplinary actions, criminal dispositions and other licenses, certificates or authorizations to practice). These disclosures include "[d]isciplinary action instituted against the applicant by a licensing authority of another state, territory or possession of the United States, another country or a branch of the Federal government." Because § 16.16 applies to applications for registrations as a naturopathic doctor, it would be duplicative and inconsistent to insert this same requirement in § 18.903. However, the Board adds a cross-reference to § 16.16 for the sake of clarity.

The CNME provided a comment which defines the role of CNME in the accreditation process as did two other commentors. The CNME accredits naturopathic doctor programs, which are offered by institutions of higher education which have been accredited by an accrediting body recognized by the United States Department of Education. To clarify the role of CNME as a program accreditator, the Board amends § 18.903(b)(2) in this final-form rulemaking. The Board notes CNME provided information relating to the difference between the training obtained through a CNME-accredited program and other programs teaching some level of naturopathy.

The Board received 18 form comments, a comment from The American Association of Naturopathic Physicians (AANP) and a comment from a practicing naturopathic doctor requesting consistency between the number of continuing education hours in child abuse recognition and reporting required for initial registration and renewal. The commentors suggest 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training), the statute from which the Board derives its authority to require this continuing education, requires only 2 hours of training at the time of initial application and as such, the language in § 18.903(b)(5) should be modified accordingly. The regulation, as written, reflects the differing requirements for the training hours in child abuse recognition and reporting for individuals seeking initial registration (at least 3 hours) set forth at 23 Pa.C.S. § 6383(b)(3)(i) and registrants seeking renewal or reactivation of a registration (at least 2 hours) set forth at 23 Pa.C.S. § 6383(b)(3)(ii). This language is also consistent with the training requirement and continuing education hours required by the Board for all other Board-regulated practitioners in Chapter 16 at § 16.108 (relating to child abuse recognition and

reporting—mandatory training requirement). To aid clarity, the Board adds a cross-reference to § 16.108.

Finally, AANMC suggests deleting the word "licensure" in the parenthetical found at the end of § 18.903(a). The parenthetical represents the verbatim title of § 16.13. Therefore, the Board declines to make the requested amendment.

§ 18.904. *Biennial registration of naturopathic doctor*

The Board received 18 form comments, a comment from AANP as well as a comment from a naturopathic doctor requesting consistency between the number of continuing education hours in child abuse recognition and reporting required for initial registration and renewal. As previously set forth, the required hours are consistent with 23 Pa.C.S. § 6383 and the requirements for other Board-regulated practitioners. To aid clarity, the Board adds a cross-reference to the mandatory training requirements in § 16.108.

§ 18.905. *Inactive status; reactivation of inactive or expired registration*

The comments to the proposed rulemaking received from IRRC contain several suggestions for amendments to § 18.905. First, IRRC suggests revising § 18.905(a) to provide specificity of the effective date of inactive status. Section 18.905(a), as written, is consistent with the language in §§ 18.310, 18.526, 18.608, 18.707 and 18.863. It should be noted that the Board currently receives requests for inactive status through the online licensing system. Therefore, requests are processed and become effective within 24 hours, with notice thereof sent to the requestor within the same timeframe. Because an amendment would cause inconsistency with the regulations of other allied professions regulated by the Board and because inactive status is an automatic function of the online licensing system, the Board does not find inclusion of a specific date to be necessary.

Also relating to § 18.905(a), IRRC suggests including the title usage prohibition upon registrants with an expired registration. Because § 18.905(a) relates only to inactive status, the Board concludes that introducing expired status would cause confusion to the regulated community. The Board notes that the title usage prohibition for expired licenses is already set forth in § 18.904(a). In addition, § 18.907(a) and (c) require an individual to have a current, active and unsuspended registration to use the title of or hold oneself out as, a naturopathic doctor, registered naturopathic doctor, doctor of naturopathic medicine or any similar title implying that the individual holds a current registration. Thus, the Board did not make a change to § 18.905(a).

IRRC commented that a reactivation fee was not included in the proposed rulemaking, despite inclusion in RAF # 17. The Board will not charge a separate reactivation fee. The only fee that will be charged is the usual renewal fee. Therefore, reference to this fee does not need to be included in § 18.905(b). The RAF has been corrected.

After publication of the ANFR, the Board received 18 form comments, and comments from NABNE, AANP, AANMC and a practicing naturopathic physician relating to the clinical competency requirement. The commentors request that the clinical competency requirement set forth in § 18.905(b) be limited to NPLEX Part II—Core Clinical Science Examination. In response to these comments, and upon the determination of the Board that passage of the NPLEX Part II would provide the assurance of

clinical competency sought by the Board for reactivation, the suggested amendment is made in this final-form rulemaking.

In response to the ANFR, the Board received two comments relating to prohibitions and disclosures while a naturopathic doctor's registration is expired or inactive. Sections 18.904(a) and 18.905(a) prohibit the use of several titles by a naturopathic doctor while expired or on inactive status and § 18.905(b)(2) requires disclosure if one of these titles is used during a period of time registration is inactive or expired. One commentator suggests medical doctors and other healthcare professionals are permitted to use their titles while inactive or in expired status and as such, naturopathic doctors should be no different.

The Board notes that section 201 of the NDRA clearly states that “[i]t shall be unlawful for an individual to use the title of “naturopathic doctor” or “doctor of naturopathic medicine” unless that person is registered as a naturopathic doctor with the board.” In addition, section 206(a)(3) of the NDRA (63 P.S. § 272.206), pertaining to violation of the act, provides the Board the authority to impose a civil penalty on “[a]n individual who holds himself out as a registrant without being properly registered as provided in this act.” Thus, a naturopathic doctor may not use any of the three titles set forth in § 18.905 if their registration is expired or inactive.

The Board directs the commentators to the Medical Practice Act of 1985 (act) (63 P.S. §§ 422.1—422.53), which prohibits medical doctors, as well as other Board-regulated practitioners, from utilizing certain titles without a valid, current license. See, for example, section 13.3(a) of the act (63 P.S. § 422.13c(a)) which makes it “unlawful for any person to hold himself out the public as a perfusionist. . . unless the person holds a valid, current license issued by the board. . .” Further, a medical doctor is defined in section 2 of the act (63 P.S. § 422.2) as “an individual who has acquired one of the following licenses to practice medicine and surgery issued by the board: (1) license without restriction; (2) interim limited license; (3) graduate license. . .” Section 10 of the act (63 P.S. § 422.10) states “no person other than a medical doctor shall engage in any of the following conduct except as authorized or exempted in this act: . . . (3) hold forth as authorized to practice medicine and surgery through use of a title, including, but not necessarily limited to, medical doctor, doctor of medicine, doctor of medicine and surgery, doctor of a designated disease, physician, physician of a designated disease, or any abbreviation of the foregoing.”

However, the Board acknowledges that the language in § 18.905 is somewhat different than the corresponding regulations for other Board-regulated practitioners. This is because the NDRA is not a true “practice” act. For all other professions, the act and regulations prohibit “practicing” or “holding oneself out as authorized to practice” when a license, certificate, permit or registration is expired or inactive. Further, Board-regulated practitioners are required to disclose whether they practiced while their license was expired or inactive. Because the NDRA contains no such prohibition, but rather prohibits the use of certain protected titles as previously noted. Therefore, this final-form rulemaking prohibits the use of these protected titles when a registration is expired or inactive to be consistent. For these reasons, the Board makes no changes to these provisions.

The additional comment received relating to § 18.905 takes issue with the prohibition on usage of terms

implying current registration with the Board unless the individual is currently registered. Similar to other commentators, it is asserted that this subsection should not be used to prohibit the use of the post-nominal “N.D.” by any person, whether registered or not, who has earned this degree. As with other professions containing similar prohibitions, the goal of the Board is the promotion of public safety through discernable methods for the public at large to easily distinguish between individuals who are licensed or registered with the Board, and those who are not. Because the Board finds § 18.905(a) and (d) of this final-form rulemaking to be consistent with the intent of the NDRA, the Board declines to amend the subsections as requested.

§ 18.907. Acceptable titles and professional designations by registrants; prohibited titles

IRRC provided comment to § 18.907 indicating it would await the Board response to comments on this section. In response to all comments received on the proposed rulemaking, the Board initially determined maintaining § 18.907 as written was appropriate and as such, declined to make suggested amendments in the ANFR. Upon review of the comments to the proposed rulemaking as well as comments to the ANFR, the Board determines deletion of § 18.907(b) is consistent with the legislative intent of the NDRA.

Response to Comments to § 18.907(b) as proposed

The Board received a comment from the Honorable Senator Doug Mastriano wherein concern was raised relating to the restriction of the use of the title Doctor of Naturopathy to those who are registered with the Board. The Honorable Senator Doug Mastriano suggests that the restriction will cause financial and professional hardship to established naturopathic doctors and traditional naturopathic doctors, some of whom may have been practicing for decades. The proposed amendment to this section offered by the Honorable Senator Doug Mastriano would allow an individual to use the title “doctor of naturopathy” or “N.D.” so long as the title does not imply that the individual is a naturopathic doctor registered with the Board.

The Board received six additional comments in substantially similar form relating to § 18.907. Through this letter, these individuals set forth opposition to § 18.907(b) and assert that the NDRA does not specifically preclude individuals who identified themselves as a “Naturopathic Doctor” or used the abbreviation “N.D.,” or both, prior to the enactment of the NDRA (“traditional naturopaths”) from maintaining use of those designations. The commentators posit they should be able to retain the use of both the designation “Naturopathic Doctor” and “N.D.” abbreviation without the necessity of registration as required by the NDRA and this regulation.

In support thereof, the Honorable Senator Doug Mastriano and the other commentators refer to the legislative history of the NDRA and the final enactment as standing for the proposition that the General Assembly did not intend for the Board to regulate the use of the abbreviation “N.D.” or “naturopathic doctor.” Additionally, the commentators opine traditional naturopaths will incur expenses to change signage and other forms to comply with § 18.907(b). Further concern was expressed that § 18.907(b) creates uncertainty among traditional naturopaths’ continued use of the degree they earned, “doctor of naturopathy” or “N.D.” Finally, it is asserted that members of the public are confused as to whether they can continue seeing traditional naturopaths. The

commentors' proposed solution to the previous comment is an amendment to § 18.907(b) that would allow a non-registered person to use "doctor of naturopathy or N.D." as long as use thereof does not imply that the individual is a naturopathic doctor registered with the Board.

In response to the foregoing, the Board reiterates several provisions from the NDRA. First, section 102 of the NDRA (63 P.S. § 272.102) defines the term "naturopathic doctor" as "[a]n individual who holds an active registration under this act." Second, section 201 of the NDRA makes unlawful the use of the "title 'naturopathic doctor' or 'doctor of naturopathic medicine' unless that person is registered as a naturopathic doctor with the board." However, in response to the commentors' concerns, the Board determines that deletion of subsection (b), which seeks to regulate individuals who are not registered with the Board, is sufficient to address their concerns and is consistent with the NDRA.

The Pennsylvania Association of Naturopathic Doctors suggests the addition of the post-nominal "N.D." to § 18.907(a) to ensure that use of this designation is limited to individuals who have completed accredited naturopathic doctor programs. The Board received several additional comments from naturopathic doctors who possess the education requirements set forth in the regulations and their desire to restrict usage of the terms "naturopathic doctor" and use of "N.D." to those who have obtained that same education. The Board finds the language of § 18.907 is sufficient and does not necessitate a listing of post-nominals or more specific usage exclusions that are not contained in the NDRA.

Response to Comments to § 18.907(b) received after ANFR publication

In the comment submitted from the Honorable Senator Jay Costa, as it pertains to section § 18.907(b), the Honorable Senator Jay Costa indicates this subsection as written is contrary to the language and legislative intent of the NDRA. In support of the request to delete § 18.907(b), the Honorable Senator Jay Costa states it was not the intent of the General Assembly to "address unregistered lay or traditional providers under the NDRA or, as a consequence, its governing regulations." In keeping with the legislative intent as set forth by the Honorable Senator Jay Costa, § 18.907(b) is deleted in this final-form rulemaking.

The Board also received a comment from the Honorable Senator Doug Mastriano, with the Honorable Representatives Dawn Keefer, David Zimmerman, Wendy Fink, Rob Kauffman, Barbara Gleim and Stephanie Borowicz additional signatories to this letter. The Board thanks the Honorable Senator Doug Mastriano as well as the Honorable Representatives for the in-depth and careful consideration given to the text of the ANFR. The Honorable Senator Doug Mastriano provided a comment relating to use limitation of the terms "Doctor of Naturopathy" and "N.D." As previously set forth, reference to the post-nominal "N.D." is deleted in this final-form rulemaking. The Board likewise deletes § 18.907(b). The Board does not find additional amendments necessary to address the concerns relating to this comment.

The Board received 46 form comments suggesting that § 18.907 is insufficiently specific. As previously set forth fully in response to the comment received from the Honorable Senator Jay Costa, § 18.907(b) is deleted in this final-form rulemaking. By way of further response, the Board asserts the list of titles in § 18.907(a) and the phrase "any similar title implying that the individual

holds a current registration as a naturopathic doctor in this Commonwealth" are sufficiently specific to place individuals on notice that they may be subjected to disciplinary action for title utilization without having first secured registration from the Board.

Additional comments were received regarding the deletion of § 18.907(b). The Board received 18 comments in substantially similar form, a comment from a practicing naturopathic doctor, the CNME, the AANP and a comment from a practicing naturopathic doctor requesting deletion of § 18.907(b). As previously set forth fully in response to the comment received from the Honorable Senator Jay Costa, § 18.907(b) is deleted in this final-form rulemaking.

The Board received a comment from a self-identified traditional naturopath, who opposes any restriction on the use of "N.D." As set forth in the NDRA, it is "unlawful for an individual to use the title 'naturopathic doctor' or 'doctor of naturopathic medicine' unless that person is registered as a naturopathic doctor with the board." As previously set forth in response to the Honorable Senator Jay Costa and many other commentors, § 18.907(b), which addressed traditional naturopaths such as this commentor, is deleted from this final-form rulemaking.

In addition to the foregoing, a self-identified naturopathic doctor comments that public confusion will surface should the regulations specifically provide for indiscriminate title usage by registrants and non-registrants or fail to address title usage at all. The Board finds the NDRA and § 18.907, as it reads with the deletion of subsection (b) as provided herein, are sufficient to address concerns that members of the public will not be able distinguish between a registered naturopathic doctor and any other nonregistered individual practicing naturopathy. The commentor further suggests providing a post-nominal that could be used by an individual who holds a degree as a naturopathic doctor but is not registered with the Board. There are many practitioners regulated by the Board subject to restriction on the usage of any title that would imply the individual is currently licensed by the Board to practice a particular profession. The Board declines to make any changes to this final-form rulemaking specific to naturopathic doctors that would result in inconsistency with other Board-regulated practitioners.

An additional comment was received highlighting the differences between an individual who would qualify for registration as a naturopathic doctor and as traditional naturopaths. The comment also relays a concern that usage of the post-nominal "N.D." by anyone, registered with the Board or not, will blur the distinction between those who have obtained a naturopathic doctor degree after completing a robust postgraduate naturopathic doctor program and those who have engaged in other types of naturopathic education or training. The Board deletes § 18.907(b) in this final-form rulemaking for the multiple reasons set forth herein. The Board believes this will allay, to the extent possible, commentors' concerns that the public will be unable to distinguish a registered naturopathic doctor, who has met the corresponding education and training requirements, from all others practicing as traditional naturopaths.

The Board received a comment from the AANMC relating to this section and post-nominal usage. The AANMC opines that the patients are often unable to distinguish between a naturopathic doctor who meets the education and training requirements in the regulation and a naturopath who does not meet those requirements.

For public safety purposes and to promote the public understanding of the distinction between the two, AANMC suggests title protection within the regulation of the following terms: “naturopath,” “traditional naturopath,” “naturopathic doctor and naturopathic physician,” and the post-nominals “N.D.,” “N.M.D.” and “D.N.M.” The Board deletes § 18.907(b) for the reasons set forth herein. The Board declines to include the requested titles and post-nominals in the regulation.

The AANMC requests the regulation authorize the use of N.D. or N.D. (ret.) by individuals who have earned a naturopathic doctor degree but may not be registered with the Board for various reasons, including retirement and engagement in academia. This appears to contradict the request of AANMC to limit the usage of N.D. to those who are registered with the Board. Nevertheless, the Board similarly finds that § 18.907 provides sufficient notice to the public of when certain title usage is appropriate.

The AANP offered an additional comment relating to § 18.907(c). In its comment, the AANP suggests an amendment that would include the post-nominals for the designations contained in the subsection as published. The Board declines to include the post-nominals as requested.

§ 18.908. Informed consent and disclosure of financial interest

The comments received from IRRC address several facets of § 18.908. The first of the three concerns raised relate to what appears to be a conflict between § 18.908(b), which requires disclosures relating to certain financial incentives, and § 18.911(d)(3) and (8), which appears to categorize the same activity as unethical. The second concern of IRRC related to the lack of a definition for “purveyors of merchandise or services” and “commercial activity.” To cure any inconsistencies, the Board replaces the terms “purveyors of merchandise or services” and “commercial activity” with the term “marketing activity” and provides a definition in § 18.902. The definition of the term “marketing activity” excludes health care providers as service providers. The Board published these amendments in the ANFR along with other added definitions and finds these changes to be sufficient to address the third concern of IRRC relating to duties of a naturopathic doctor.

In response to the ANFR, the Board received a comment regarding §§ 18.908(b) and 18.913(a)(6)); the commentor asserts the former is too broad and the latter too restrictive resulting in a provision that is difficult for the regulated public to follow and the Board to enforce. The commentor further suggests deletion of § 18.913(a)(6), pertaining to the authority to discipline for promoting the sale of services, drugs, devices, appliances or goods to a patient so as to exploit the patient for financial gain, as it is duplicative given the breadth of § 18.908(b). The Board notes that §§ 18.908(b), 18.911(d) and 18.913(a)(5) and (6) address the monetary aspects attendant to the practice of naturopathic medicine. Upon review, the Board determined that § 18.908(b) can be more narrowly tailored to apply only to merchandise, as it appears that §§ 18.911(d) and 18.913(a)(5) and (6) address the other financial-related topics of concern to the Board. As a result of that amendment, the Board declines to delete § 18.913(a)(6) as requested.

An additional comment was received requesting deletion of § 18.908 in its entirety. The Board declines to delete this section. The Board would like to note that

informed consent is also a duty of physicians prior to conducting certain procedures, as set forth in section 504 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.504).

In addition, the disclosure of financial interests in § 18.908(b), with the amendments made in response to the ANFR comments received, address commissions, rebates, referral fees or other financial incentives received by the registrant for recommending any merchandise to the patient. Subsection (b) is a means of public protection and is consistent with Federal and State laws governing other healthcare practitioners and healthcare related fields. For example: (1) pharmaceutical manufacturer gift bans of items exceeding a specific dollar amount and other restrictions; (2) Federal anti-kickback laws which make it illegal to knowingly and willfully offer, pay or provide anything of value to induce an individual or entity to recommend or prescribe a product or service reimbursed by the government; (3) the Prescription Drug Marketing Act of 1987 (P.L. 100-293, 102 Stat. 95) prohibits the sale, purchase, or trade of drug samples and for an individual to sell or seek reimbursement for samples; and (4) The Physician Payments Sunshine Act (42 U.S.C. § 1320a-7h), which is designed to increase transparency around financial relationships between physicians, teaching hospitals, and manufacturers of drugs, medical devices and biologics. For all of the reasons set forth herein, the Board does not find it is in the public interest to delete § 18.908.

§ 18.911. Code of Ethics

Five subsections were found by IRRC to contain nonregulatory language lacking clarity and failing to set a binding norm. In response thereto, the Board amended the annex and published in the ANFR clear compliance standards for the regulated community. Section 18.911(f) is amended consistent with these comments, as set forth in the ANFR, to prohibit a naturopathic doctor from using the absence of a specific ethical, legal or professional duty as a defense to a disciplinary action, when the duty is within the standard of care. In addition, the Board amends the language in subsection (c) as suggested. With regard to subsection (d)(3), the Board amends this subsection to replace the term “commercial activity” with the term “marketing activity” and replace reference to the “duties of a naturopathic doctor” with a cross-reference to subsection (c).

In response to the concern relating to the enforceability of these regulations as contemplated by the language of the NDRA, the Board adds subsection (d)(13) which specifically precludes providing or performing a naturopathic service at a level beneath the standard of care.

The Board received a comment to § 18.911 unrelated to the compliance standards as modified by the IRRC comments to the proposed rulemaking. AANMC requested the Board confirm that § 18.911(b) does not contradict the Americans with Disabilities Act of 1990 (ADA) (P.L. 101-336, 104 Stat. 327). The Board complies with Federal laws relating to the ADA while exercising its authority to protect the public. The Board’s concern is not with all disabilities, but only those that impact an individual’s ability to practice naturopathic medicine or provide naturopathic services with reasonable skill and safety to patients and has amended this provision accordingly.

§ 18.913. Grounds for discipline

In response to a comment received from IRRC, the Board amends § 18.913(a)(8) to clarify that a

naturopathic doctor is prohibited from failing to disclose the contents of medicines or merchandise or the nature and description of naturopathic services, replacing the language in this proposed rulemaking relating to “secret method, treatment, product or medicine.” The Board believes the amended language addresses IRRC’s concerns.

IRRC also submitted a comment to subsection (b) pertaining to the Board’s authority in section 204(5)(iv) of the NDRA to impose disciplinary or corrective action when a naturopathic doctor is unable to practice naturopathic medicine with reasonable skill and safety to patients by reason of illness, addiction or other enumerated conditions. Specifically, IRRC noted that “a naturopathic doctor shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume a competent practice of his profession with reasonable skill and safety to patients,” and asked the Board to provide a detailed description of how it will administer this provision in this final-form rulemaking. The Board notes that nearly identical language can be found in section 41(5) of the act for all other Board-regulated practitioners and has been part of the Board’s practice since at least 1985. Generally, a Board-regulated practitioner may petition for relief from a disciplinary order under this provision at any time and is given an opportunity to demonstrate that he or she can resume a competent practice of his or her profession with reasonable skill and safety. Thus, the Board does not dictate what a “reasonable interval” may be and leaves that to the affected individual to determine. The Board is required to follow 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the act, the Board’s regulations in Chapter 16 (relating to general provisions) and any other statutory or constitutional authority relating to due process and the property interest a naturopathic doctor may have in a registration when enforcing these provisions. The Board declines to reiterate those standards in this final-form rulemaking.

The Board received a comment in response to the ANFR pertaining to § 18.913(a)(6), in which the commentator asserts that the acts that would constitute patient deception and exploitation are vague. While the Board cannot foresee, and consequently list, every activity that could be considered deceitful or exploitive, the common legal definition of exploitation and understanding of exploitation are sufficient to overcome the purported vagueness. Therefore, the Board declines to make an amendment.

IRRC Comments to RAF

IRRC noted the incorrect dates set forth the RAF at # 29. The Board amends its response to RAF # 29 to reflect the correct timeline.

IRRC also notes the reactivation fee of \$100 set forth in RAF # 17 and the absence of the same fee in the regulation. The Board will not require registrants to pay an additional \$100 reactivation fee. Therefore, reference to this fee is deleted from RAF # 17.

Comments to proposed rulemaking applicable to multiple or unspecified subsections

IRRC mentions inconsistency with usage of the terms “initial registration” and “naturopathic service.” The Board finds the amendments made in response to the prior comments made by IRRC to correct inconsistencies.

The Board received a comment to the proposed rulemaking suggesting the inclusion of the abbreviation “N.D.” in all parts of the regulation where the titles

“naturopathic doctor” and “doctor of naturopathic medicine” appear for the purpose of excluding any individual who does not have a current registration with the Board from using the abbreviation for the title “naturopathic doctor.” In balancing the competing interests identified through the various comments, the Board finds the inclusion throughout the regulation of the phrase “any other term implying that the individual is currently registered as a naturopathic doctor” is sufficiently inclusive and consistent with legislative intent and the plain language of the NDRA.

The Board received a comment to the proposed rulemaking suggesting further clarification on whether naturopathic doctors are providing homeopathic care, medical care or nursing care, and the level of education required. The Board believes that the addition of the definitions requested by IRRC satisfies the request for clarity as to what type of care naturopathic doctors provide. In addition, the act and the Professional Nursing Law (63 P.S. §§ 211—225.5) limit the practice of these professions to those who are properly licensed by the applicable Board. The educational requirements for naturopathic doctors registered with the Board are set forth in the NDRA and § 18.903. In addition, the educational requirements and practice responsibilities of all other health-related professions are set forth in the respective Boards’ practice acts and regulations.

The Board received a comment to the proposed rulemaking expressing concern relating to the implementation of oversight of naturopathic doctors registered with the Board. In response thereto, the Board refers the commentator to §§ 18.911—18.913 and to the Board’s regulations in Chapter 16, Subchapter E (relating to medical disciplinary process and procedures), pertaining to the Board’s disciplinary process and procedures.

Comments to ANFR applicable to multiple or unspecified subsections

The Honorable Senator Doug Mastriano

As previously indicated relative to § 18.907(b), the Board received a comment from the Honorable Senator Doug Mastriano. The Honorable Representatives Dawn Keefer, David Zimmerman, Wendy Fink, Rob Kauffman, Barbara Gleim and Stephanie Borowicz were also signatories to this letter. The Board recognizes that the pool of naturopathic doctors who may qualify for registration as a naturopathic doctor does not encompass all current practitioners of naturopathy. This final-form rulemaking reflects a regulatory scheme the Board finds is consistent with the legislative intent of the NDRA.

The Board received a comment requesting the Board authorize prescriptive authority for naturopathic doctors. Authorization for prescriptive authority must be derived from a specific act of the General Assembly. Because this authority does not exist, the Board has not and will not consider prescriptive authority for registered naturopathic doctors.

The American Naturopathic Association (ANA) provided comments which highlight the difference between the class of professionals who meet the registration requirements of the NDRA and all others who identify as traditional naturopaths and suggests both should be permitted to register as naturopathic doctors. The ANA posits that these regulations would “severely limit the practice of many in the State of Pennsylvania.” However, the ANA fails to provide specific details as to how these regulations limit that practice. Thus, the Board is unable to respond directly to this comment. The ANA concludes

that a separate regulatory scheme is needed to encompass the practice of the traditional naturopathy. The Board appreciates the comments and brief, yet comprehensive, historical narrative of the “schism between naturopaths.” However, the creation of a new type of license, registration, permit or certification for traditional naturopaths is a function of the General Assembly. Therefore, the Board is unable to act upon the suggestions of the ANA.

Description of Amendments to the Final-form Rulemaking

The Board amends § 18.13a(e) to delete implicit reference to the scope of practice of a naturopathic doctor by replacing the phrase “the practice of a naturopathic doctor” with “a registered naturopathic doctor.”

The Board amends § 18.15 to delete the proposed amendment to subsection (b), which was deleted in a previous rulemaking of the Board. Because that rulemaking restructured § 18.15, it was necessary to amend subsections (a) and (b.1) to provide that an individual licensed as an acupuncturist or as a practitioner of Oriental medicine who also possesses a current and active registration as a naturopathic doctor may utilize the title “doctor of naturopathic medicine” or “naturopathic doctor” notwithstanding the general prohibition on the use of the word “doctor” on their identification tag or badge.

The Board amends § 18.15a(d) to delete implicit reference to the scope of practice of a naturopathic doctor by replacing the phrase “the practice of a naturopathic doctor” with “a registered naturopathic doctor.”

The Board amends § 18.902 to revise the definition of “CNME” to correspond to the information provided by CNME as to programmatic accreditation. The Board adds definitions for the following terms: “marketing activity,” “naturopathic medicine,” “naturopathic physical medicine,” “naturopathic service” and “natural therapies.” Finally, the Board deletes “natural substances” from the definition of “merchandise” because it is overbroad, and the remaining list is sufficient.

The Board amends § 18.903(a) to include a cross reference to § 16.16 for clarity. Section 18.903(b) is amended to simply refer to a registration as a naturopathic doctor and (b)(2) to read “holds a doctoral degree from an institutionally accredited or pre-accredited college or university offering a naturopathic doctor program which has been granted programmatic candidacy or accreditation by the CNME. . .” instead of “holds a doctoral degree from a naturopathic school accredited by the CNME. . .” based on the comment submitted by CNME. Finally, § 18.903(b)(5) is amended to include a cross reference to the mandatory training requirement in child abuse recognition and reporting in § 16.108(a) as a condition of initial registration to aid clarity.

The Board amends § 18.904(a) to add “registered naturopathic doctor” to the list of titles prohibited from use when registration is expired to be consistent with § 18.907. Additionally, the Board amends § 18.904(b)(5) to add a cross reference to the mandatory continuing education in child abuse recognition and reporting in § 16.108(b) as a condition of biennial renewal to aid clarity.

The Board amends § 18.905(a) and (b)(2) to add “registered naturopathic doctor” to the list of titles prohibited from use when registration is on inactive status. Section 18.905(b)(6) is also amended to add a cross reference to the mandatory continuing education in child abuse recognition and reporting in § 16.108(b) as a condition of reactivation of an expired or inactive registration. The Board amends § 18.905(c) to specify the examination

required to demonstrate competency is the “NPLEX Part II—Core Clinical Science Examination.”

The Board amends § 18.907 to change the title from “[a]cceptable titles and professional designations by registrants and nonregistrants; prohibited titles” to “[a]cceptable titles and professional designations by registrants; prohibited titles.” The Board further amends § 18.907 to delete proposed subsection (b) which sought to instruct nonregistrants as to what titles they could utilize.

The Board amends § 18.908(b) to replace “referral of a patient to purveyors of merchandise or services or for recommending any merchandise to a patient” to “any marketing activity relating to merchandise.”

The Board amends § 18.910(b)(9) to replace the undefined term “natural substances” with the defined term “merchandise” and to utilize the defined term “naturopathic service.”

The Board amends § 18.911(a) to clarify that the Board is concerned about impairments that impact a naturopathic doctor’s ability to practice naturopathic medicine or to provide naturopathic services. Subsection (c) is amended to delete “nonregulatory” language, to use the defined term “naturopathic services” throughout and to provide needed clarity.

The Board amends § 18.911(d) as follows: subsection (d)(3) is amended to read “engage in a marketing activity which conflicts with subsection (c)” instead of “engage in a commercial activity which conflicts with the duties of a naturopathic doctor;” subsection (d)(9) is amended to delete the phrase “a particular course of care” and add the phrase “particular naturopathic service;” subsection (d)(13) is added which reads “provide or perform a naturopathic service at a level beneath the accepted standard of care for a naturopathic doctor which would be normally exercised by the average professional of the same kind in this Commonwealth under the circumstances, including locality and whether the naturopathic doctor is or purports to be a specialist in the area;” and to use the defined term “naturopathic service” throughout.

The Board amends § 18.911(e) to read “A naturopathic doctor may not perform or provide a naturopathic service that the naturopathic doctor is not qualified to perform, or which is beyond the naturopathic doctor’s education and training.

The Board amends § 18.911(f) to replace the entire subsection with the following language: “A naturopathic doctor may not assert as a defense to a disciplinary action under 204 of the NDRA (63 P.S. § 272.204) or § 18.913, the absence of a specific ethical, legal or professional duty in this subsection when such duty is normally exercised by the average professional of the same kind in this Commonwealth under the circumstances, including locality and whether the naturopathic doctor is or purports to be a specialist in the area.

The Board amends § 18.913(a)(8) to replace “offering, undertaking or agreeing to cure or treat a disease by a secret method, treatment, product or medicine” with “failing to disclose the contents of merchandise or the nature and description of services recommended, provided or offered to a patient.”

Fiscal Impact and Paperwork Requirements

The only fiscal impacts of this final-form rulemaking are the fees imposed upon naturopathic doctors for initial registration (\$100) or biennial renewal (\$50). Naturopathic doctors applying for initial registration, biennial renewal of registration or reactivation of an inactive or

expired registration will be required to submit online applications and submit required documentation to the Board.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 30, 2021, the Board submitted a copy of the proposed rulemaking, published at 51 Pa.B. 7877 (December 18, 2021) and a copy of a Regulatory Analysis form to IRRC and to the chairpersons of the SCP/PLC and the HPLC. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Board provided IRRC, SCP/PLC and HPLC with copies of the comments received, as well as other documents when requested. In preparing the final-form regulation, the Board considered the comments from IRRC, the legislative comments and the public comments. The Board received no comments from the HPLC or SCP/PLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on January 18, 2024, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1 (j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on March 20, 2024. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 21, 2024, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Saiyad Ali, Acting Board Administrator, State Board of Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-MEDICINE@PA.GOV.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and all comments received were considered in drafting this final-form rulemaking.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 51 Pa.B. 7877.

(4) This final-form rulemaking is necessary and appropriate for the administration of the NDRA.

Order

The Board, therefore, orders that:

(a) The regulations of the Board, at 49 Pa. Code Chapters 16 and 18, are amended by amending §§ 16.1, 16.11—16.13, 18.13a, 18.15, 18.15a and adding §§ 18.901—18.913, as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

(e) This final-form regulation shall take effect upon notice or publication in the *Pennsylvania Bulletin*.

MARK B. WOODLAND, MS, MD,
Chairperson

(Editor’s Note: See 54 Pa.B. 1907 (April 6, 2024) for IRRC’s approval.)

Fiscal Note: Fiscal Note 16A-4953 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter A. BASIC DEFINITIONS AND INFORMATION

§ 16.1. Definitions.

The following words and terms, when used in this chapter and Chapters 17 and 18 (relating to State Board of Medicine—medical doctors; and State Board of Medicine—practitioners other than medical doctors), have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Act—The Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53).

Approved activity—A continuing medical education activity accepted for AMA PRA credit.

Board—The State Board of Medicine.

Board-regulated practitioner—A medical doctor, midwife, physician assistant, respiratory therapist, athletic trainer, acupuncturist, practitioner of Oriental medicine, genetic counselor, behavior specialist, perfusionist, prosthetist, orthotist, pedorthist, orthotic fitter, naturopathic doctor or an applicant for a license, registration or certificate that the Board may issue.

* * * * *

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

* * * * *

(c) The following registrations are issued by the Board:

(1) Registration as a supervising physician of a physician assistant.

(1.1) Initial registration as a naturopathic doctor.

(2) Biennial registration of a license without restriction.

(3) Biennial registration of an extraterritorial license.

(4) Biennial registration of a midwife license.

(5) Biennial registration of a physician assistant license.

(6) [Reserved].

(7) Biennial registration of a limited license-permanent.

* * * * *

(18) Biennial registration of an orthotic fitter license.

(19) Biennial registration of a naturopathic doctor registration.

§ 16.12. General qualifications for licenses, registrations and certificates.

To qualify for an initial license, registration or certificate issued by the Board, an applicant shall establish that the following criteria are satisfied:

* * * * *

§ 16.13. Licensure, certification, examination and registration fees.

* * * * *

(d) Acupuncturist licenses:

(1) Acupuncturist:

Application.....	\$30
Biennial renewal	\$40

(2) Practitioner of Oriental medicine license:

Application.....	\$30
Biennial renewal	\$40

(e) [Reserved].

* * * * *

(q) Orthotic fitters:

Application for orthotic fitter license	\$25
Biennial renewal of orthotic fitter license	\$75
Application for reactivation of orthotic fitter license	\$25
Application for orthotic fitter temporary permit ...	\$25

(r) Naturopathic doctor registration:

Application for initial registration	\$100
Biennial renewal	\$50

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter B. REGISTRATION AND PRACTICE OF ACUPUNCTURISTS AND PRACTITIONERS OF ORIENTAL MEDICINE

§ 18.13a. Requirements for licensure as a practitioner of Oriental medicine.

* * * * *

(d) This section does not apply to a medical doctor licensed as an acupuncturist nor does it restrict the practice of medicine by a medical doctor.

(e) This section does not limit a registered naturopathic doctor who is also licensed as an acupuncturist when recommending herbs, minerals and other supplements, or combinations, according to traditions other than Oriental medicine traditions.

§ 18.15. Practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a physician; practice responsibilities of an acupuncturist who is licensed as a medical doctor.

(a) Responsibilities to patient and public—acupuncturist who is not a physician. An acupuncturist who is not a physician:

* * * * *

(10) Shall wear a tag or badge with lettering clearly visible to the patient bearing the acupuncturist's name and the title "acupuncturist." The use of the words, doctor, physician or any title or abbreviation implying licensure as a physician on this tag or badge is prohibited, provided, however, that an individual licensed as an acupuncturist who also possesses a current and active registration as a naturopathic doctor may utilize the title "doctor of naturopathic medicine" or "naturopathic doctor" in addition to the title "acupuncturist."

(b) [Reserved].

(b.1) Additional responsibilities to patient and public—practitioner of Oriental medicine who is not a physician. In addition to the responsibilities in subsection (a)(1)—(9), a licensed practitioner of Oriental medicine who provides, or contemplates providing, herbal therapy:

* * * * *

(3) Shall wear a tag or badge with lettering clearly visible to the patient bearing the licensee's name, as well as the title "practitioner of Oriental medicine." The use of the words doctor, physician or any title or abbreviation implying licensure as a physician on this tag or badge is prohibited, provided, however, that an individual licensed as a practitioner of Oriental medicine who also possesses a current and active registration as a naturopathic doctor may utilize the title "doctor of naturopathic medicine" or "naturopathic doctor" in addition to the title "practitioner of Oriental medicine."

* * * * *

§ 18.15a. Scope of practice of acupuncturists and practitioners of Oriental medicine.

* * * * *

(c) This section does not limit the scope of practice of a medical doctor who is registered as an acupuncturist.

(d) This section does not limit a registered naturopathic doctor when recommending herbs, minerals and other supplements, or combinations, according to traditions other than Oriental medicine traditions.

Subchapter M. REGISTRATION OF NATUROPATHIC DOCTORS

Sec.	Purpose.
18.901.	Definitions.
18.902.	Application for naturopathic doctor registration.
18.903.	Biennial registration of naturopathic doctor.
18.904.	Inactive status; reactivation of inactive or expired registration.
18.905.	Display of registration.
18.906.	Acceptable titles and professional designations by registrants; prohibited titles.
18.907.	Informed consent and disclosure of financial interests.
18.908.	Naturopathic records.
18.909.	Advertising.
18.910.	Code of Ethics.
18.911.	Sexual misconduct.
18.912.	Grounds for discipline.
18.913.	

§ 18.901. Purpose.

This subchapter implements the NDRA pertaining to the registration of naturopathic doctors.

§ 18.902. Definitions.

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

Authorization to practice—A license, registration, certificate, permit, authorization or approval issued by a state or Federal agency which authorizes the holder to advertise, engage in, or both advertise and engage in the practice of a profession or occupation.

*CNME—Council on Naturopathic Medical Education—*The accrediting body which grants candidacy and accreditation to programs of naturopathic medicine for the education of naturopathic doctors.

*Marketing activity—*A communication about a service or merchandise that encourages recipients of the communication to purchase or use the merchandise or service. For purposes of this chapter, the term does not include a service from or referral to another health care practitioner.

*Merchandise—*Items that can be sold including vitamins, supplements, food, food extracts, homeopathic remedies, botanical medicines and herbs.

*NABNE—North American Board of Naturopathic Examiners—*The organization which administers the NPLEX.

*NDRA—*The Naturopathic Doctor Registration Act (63 P.S. §§ 272.101—272.301).

*NPLEX—Naturopathic Physicians Licensing Examinations—*The licensing examination accepted by the Board as a prerequisite to registration, consisting of Part I—Biomedical Science Examination and Part II—Core Clinical Science Examination, or its successor recognized by the Board.

*Natural therapies—*Treatment of an individual through the use of substances in which the active ingredient is derived from plant, mineral or fungal sources, or any substance found in nature, and which may also contain common pharmaceutical excipients, and nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. §§ 301—399g).

*Naturopathic doctor—*An individual who holds an active registration issued by the Board under the NDRA.

*Naturopathic medicine—*Naturopathic physical medicine, natural therapies, naturopathic counseling or a combination thereof, to support and stimulate the individual's self-healing processes.

*Naturopathic physical medicine—*The use of the physical agents of air, water, heat, cold, sound and light, and the physical modalities of electrotherapy, biofeedback, diathermy, ultraviolet light, ultrasound, hydrotherapy and exercise, including naturopathic manipulation and mobilization therapy.

*Naturopathic service—*Providing or performing naturopathic physical medicine, natural therapies, naturopathic counseling or a combination thereof, to support and stimulate an individual's self-healing processes.

*Regionally accredited or pre-accredited college or university—*A college or university which is accredited or pre-accredited by one of the following:

- (1) Accrediting Commission of Career Schools and Colleges.
- (2) Accrediting Council for Continuing Education and Training.
- (3) Accrediting Council for Independent Colleges and Schools.
- (4) Council on Occupational Education.
- (5) Distance Education Accrediting Commission.
- (6) Higher Learning Commission.
- (7) Middle States Commission on Higher Education.
- (8) Middle States Commission on Secondary Schools.
- (9) New England Commission of Higher Education.

(10) New York State Board of Regents and the Commissioner of Education.

(11) Northwest Commission on Colleges and Universities.

(12) Southern Association of Colleges and Schools, Commission on Colleges.

(13) Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges.

(14) Western Association of Schools and Colleges, Senior Colleges and University Commission.

(15) Other regional or National accrediting agency which has been recognized by the United States Department of Education as being a reliable authority concerning the quality of education or training offered by the institutions of higher education or higher education programs they accredit.

§ 18.903. Application for naturopathic doctor registration.

(a) An applicant for a registration to practice naturopathic medicine shall submit, on an application made available by the Board, a completed application for a registration, including the necessary supporting documents, including information required by § 16.16 (relating to reporting of disciplinary actions, criminal dispositions and other licenses, certificates or authorizations to practice) and pay the application fee in § 16.13 (relating to licensure, certification, examination and registration fees).

(b) Except as otherwise provided by law, the Board will issue a registration as a naturopathic doctor to an applicant who meets all of the following requirements:

(1) Holds a bachelor's degree from a regionally accredited or pre-accredited college or university or the equivalent.

(2) Holds a doctoral degree from an institutionally accredited or pre-accredited college or university offering a naturopathic doctor program which has been granted programmatic candidacy or accreditation by the CNME which consists of at least 4,100 total credit hours in basic and clinical sciences and naturopathic philosophy and modalities, including at least 2,500 hours of academic instruction and at least 1,200 hours of supervised clinical training. Proof of the degree shall be sent directly from the applicant's education program and include an official transcript.

(3) Has passed Parts I and II of a competency-based National naturopathic licensing examination administered by the NABNE or a successor agency. An applicant who graduated prior to 1986 shall demonstrate a passing score on a state naturopathic examination.

(4) Holds a current basic cardio-pulmonary resuscitation (CPR) certificate issued by the American Heart Association, American Red Cross or a similar health authority or professional body approved by the Board.

(5) Has completed at least 3 hours of approved education/training in child abuse recognition and reporting requirements as set forth in 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training) and in § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(6) Is of good moral character.

(c) The Board may deny an application for registration as a naturopathic doctor upon any of the grounds for

disciplinary action in § 18.913 (relating to grounds for discipline).

§ 18.904. Biennial registration of naturopathic doctor.

(a) The registration of a naturopathic doctor will expire biennially on December 31 of each even-numbered year in accordance with § 16.15 (relating to biennial registration; inactive status and unregistered status). A naturopathic doctor may not use the title of “naturopathic doctor,” “doctor of naturopathic medicine,” “registered naturopathic doctor” or any other term implying that the individual is currently registered as a naturopathic doctor unless the individual holds a current and unexpired registration.

(b) As a condition of biennial renewal, a naturopathic doctor shall:

(1) Submit a completed application, including payment of the biennial registration fee in § 16.13 (relating to licensure, certification, examination and registration fees).

(2) Disclose on the application any authorization to practice as a naturopathic doctor in another state, district, territory, possession or country.

(3) Disclose on the application disciplinary action pending before, or taken by, the appropriate licensing, registration or certification authority in another jurisdiction since the most recent application for biennial registration, whether or not authorized to practice or advertise in that other jurisdiction.

(4) Affirm that the applicant holds a current basic cardio-pulmonary resuscitation (CPR) certificate issued by the American Heart Association, American Red Cross or a similar health authority or professional body approved by the Board.

(5) Certify that the applicant has completed at least 2 hours of approved continuing education in child abuse recognition and reporting as set forth in 23 Pa.C.S. § 6383(b)(3)(ii) (relating to education and training) and in § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 18.905. Inactive status; reactivation of inactive or expired registration.

(a) A naturopathic doctor may request in writing that the Board place the registration on inactive status. Confirmation of inactive status will be forwarded to the registrant. A naturopathic doctor may not use the title of “naturopathic doctor,” “doctor of naturopathic medicine,” “registered naturopathic doctor” or any other term implying that the individual is currently registered as a naturopathic doctor while on inactive status.

(b) To reactivate an inactive or expired registration, the registrant shall apply for reactivation by completing an application for reactivation on a form made available by the Board. The registrant shall:

(1) Pay the current biennial registration fee specified in § 16.13 (relating to licensure, certification, examination and registration fees) and any applicable late fees required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225).

(2) Disclose whether the registrant used the title of “naturopathic doctor,” “doctor of naturopathic medicine,” “registered naturopathic doctor” or any other term implying that the individual was currently registered as a naturopathic doctor in the Commonwealth while the registration was inactive or expired.

(3) Disclose on the application any authorization to practice as a naturopathic doctor in another state, district, territory, possession or country.

(4) Disclose on the application disciplinary action pending before or taken by the appropriate licensing, registration, or certification authority in another jurisdiction since the most recent application for biennial registration, whether or not authorized to practice or advertise in that other jurisdiction.

(5) Submit evidence the registrant holds a current basic cardio-pulmonary resuscitation (CPR) certificate issued by the American Heart Association, American Red Cross or a similar health authority or professional body approved by the Board.

(6) Verify completion of at least 2 hours of approved continuing education in child abuse recognition and reporting in the 2 years immediately preceding the application for reactivation as set forth in 23 Pa.C.S. § 6383(b)(3)(ii) (relating to education and training) and in § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(c) A registrant who has not had clinical contact with patients for 4 years or more shall demonstrate current competency and qualification to hold forth as a naturopathic doctor by demonstrating a passing score on the NPLEX Part II—Core Clinical Science Examination, completed within 12 months of the application to reactivate the registration.

(d) Payment of applicable late fees required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act does not preclude the Board from taking disciplinary action for utilizing the title of “naturopathic doctor,” “doctor of naturopathic medicine,” “registered naturopathic doctor” or any other term implying that the individual was currently registered as a naturopathic doctor while holding an inactive or expired registration.

§ 18.906. Display of registration.

A naturopathic doctor registrant shall prominently display the certificate of registration and evidence of biennial renewal in a publicly accessible location at the registrant’s regular place of business. The registrant shall have evidence of current registration available for inspection by authorized agents of the Board and by persons receiving services when the naturopathic doctor provides services at locations other than the registrant’s regular place of business.

§ 18.907. Acceptable titles and professional designations by registrants; prohibited titles.

(a) An individual must have a current, active and unsuspended registration to claim to be, or hold oneself out as, a naturopathic doctor, registered naturopathic doctor, doctor of naturopathic medicine or use any similar title implying that the individual holds a current registration as a naturopathic doctor in this Commonwealth.

(b) A naturopathic doctor who uses the designation “Dr.” shall further identify himself as a “naturopathic doctor,” “registered naturopathic doctor” or “doctor of naturopathic medicine” and may not use any term or designation that would imply that the naturopathic doctor is licensed or authorized to practice medicine and surgery, dentistry, podiatry, optometry, psychology, nursing, physical therapy, acupuncture, chiropractic, genetic counseling, athletic training, massage therapy or any other health care profession, unless that individual also holds a current and active authorization to practice the

other profession issued by the appropriate licensing authority of this Commonwealth.

§ 18.908. Informed consent and disclosure of financial interests.

(a) A naturopathic doctor shall obtain written informed consent from the patient prior to providing naturopathic services to the patient. The informed consent shall include notification to the patient that the naturopathic doctor is not a physician. This subsection shall not apply to registrants who are also currently and actively licensed to practice as a physician in this Commonwealth.

(b) A naturopathic doctor shall disclose to patients and prospective patients if the naturopathic doctor receives any commission, rebate, referral fee or similar financial incentive in connection with any marketing activity relating to merchandise.

§ 18.909. Naturopathic records.

(a) A naturopathic doctor shall maintain patient records that accurately describe the patient's concerns, evidence the naturopathic doctor's plan of service and implementation of service and document the patient's response to any services provided.

(b) All patient records for minors and adults shall be retained for a minimum period of 7 years from the date of the service for which a naturopathic record entry is required. Patient records for minor patients shall also be retained until 1 year after the minor patient reaches majority, even if this means that the naturopathic doctor retains the record for a period of more than 7 years.

(c) Upon written request, a naturopathic doctor shall make true, correct and legible copies of the written records of service available to the patient or the person or persons designated by the patient.

(d) Payment for naturopathic services rendered may not be required as a condition to making the written records of service available to the patient or the patient's designee. A naturopathic doctor may require pre-payment of the costs to copy and produce the naturopathic records. The maximum applicable copying and reproduction costs for naturopathic service records shall be the same as those costs applicable to production of health records as annually adjusted by the Secretary of the Department of Health and published in the *Pennsylvania Bulletin*.

§ 18.910. Advertising.

(a) An advertisement by a naturopathic doctor shall contain both of the following:

(1) The name of the naturopathic doctor as registered with the Board.

(2) The words "naturopathic doctor," "doctor of naturopathic medicine," or "registered naturopathic doctor."

(b) Advertisements by a naturopathic doctor may not contain any of the following:

(1) The word "physician" unless the naturopathic doctor is also currently and actively licensed as a physician or physician assistant in this Commonwealth.

(2) Words or phrases indicating or implying that the naturopathic doctor is "board certified" or "board eligible" unless the certification body is also disclosed.

(3) Statements containing misrepresentations of facts.

(4) Statements that cannot be verified by the Board for truthfulness.

(5) Statements likely to mislead or deceive because of their context or because the statements make only a partial disclosure of relevant facts.

(6) Statements intended to, or likely to, create false or unjustified expectations of favorable results.

(7) Statements containing representations or implications that can reasonably be expected to cause an ordinary prudent person to misunderstand or be deceived.

(8) Statements that are untruthful and improbable or contain misstatements, falsehoods, misrepresentations, distorted or fabulous statements as to cures.

(9) Statements that misrepresent the nature, characteristics or qualities of merchandise or naturopathic services provided by a naturopathic doctor.

(10) Statements that a manifestly incurable condition can be cured or that guarantee a cure of any condition.

(11) Statements promoting herbal, natural or dietary supplements as drugs.

(12) Statements recommending any modality of service that is inconsistent with the health, safety and welfare of the public.

§ 18.911. Code of Ethics.

(a) Naturopathic doctors shall concern themselves primarily with the welfare of the patient.

(b) A naturopathic doctor who suffers from a physical, mental or emotional impairment, including substance abuse, that impacts the individual's ability to practice naturopathic medicine or to provide naturopathic services with reasonable skill and safety to patients shall seek professional treatment and refrain from the practice of naturopathic medicine until the impairment no longer exists or reasonable accommodations can be made.

(c) A naturopathic doctor shall:

(1) Respect and maintain the privacy and confidentiality of the patient.

(2) Disclose the patient's records or information about the patient only with the patient's consent or as required by law.

(3) Safeguard patient protected health information, including storage and disposal of records.

(4) Provide sufficient information to a patient to allow the patient to make an informed decision regarding care, including:

(i) The purpose and nature of a naturopathic evaluation or naturopathic service regimen.

(ii) Alternatives to naturopathic care.

(iii) Side effects and benefits of a proposed naturopathic service regimen.

(iv) The estimated cost of naturopathic services.

(v) The right of the patient to withdraw from naturopathic services.

(5) Maintain professional boundaries, even when the patient initiates crossing the boundaries of the professional relationship.

(6) Decline to administer a naturopathic service if the naturopathic doctor believes that the service is contraindicated or unjustified.

(7) Make referrals only to registered naturopathic doctors or other qualified and duly licensed health care providers.

(8) Inform the patient, other health care professionals and the public of the limitations of naturopathic medicine.

(9) Assess the patient to determine if contraindications against naturopathic service exist and refer the patient to an appropriate health care practitioner.

(10) At all times respect the patient's dignity, autonomy and privacy.

(11) Cooperate with any lawful investigation conducted by the Board, including:

(i) Furnishing information requested as directed by the Board.

(ii) Complying with a subpoena.

(iii) Responding to a complaint at the request of the Board.

(iv) Providing access to relevant patient records.

(12) Report to the Board misconduct committed by a naturopathic doctor in the practice of naturopathic medicine or in the provision of naturopathic services.

(d) A naturopathic doctor may not:

(1) Misrepresent credentials, qualifications or affiliations, and shall attempt to correct others who misrepresent the naturopathic doctor's credentials, qualifications or affiliations.

(2) Knowingly engage in or condone behavior that is fraudulent, dishonest or deceitful.

(3) Engage in a marketing activity which conflicts with subsection (c).

(4) Perform naturopathic medicine on or provide a naturopathic service to a patient if a contraindication against naturopathic service exists.

(5) Intimidate, threaten, influence or attempt to influence any person regarding any violation of law or regulation.

(6) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

(7) Accept a patient for a naturopathic service, or continue unnecessary service, when the patient cannot be reasonably expected to benefit from the service.

(8) Receive remuneration from, or provide remuneration to, or split a fee, for either making or accepting a referral of the patient to or from another health care provider.

(9) Make a guarantee or promise about the efficacy of the naturopathic doctor's practice, particular naturopathic service or the anticipated results of care.

(10) Exploit the professional relationship by either of the following:

(i) Continuing naturopathic service unnecessarily.

(ii) Charging for a naturopathic service not provided or different from what was actually provided.

(11) Exploit a relationship with a patient, staff member or student for the naturopathic doctor's personal advantage including, but not limited to, a personal, sexual, romantic or financial relationship.

(12) Engage in sexual misconduct.

(13) Provide or perform a naturopathic service at a level beneath the accepted standard of care for a naturopathic doctor which would be normally exercised by the average professional of the same kind in this com-

monwealth under the circumstances, including locality and whether the naturopathic doctor is or purports to be a specialist in the area.

(e) A naturopathic doctor may not perform or provide naturopathic service that the naturopathic doctor is not qualified to perform, or which is beyond the naturopathic doctor's education and training.

(f) A naturopathic doctor may not assert as a defense to a disciplinary action under section 204 of the NDRA (63 P.S. § 272.204) or § 18.913 (relating to grounds for discipline), the absence of a specific ethical, legal or professional duty in this subsection when the duty is normally exercised by the average professional of the same kind in this Commonwealth under the circumstances, including locality and whether the naturopathic doctor is or purports to be a specialist in the area.

§ 18.912. Sexual misconduct.

(a) Sexual exploitation by a naturopathic doctor of a current or former patient, or of an immediate family member of a patient, constitutes unprofessional conduct, is prohibited and subjects the naturopathic doctor to disciplinary action under section 204(8) of the NDRA (63 P.S. § 272.204(8)).

(b) Sexual behavior that occurs with a current patient, other than the naturopathic doctor's spouse, constitutes unprofessional conduct, is prohibited and subjects the practitioner to disciplinary action under section 204(8) of the NDRA.

(c) When a naturopathic doctor was involved with the management or directly provided naturopathic services to a patient other than the naturopathic doctor's spouse for a mental health disorder, any sexual behavior with that patient which occurs prior to the 2-year anniversary of the termination of the professional relationship constitutes unprofessional conduct, is prohibited and subjects the naturopathic doctor to disciplinary action under section 204(8) of the NDRA.

(d) A practitioner who engages in conduct prohibited by this section will not be eligible for placement into an impaired professional program in lieu of disciplinary or corrective actions.

(e) Consent is not a defense to conduct prohibited by this section.

§ 18.913. Grounds for discipline.

(a) The Board shall have the authority to impose disciplinary or corrective measures on a naturopathic doctor or applicant for registration as a naturopathic doctor for the reasons set forth in section 204 of the NDRA (63 P.S. § 272.204) and any of the following:

(1) Fraudulently or deceptively obtaining, or attempting to obtain, or using a registration or assisting another in fraudulently or deceptively obtaining or using a registration.

(2) Using false, deceptive or misleading advertising.

(3) Advertising, practicing or attempting to practice under a name other than the naturopathic doctor's name as registered with the Board; provided, however, that a naturopathic doctor may advertise utilizing a business name if the advertisement also includes the naturopathic doctor's name as registered by the Board.

(4) Aiding, assisting, employing or advising any unregistered individual to hold himself out in a manner which states or implies the unregistered individual is a naturopathic doctor.

(5) Paying or receiving any commission, bonus, kick-back or rebate, or engaging in any split-fee arrangement in any form with a licensed physician, organization, agency or other person, either directly or indirectly, for patients referred to other health care providers.

(6) Promoting the sale of services, drugs, devices, appliances or goods to a patient so as to exploit the patient for financial gain.

(7) Failing to keep written records justifying the course of service of a patient.

(8) Failing to disclose the contents of merchandise or the nature and description of naturopathic services recommended, provided or offered to a patient.

(9) Failing to cooperate with a lawful investigation of the Board.

(b) When the Board is empowered to take disciplinary or corrective action under the provisions of the NDRA, the Board's regulations or other statutory or regulatory authority, the Board may impose one or more of the following disciplinary or corrective actions as set forth in section 206 of the NDRA (63 P.S. § 272.206), section 42 of the act (63 P.S. § 422.42) and 63 Pa.C.S. § 3108 (relating to civil penalties):

(1) Deny the application for registration.

(2) Administer a public reprimand with or without probation.

(3) Revoke, suspend, limit or otherwise restrict a registration.

(4) Require the registrant to submit to the care, counseling or treatment of a physician or a psychologist designated by the Board.

(5) Require the registrant to take refresher educational courses or demonstrate passage of the NPLEX examination, or both.

(6) Stay enforcement of any suspension and place the registrant on probation with the right to vacate the probationary order for noncompliance.

(7) Impose a civil penalty of up to \$1,000 in accordance with the NDRA.

(8) Impose a civil penalty of up to \$10,000 in accordance with 63 Pa.C.S. § 3108(b); provided, however, that the Board will not impose a civil penalty under the NDRA and also impose a civil penalty under 63 Pa.C.S. § 3108(b) for the same violation, as prohibited by 63 Pa.C.S. § 3108(c)(2).

(9) Impose the costs of investigation underlying the disciplinary action.

[Pa.B. Doc. No. 24-722. Filed for public inspection May 17, 2024, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA CODE CH. 25]

Licensure Requirements

The State Board of Osteopathic Medicine (Board) proposes to amend Chapter 25 (relating to State Board of Osteopathic Medicine) by amending §§ 25.1, 25.231(a), 25.241, 25.242, 25.244, 25.251, 25.254, 25.262—25.264 and 25.303, and adding §§ 25.248 and 25.249 (relating to licensure by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement license under 63 Pa.C.S. § 3111) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions “[to] issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth. . .” provided the applicant meets the following criteria: “[h]olds a current license, certificate, registration or permit from another state, territory or country” whose licensing “requirements are substantially equivalent to or exceed the requirements. . . in this Commonwealth;” “[d]emonstrates competency;” “[h]as not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines” this conduct is not an impediment to granting the “license, certificate, registration or permit;” “[i]s in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the . . . board or . . . commission determines” this conduct is not an impediment to granting the “license, certificate, registration or permit;” and the applicant “[p]lays any fees established by . . . regulation.” Additionally, 63 Pa.C.S. § 3111(b) authorizes boards and commissions to “issue a provisional license, certificate, registration or permit” while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

Section 16 of the Osteopathic Medical Practice Act (act) (63 P.S. § 271.16) and section 3 of the Acupuncture Licensure Act (ALA) (63 P.S. § 1803) provide the Board with broad authority to adopt regulations as are reasonably necessary to carry out the purposes of the act and the ALA.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (repealed) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41).

Background and Need for the Amendments

This proposed rulemaking is needed for several purposes. Amendments are necessary as a result of the transition of the American Osteopathic Association (AOA)

and the Accreditation Council for Graduate Medical Education (ACGME) into a single accreditation system. The transition was completed effective July 1, 2020. Under the new system, graduates of osteopathic medical schools (DOs) and allopathic medical schools (MDs) complete their postgraduate training in ACGME-accredited programs. To address the foregoing, this proposed rulemaking seeks to delete the definitions of “approved graduate osteopathic medical training;” “approved internship” and “approved residency” in § 25.1 (relating to definitions) and to provide more specificity relating to internships and graduate training programs at §§ 25.262 and 25.263 (relating to approved internships; and other approved graduate training programs), respectively. Instead, the Board proposes a new definition of “graduate medical training” to encompass either an approved internship or an approved residency.

Next, the Board proposes amendments to the licensure requirements for an unrestricted license by examination as set forth in § 25.241 (relating to unrestricted license by examination). The proposed regulations reflect the current status of National examination and licensure. First, beginning in 2023, the National Board of Osteopathic Medical Examiners (NBOME) no longer require a practical examination for passage of the NBOME series of examinations. Thus, it is necessary to remove this requirement as it relates to licensure by examination. Second, the proposed regulation updates the training requirement for licensure to include both an approved internship and an approved residency. This proposed amendment is consistent with the series of graduate training years undertaken by osteopathic medical school graduates. Third, the Board proposes to add an allowance for an NBOME successor to be accepted for licensure by examination purposes.

In keeping with the proposed amendments to § 25.241 pertaining to approved internships and residencies, a corresponding amendment is needed for the Board’s existing licensure-by-endorsement pathway. Specifically, with the elimination of the practical examination by the NBOME in 2023, the Board determined that its own regulatory requirement that calls for passage of a practical examination to obtain a license by endorsement, as set forth in § 25.242(4) (relating to unrestricted license by endorsement), is inconsistent with the national standards for licensure. Furthermore, the practical examination requirement for a license by endorsement under § 25.241 is only applicable to a minute segment of the applicant population, most of whom have practiced for decades prior to submitting a licensure application to the Board. Rather than serve its initial purpose of ensuring competency to engage in the holistic practice of osteopathic medicine, the practical examination requirement has evolved into an unnecessary burden on otherwise experienced and qualified applicants seeking to practice in this Commonwealth. To remove this burden, the Board proposes to delete the practical examination requirement from § 25.241.

Next, the Board proposes to amend § 25.244 (relating to temporary license). The amendments to the title and body of this section change the license type from a “temporary license” to a “temporary graduate training license” because these licenses are used by graduates of osteopathic medical colleges to practice within the confines of graduate training programs. Generally, graduate training programs consist of more than 1 year of training;

therefore, the Board also proposes to amend this section to specifically allow for renewal of the license upon the payment of the required fee. The Board's fee schedule at § 25.231(a) (relating to schedule of fees) is proposed to be amended to reflect the revised nomenclature "temporary graduate training license."

This proposed rulemaking is further needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to an applicant who is licensed in another jurisdiction and meets the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether the other jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of demonstrating competency, including completion of continuing education or experience in the profession or occupation for at least 2 years of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This proposed rulemaking would include two new sections to set forth the criteria for eligibility for licensure by endorsement under 63 Pa.C.S. § 3111, namely, § 25.248 which sets forth the specific methods required for an applicant to demonstrate competency, and § 25.249 which sets forth the requirements for granting a provisional endorsement license.

The Board proposes to amend § 25.251 (relating to general requirements), pertaining to unrestricted licensure by examination, to delete references to the practical examination because the practical examination will not be a required component of the National Board Examination beginning in 2023. The Board also proposes to include a successor to the NBOME examination, to avoid future need for regulatory clarification or confusion should the NBOME merge with another organization or become defunct. In keeping with other proposed amendments set forth herein, the Board also proposes to add completion of an approved residency as a method for an applicant to satisfy the training prerequisite to unrestricted licensure.

The Board proposes to delete § 25.254 (relating to frequency and content of examinations). The frequency of examinations is addressed in section 8(a) and (f) of the act (63 P.S. § 271.8(a) and (f)). The content of the examinations is obsolete given that the National Board Examination will no longer contain a practical examination component. Deletion of § 25.254 is also consistent with the Board's proposed removal of the practical examination as a requirement for issuance of a license by endorsement under § 25.242.

The Board further proposes to amend §§ 25.262 and 25.263 (relating to approved internships; and other approved graduate training programs). The current regulations require an applicant for licensure as an osteopathic physician to complete an AOA-approved internship. The reasons for revising this requirement are two-fold. First, as a result of the new single accreditation system, the AOA no longer approves postgraduate training programs. Second, with the single accreditation system now in place, graduates of osteopathic medical schools can be matched into an ACGME-accredited program with osteopathic recognition, an ACGME-accredited rotating internship, an ACGME-approved residency, or a specialty or subspecialty residency. Without changes to the prerequisite graduate training, the Commonwealth will have difficulty retaining osteopathic medical school graduates of schools located

within the Commonwealth. Likewise, it will be difficult to attract students from other states to train within this Commonwealth. Furthermore, the current regulations direct the Board to work with the AOA to evaluate and approve internships and other graduate training programs, which is no longer possible given that the AOA is no longer the graduate training approval body.

For those reasons, the Board proposes to amend § 25.262(a) to list the types of approved internships. The Board believes this list reflects the current internship landscape and provides the clarity needed for the graduate and applicant population. Relating to subsection (b), the AOA Board of Trustees does not approve internship programs occurring after June 30, 2022; thus, an amendment is proposed to allow for the continuation of Board discretion in approving graduate training programs that are not specifically identified in the regulations without dependence on AOA action.

Similarly, the Board proposes to amend § 25.263 to remove the AOA reference and dependence and provide a list of residencies and other graduate training programs that are approved by the Board to satisfy the requirements of licensure. As with the approved internships, the amendments to this section provide a conciseness and clarity relating to the types of approved programs, thus negating any need for a separate definition.

The Board also proposes to amend § 25.264 (relating to approval dates) to delete subsection (a), which relates to applications occurring between July 1, 1992, and June 30, 1993, as it is no longer relevant. Subsection (b), as amended, is sufficiently specific to encompass the training completed by all applicants for licensure.

Finally, to maintain consistency with § 25.248, the Board proposes to amend § 25.303 (relating to requirements for registration as an acupuncturist and an acupuncturist supervisor) so that the means by which an acupuncturist applicant can establish English language proficiency are the same for all applicants, not just those applying for licensure by endorsement under 63 Pa.C.S. § 3111.

Description of Proposed Amendments

The Board proposes to amend § 25.1 to add, delete and amend several terms and definitions. The Board adds and defines the acronyms "ABMS (American Board of Medical Specialties)", "ACGME (Accreditation Council for Graduate Medical Education)" and "PGY (post-graduate year)". The Board deletes the term "approved graduate osteopathic medical training" and adds the simpler term "graduate medical training," which is defined to encompass the various graduate training options available. The terms "approved internship" and "approved residency" are deleted because the definitions are unnecessary in view of the substantive provisions relating to internships and residencies that are delineated in amended §§ 25.262 and 25.263, respectively. The term "jurisdiction" is added and defined. The term "National Board Examination" is amended to identify the exam provider referenced throughout the regulations, and to include the possibility of a successor to the examination.

The Board proposes to amend § 25.241 to remove specific reference to the numbered parts of the National Board Examination, clarify to whom examination fees should be paid, remove reference to the practical examination, and include the option of completing an approved residency to satisfy licensure requirements. The Board is also deleting references to the Health Care Services Malpractice Act (40 P.S. §§ 1301.101—1301.1006) which

has been repealed and replaced with the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910).

Section 25.242 sets forth the Board's existing licensure by endorsement requirements. Paragraph (4) is proposed to be deleted in its entirety to remove the requirement that an applicant for a license by endorsement receive a passing score on the osteopathic diagnosis and manipulative therapy examination administered by the Board or a professional testing organization. Paragraph (5) is amended to include the successful completion of an approved residency as an acceptable form of training prerequisite to licensure.

The Board proposes to amend § 25.244, changing "temporary graduate training licenses" to "temporary graduate training licenses." The section would further be amended to specifically allow for renewal of the license upon application and payment of the required fee. Corresponding amendments are proposed to the Board's fee schedule in § 25.231(a) to reflect the revised nomenclature "temporary graduate training license."

The Board proposes to add § 25.248, which requires an applicant to satisfy nine criteria required for licensure by endorsement. Under subsection (a)(1), an applicant shall have a current license, certificate, registration or permit in good standing to practice as an osteopathic physician and surgeon, acupuncturist, physician assistant, respiratory therapist, athletic trainer, perfusionist or genetic counselor, as applicable, in another jurisdiction whose standards for licensure are substantially equivalent to or exceed those under the act, or the ALA.

Proposed subsection (a)(1)(ii) would also require the standards for licensure to be substantially equivalent to standards set forth in the Board's regulations, including, as applicable, the regulatory requirements under §§ 25.161, 25.241, 25.303, 25.507, 25.704, 25.803, 25.903 or 25.904, pertaining to licensure as a physician assistant, an osteopathic physician, an acupuncturist, a respiratory therapist, an athletic trainer, a perfusionist or a genetic counselor, respectively.

Proposed subsection (a)(2) would require an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure and scope of practice in the jurisdiction that issued the license. Subsection (a)(2)(i) would be applicable to countries where the applicable law, regulation or other rule is in a language other than English. The Board proposes to require, at the applicant's expense, translation of the applicable law, regulation or other rule by a professional translation service. Subsection (a)(2)(ii) would also require that the copy of the applicable law, regulation or other rule include the enactment date. The purpose of this section is to allow the Board to evaluate the licensure requirements of the other jurisdiction to determine whether their licensure standards are substantially equivalent to those of this Commonwealth.

In proposed subsection (a)(3), the Board would set forth the requirements to demonstrate competency. Under this provision, an applicant for a license by endorsement under 63 Pa.C.S. § 3111 to practice as an osteopathic medical physician and surgeon, acupuncturist, physician assistant, respiratory therapist, athletic trainer, perfusionist or genetic counselor must provide proof of competency by demonstrating experience in the practice of the applicable profession. To demonstrate competency by experience, an applicant must demonstrate the licensed practice of the profession for at least 2 years of the

5 years immediately preceding the filing of the application, under a license, certificate, registration or permit in a substantially equivalent jurisdiction or jurisdictions. This means that the individual must establish to the Board that they practiced for any 2 years of the preceding 5 years while holding the license, certificate, registration or permit in the profession for which the applicant is applying.

Proposed subsection (a)(4) and (5) would incorporate the statutory prohibitions in 63 Pa.C.S. § 3111(a)(3) and (4) pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation, and prior discipline by the jurisdiction that issued the license, respectively.

Proposed subsection (a)(6) would require payment of an application fee, as required by 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement is the same application fee already set forth in § 25.231 for each of the professions licensed by the Board.

Next, proposed subsection (a)(7) would require that applicants meet the malpractice insurance requirements under the act, section 3.2 of the ALA (63 P.S. § 1803.2) and this chapter. Similarly, proposed subsection (a)(8) would require applicants to satisfy application requirements, as set forth in the act and this chapter. In subsection (a)(9), the Board proposes to include the requirement that an applicant complete 3 hours of training in child abuse recognition and reporting, which is mandated continuing education under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

Finally, proposed subsection (a)(10) would require that applicants for an acupuncturist license by endorsement demonstrate English proficiency. This subsection is consistent with § 25.303. To demonstrate English proficiency, an applicant for an acupuncturist license by endorsement may take an English proficiency examination, including the Test of English as a Foreign Language (TOEFL®), the Occupational English Test (OET) or an English proficiency examination equivalent to the TOEFL® or OET, as approved by the Board. In following the spirit of 63 Pa.C.S. § 3111, which encourages elimination of unnecessary barriers to licensure, the Board also offers other options that allow an applicant to demonstrate English proficiency, including the following: the applicant's professional education program was in English; the applicant's professional training was in an English-speaking facility; the applicant's entry examination to practice in the profession was in English; or the applicant was required to demonstrate English language proficiency to be issued a license in the jurisdiction in which the applicant is licensed. The Board will make available a list of Board-approved English language proficiency (or any successor examinations) on its web site.

In proposed subsection (b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request the interview to be conducted by video conference or teleconference for good cause shown. Consistent with 63 Pa.C.S. § 3111(a)(4) and (5), proposed subsection (c) authorizes the Board, in its discretion, to determine that an act prohibited under section 15 of the act (63 P.S. § 271.15) or disciplinary action imposed by another jurisdiction are not impediments to the granting of a license, certificate, registration or permit under 63 Pa.C.S. § 3111.

Consistent with 63 Pa.C.S. § 3111(b), proposed § 25.249 would set forth the parameters of a provisional endorsement license). Proposed subsection (a) provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and § 25.248. Proposed subsection (b) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon a written request, the Board may extend the term of the license upon a showing of good cause. Proposed subsection (c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including: upon the granting or denial of a license by the Board; upon the failure of the provisional endorsement licensee to comply with the terms of the provisional endorsement license; or upon the expiration of the provisional endorsement license. Finally, proposed subsection (d) clarifies that while an individual may reapply for a license by endorsement under proposed § 25.248, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Section 25.251 relates to the general requirements for licensure by examination. The Board proposes to amend subsection (a) to simply require passage of all parts of the National Board Examination. Subsection (b) would be amended to allow for an NBOME successor. To maintain consistency with several other changes proposed in this rulemaking, subsection (c) is proposed to be deleted. The Board proposes to amend subsection (d) to remove the requirement relating to eligibility for admission to the practical examination after graduation and to allow an approved residency to satisfy the licensure training prerequisite. Subsection (e) is proposed to be deleted because it relates to applications for the practical examination. As previously set forth relating to the proposed amendments to the unrestricted license by examination and unrestricted license by endorsement requirements, a practical examination will not be part of the National examination standards beginning in June 2023. Therefore, retention of information relating to application for the practical examination is unnecessary.

The Board proposes to delete § 25.254 in its entirety. The frequency of examinations is addressed in section 8(a) and (f) of the act. Additionally, the National Board Examination will no longer contain a practical examination component.

The Board proposes to amend § 25.262 to remove reliance upon the AOA for approved internships. The section is specifically amended to allow for a graduate of an osteopathic medical training program to satisfy the internship prerequisite in one of several ways. The amendment further allows for the Board to exercise discretion in approving internships, without limiting said discretion to exigent circumstances caused by the AOA.

The Board is also proposing amendments to § 25.263 to include approved residencies as graduate training programs. The section provides a list of approved residencies that will satisfy the residency prerequisite and also provides the Board with discretion to approve other graduate training programs not specifically identified in the list.

The Board proposes to amend § 25.264 to delete subsection (a) which relates to graduate training occurring

between 1992 and 1993. Subsection (b) is amended to include approved residencies as acceptable training prerequisite to licensure.

Finally, to maintain consistency with the English language proficiency provisions proposed in § 25.248(10)(i)—(vii), the Board proposes to amend § 25.303 so that the means by which an acupuncturist applicant can establish English language proficiency are the same for all applicants, not just those applying for licensure by endorsement under 63 Pa.C.S. § 3111.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement under 63 Pa.C.S. § 3111 will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the initial application fees in § 25.231. Applicants will have to pay the same initial application fee as all other applicants for a license in each profession (osteopathic physician \$185, physician assistant \$125, acupuncturist \$110, respiratory therapist \$110, athletic trainer \$110, perfusionist \$130, genetic counselor \$130). All applicants must complete child abuse recognition and reporting training, as required under 23 Pa.C.S. § 6383(b)(3)(i). Applicants may avail themselves of free in-person and online child abuse recognition and reporting training courses; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training. If an acupuncturist applicant is unable to establish English proficiency by demonstrating that their education, training or examination was in English or by establishing that they were required to demonstrate English language proficiency to become licensed in their jurisdiction, they must take the TOEFL® examination or another examination, with a cost to the applicant of approximately \$200.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 7, 2024, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), the chairperson of the Consumer Protection and Professional Licensure Committee of the Senate and the chairperson of the Professional Licensure Committee of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.56) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Board Counsel, State Board of

Osteopathic Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference “16A-5336 (Licensure by Endorsement and Licensure Requirements)” when submitting comments.

JOHN B. BULGER, DO,
Chairperson

Fiscal Note: 16A-5336. No fiscal impact; recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

Subchapter A. GENERAL PROVISIONS

§ 25.1. Definitions.

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

ABMS—The American Board of Medical Specialties.

ACCME—The Accreditation Council on Continuing Medical Education.

ACGME—The Accreditation Council for Graduate Medical Education.

AMA PRA—American Medical Association Physician’s Recognition Award.

* * * * *

Approved activity—A continuing medical education activity accepted for AOA credit, ACCME credit or AMA PRA credit.

[Approved graduate osteopathic medical training—An approved internship or an approved residency.

Approved internship—An osteopathic rotating internship program approved by the AOA and the Board.

Approved residency—A training program approved by the AOA and the Board leading toward certification in a specialty or subspecialty.]

Board—State Board of Osteopathic Medicine.

* * * * *

Category 2 activities—Continuing medical education activities approved for AOA Category 2 credit, ACCME Category 2 credit or AMA PRA Category 2 credit.

COMLEX—Comprehensive Osteopathic Medical Licensing Examination.

Emergency medical services personnel—Individuals who deliver emergency medical services and who are regulated by the Department of Health under the Emergency Medical Services Act (35 P.S. §§ 6921–6938).

FLEX—The uniform written examination of the Federation of State Medical Boards of the United States, Inc.

Graduate medical training—An approved internship in accordance with § 25.262 (relating to approved internships) or an approved residency in accordance with § 25.263 (relating to approved residencies and other approved graduate training programs).

Immediate family member—A parent, a spouse, a child or an adult sibling residing in the same household.

Jurisdiction—A state, territory or country.

NBOME—The National Board of Osteopathic Medical Examiners.

National Board Examination—[The uniform written examination of the NBOME] The NBOME COMLEX, or its successor examination.

PGY—Post-Graduate Year.

Subchapter F. FEES

§ 25.231. Schedule of fees.

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

		<i>Effective August 15, 2020</i>	<i>Effective July 1, 2022</i>	<i>Effective July 1, 2024</i>
(1) <i>Osteopathic Physician</i>				
	Application for unrestricted license to practice as an osteopathic physician—original reciprocal, boundary or by endorsement	\$170	\$185	\$205
	Application for short-term camp license as an osteopathic physician	\$100	\$110	\$120
	Temporary graduate training license or graduate training certificate	\$115	\$125	\$140
	Annual renewal of temporary graduate training license or graduate training certificate	\$25	\$25	\$25
	* * * * *			

Subchapter G. LICENSING, EDUCATION AND
GRADUATE TRAINING

LICENSURE REQUIREMENTS

§ 25.241. Unrestricted license by examination.

To secure an unrestricted license for the practice of osteopathic medicine and surgery by examination, the applicant shall meet the following educational and professional requirements. The applicant shall have:

(1) Graduated from an approved osteopathic medical college.

(2) Received [**passing scores on Parts I, II and III of**] a **passing score** on the National Board Examination. The applicant shall pay the required examination fee at the direction of the National Board **Examination provider**.

(3) [**Received a passing score on the practical examination in osteopathic diagnosis and manipulative therapy developed and administered by the Board or a designated professional testing organization**] [**Reserved**].

(4) Successfully completed an approved internship **in accordance with § 25.262 (relating to approved internships) or an approved residency in accordance with § 25.263 (relating to approved residencies and other approved graduate training programs)**.

(5) Complied with the malpractice insurance requirements of the [**Health Care Services Malpractice Act (40 P.S. §§ 1301.101—1301.1006)**] **Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910)** and regulations thereunder.

(6) Completed an application obtained from the Board detailing education and experience and indicating compliance with the applicable provisions of the act and this chapter, submitted with the required fees.

§ 25.242. Unrestricted license by endorsement **under section 9 of the act**. To secure an unrestricted license for the practice of osteopathic medicine and surgery by endorsement, the applicant shall meet the following educational and professional requirements. The applicant shall have:

(1) Provided evidence of a valid license in good standing to practice osteopathic medicine and surgery in another state or territory of the United States or Canada whose standards are substantially equivalent to those established by the Board and who reciprocate with the Commonwealth.

(2) Graduated from an approved osteopathic medical college.

(3) Received a passing score on the National Board Examination, FLEX or a written state or territorial examination developed by the NBOME or otherwise acceptable to the Board.

(4) [**Received a passing score on the practical examination in osteopathic diagnosis and manipulative therapy developed and administered by the Board or a designated professional testing organization**] [**Reserved**].

(5) Successfully completed an approved internship **in accordance with § 25.262 (relating to approved internships) or an approved residency in accordance**

with § 25.263 (relating to approved residencies and other approved graduate training programs).

(6) Complied with the malpractice insurance requirements of the [**Health Care Services Malpractice Act (40 P.S. §§ 1301.101—1301.1006)**] **Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910)** and regulations thereunder.

(7) Completed an application obtained from the Board detailing education and experience and indicating compliance with the applicable provisions of the act and this chapter, submitted with the required fees.

§ 25.244. Temporary **graduate training** license.

(a) A temporary **graduate training** license is required of an osteopathic medical college graduate for permission to participate in an approved graduate [**osteopathic or**] medical training program in this Commonwealth.

(b) Specific requirements for temporary **graduate training** [**licensure**] **license** are as follows. The applicant shall have:

(1) Graduated from an approved osteopathic medical college.

(2) Submitted an application obtained from the Board, together with the required fee.

(c) The temporary **graduate training** license permits the graduate to train only within the complex of the hospital and its affiliates where the graduate is engaged in an approved graduate [**osteopathic or**] medical training program.

(d) The temporary **graduate training** license is valid for 1 year, [**after which it shall be surrendered to the Board. The Board may extend the validity of the temporary training license within its discretion**] **but may be renewed annually by the filing of a renewal form obtained from the Board and payment of the required fee**.

(Editor's Note: Sections 25.248 and 25.249 are proposed to be added and are printed in regular type to enhance readability.)

§ 25.248. Licensure by endorsement under **63 Pa.C.S. § 3111**.

(a) *Requirements for issuance*. To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a current license, certificate, registration or permit in good standing in another jurisdiction whose standards for licensure are substantially equivalent to or exceed those established under the following:

(i) The act or the Acupuncture Licensure Act (ALA) (63 P.S. §§ 1801—1806.1).

(ii) Regulations of the Board at one of the following sections, as applicable:

(A) Section 25.161 (relating to criteria for licensure as a physician assistant).

(B) Section 25.241 (relating to unrestricted license by examination).

(C) Section 25.303 (relating to requirements for licensure as an acupuncturist and registration as an acupuncturist supervisor).

(D) Section 25.507 (relating to criteria for licensure as a respiratory therapist).

(E) Section 25.704 (relating to application for licensure).

(F) Section 25.803 (relating to application for perfusionist license).

(G) Section 25.903 or § 25.904 (relating to application for genetic counselor license; or application for genetic counselor license by noncertified persons).

(2) An applicant shall submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(i) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(ii) The copy of the applicable law, regulation or other rule must include the enactment date.

(3) Demonstrate competency in the practice of the profession by establishing, at a minimum, that the applicant has actively engaged in the licensed practice of the profession under a license, certificate, registration or permit in a substantially equivalent jurisdiction or jurisdictions, for at least 2 years of the 5 years immediately preceding the filing of the application with the Board.

(4) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice prohibited by section 15 of the act (63 P.S. § 271.15).

(5) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(6) Have paid the applicable application fee as required by § 25.231 (relating to schedule of fees).

(7) Have satisfied the professional liability insurance coverage requirements as required under the act or section 3.2 of the ALA (63 P.S. § 1803.2) and this chapter.

(8) Have applied for a license, certificate, registration or permit in accordance with this chapter in the manner and format prescribed by the Board.

(9) Have completed 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(10) For applicants for an acupuncturist license by endorsement, demonstrate English language proficiency by demonstrating one of the following:

- (i) The applicant's educational program was in English.
- (ii) The applicant's training was at an English-speaking facility.
- (iii) The applicant's entry examination was taken in English.

(iv) The applicant has achieved a scaled score of 83 on the Test of English as a Foreign Language (TOEFL®) internet-based test, 220 on the TOEFL® computer-based test or 550 on the TOEFL® paper-based test, or an equivalent score on a successor examination of the TOEFL®. The Board will make available a list of Board-approved successor examinations on its web site.

(v) The applicant has achieved a score of 350 in each of the four sub-tests of the Occupational English Test.

(vi) The applicant has achieved a passing score on an English language proficiency examination equivalent to the TOEFL® or Occupational English Test, as determined by the Board. The Board will make available a list of equivalent Board-approved English language proficiency examinations on its web site.

(vii) The applicant was required to demonstrate English language proficiency to be issued a license in the applicant's jurisdiction.

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and submit additional information, including supporting documentation relating to competency, experience or English proficiency. The applicant may request the interview to be conducted by videoconference or teleconference for good cause shown.

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(4) and (5), the Board may, in its discretion, determine that an act prohibited under section 15 of the act or a disciplinary action taken by another jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

§ 25.249. Provisional endorsement license under 63 Pa.C.S. § 3111.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 25.248 (relating to licensure by endorsement under 63 Pa.C.S. § 3111).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) The Board completes its assessment of the applicant and denies or grants the license.

(2) The holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) The provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 25.248 after expiration or termination of a provisional endorsement license. The individual may not be issued a subsequent provisional endorsement license.

LICENSURE EXAMINATIONS

§ 25.251. General requirements.

(a) An applicant is eligible for unrestricted licensure **by examination** only if the applicant has passed [**the required written examination and the practical examination**] **the National Board Examination**.

(b) An applicant shall apply directly to the NBOME, or its successor, for admission to the required parts of the National Board Examination and shall pay the required fees at the direction of the NBOME or its successor.

(c) [An applicant for admission to the practical examination in osteopathic diagnosis and manipulative therapy shall be a graduate of an approved osteopathic medical college and shall fulfill the requirements of the act and this chapter] [Reserved].

(d) An applicant [is eligible for admission to the practical examination after graduation from an approved osteopathic medical college, but] is not eligible for unrestricted licensure until the applicant has completed either an approved internship in accordance with § 25.262 (relating to approved internships) or an approved residency in accordance with § 25.263 (relating to approved residencies and other approved graduate training programs).

(e) [An applicant for the practical examination and State written, if applicable, may obtain an application form by contacting the Board office at the following address: State Board of Osteopathic Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649] [Reserved].

§ 25.254. [Frequency and content of examinations] [Reserved].

[(a) A minimum of two written examinations shall be administered each year.

(b) The practical examination in osteopathic diagnosis and manipulative therapy shall test diagnostic and therapeutic techniques applicable to the entire body.]

EDUCATION AND GRADUATE TRAINING PROGRAMS

§ 25.262. Approved internships.

(a) [The Board will work cooperatively with the AOA under standards established by the Committee on Post-Doctoral Training of the AOA to evaluate and approve internship programs prerequisite to unrestricted licensure in this Commonwealth. AOA-approved programs are approved by the Board, but the Board may conduct or cause to be conducted inspections it deems necessary to assure educational quality.] An approved internship program prerequisite to unrestricted licensure in this Commonwealth must be one of the following:

- (1) An AOA-approved internship.
- (2) An ACGME-accredited training program that has received ACGME Osteopathic Recognition.
- (3) An ACGME-accredited training program that includes 24 weeks of rotations in internal medicine, general surgery, pediatrics, family medicine, emergency medicine and obstetrics/gynecology.

(b) [Internship programs which have not been approved by the AOA Board of Trustees may be approved by the Board at its discretion in the event] The Board, in its discretion, and upon a showing of exigent circumstances [wherein a sufficient number of AOA-approved internship positions are not available], may approve other internship

programs to accommodate osteopathic medical school graduates desiring to obtain licensure in this Commonwealth.

§ 25.263. [Other] Approved residencies and other approved graduate training programs.

[The Board will work cooperatively with the AOA under standards established by the Committee on Post-Doctoral Training of the AOA to evaluate and approve other supervised graduate training programs leading to certification in a medical specialty by the appropriate specialty board of the AOA. AOA-approved programs are approved by the Board, but the Board may conduct or cause to be conducted inspections it deems necessary to ensure educational quality.] An approved residency program prerequisite to unrestricted licensure in this Commonwealth must be one of the following:

- (1) An AOA-approved or accredited residency program.
- (2) An ACGME-approved or accredited residency program.
- (3) A training program provided by a hospital accredited by the Joint Commission on Accreditation of Hospitals which is acceptable to the AOA or ABMS toward the training it requires for certification in a specialty or subspecialty.
- (4) A graduate training program otherwise approved by the Board.

§ 25.264. Approval dates.

(a) [On and after July 1, 1992, internships prerequisite to unrestricted licensure shall have been approved in accordance with § 25.262 (relating to approved internships)] [Reserved].

(b) A candidate for unrestricted licensure [applying on or after July 1, 1993,] shall have completed an [AOA-approved] approved internship in accordance with § 25.262 (relating to approved internships), an approved residency in accordance with § 25.263 (relating to approved residencies and other approved graduate training programs), or an internship or residency which had been approved by the Board at the time the candidate participated in the program.

Subchapter I. REGISTRATION AND PRACTICE OF ACUPUNCTURISTS

§ 25.303. Requirements for licensure as an acupuncturist and registration as an acupuncturist supervisor.

(a) The Board will register as an acupuncturist a nonosteopathic physician who satisfies the following requirements:

(1) Has successfully completed an acupuncture program which includes a course in needle sterilization techniques.

(i) If the acupuncture education program is taken within the United States, the applicant shall complete 2 academic years of acupuncture training and shall complete 2 academic years of a college level educational program.

(ii) If the educational program is taken outside of the United States, an applicant shall graduate from a college

with a program of study including Oriental medicine and document 300 class hours of study in acupuncture training.

(2) Has obtained a passing grade on an acupuncture examination or has been certified by NCCA by credential review. The Board accepts the passing grade on the certifying examination of the NCCA as determined by the NCCA, and accepts a passing grade on any state's acupuncture examination taken prior to January 1, 1987, as determined by the licensing or registering authority in the other state. If the examination was not taken in English, but is otherwise acceptable and a passing score was secured, the Board will accept the examination result if the applicant **[has also secured a passing score on the test of English as a Foreign Language (TOEFL®).] can demonstrate English language proficiency by one of the following:**

(i) The applicant's educational program was in English.

(ii) The applicant's training was at an English-speaking facility.

(iii) The applicant's entry examination was taken in English.

(iv) The applicant has achieved a scaled score of 83 on the Test of English as a Foreign Language (TOEFL®) internet-based test, 220 on the TOEFL® computer-based test or 550 on the TOEFL® paper-based test or an equivalent score on a successor examination of the TOEFL®. The Board will make available a list of Board-approved successor examinations on its web site.

(v) The applicant has achieved a score of 350 in each of the four sub-tests of the Occupational English Test.

(vi) The applicant has achieved a passing score on an English language proficiency examination equivalent to the TOEFL® or Occupational English Test, as determined by the Board. The Board will make available a list of equivalent Board-approved English language proficiency examinations on its web site.

(vii) The applicant was required to demonstrate English language proficiency to be issued a license in another jurisdiction.

(2.1) Completes at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(3) Submits an application for licensure as an acupuncturist accompanied by the required fee.

(b) The Board will license as an acupuncturist an osteopathic physician who satisfies the following requirements:

(1) Has successfully completed 200 hours of training in acupuncture medical programs including examinations required by those programs or has engaged in clinical acupuncture practice for at least 3 years prior to January 1, 1987, documented to the satisfaction of the Board.

(1.1) Completes at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 25.417(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) Submits an application for licensure as an acupuncturist accompanied by the required fee.

* * * * *

[Pa.B. Doc. No. 24-723. Filed for public inspection May 17, 2024, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

[49 PA. CODE CH. 35]

Broker Price Opinions

The State Real Estate Commission (Commission) proposes to amend Chapter 35 (relating to State Real Estate Commission) by deleting the current temporary regulations in Subchapter I (relating to broker price opinions—temporary regulations) and adding permanent regulations in Subchapter J (relating to broker price opinions). The proposed permanent regulations are set forth in Annex A.

Effective Date

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

Statutory Authority

The act of June 29, 2018 (P.L. 500, No. 75) (Act 75 of 2018) amended the Real Estate Licensing and Registration Act (act) (63 P.S. §§ 455.101—455.902) and authorizes the Commission to promulgate regulations for the implementation of section 608.6 of the act (63 P.S. § 455.608f) regarding broker price opinions. Section 404 of the act (63 P.S. § 455.404) also authorizes the Commission to promulgate rules or regulations to administer and effectuate the purposes of the act.

Background and Need for the Amendment

Act 75 of 2018 made two major changes to the act. It increased the minimum amount of education necessary for licensure as a salesperson and it allowed for broker price opinions to be performed by licensed brokers, associate brokers and salespersons. Broker price opinions are considered another form of valuation for a property. Act 75 of 2018 amended section 201 of the act (63 P.S. § 455.201) to define a broker price opinion as “[a]n estimate prepared by a broker, associate broker or salesperson that details the probable selling price of a particular parcel of real property and provides a varying level of detail about the property's condition, market and neighborhood, and information on comparable sales, but does not include an automated valuation model. . . .” Until the amendments were made to the act, a broker price opinion was considered an appraisal under Pennsylvania law which could be performed only by a certified real estate appraiser. Broker price opinions are most frequently used by banks to determine an approximate value of the bank's real estate inventory. Prior to Act 75 of 2018, banks would have to either obtain a formal appraisal or a comparative market analysis. Banks find it cost prohibitive to pay for a full appraisal when they only want a quick opinion as to the value. The purpose of a comparative market analysis is for a real estate licensee to give an opinion of value for the purpose of listing a property for sale or aiding a buyer to determine the offering price. A comparative market analysis would not help a bank for its needs concerning valuation of its inventory. A broker price opinion creates a viable alternative for those consumers that would just like an estimate of value for their

property without having to pay for an expensive appraisal or to have the property listed for sale. The trend across the country is to allow broker price opinions. The amendments to the act keep this Commonwealth current with practices in other states.

Act 75 of 2018 also authorized the Commission to promulgate temporary regulations to facilitate the prompt implementation of the practice of broker price opinions by brokers, associate brokers and salespersons. This proposed rulemaking will make the temporary regulations permanent.

Description of the Proposed Amendments

This proposed rulemaking replaces Subchapter I with Subchapter J which proposes limitations and requirements for broker price opinions, including required disclosures, signature requirements, permissible uses and required experience and education for brokers, associate brokers and salespersons.

Definitions

The Commission proposes to amend § 35.201 (relating to definitions) to add the following terms, which are defined in the act: “broker price opinion” and “short sale.” The definition of “comparative market analysis” is proposed to be amended to comport with the act. In addition, “automated valuation model” is defined in accordance with section 1125(d) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. § 3354(d)). The definitions for “broker price opinion,” “short sale” and “automated valuation model” are identical to the definitions provided in § 35.401 of the temporary regulations. The amended definition of “comparative market analysis” was not included in the temporary regulations. For the sake of clarity, all of the foregoing definitions have been consolidated in § 35.201 rather than defining terms separately in Subchapter J. Section 35.401 of the temporary regulations is proposed to be reserved.

Broker price opinion

Section 35.501 (relating to broker price opinion) lists the requirements of a broker price opinion. Under subsection (a), a broker price opinion is required to have a specific statement displayed indicating that the broker price opinion was not prepared in accordance with the Uniform Standards of Professional Appraisal Practice and that it is not to be construed as an appraisal. Subsection (b) requires a signature by the person who prepares the broker price opinion and lists the information that must be on every broker price opinion, as required by section 608.6(c) of the act. Based on the suggestion of one of the comments received from stakeholders during the drafting of the temporary regulations, the Commission added “cost data” to subsection (b)(4) as another way of basing a conclusion as to price. Subsection (b)(9) requires the license numbers of the preparer and any broker or associate broker reviewing the broker price opinion because the Commission believes it is important to identify all licensees involved with a broker price opinion.

Consistent with the act, subsection (c) requires that any compensation for preparing a broker price opinion be paid directly to the employing broker of the licensee who prepared the broker price opinion. This mirrors section 608.6(d) of the act but adds the word “employing” in front of broker. The Commission believes that adding the word “employing” in front of broker clarifies that only the broker can be compensated by a consumer and is consistent with section 604(a)(12) of the act (63 P.S. § 455.604(a)(12)), which prohibits an associate broker or

salesperson from accepting a commission or other valuable consideration from anyone other than the employing broker. Subsections (d) and (e) set forth the minimum requirements for a salesperson to prepare a broker price opinion, which includes experience, education and required review and signature by the employing broker or designated associate broker as set forth in section 608.6(j) of the act.

Section 35.501 is nearly identical to § 35.402 of the temporary regulations. The lone differences are proposed amended subsection (c) begins “[a]ny fee . . .” rather than “[a] fee . . .”; and the cross-reference in subsection (d) to “§ 35.404” is proposed to be amended to “35.503.”

Use of broker price opinions

Section 35.502 (relating to use of broker price opinion) is identical to § 35.403 of the temporary regulations. Subsection (a) lists the permissible uses of a broker price opinion as set forth in section 608.6(e) of the act. Subsection (b) lists the prohibited uses of a broker price opinion as set forth in section 608.6(f) of the act.

Broker price opinion education

Section 35.503 (relating to broker price opinion education) sets forth the educational requirements a licensee must complete prior to preparing a broker price opinion. Subsection (a) requires brokers, associate brokers and salespersons to complete a Commission-approved initial education course in the preparation of broker price opinions. Subsection (b) requires a broker or associate broker to complete the Commission-approved initial education course in the preparation of broker price opinions prior to signing a broker price opinion prepared by a salesperson. Subsection (c) requires brokers, associate brokers and salespersons to complete at least 3 hours of Commission-approved continuing education in broker price opinion topics prior to preparing a broker price opinion. Subsection (d) requires brokers, associate brokers and salespersons to retain the transcript or certificate of instruction and provide a copy to the Commission upon request. Under subsection (e), the Commission pre-approves four broker precensure courses in the topics of valuation of residential property, valuation of income-producing property, basic appraisal principles and basic appraisal procedures for the initial educational requirement.

Section 35.503 is substantially similar to § 35.404 of the temporary regulations. Amended subsection (d) in this proposed rulemaking deletes the language “who has completed a Commission-approved initial education course, a broker precensure course listed in subsection (e) or continuing education referenced in subsection (c)” from the temporary regulation and adds “for all required broker price opinion courses.” The phrase “Commission has approved the” is proposed to be added to subsection (e).

Fiscal Impact and Paperwork Requirements

This proposed rulemaking should have no adverse fiscal impact on the Commonwealth or its political subdivisions. The Commission will not incur any additional costs due to the review and approval of the educational courses because those costs are paid for through application fees paid by the education providers. Those brokers, associate brokers and salespersons who want to perform broker price opinions will incur minimal costs associated with obtaining the necessary initial education if they have not already done so. On average, education providers are charging approximately \$10 per credit hour for broker price opinion education. These costs are minimal and not prohibitive to obtain the education to perform a broker

price opinion. This proposed rulemaking does not increase the initial education or continuing education hour requirements. Costs to the licensee are included in what is already required for licensure and retention of the license. Also, licensees who complete the initial education requirement will be required to retain the transcript or certificate of instruction for as long as the licensees are performing broker price opinions.

Sunset Date

The Commission continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 7, 2024, 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 chairperson of the Consumer Protection and Professional Licensure Committee of the Senate and the chairperson of the Professional Licensure Committee of the House of Representatives. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Marc Farrell, Counsel, State Real Estate Commission, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov, within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin. Reference "No. 16A-5626 (Broker Price Opinions)" when submitting comments.

GAETANO PICCIRILLI,
Chairperson

Fiscal Note: 16A-5626. No fiscal impact; recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.201. Definitions.

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

* * * * *

Associate broker—An individual broker who is employed by another broker.

Automated valuation model—A computerized model used by mortgage originators and secondary

market issuers to determine the collateral worth of a mortgage secured by a consumer's principal dwelling.

Branch office—Any fixed location in this Commonwealth, other than the main office, maintained by a broker or cemetery broker, devoted to the transaction of real estate business.

* * * * *

Broker of record—The individual broker responsible for the real estate transactions of a partnership, association or corporation that holds a broker's license.

Broker—An individual or entity holding either a standard or reciprocal license, that, for another and for a fee, commission or other valuable consideration, does one or more of the following:

- (i) Negotiates with or aids a person in locating or obtaining for purchase, lease or acquisition of interest in real estate.
(ii) Negotiates the listing, sale, purchase, exchange, lease, time share and similarly designated interests, financing or option for real estate.
(iii) Manages real estate.
(iv) Represents himself or itself as a real estate consultant, counsellor or house finder.
(v) Undertakes to promote the sale, exchange, purchase or rental of real estate. This subparagraph does not apply to an individual or entity whose main business is that of advertising, promotion or public relations.
(vi) Undertakes to perform a comparative market analysis.
(vii) Attempts to perform one of the actions listed in subparagraphs (i)–(vi).

Builder-owner salesperson—An individual holding either a standard or reciprocal license, who is a full-time employee of a builder-owner of single-family and multi-family dwellings located in this Commonwealth and who is authorized, for and on behalf of, the builder-owner, to do one or more of the following:

- (i) List for sale, sell or offer for sale real estate of the builder-owner.
(ii) Negotiate the sale or exchange of real estate of the builder-owner.
(iii) Lease or rent, or offer to lease, rent or place for rent, real estate of the builder-owner.
(iv) Collect or offer, or attempt to collect, rent for real estate of the builder-owner.

* * * * *

Comparative market analysis—A written analysis, opinion or conclusion by a [contracted buyer's agent, transactional licensee or an actual or potential seller's agent] broker, associate broker or salesperson relating to the probable sale or rental price of a specified [piece of real estate] parcel of real property in an identified real estate market at a specified time, [offered either for the purpose of determining the asking/offering price for the property by a specific actual or potential consumer or for the purpose of securing a listing agreement with a seller] which is prepared for any of the following:

- (i) An existing or potential seller, buyer, lessor or lessee of the parcel of real property.

(ii) A person making decisions or performing due diligence related to the potential listing, offering, sale, option, lease or acquisition price of the parcel of real property.

Consumer—An individual or entity who is the recipient of any real estate service.

* * * * *

Seller agent—A licensee who enters into an agency relationship with a seller/landlord.

Short sale—A sale of real property in which the seller's proceeds are less than the amount required to pay off all liens secured by the property.

Standard license—A license, other than a reciprocal license, issued to an individual or entity who has fulfilled the education/experience and examination requirements of the act.

* * * * *

Subchapter I. [**BROKER PRICE OPINIONS—TEMPORARY REGULATIONS**]
[Reserved.]

§§ 35.401—35.404. [Reserved].

(Editor's Note: The following subchapter is proposed to be added and is printed in regular type to enhance readability.)

Subchapter J. BROKER PRICE OPINIONS

Sec.	
35.501.	Broker price opinion.
35.502.	Use of broker price opinion.
35.503.	Broker price opinion education.

§ 35.501. Broker price opinion.

(a) A broker price opinion must contain the following statement displayed conspicuously and without change:

This analysis has not been prepared in accordance with the Uniform Standards of Professional Appraisal Practice which require valuers to act as unbiased, disinterested third parties with impartiality, objectivity and independence and without accommodation of personal interest. It is not to be construed as an appraisal and may not be used as such for any purpose.

(b) A broker price opinion must be signed manually or electronically by the person who prepared it and must contain all of the following information:

- (1) An identification of the intended users and intended uses of the broker price opinion, if known.
- (2) A brief description of the subject property.
- (3) A brief description of the property interest to be priced.
- (4) The basis for the conclusion as to the price, including applicable market data, cost data or capitalization computation.
- (5) Each assumption or limiting condition.
- (6) Each existing or contemplated interest of the licensee who prepared the broker price opinion.
- (7) The effective date of the broker price opinion.
- (8) The date that the document is signed.
- (9) The real estate license number of the preparer and, if applicable, the reviewing broker or associate broker.

(c) A fee or valuable consideration for a broker price opinion, if any, shall be paid directly to the employing broker.

(d) A salesperson may not prepare a broker price opinion unless the salesperson has held an active license for the 3 years immediately preceding the effective date of the broker price opinion and has satisfied the educational requirements in § 35.503 (relating to broker price opinion education).

(e) A broker price opinion prepared by a salesperson must be signed by the salesperson and reviewed and signed by the employing broker or a designated associate broker.

§ 35.502. Use of broker price opinion.

(a) A broker price opinion may be prepared by a broker, associate broker or salesperson only for use in conjunction with any of the following:

- (1) A property owned by a lender after an unsuccessful sale at a foreclosure auction.
- (2) A modification of a first or junior mortgage or equity line of credit.
- (3) A short sale of a property.
- (4) An evaluation or monitoring of a portfolio of properties.

(b) A broker price opinion may not be prepared by a broker, associate broker or salesperson for use:

- (1) As the basis to determine the value of a parcel of real property for a mortgage loan origination, including a first or junior mortgage, refinancing or equity line of credit.
- (2) In connection with any of the following:
 - (i) An eminent domain proceeding.
 - (ii) A Federal, State or local tax appeal.
 - (iii) A bankruptcy or insolvency proceeding.
 - (iv) An action or proceeding involving divorce or equitable distribution of property.
 - (v) Any other action or proceeding before a court of record.
 - (vi) The distribution of a decedent's estate.

§ 35.503. Broker price opinion education.

(a) A broker, associate broker or salesperson may not prepare a broker price opinion unless the broker, associate broker or salesperson has completed a Commission-approved initial education course in the preparation of broker price opinions.

(b) A broker or associate broker may not sign a broker price opinion prepared by a salesperson unless the broker or associate broker has completed a Commission-approved initial education course in the preparation of broker price opinions.

(c) A broker, associate broker or salesperson may not prepare a broker price opinion unless the broker, associate broker or salesperson has completed at least 3 hours of Commission-approved continuing education in broker price opinion topics during the current or immediately preceding 2-year license period.

(d) A broker, associate broker or salesperson shall retain the transcript or certificate of instruction for all required broker price opinion courses and shall provide a copy to the Commission upon request.

(e) The Commission has approved the following broker prelicensure courses to satisfy the initial education requirement in subsections (a) and (b):

- (1) Valuation of residential property.
- (2) Valuation of income-producing property.
- (3) Basic appraisal principles.
- (4) Basic appraisal procedures.

[Pa.B. Doc. No. 24-724. Filed for public inspection May 17, 2024, 9:00 a.m.]

END OF ISSUE

