

PENNSYLVANIA BULLETIN

Volume 54
Saturday, November 2, 2024 • Harrisburg, PA
Number 44
Pages 7101—7338

See Part II page 7199
for the Notices

Part I

Agencies in this issue

The Courts
Department of Agriculture
Department of Banking and Securities
Department of Environmental Protection
Department of Health
Department of Human Services
Department of Labor and Industry
Department of Revenue
Department of Transportation
Fish and Boat Commission
Health Care Cost Containment Council
Insurance Department
Municipal Police Officer's Education and
Training Commission
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
Public School Employees' Retirement Board
State Board of Medicine



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

No. 600, November 2024

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE/NEW SUBSCRIPTION

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

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

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

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

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

Postmaster send address changes to:

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

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

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

Copyright © 2024 Commonwealth of Pennsylvania

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

CONTENTS

THE COURTS

APPELLATE PROCEDURE

- Proposed amendment of Pa.R.A.P. 341 and 904 7110
 Proposed amendment of Pa.R.A.P. 1925 7114

JUDICIAL SYSTEM GENERAL PROVISIONS

- Order amending Rule 303 of the Pennsylvania
 Minor Judiciary Education Rules; No. 996 Su-
 preme Court rules docket 7110

LOCAL COURT RULES

Crawford County

- In the matter of the modification of local civil rules
 of procedure; No. AD 2008-1807. 7116

Montgomery County

- Amendment to local rule of judicial administration
 5104*—custody of exhibits.; No. 2024-00001 7117

RULES OF JUDICIAL ADMINISTRATION

- Order amending Rule 1905 of the Pennsylvania
 Rules of Judicial Administration; No. 626 judicial
 administration docket 7110

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

- Program requirements for the 2024-2025 Pennsylva-
 nia Fresh Food Financing Initiative Grant Pro-
 gram (Part II) 7199

DEPARTMENT OF BANKING AND SECURITIES

Notices

- Actions on applications (Part II) 7200

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

- Applications, actions and special notices (Part II) . . . 7202
 Availability of technical guidance (Part II) 7284
 Recycling grant awards under the Municipal Waste
 Planning, Recycling and Waste Reduction Act of
 1988, Act 101 (Part II) 7284

DEPARTMENT OF HEALTH

Notices

- Long-term care nursing facilities; requests for ex-
 ception (Part II) 7289
 Spinal Cord Research Advisory Committee meeting
 (Part II) 7290

DEPARTMENT OF HUMAN SERVICES

Proposed Rulemaking

- Psychiatric residential treatment facilities 7156

Notices

- Corrected fee schedule rates for select services
 funded through the Office of Developmental Pro-
 grams' consolidated, community living, person/
 family directed support and adult autism waivers
 and the Community Intellectual Disability Base-
 Funded Program (Part II) 7290

- Disproportionate share payments and supplemental
 payments to qualifying hospitals (Part II) 7293

DEPARTMENT OF LABOR AND INDUSTRY

Notices

- Bureau of Occupational and Industry Safety fee
 schedule update (Part II) 7294

DEPARTMENT OF REVENUE

Notices

- Pennsylvania Gingerbread Dough Doubler fast play
 game 5262 (Part II) 7304
 Pennsylvania Merry and Bright fast play game 5263
 (Part II) 7310
 Pennsylvania Merry Money Tree fast play game
 5260 (Part II) 7317
 Pennsylvania NATIONAL LAMPOON'S CHRIST-
 MAS VACATION fast play game 5261 (Part II) . . . 7325

DEPARTMENT OF TRANSPORTATION

Notices

- Contemplated sale of land no longer needed for
 transportation purposes (Part II) 7332
 Inspection Advisory Board meeting (Part II) 7333

FISH AND BOAT COMMISSION

Notices

- Additions to list of Class A wild trout waters;
 October 2024 (Part II) 7333
 Classification of wild trout streams; additions; Octo-
 ber 2024 (Part II) 7333
 Special regulation designations (Part II) 7333

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

- Meeting scheduled (Part II) 7334

INSURANCE DEPARTMENT

Notices

- Application for approval to redomesticate to the
 Commonwealth of Pennsylvania by Agents Na-
 tional Title Insurance Company (Part II) 7334
 Bankers Life and Casualty Company; rate increase
 filing for several individual LTC forms (BNLB-
 134268170); rate filing (Part II) 7334
 Review procedure hearings; cancellation or refusal
 of insurance (2 documents) (Part II) 7334, 7335

MUNICIPAL POLICE OFFICER'S EDUCATION AND TRAINING COMMISSION

Notices

- Certification examination minimum passing score
 (Part II) 7335

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Rulemaking

- Regulations governing the Public Utility Commis-
 sion's general provisions, 52 Pa. Code Chapters 1,
 3, and 5 (relating to rules of administrative
 practice and procedure; special provisions; and
 formal proceedings) 7125

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

7104

Notices

Service of notice of motor carrier applications (Part II) 7335

PHILADELPHIA PARKING AUTHORITY

Notices

Service of notice of motor carrier applications in the City of Philadelphia (Part II) 7336

Service of reminder notice of citation complaint (Part II)..... 7337

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled (Part II)..... 7337

STATE BOARD OF MEDICINE

Rules and Regulations

Licensure by endorsement..... 7118

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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

Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

Reproduction, Dissemination or Publication of Information

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

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

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

List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1	3516
5	6410
6	7, 6410
7	3018, 6414

Proposed Rules

105	5107
601a	4437
602a	4437
603a	4437
604a	4437
605a	4437
606a	4437
607a	4437
608	4437
609	4437
610	4437
611	4437
612	4437
613	4437
614	4437
615	4437

Statements of Policy

1	5110
9	16, 496, 730, 1334, 2350, 3404, 4134, 5238, 5826, 6115, 6264, 6713
58	1340
68	1340

7 Pa. Code (Agriculture)

Proposed Rules

59a	3318
150	5728, 5985

10 Pa. Code (Banking and Securities)

Statements of Policy

19	2092
----	------

12 Pa. Code (Commerce, Trade and Local Government)

Adopted Rules

145	145
-----	-----

22 Pa. Code (Education)

Proposed Rules

4	3353
---	------

25 Pa. Code (Environmental Protection)

Adopted Rules

801	6424
901	4117
1021	2776

Proposed Rules

250	3937
801	1953

28 Pa. Code (Health and Safety)

Statements of Policy

51	148
----	-----

31 Pa. Code (Insurance)

Proposed Rules

37	2492
37a	2492
5001	2993

34 Pa. Code (Labor and Industry)

Proposed Rules

501	6258
-----	------

37 Pa. Code (Law)

Adopted Rules

301	4122
481	3151

Statements of Policy

96a	4327
-----	------

40 Pa. Code (Liquor)

Adopted Rules

5	145, 6112
---	-----------

Proposed Rules

3	722
5	722
9	722
11	722

43 Pa. Code (Military Affairs)

Adopted Rules

9	5983
---	------

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

1	4318
5	3152
6	4322
16	2780, 7118
18	2780
23	368
29	6250
31	5092
36	3157
43b	6570
45	375

Proposed Rules

15	4127
25	2798
27	1060
31	3618
33	4130
35	2806
36	3623
40	383

Statements of Policy

16	3162
21	148, 3163
25	3165
41	3167
47	3169
48	3169
49	3169

51 Pa. Code (Public Officers)

Adopted Rules

11 2077
 13 2077
 15 2077
 17 2077
 19 2077
 21 2077
 23 2077
 25 2077

52 Pa. Code (Public Utilities)

Adopted Rules

59 5729

Proposed Rules

1 7125
 3 7125
 5 7125

Statements of Policy

69 1670, 1675, 3036

55 Pa. Code (Human Services)

Proposed Rules

1187 6427
 1189 6427
 1330 7156
 3800 7156
 5330 7156

Statements of Policy

1 148
 4210 1956

58 Pa. Code (Recreation)

Adopted Rules

65 5613, 5614
 75 1054
 97 1056
 107 1057
 111 1056, 1058
 133 1315, 6707
 135 1316
 139 3021
 141 1318, 1319, 3030, 3033
 147 5615, 6708
 617b 1537, 2923, 6594
 617c 2923
 623b 2923
 623c 2923
 627b 2923
 627c 2923
 629b 2923
 629c 2923
 631b 2923
 631c 2923
 633b 1537, 2923, 6594
 633c 2923
 635b 2923
 635c 2923
 639b 2923
 639c 2923
 641b 2923
 641c 2923
 643b 2923
 643c 2923
 645b 2923
 645c 2923
 647b 2923
 647c 2923

649b 2923
 649c 2923
 651b 6594
 653b 1537, 2923
 653c 2923
 655b 2923
 655c 2923
 657b 2923
 657c 2923
 659b 2923
 659c 2923
 670b 2923
 670c 2923
 674b 1537
 685b 2923
 685c 2923
 687b 2923
 687c 2923
 688b 2923
 688c 2923
 689 2923
 689a 2923
 690 1537

Proposed Rules

61 5618
 65 3523, 3524
 95 5619
 99a 5620
 117 3633
 133 5621
 139 1321, 1668
 141 1330, 1332
 147 3035, 5622
 503a 6710
 603a 2085
 633a 2085
 687a 2085
 812a 2085
 815a 6710
 819a 2085
 1119a 6710

Statements of Policy

603b 2093

61 Pa. Code (Revenue)

Proposed Rules

5 2996
 153 2999

67 Pa. Code (Transportation)

Adopted Rules

171a 719
 171b 719
 173 5616

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

5 3315
 19 7110

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 6561
 33 7110
 71 138, 2219, 5472
 81 1946, 6696
 207 1525
 303a 1180

Proposed Rules
 71714, 3907
 81 1041
 87 1041

207 Pa. Code (Judicial Conduct)
Adopted Rules
 1 1296
 3 1297

210 Pa. Code (Appellate Procedure)
Adopted Rules
 1 5079
 9 5079
 21 4426
 23 4426
 63 4431
 65 2481
 69 6418

Proposed Rules
 3 7110
 9 7110
 19 7114

225 Pa. Code (Rules of Evidence)
Adopted Rules
 Article VI 5726

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 200 138
 1000 5978
 1915 5353
 Part II 2735, 6418

Proposed Rules
 1850 3780
 1915 6244
 1930 3782
 1960 3785
 Part II 1654

234 Pa. Code (Rules of Criminal Procedure)
Adopted Rules
 1 2738
 2 2743
 4 2738

5 2738, 2743
 10 2743

Proposed Rules
 4 919
 5 5221
 7 919
 10 919
 11 5221

237 Pa. Code (Juvenile Rules)
Proposed Rules
 1 2061, 5082
 3 5087
 6 5087
 16 2065

246 Pa. Code (Minor Court Civil Rules)
Adopted Rules
 200 2482
 300 2482, 3147
 500 2482

Proposed Rules
 200 2344
 300 714, 2066, 2344
 500 714

249 Pa. Code (Philadelphia Rules)
 Unclassified 617, 1181, 3520, 4113, 4313, 6420

252 Pa. Code (Allegheny County Rules)
 Unclassified 1181, 2748, 4114

255 Pa. Code (Local Court Rules)
 Unclassified 11, 12, 13, 14, 139, 140, 355, 361, 366,
 617, 618, 716, 717, 955, 959, 1042, 1043, 1044, 1046,
 1048, 1052, 1185, 1186, 1187, 1190, 1192, 1193, 1303,
 1304, 1307, 1311, 1312, 1313, 1525, 1526, 1528, 1529,
 1531, 1532, 1535, 1664, 1665, 1666, 1667, 1813, 1814,
 1815, 1816, 1818, 1820, 1821, 1824, 1947, 1948, 1950,
 1952, 2069, 2073, 2076, 2221, 2223, 2225, 2347, 2348,
 2487, 2488, 2489, 2490, 2753, 2755, 2756, 2757, 2758,
 2766, 2768, 2770, 2921, 3150, 3315, 3521, 3616, 3617,
 3787, 3910, 3918, 3928, 3929, 3930, 3933, 4115, 4314,
 4315, 4316, 4431, 4435, 5091, 5228, 5229, 5232, 5356,
 5371, 5472, 5608, 5609, 5980, 5981, 6104, 6247, 6248,
 6421, 6422, 6562, 6565, 6567, 6704, 6705, 6706, 7116,
 7117

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Order Amending Rule 1905 of the Pennsylvania Rules of Judicial Administration; No. 626 Judicial Administration Docket

Order

Per Curiam

And Now, this 23rd day of October, 2024, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, and in the interests of justice and efficient administration pursuant to Pa.R.J.A. No. 103(a)(3),

It Is Ordered that Rule 1905 of the Pennsylvania Rules of Judicial Administration is amended in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

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

Deletions from the rules are shown in bold and brackets.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Rule 1905. Investment Advisory Board.

(a) *General.* There is hereby established the Investment Advisory Board (“Board”), which shall consist of nine voting members. The Supreme Court shall appoint five members and the Board’s chair **and vice-chair**. The Disciplinary Board of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security Board, the Pennsylvania Continuing Legal Education Board and the Pennsylvania Board of Law Examiners (“the program boards”) shall each appoint one member to serve on the Board. The Court Administrator and Counsel to the Supreme Court shall serve as *ex officio* members to the Board. All members of the Board shall serve at the pleasure of the Supreme Court.

* * * * *

[Pa.B. Doc. No. 24-1567. Filed for public inspection November 1, 2024, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 33]

Order Amending Rule 303 of the Pennsylvania Minor Judiciary Education Rules; No. 996 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 21st day of October, 2024, pursuant to Article V, Section 10 of the Constitution of Pennsylvania,

and in the interests of justice and efficient administration pursuant to Pa.R.J.A. No. 103(a)(3),

It Is Ordered that Rule 303 of the Pennsylvania Minor Judiciary Education Rules is amended in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Additions to the rules are in bold and are underlined.

Deletions from the rules are shown in bold and brackets.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 33. MINOR JUDICIARY EDUCATION

Rule 303. Certification and Examination.

(a) All persons elected or appointed as judges shall be members of the bar of this Commonwealth or shall attend a certification course, which shall be at least forty (40) hours in length, and earn a passing score of seventy percent (70%) on **each section of** the certification examination prior to assuming office, as set forth in 42 Pa.C.S. § 3112—§ 3114 and Pa.R.J.A. 601(a).

* * * * *

[Pa.B. Doc. No. 24-1568. Filed for public inspection November 1, 2024, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 3 AND 9]

Proposed Amendment of Pa.R.A.P. 341 and 904

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 341 and 904 for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Deputy Chief Counsel
Appellate Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9551
appellaterules@pacourts.us

All communications in reference to the proposal should be received by December 31, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court
Procedural Rules Committee*

PETER J. GARDNER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

FINAL ORDERS

Rule 341. Final Orders; Generally.

(a) *General Rule.* Except as prescribed in subdivisions (d) and (e) [**of this rule**], an appeal may be taken as of right from any final order of a government unit or trial court.

(b) *Definition of Final Order.* A final order:

- (1) disposes of all claims and of all parties;
- (2) [Rescinded];
- (3) is entered as a final order pursuant to subdivision (c) [**of this rule**]; or
- (4) is an order pursuant to subdivision (f) [**of this rule**].

(c) *Determination of Finality.* When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the trial court or other government unit may enter a final order as to one or more but fewer than all of the claims and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims and parties shall not constitute a final order. In addition, the following conditions shall apply:

(1) An application for a determination of finality under subdivision (c) [**must**] **shall** be filed within 30 days of entry of the order. During the time an application for a determination of finality is pending, the action is stayed.

(2) Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied.

(3) A notice of appeal may be filed within 30 days after entry of an order as amended unless a shorter time period is provided in Pa.R.A.P. 903(c). Any denial of such an application is reviewable only through a petition for permission to appeal under Pa.R.A.P. 1311.

(d) *Superior Court and Commonwealth Court Orders.* Except as prescribed by Pa.R.A.P. 1101, no appeal may be taken as of right from any final order of the Superior Court or of the Commonwealth Court.

(e) *Criminal Orders.* An appeal may be taken by the Commonwealth from any final order in a criminal matter only in the circumstances provided by law.

(f) *Post Conviction Relief Act Orders.*

(1) An order granting, denying, dismissing, or otherwise finally disposing of a petition for post-conviction collateral relief shall constitute a final order for purposes of appeal.

(2) An order granting sentencing relief, but denying, dismissing, or otherwise disposing of all other claims within a petition for post-conviction collateral relief, shall constitute a final order for purposes of appeal.

Comment:

*Related Constitutional and statutory provisions—*Section 9 of Article V of the Constitution of Pennsylvania provides that “there shall be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court.” The constitutional provision is implemented by 2 Pa.C.S. § 702, 2 Pa.C.S. § 752, and 42 Pa.C.S. § 5105.

*Criminal law proceedings—Commonwealth appeals—*Orders that do not dispose of the entire case that were formerly appealable by the Commonwealth in criminal cases under Pa.R.A.P. 341 are appealable as interlocutory appeals as of right under Pa.R.A.P. 311(d).

*Final orders—pre- and post-1992 practice—*The 1992 amendment generally eliminated appeals as of right under Pa.R.A.P. 341 from orders that do not end the litigation as to all claims and as to all parties. Prior to 1992, there were cases that deemed an order final if it had the practical effect of putting a party out of court, even if the order did not end the litigation as to all claims and all parties.

[A] Concerning orders made appealable pursuant to subdivision (b)(1)—a party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order. *See, e.g., K.H. v. J.R.*, 826 A.2d 863, 870-71 (Pa. 2003) (notice of appeal following trial); *Betz v. Pneumo Abex LLC*, 44 A.3d 27, 54 (Pa. 2012) (notice of appeal of summary judgment); *Laster v. Unemployment Comp. Bd. of Rev.*, 80 A.3d 831, 832 n.2 (Pa.Cmwlt. 2013) (petition for review of agency decision). **See also Pa.R.A.P. 904, cmt. at ¶ 2.**

[Where] If, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed. *Malanchuk v. Tsimura*, 137 A.3d 1283, 1288 (Pa. 2016) (“[C]omplete consolidation (or merger or fusion of actions) does not occur absent a complete identity of parties and claims; separate actions lacking such overlap retain their separate identities and require distinct judgments”); *Commonwealth v. C.M.K.*, 932 A.2d 111, 113 & n.3 (Pa. Super. 2007) (quashing appeal taken by single notice of appeal from order on remand for consideration under Pa.R.Crim.P. 607 of two persons’ judgments of sentence).

[The 1997 amendments to subdivisions (a) and (c), substituting the conjunction “and” for “or,” are not substantive. The amendments merely clarify that by definition any order that disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.]

*Rescission of subdivision (b)(2)—*Former subdivision (b)(2) provided for appeals of orders defined as final by

statute. The 2015 rescission of subdivision (b)(2) eliminated a potential waiver trap created by legislative use of the adjective “final” to describe orders that were procedurally interlocutory but nonetheless designated as appealable as of right. Failure to appeal immediately an interlocutory order deemed final by statute waived the right to challenge the order on appeal from the final judgment. Rescinding subdivision (b)(2) eliminated this potential waiver of the right to appeal. If an order designated as appealable by a statute disposes of all claims and of all parties, it is appealable as a final order pursuant to Pa.R.A.P. 341. If the order does not meet that standard, then it is interlocutory regardless of the statutory description. Pa.R.A.P. 311(a)(8) provides for appeal as of right from an order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims or of all parties and, thus, is interlocutory. Pa.R.A.P. 311(g) addresses waiver if no appeal is taken immediately from such interlocutory order.

One of the further effects of the rescission of subdivision (b)(2) is to change the basis for appealability of orders that do not end the case but grant or deny a declaratory judgment. *See Nationwide Mut. Ins. Co. v. Wickett*, 763 A.2d 813, 818 (Pa. 2000); *Pa. Bankers Ass’n v. Pa. Dep’t of Banking*, 948 A.2d 790, 798 (Pa. 2008). The effect of the rescission is to eliminate waiver for failure to take an immediate appeal from such an order. A party aggrieved by an interlocutory order granting or denying a declaratory judgment, where the order satisfies the criteria for “finality” under *Pennsylvania Bankers Association*, may elect to proceed under Pa.R.A.P. 311(a)(8) or wait until the end of the case and proceed under subdivision (b)(1) of this rule.

An arbitration order appealable under 42 Pa.C.S. § 7320(a) may be interlocutory or final. If it disposes of all claims and all parties, it is final, and, thus, appealable pursuant to Pa.R.A.P. 341. If the order does not dispose of all claims and all parties, that is, the order is not final, but rather interlocutory, it is appealable pursuant to Pa.R.A.P. 311. Failure to appeal an interlocutory order appealable as of right may result in waiver of objections to the order. *See* Pa.R.A.P. 311(g).

Subdivision (c)—Determination of finality—Subdivision (c) permits an immediate appeal from an order dismissing less than all claims or parties from a case only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Factors to be considered under subdivision (c) include, but are not limited to:

- (1) whether there is a significant relationship between adjudicated and unadjudicated claims;
- (2) whether there is a possibility that an appeal would be mooted by further developments;
- (3) whether there is a possibility that the court or government unit will consider issues a second time; and
- (4) whether an immediate appeal will enhance prospects of settlement.

The failure of a party to apply to the government unit or trial court for a determination of finality pursuant to subdivision (c) shall not constitute a waiver and the matter may be raised in a subsequent appeal following the entry of a final order disposing of all claims and all parties.

Where the government unit or trial court refuses to amend its order to include the express determination that an immediate appeal would facilitate resolution of the entire case and refuses to enter a final order, a petition for permission to appeal under Pa.R.A.P. 1311 of the unappealable order of denial is the exclusive mode of review. The filing of such a petition does not prevent the trial court or other government unit from proceeding further with the matter pursuant to Pa.R.A.P. 1701(b)(6). Of course, as in any case, the appellant may apply for a discretionary stay of the proceeding below.

Subdivision (c)(2) provides for a stay of the action pending determination of an application for a determination of finality. If the application is denied, and a petition for permission to appeal is filed challenging the denial, a stay or *supersedeas* will issue only as provided under Chapter 17 of these rules.

In the event that a trial court or other government unit enters a final order pursuant to subdivision (c) [**of this rule**], the trial court or other government unit may no longer proceed further in the matter, except as provided in Pa.R.A.P. 1701(b)(1)–(5).

Subdivision (f)—Post Conviction Relief Act Orders—A failure to timely file an appeal pursuant to subdivision (f)(2) shall constitute a waiver of all objections to such an order.

Pa.R.A.P. 902 addresses whether separate notices of appeal are required to be filed where an order appealable under this rule is entered on more than one docket.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 904. Content of the Notice of Appeal.

(a) *Form.* Except as otherwise prescribed by this rule, the notice of appeal shall be in substantially the following form:

COURT OF COMMON PLEAS
OF _____ COUNTY

[**Party A’s full name**] _____, Plaintiff(s):

v.

[**Party B’s full name**] _____, Defendant(s):

Docket or File No. _____

Offense Tracking Number _____

NOTICE OF APPEAL

[**Notice is hereby given that _____, defendant above named, hereby appeals to the (Supreme) (Superior) (Commonwealth) Court of Pennsylvania from the order entered in this matter on the ____ day of _____, 20 ____ . This order has been entered in the docket as evidenced by the attached copy of the docket entry.]**

(name all parties taking the appeal) appeal to the (Superior) (Commonwealth) (Supreme) Court of Pennsylvania from the order entered on _____ (state the date the order

was entered). This order has been entered upon the docket as evidenced by the attached copy of the docket entry.

(S) _____

(Address and telephone number)

(Email address)

(b) *Caption.*

(1) *General Rule.* [**The parties shall be stated in the caption as they appeared on the record of the trial court at the time the appeal was taken.**] **The caption of the notice of appeal shall set forth all parties appearing on the record in the trial court on the date the appeal is taken.**

(2) *Appeal of Custody Action.* In an appeal of a custody action where the trial court has used the full name of the parties in the caption, upon application of a party and for cause shown, an appellate court may exercise its discretion to use the initials of the parties in the caption based upon the sensitive nature of the facts included in the case record and the best interest of the child.

(c) *Request for Transcript.* The request for transcript contemplated by Pa.R.A.P. 1911 or a statement signed by counsel that either there is no verbatim record of the proceedings or the complete transcript has been lodged of record shall accompany the notice of appeal, but the absence of or defect in the request for transcript shall not affect the validity of the appeal.

(d) *Docket Entry.* The notice of appeal shall include a statement that the order appealed from has been entered on the docket. A copy of the docket entry showing the entry of the order appealed from shall be attached to the notice of appeal.

(e) *Content in Criminal Cases.* If the Commonwealth takes an appeal pursuant to Pa.R.A.P. 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

(f) *Content in Children's Fast Track Appeals.* In a children's fast track appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is a children's fast track appeal.

(g) *Content in Orphans' Court Appeals.* In an orphans' court appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is an orphans' court appeal.

(h) *Completely Consolidated Civil Cases.* In an appeal of completely consolidated civil cases where only one notice of appeal is filed, a copy of the consolidation order shall be attached to the notice of appeal.

Comment:

The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. §§ 9101 *et seq.*

Pursuant to Pa.R.A.P. 341(b)(1), a final order encompasses all prior non-final orders for purposes of

appeal. Therefore, a party need not list any prior non-final order in the notice of appeal. See Pa.R.A.P. 341, cmt. ¶ 4.

The notice of appeal must include a statement that the order appealed from has been entered on the docket. Because generally a separate notice of appeal must be filed on each docket on which an appealable order is entered so as to appeal from that order, see Pa.R.A.P. 902(a), the appellant is required to attach to the notice of appeal a copy of the docket entry showing the entry of the order appealed from on that docket. The appellant does not need to certify that the order has been reduced to judgment. This omission does not eliminate the requirement of reducing an order to judgment before there is a final appealable order where required by applicable practice or case law.

Subdivision (b)(1) emphasizes the necessity for the caption to set forth all parties who appear on the record in the trial court on the date an appeal is taken in order to aid the appellate court in accurately identifying the parties in the appeal. A party shall not use "et al" in a caption. Subdivision (b)(2) provides the authority for an appellate court to initialize captions in custody appeals. *See also* Pa.R.Civ.P. 1915.10.

Information regarding the appropriate appellate court to which an appeal should be taken can be found on the website of the Unified Judicial System at <https://www.pacourts.us/learn>.

With respect to subdivision (e), in *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985), the Supreme Court held that the Commonwealth's certification that an order will terminate or substantially handicap the prosecution is not subject to review as a prerequisite to the Superior Court's review of the merits of the appeal. The principle in *Dugger* has been incorporated in and superseded by Pa.R.A.P. 311(d). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006). Thus, the need for a detailed analysis of the effect of the order, formerly necessarily a part of the Commonwealth's appellate brief, has been eliminated.

A party filing a cross-appeal should identify it as a cross-appeal in the notice of appeal to assure that the prothonotary will process the cross-appeal with the initial appeal. *See also* Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in cross-appeals and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

See Pa.R.A.P. 342 for the orders that may be appealed as of right in orphans' court matters.

A party appealing completely consolidated civil cases using one notice of appeal must attach a copy of the consolidation order to the notice of appeal to assure the applicability of Pa.R.A.P. 902.

* * * * *

**SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES
COMMITTEE**

PUBLICATION REPORT

Proposed Amendment of Pa.R.A.P. 341 and 904

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rules of Appellate Procedure 341 and 904 to clarify and refine the language in the form notice of appeal in Pa.R.A.P. 904. Additional corollary amendments are proposed for Pa.R.A.P. 341.

Pursuant to a request, the Committee examined the language set forth in the form notice of appeal in

Pa.R.A.P. 904, which states that notice is given to the appropriate appellate court from the order entered upon the lower court's docket. It provides:

Notice is hereby given that _____, defendant above named, hereby appeals to the (Supreme) (Superior) (Commonwealth) Court of Pennsylvania from the order entered in this matter on the _____ day of _____, 20 _____. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

The requester indicated that form notice referring to "order" in the singular was ambiguous and misleading because it could lead to the conclusion that the only order that must be referenced is the final order. The requester suggested a revision to the last sentence stating that "[T]his order (or orders) has been entered in the docket. . ." would clarify that "order" includes any and all orders in the entire case, including any pre-trial orders for which a party requests appellate review.

The Committee observed that neither the form notice of appeal nor the commentary to Pa.R.A.P. 904 makes any mention that a party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order; that guidance is found in the commentary to Pa.R.A.P. 341 relating to final orders. *See* Pa.R.A.P. 341, cmt. ¶ 4. The Committee proposes adding a statement to the commentary of Pa.R.A.P. 904 to indicate that non-final orders are merged into the final order for the purposes of appeal. The Committee also proposes adding a cross reference to Pa.R.A.P. 904 in the commentary to Pa.R.A.P. 341.

The Committee also proposes amending the text of the form notice of appeal in Pa.R.A.P. 904 to update the language and change the sequence of the list of appellate courts in the form. Commentary would also be added to emphasize that only the final order should be listed in the notice of appeal and that it is not necessary to list any prior non-final orders that merged into the final order.

Finally, the Committee proposes amending Pa.R.A.P. 904(b) to clarify that the caption in the notice of appeal must state all parties as they appeared on the record in the trial court at the time the appeal was taken. This change will aid the filing office of the appellate court in identifying the parties involved in an appeal and have the docket accurately reflect who is a participant. Commentary was added in Pa.R.A.P. 904 to emphasize this requirement.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 24-1569. Filed for public inspection November 1, 2024, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 19]

Proposed Amendment of Pa.R.A.P. 1925

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 1925(c)(3) for the reasons

set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Deputy Chief Counsel
Appellate Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9551
appellaterules@pacourts.us

All communications in reference to the proposal should be received by December 31, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court
Procedural Rules Committee*

PETER J. GARDNER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE PART I. RULES OF APPELLATE PROCEDURE ARTICLE II. APPELLATE PROCEDURE CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS RECORD ON APPEAL FROM LOWER COURT

(*Editor's Note:* Rule 1925 as printed in 210 Pa. Code reads "Official Note" rather than "Note.")

Rule 1925. Opinion in Support of Order.

* * * * *

(c) *Remand.*

(1) An appellate court may remand in either a civil or criminal case for a determination as to whether a Statement had been filed [**and/**] or served₂, or timely filed [**and/**] or served.

(2) Upon application of the appellant and for good cause shown, an appellate court may remand in a civil case for the filing or service *nunc pro tunc* of a Statement or for amendment or supplementation of a timely filed and served Statement and for a concurrent supplemental opinion. If an appellant has a statutory or rule-based right to counsel, good cause shown includes a failure by counsel to file or serve a Statement timely or at all.

(3) If [**an**] a **criminal defendant**-appellant represented by counsel [**in a criminal case**] was ordered to file and serve a Statement and either failed to do so, or untimely filed or served a Statement, such that the appellate court is convinced that counsel has been *per se*

ineffective, and the trial court did not file an opinion, the appellate court may remand for appointment of new counsel, the filing or service of a Statement *nunc pro tunc*, and the preparation and filing of an opinion by the judge.

(4) If counsel intends to seek to withdraw in a criminal case pursuant to *Anders/Santiago* or if counsel intends to seek to withdraw in a post-conviction relief appeal pursuant to *Turner/Finley*, counsel shall file of record and serve on the judge a statement of intent to withdraw in lieu of filing a Statement. If the appellate court believes there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court shall remand for the filing and service of a Statement pursuant to Pa.R.A.P. 1925(b), a supplemental opinion pursuant to Pa.R.A.P. 1925(a), or both. Upon remand, the trial court may, but is not required to, replace an appellant's counsel.

* * * * *

[**Note**] **Comment:**

* * * * *

[**Paragraph**] **Subdivision** (c): The appellate courts have the right under the Judicial Code to “affirm, modify, vacate, set aside or reverse any order brought before it for review, and may remand the matter and direct the entry of such appropriate order, or require such further proceedings to be had as may be just under the circumstances.” 42 Pa.C.S. § 706.

[**Subparagraph**] **Subdivision** (c)(1): This [**subparagraph**] **subdivision** applies to both civil and criminal cases and allows an appellate court to seek additional information[—], whether by supplementation of the record or additional briefing[—], if it is not apparent whether an initial or supplemental Statement was filed [**and/**]or served, or timely filed [**and/**]or served. **The 2024 amendment was technical in nature and did not alter practice or procedure.**

[**Subparagraph**] **Subdivision** (c)(2): This [**subparagraph**] **subdivision** allows an appellate court to remand a civil case to allow an initial, amended, or supplemental Statement and/or a supplemental opinion. See also 42 Pa.C.S. § 706. In 2019, the rule was amended to clarify that for those civil appellants who have a statutory or rule-based right to counsel, [()such as appellants in post-conviction relief, juvenile, parental termination, or civil commitment proceedings()], good cause includes a failure of counsel to file a Statement or a timely Statement.

[**Subparagraph**] **Subdivision** (c)(3): This [**subparagraph**] **subdivision** allows an appellate court to remand in criminal cases only when [**an**] a **criminal defendant**-appellant, who is represented by counsel, has completely failed to respond to an order to file and serve a Statement or has failed to do so timely. It is thus narrower than [**subparagraph**] **subdivision** (c)(2). See, e.g., *Commonwealth v. Burton*, 973 A.2d 428, 431 (Pa. Super. 2009); *Commonwealth v. Halley*, 870 A.2d 795, 801 (Pa. 2005); *Commonwealth v. West*, 883 A.2d 654, 657 (Pa. Super. 2005). *Per se* ineffectiveness applies in all circumstances in which an appeal is completely foreclosed by counsel's actions, but not in circumstances in which

the actions narrow or serve to foreclose the appeal in part. *Commonwealth v. Rosado*, 150 A.3d 425, 433-35 (Pa. 2016). [**Pro se**] **Self-represented** appellants **and the Commonwealth** are excluded from this exception to the waiver doctrine as set forth in *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998). **The rule supersedes the holdings in *Commonwealth v. Grohowski*, 980 A.2d 113 (Pa. Super. 2009), and *Commonwealth v. Baker*, 311 A.3d 12 (Pa. Super. 2024).**

Direct appeal rights have typically been restored through a post-conviction relief process, but when the ineffectiveness is apparent and *per se*, the court in *West* recognized that the more effective way to resolve such *per se* ineffectiveness is to remand for the filing of a Statement and opinion. See *West*, 883 A.2d at 657; see also *Burton* (late filing of Statement is *per se* ineffective assistance of counsel). The procedure set forth in *West* is codified in [**subparagraph**] **subdivision** (c)(3). As the *West* court recognized, this rationale does not apply when waiver occurs due to the improper filing of a Statement. In such circumstances, relief may occur only through the post-conviction relief process and only upon demonstration by the appellant that, but for the deficiency of counsel, it was reasonably probable that the appeal would have been successful. An appellant must be able to identify *per se* ineffectiveness to secure a remand under this [**section**] **subdivision**, and any appellant who is able to demonstrate *per se* ineffectiveness is entitled to a remand. Accordingly, this [**subparagraph**] **subdivision** does not raise the concerns addressed in *Johnson v. Mississippi*, 486 U.S. 578, 588-89 (1988) (observing that where a rule has not been consistently or regularly applied, it is not[—], under federal law[—], an adequate and independent state ground for affirming petitioner's conviction.)

[**Subparagraph**] **Subdivision** (c)(4): See *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009); *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988). These procedures do not relieve counsel of the obligation to comply with all other rules.

SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES
COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.A.P. 1925

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rule of Appellate Procedure 1925 to clarify that it is the criminal defendant-appellant, and not the Commonwealth, who is afforded the exception to the bright-line waiver standard in *Commonwealth v. Lord*, 710 A.2d 306 (Pa. 1988), set forth in subdivision (c)(3) when there is a failure to file a timely Pa.R.A.P. 1925(b) Statement.

Current Pa.R.A.P. 1925(c)(3) provides:

(3) If an **appellant** represented by counsel in a criminal case was ordered to file and serve a Statement and either failed to do so, or untimely filed or served a Statement, such that the appellate court is convinced that counsel has been *per se* ineffective, and the trial court did not file an opinion, the appellate court may remand for appointment of new

counsel, the filing or service of a Statement *nunc pro tunc*, and the preparation and filing of an opinion by the judge.

(Emphasis added.)

In the recent decision of *Commonwealth v. Baker*, 311 A.3d 12 (Pa. Super. 2024), the Superior Court examined the question of whether the Commonwealth, an appellant, had waived all issues for failure to file a timely Pa.R.A.P. 1925(b) statement. The majority interpreted Pa.R.A.P. 1925(c)(3) to apply to the Commonwealth in this circumstance. It ultimately held the Commonwealth did not waive its issues because the trial court had an adequate opportunity to prepare an opinion addressing the issues raised on appeal, and cited to *Commonwealth v. Burton*, 973 A.2d 428 (Pa. Super. 2009) as support for this conclusion.

The concurring opinion questioned whether the waiver exception for appellants in criminal cases as set forth in Pa.R.A.P. 1925(c)(3) applied to the Commonwealth, and would have found that the Commonwealth waived all issues for failure to file a timely 1925(b) statement under the Supreme Court's the bright-line waiver standard set forth in *Commonwealth v. Lord*. The concurring opinion also noted that there was some question about the reach of the waiver exception in light of the Superior Court's holding in *Commonwealth v. Grohowski*, 980 A.2d 113 (Pa. Super. 2009), which reached the same conclusion as the majority in *Baker* that the exception to waiver in Pa.R.A.P. 1925(c)(3) applies to the Commonwealth when there is a failure to file a statement or is done so untimely. Citing to the dissenting opinion in *Grohowski*, the concurrence noted, among other points, that the concept of *per se* ineffectiveness is a term of art particular to criminal defense lawyers, not prosecutors, and the reason for the exception was to forestall claims under the Post Conviction Relief Act. 311 A.3d at 22 (Olson, J., concurring), citing *Grohowski*, 980 A.2d at 117 (Klein, J., dissenting).

The Committee is proposing to clarify this subdivision and its accompanying commentary. First, the Committee proposes that Pa.R.A.P. 1925(c)(3) be modified to explicitly state that this subdivision applies only to appellants who are criminal defendants, thereby excluding the Commonwealth from its scope. The Committee notes that the dissenting opinion in *Grohowski*, which also questioned whether subdivision (c)(3) applied to the Commonwealth, suggested that if the subdivision was intended to apply to only criminal defendants, "appellant" should be clarified as the "criminal defendant-appellant." 980 A.2d at 117. The proposed amendment incorporates this language; a similar change is proposed for the commentary discussing subdivision (c)(3).

The Committee also proposes amending the commentary to explicitly state that the exception in subdivision (c)(3) is not available to the Commonwealth, and to add a statement indicating that the rule supersedes both *Grohowski* and *Baker*.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 24-1570. Filed for public inspection November 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CRAWFORD COUNTY

In the Matter of the Modification of Local Civil Rules of Procedure; No. AD 2008-1807

Order

And Now, October 17, 2024, the Court Orders as follows:

1. Local Rules of Civil Procedure 1915.3 and 1915.15 (concerning custody) are amended in the forms presented as follows, in which deletions are shown in bold and brackets, and additions are shown in bold and underlined;

2. Exhibit 1915.3 to Cra.R.Civ.P. 1915.3 is hereby deleted;

3. Local Rule of Civil Procedure 1915.4-1 is hereby rescinded.

4. Local Rule of Civil Procedure 1915.4-3 is hereby adopted in the form presented as follows; and

5. This Order shall be processed in accordance with Pa.R.J.A. 103(d), and effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. SPATARO,
President Judge

Rule L1915.3. Commencement of Action. Complaint. Order.

Order for [**Mediator's**] **Custody** Conference.

Each custody complaint shall contain [**the following**] **a** notice and order to appear before a [**custody mediator:**] **conference officer, substantially in the form provided by the District Court Administrator and posted on the County website.**

Rule L1915.4-3. Non-Record Proceedings.

(1) *Custody Conference. Conference Officer.*

The initial proceeding in all custody cases shall be non-record before the County custody conference officer, in conformity with Pa.R.Civ.P. 1915-4-3(a). A conference officer shall be appointed by the President Judge in all cases where the County's conference officer is unable to serve. Custody conferences shall be held at Level 4 of the Judicial Center except as otherwise directed by the conference officer.

Every party who 1) initiates a custody action by the filing of a custody complaint, 2) includes a custody count in filing a divorce action, or 3) petitions for modification of custody, shall, in addition to any filing fee assessed by the Prothonotary, pay to the Prothonotary a custody conference fee in an amount to be set from time to time by administrative order of court.

(2) *Custody Questionnaire.*

Each party shall complete and bring to the custody conference a questionnaire in the form provided by the District Court Administrator and posted on the County website, which shall be sent to the parties by the conference officer along with a notice of the conference.

(3) *Purpose.*

The parties, with the aid and assistance of the conference officer, shall make a good faith effort to resolve the issues and reach an agreement that meets the best interest of the child(ren).

(4) *Conference Officer’s Report. Court Order.*

If the parties reached an agreement, the conference officer shall submit a conference report to the court, along with a proposed order which sets forth the terms of the parties’ agreement. Copies of the conference report and proposed order shall be promptly provided to the parties. The court shall issue a custody order in conformity with the proposed order, within twenty days of which custody order, any party may file a request for trial de novo.

If no agreement was reached by the parties, the conference officer shall submit a conference report and proposed order to the parties and to the District Court Administrator, who shall schedule a pretrial conference before the court, at which the presiding judge will issue an interim order pending a trial. Upon the unexcused absence of a party at the pretrial conference, the court may issue a custody order in conformity with the proposed order, and cancel the trial if already scheduled.

Rule L1915.15. Petition to Modify a [**Partial**] Custody [**or Visitation**] Order.

(1) [**Order for Mediator’s Conference.**

Each [**A**] petition to modify a custody [**or visitation**] order shall have attached thereto a notice and order to appear in the form [**found on page 67 of the Crawford County Rules of Civil Procedure following Cra.R.C.P.1915.3 in lieu of the order of Court that is contained in Pa.R.C.P. 1915.15(c)**] **provided by the District Court Administrator and posted on the County website.**

(2) [**Each**] **A** petition to modify must include the current addresses **and telephone numbers** of the parties.

[(3) **Mediation.**

The mediation process set forth in Cra.R.C.P. 1915.4-1 shall apply to petitions to modify a partial custody or visitation order.]

[Pa.B. Doc. No. 24-1571. Filed for public inspection November 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Amendment to Local Rule of Judicial Administration 5104*—Custody of Exhibits.; No. 2024-00001

Order

And Now, this 18th day of October, 2024, the Court hereby amends Montgomery County Local Rule of Judi-

cial Administration 5104*—Custody of Exhibits. This Amended Local Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court’s website and incorporated into the complete set of the Court’s Local Rules.

By the Court

CAROLYN T. CARLUCCIO,
President Judge

Additions are in bold face and are underscored.

Local Rule of Judicial Administration 5104*. Custody of Exhibits.

- (a) . . .
- (b) . . .

(c) *Standards for Filing of Exhibits with the Records Office.* At the conclusion of the court proceeding, the custodian shall comply with the requirements of Pa.R.J.A. 5102(b). All documentary exhibits shall be submitted to the record office by the custodian within five (5) business days following the close of the court proceeding. Exhibits may be e-filed with the record office, if available, and if provided to the custodian in electronic format. Nothing in this rule shall prevent the filing of exhibits prior to court proceedings, as is the current practice in juvenile dependency cases. **Once filed, original exhibits returned by the record office to a court reporter, designated as custodian herein, do not need to be maintained thereafter by the court reporter. Once filed, original exhibits returned by the record office to a non-court reporter custodian shall be retained as required by relevant statute or rule. (See Pa.R.C.P. No. 205.4(b)(4))**

- (d) . . .
- (e) . . .
- (f) . . .
- (g) . . .
- (h) . . .

[Pa.B. Doc. No. 24-1572. Filed for public inspection November 1, 2024, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE

[49 PA. CODE CH. 16]

Licensure by Endorsement

The State Board of Medicine (Board) amends Chapter 16 (relating to State Board of Medicine—general provisions) by adding §§ 16.12a, 16.12b and 16.12c (relating to definitions for license by endorsement under 63 Pa.C.S. § 3111; license by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement license under 63 Pa.C.S. § 3111) and amending § 16.13 (relating to licensure, certification, examination and registration fees) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require 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: holds 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; demonstrates competency; has 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; is 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 such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Section 3111(b) of 63 Pa.C.S. 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. Additionally, section 8 of the Medical Practice Act of 1985 (act) (63 P.S. § 422.8), section 207 of the Naturopathic Doctor Registration Act (NDRA) (63 P.S. § 272.207) and section 3 of the Acupuncture Licensure Act (ALA) (63 P.S. § 1803) provides the Board with broad authority to adopt regulations as are reasonably necessary to carry out the purposes of the act, the NDRA (63 P.S. §§ 272.101—272.301) and the ALA (63 P.S. §§ 1801—1806.1).

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).

Background and Need for Final-Form Rulemaking

This final-form rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111, the Board shall determine whether the 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 competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board shall establish, by regulation, the expiration of the provisional endorsement license. This final-form rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

Summary and Response to Comments

Notice of the proposed rulemaking was published at 52 Pa.B. 4923 (August 13, 2022). Publication was followed by a 30-day public comment period during which the Board received 36 public comments. Additionally, the Board received comments from the Independent Regulatory Review Commission (IRRC) and the Professional Licensure Committee of the House of Representatives (HPLC). The Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) did not submit comments.

Public comments

Of the 36 public comments, 34 individuals submitted comments indicating support of the inclusion of naturopathic doctors in the proposed rulemaking and one individual expressed general support for the proposed rulemaking. Additionally, the Pennsylvania Association of Naturopathic Physicians (PANP) expressed support of the enactment of the NDRA along with the correlating regulations that were published as final on May 18, 2024, indicating that Pennsylvania-based naturopathic doctors can join out-of-State providers in licensure through the NDRA. The PANP noted that most naturopathic doctors currently working in this Commonwealth maintain a license to practice naturopathic medicine from an outside state that regulates naturopathic medicine. The PANP expressed its support of the proposed rulemaking, which will allow naturopathic doctors licensed in other states to apply for a license by endorsement. Three public commenters pointed out that the proposed rulemaking will protect the public from fraudulent practitioners who offer naturopathic services without having any medical training. One commentator explained the importance of easing the burden many licensed professionals encounter when moving from state to state. This individual agrees that this final-form rulemaking will place this Commonwealth ahead regionally, but that this Commonwealth will continue to fall behind other states that do not require a "substantially equivalent" comparison. The commentator asked the Board to reconsider the inclusion of the "substantially equivalent" standard for licensing. However, the plain language of 63 Pa.C.S. § 3111 requires that the "substantially equivalent" standard. Therefore, the Board is unable to implement this commentator's request.

HPLC comments

The HPLC submitted four comments in response to the proposed rulemaking. The Board will address each comment in turn.

§ 16.12b(a)(2)

In its first comment, the HPLC states that § 16.12b(a)(2) requires an applicant to submit a copy of the current law and regulations, along with scope of practice requirements, in the jurisdiction that issued a license, certificate, registration or permit. However, the HPLC points out that Act 41 of 2019 does not explicitly state this requirement. The HPLC recommends that the Board remove this responsibility from the applicant and apply it to the Board's legal counsel. After thoughtful consideration of this request, the Board has respectfully decided to keep the language unchanged in this final-form rulemaking. The Board notes that it is the burden of the applicant to prove that they have met all qualifications for licensure. Additionally, it is the applicant who is most familiar with their jurisdiction's laws and regulations and where they can be located. Therefore, it should not be difficult or time consuming for the applicant to complete this task. However, if this burden were to be shifted to the Board's legal counsel, it would require significant attorney time and costs, especially if the licensing jurisdiction is a non-English-speaking country. It would be extremely difficult for the Board's legal counsel to search online, perform legal research or to call without first hiring a translator to assist. Not only would all these costs be billed to the Board, but it would cause an extreme delay in the processing of these applications. If the burden is on the Board and its staff, the Board would need to increase the costs of applications to cover the cost of additional attorney time. The increased application fees would have to be evenly applied to all licensure by endorsement applications which is not fair to other applicants because only some would require significant attorney time. While the Board will take steps to verify the laws and regulations of another jurisdiction, having the applicant provide that initial information is the most expedient and fiscally prudent approach. Therefore, the Board concludes that the applicant is the appropriate person to provide their jurisdiction's laws and regulations to the Board.

§ 16.12b(a)(5)

Second, the HPLC comments that § 16.12b(a)(5) states that an applicant must not have any discipline by the jurisdiction that issued the license, certificate, registration or permit. The HPLC recommends that the Board clarify this section to specify the types of discipline and the time frame when the discipline occurred. The HPLC suggested that the Board distinguish between formal discipline and a complaint. In response to this comment, the Board does not think it is necessary to make this type of distinction. A complaint is not considered to be formal or informal discipline. Additionally, the Board does not believe it is appropriate to predetermine the type of discipline or the time frame discipline occurred. The Board, instead, believes it is appropriate to evaluate discipline on a case-by-case basis. As indicated in § 16.12b(c), the Board is authorized to determine that discipline is not an impediment to licensure under 63 Pa.C.S. § 3111. In determining whether the discipline is an impediment to licensure, the Board is dutybound to apply the caselaw and other applicable laws. See *Secretary of Revenue v. John's Vending Corp.*, 453 Pa. 488, 309 A.2d 358 (1973); *Bethea-Tumani v. Bureau of Professional and Occupational Affairs, State Board of Nursing*, 993 A.2d 921 (Pa. Cmwlth. 2010). As a part of that analysis,

the Board may consider the facts and circumstances surrounding the prohibited act or disciplinary action, increase in age or maturity of the individual since the date of the prohibited act or disciplinary action, disciplinary history or lack of disciplinary history before and after the date of the prohibited act or disciplinary action, successful completion of education and training activities relating to the prohibited act or disciplinary action and any other information relating to the fitness of the individual for licensure. To be consistent with the language in § 16.12b(a)(4) and (5), the Board adds the word "discipline" to the heading of § 16.12b(c).

§ 16.12c(b)(1)

Third, the HPLC notes that § 16.12c(b)(1) would give the Board authority to issue a provisional license for less than a year. The HPLC is concerned that the language in this section is unclear under what circumstances the Board would need to exercise this authority. As such, the HPLC requests clarification from the Board. In response to this comment, the Board notes that it is important for the Board to have the authority to use its discretion to issue a provisional license for less than 1 year because there may be circumstances where issuing a provisional license for less than 1 year is appropriate. For example, there may be scenarios where an applicant from another jurisdiction must take an English proficiency examination to meet the qualifications for licensure by endorsement. English proficiency is tied to patient safety because it is necessary that the practitioner can communicate with other healthcare practitioners and their patients. To give the applicant an entire year to complete an English proficiency test would allow the applicant to wait until the very last minute to complete the task, resulting in the applicant potentially practicing without being able to efficiently communicate with others in their profession. Based on this concern, the Board believes it is appropriate to give the Board the authority to determine the appropriate length of time necessary for the applicant to meet the qualifications for licensure. To clarify this language in this final-form rulemaking, the Board adds additional language in § 16.12c(b)(1) to specify that in situations where the remaining requirements for licensure do not require 1 full year, the Board may, in its discretion, determine it appropriate to give an expiration date that is less than 1 year.

§ 16.12c(d)

Fourth, the HPLC points out that § 16.12c(d) states that the Board will not issue subsequent provisional licenses after the provisional license expires. The HPLC is concerned that this section is unintentionally vague and that Act 41 of 2019 does not specifically state that the Board shall only issue one provisional license. It is suggested that this section be amended to correct the unintended harm or limiting provisional licenses and it is further suggested that the Board incorporate a time frame to reapply. After much consideration and discussion of this comment, the Board has decided not to change this language. The Board's main concern is patient safety. The provisional license allows the applicant additional time to satisfy remaining requirements for licensure, which can include demonstrating competency to practice the profession. It is important to the Board that practitioners from other states are competent to practice. If the applicant is unable to meet all of the requirements for competency, the Board wants those requirements met as quickly as possible. If it is determined by the Board that meeting these requirements would take longer than 1 year, § 16.12c(b)(2) allows the applicant to request an extension of up to 1 year, for good cause shown, to complete

those remaining requirements to obtain full licensure. This language allows an applicant up to 2 years to meet the licensing requirements while actively practicing in this Commonwealth on a provisional license. To allow an applicant, who is unable to establish that they meet the requirements for licensure, to continue to practice for an indefinite period may pose a risk to patient safety and may be used as a mechanism to circumvent licensing requirements. Placing a time limit on the provisional license and not permitting an individual to reapply for a provisional license will prevent individuals from circumventing licensure requirements by continuously reapplying just so they can keep practicing without meeting the requirements for licensure.

IRRC comments

IRRC submitted three comments for the Board's review and response. The first comment restates the comments submitted by the HPLC and requests that the Board provide responses to the issues raised by the HPLC. In its second comment, IRRC asks that the Board revise its responses to questions 17, 19 and 23 in the Regulatory Analysis Form (RAF) to include an estimate of the costs to the regulated community for translation services, a criminal history records check (CHRC) and professional liability insurance requirements specified in § 16.12b. The final comment by IRRC requests that the Board explain how the "substantial equivalence" provision will balance the protection of the public health, safety and welfare against the burden and cost to applicants and the Board. Also, as part of the final comment, IRRC requests that the Board make certain that the NDRA regulation is finalized before this regulation is delivered in final form. The Board will address each comment in turn.

Comments, Objections or Recommendations of a Committee

In its first comment, IRRC restates the comments submitted by the HPLC and requests that the Board provide responses to the HPLC's comments since the issues raised by the HPLC and the Board's responses to those issues will be one of the criteria used by IRRC to determine if the regulation is within the public interest. In response to this first comment, the Board has fully addressed each concern of the HPLC in the previous section.

Economic or fiscal impacts; Compliance with provisions of the Regulatory Review Act or the regulations of the Commission in promulgating the regulation

In its second comment, IRRC cites the language in § 16.12b(a)(2) which requires an applicant seeking licensure by endorsement to provide, among other things, 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 applicant's license, certificate, registration or permit. If that language is not in English, the document must be translated, at the applicant's expense, by a professional translation service and verified to be complete and accurate. However, IRRC notes that the Board's response to RAF question 19 does not provide for a specific estimate of the costs to the regulated community for translation services. Also, in the responses to questions 17, 19 and 23, the Board does not address the cost of a CHRC or professional liability insurance. IRRC requests that the Board provide an updated RAF that estimates all these costs.

In response to the second comment, the Board updates the RAF, specifically the responses to questions 17 and 19

to include an estimate of the costs for translation services and CHRC costs. An applicant obtaining a Federal Bureau of Investigation (FBI) CHRC is charged \$18 by the FBI. A CHRC obtained through the Pennsylvania State Police is \$22. An applicant obtaining a CHRC from any other state, territory or country would be charged the fee assessed by that jurisdiction. The Board notes that all applicants, regardless of whether they apply through endorsement or by examination, would be required to submit a CHRC and would incur those same costs. Therefore, the Board did not include the CHRC in question 23 of the RAF because it is already an existing cost for all applicants. Regarding translation costs, to date, the Board has not had any applications that required translation, and the Board does not anticipate receiving many applications that would require translation fees. Therefore, the Board did not include this potential cost in question 23 of the RAF. Regarding professional liability insurance costs, health care providers who are required to maintain professional liability insurance must do so regardless of whether they apply through endorsement, examination, reciprocity or any other method. The cost of professional liability insurance can vary vastly depending on the profession, the location of practice, the specialty practiced and the malpractice history of the professional.

§ 16.12b. Licensure by endorsement under 63 Pa.C.S. § 3111—Need; Protection of the public health, safety and welfare; Implementation procedures and clarity

Subsection (a)(3)(i) requires demonstration of competency by practicing in 2 of the past 5 years in a "substantially equivalent jurisdiction or jurisdictions." IRRC questions what standard determines whether a jurisdiction is substantially equivalent. IRRC points out that this provision seems to place an additional burden on the applicant or the Board to prove equivalency since the experience can occur in multiple jurisdictions. IRRC questions whether the Board has considered, at least for jurisdictions within the United States, creating and publishing an annual determination of those jurisdictions which have laws and regulations substantially equivalent to the Commonwealth. Additionally, IRRC asks the Board to explain how these provisions balance the protection of the public health, safety and welfare against the burden and cost to the applicants and the Board.

In determining whether another jurisdiction's licensure standards are substantially equivalent to the Board's licensure requirements, the Board conducts an individual assessment of each application including the different path or licensure track taken by the applicant, at the time the application is submitted. Boards routinely consider whether standards of other jurisdictions are equivalent or substantially equivalent to the standards of the Commonwealth. When looking at the licensure standards of other jurisdictions, the Board evaluates the requirements or qualifications for initial licensure in that jurisdiction at the time of the application. This ensures that the Board is using the most up-to-date laws and regulations when making decisions on these applications, which will in turn ensure that all professionals that are licensed through this regulation are competent and safe to their profession. Because laws and regulations routinely change, publishing an annual list of substantially equivalent jurisdictions would be out of date soon after it is published. In addition, a list would place an enormous burden on the Board to continuously review each state's laws and regulations to assure there are no changes and then revise the published list accordingly. Regarding applicants who may wish to submit experience from

multiple jurisdictions, while the Board allows a submission, applicants are not required to submit experience from multiple jurisdictions. The Board accepts experience from multiple jurisdictions to be more inclusive and to allow individuals with geographically diverse experience to utilize that experience. While it may be mildly inconvenient for an applicant to have to upload their jurisdiction's laws and regulations, that inconvenience is greatly outweighed by the Board's interest in ensuring that applicants licensed in other jurisdictions are competent to practice within the scope of practice of the profession in this Commonwealth. Given the anticipated low volume of expected applications for licensure by endorsement under 63 Pa.C.S. § 3111, coupled with the costs of engaging in this action, the Board declines to add this recommendation.

Section 16.12b(8) requires an applicant to apply for a license, certificate, registration or permit in accordance with the Board's regulations. IRRC points out that many commentators have expressed their support for the inclusion of naturopathic doctors; however, at the time of the proposed rulemaking, the regulation implementing the NDRA was not finalized. IRRC asked the Board to ensure that the NDRA regulation be finalized before this regulation is delivered in final form. The Board notes that the NDRA regulation was published as final at 54 Pa.B. 2780 (May 18, 2024). In § 16.12b(a)(1)(iii), the Board adds § 18.903 (relating to application for naturopathic doctor registration) to the list of the Board's regulatory licensing standards.

Miscellaneous Amendments for Clarity

The Board also makes some non-substantive amendments for clarity. Additionally, most boards and commissions under the Bureau of Professional and Occupational Affairs have or are in the process of drafting similar regulations. To keep the regulations across the various boards and commissions consistent, some non-substantive revisions have been made to conform the regulations to other licensure by endorsement regulations, including the following amendments.

The Board amends § 16.12b(a)(3)(ii)(E) and (G) to clarify English proficiency requirements to ensure consistent standards within its regulations. The amendments in § 16.12b(a)(3)(ii)(E) and (G) mirror the score requirements for the Test of English as a Foreign Language (TOEFL®) in the Board's regulations as in § 18.13 (relating to requirements for licensure as an acupuncturist), which was published as final at 53 Pa.B. 5759 (September 16, 2023). The amendments provide additional clarity by specifying the score for each version of the TOEFL® and allowing the Board to accept an equivalent score on a successor examination of the TOEFL®. Specifically, the amended language clarifies that an applicant must achieve a scaled score of at least 83 on the TOEFL® internet-based test, which is the most recent version of the examination. The Board deletes the phrase "or similar score acceptable to the Board" and replaces it with the acceptable scores for the outdated versions of the TOEFL®. The comparable score for the TOEFL® computer-based test (CBT) is 220 which the Board will accept for that version of the examination. The comparable score for the TOEFL® paper-based test (PBT) is 557—560; however, since the Board's regulations previously accepted a scaled score of 550 on the PBT, the Board will continue accepting that same score to maintain consistency on this version of the examination. The Board obtained comparable score information from the 2005 *TOEFL® Score Comparison Table* which was created

by Educational Testing Services, the company that currently manages the TOEFL®. The Board includes the acceptable scores for the outdated versions of the TOEFL®. While the CBT and PBT versions of the examination have been discontinued, including these examinations will notify the regulated community of the Board's practice of accepting a passing score on these versions of the examination for those individuals who have taken the examination in the past.

The Board also amends § 16.12b(a)(3)(ii)(G) to allow the Board to accept a passing score on another English proficiency examination that is equivalent to the TOEFL® or Occupational English Test (OET). This allows the Board to accept future versions of the TOEFL® or OET so that when future versions are adopted, the Board's regulations will recognize those examinations immediately. The Board also adds additional language indicating that the Board will make a list available on its website of all equivalent and successor examinations.

The Board amends § 16.12b(a) and (a)(2) by replacing the word "must" with "shall."

The Board amends § 16.12b(a)(1) to change the term "certification" to "certificate."

The Board amends § 16.12b(a)(1)(iii) to delete the "regarding to" descriptions for §§ 17.1 and 18.504 (relating to license without restriction; and application for licensure) because the descriptions are unnecessary.

The Board amends § 16.12b(a)(3) by replacing "demonstrates" with "demonstrate," deleting the term "establishing" and clarifying that experience may be from a jurisdiction or jurisdictions with substantially equivalent licensure standards.

The Board amends § 16.12b(a)(7) and (9) by changing the tenses of the first words of the sentence to "have satisfied" and "have completed." The Board also adds a cross reference to Subchapter G of the Board's child abuse regulations.

The Board amends § 16.12b(c) by changing the header to "Prohibited acts and discipline" because the subsection discusses both prohibited acts and discipline.

The Board amends § 16.12c(c)(3) to clarify that a provisional endorsement license terminates when the license expires.

The Board amends § 16.12c(d) to replace the term "licensure" with "a license" for clarity.

Fiscal Impact and Paperwork Requirements

This final-form 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 will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the initial application fees in § 16.13. Applicants will have to pay the initial application fee of \$35 for a medical doctor who is a graduate of a medical college within the United States or Canada and \$85 for medical doctors who are a graduate of a medical college outside of the United States or Canada; \$75 for behavioral specialist; \$50 for nurse midwife, perfusionist, genetic counselor, prosthetist, orthotist; \$30 for physician assistant, acupuncturist, practitioner of Oriental medicine, respiratory therapist; \$25 for pedorthist, orthotic fitter; \$20 athletic trainer; \$100 for naturopathic doctor. An applicant obtaining an FBI CHRC is charged \$18 by the FBI. A CHRC obtained through the Pennsylvania State Police is \$22. An applicant obtaining a CHRC from any other state, territory or country would be charged the fee assessed by that jurisdiction.

Applicants must complete child abuse recognition and reporting training, as required by 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training). There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training. If an applicant is unable to establish English proficiency by demonstrating that their education, training or examination was in English and they must take the TOEFL® examination or another examination, the cost to the applicant is approximately \$200.

The previously stated costs would be incurred by all applicants regardless of whether they apply through endorsement or by examination.

Sunset Date

The Board continuously monitors its regulations; therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 1, 2022, the Board submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B. 4923 and a copy of a RAF to IRRC, the chairperson of the SCP/PLC and to the chairperson of the HPLC for review and comment. Publication was followed by a 30-day public comment period during which the Board received 36 public comments. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, IRRC, the SCP/PLC and the HPLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board considered all comments from IRRC, the HPLC and the public. The SCP/PLC did not submit comments.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on July 25, 2024, the Board delivered this final-form rulemaking to IRRC, the SCP/PLC and the HPLC. Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act, on September 18, 2024, the final-form rulemaking was deemed approved by the SCP/PLC and the HPLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 19, 2024, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Saiyad Ali, 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 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 were considered in drafting this final-form rulemaking.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose for the proposed regulation published at 52 Pa.B. 4923.

(4) These amendments to the regulations of the Board are necessary and appropriate for the administration of 63 Pa.C.S. § 3111.

Order

The Board, acting under its authorizing statute, orders that:

(A) The regulations of the Board, 49 Pa. Code Chapter 16, are amended by adding §§ 16.12a, 16.12b and 16.12c and amending § 16.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(B) The Board shall submit a copy of this final-form rulemaking 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 rulemaking to IRRC, the SCP/PLC and the HPLC as required by law.

(D) The Board shall certify this final-form rulemaking and shall deposit it with the Legislative Reference Bureau as required by law.

(E) This final-form rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

MARK B. WOODLAND, MS, MD

Chairperson

(Editor's Note: See 54 Pa.B. 6347 (October 5, 2024) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-4958 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 B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.12a. Definitions for license by endorsement under 63 Pa.C.S. § 3111.

The following term, when used in §§ 16.12b and 16.12c (relating to license by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement license under 63 Pa.C.S. § 3111) has the following meaning unless the context clearly indicates otherwise:

Jurisdiction—A state, territory or country.

§ 16.12b. License 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 under the following:

(i) The act, the Naturopathic Doctor Registration Act (NDRA) (63 P.S. §§ 272.101—272.301) or the Acupuncture Licensure Act (ALA) (63 P.S. §§ 1801—1806.1).

(ii) Section 16.12 (relating to general qualifications for licenses, registration and certificates).

(iii) Sections 17.1, 18.2, 18.13, 18.13a, 18.141, 18.307, 18.504, 18.524, 18.603, 18.703, 18.814, 18.824, 18.833, 18.843 and 18.903, as applicable.

(2) 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. The following apply:

(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 by the following:

(i) Experience in the practice of the profession by demonstrating, 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 jurisdiction or jurisdictions with substantially equivalent licensure standards, for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) English language proficiency by demonstrating one of the following:

(A) The applicant's educational program was in English.

(B) The applicant's training was at an English-speaking facility.

(C) The applicant's entry examination was taken in English.

(D) The applicant is certified by the Educational Commission for Foreign Medical Graduates.

(E) The applicant has achieved a scaled score of at least 83 on the Test of English as a Foreign Language (TOEFL®) internet-based test (IBT), a 220 on the TOEFL® computer-based test (CBT), a 550 on the TOEFL® paper-based test (PBT) 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.

(F) The applicant has achieved a score of 350 in each of the four subtests of the Occupational English Test (OET).

(G) The applicant has achieved a passing score on an English proficiency examination equivalent to the TOEFL® or OET, as determined by the Board. The Board will make available a list of equivalent Board-approved English language proficiency examinations on its web site.

(4) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice prohibited by section 41 of the act (63 P.S. § 422.41) or section 204 of the NDRA (63 P.S. § 272.204).

(5) Have not been disciplined by the jurisdiction that issued the license, certification, registration or permit.

(6) Have paid the applicable application fee as required by § 16.13 (relating to licensure, certification, examination and registration fees).

(7) Have satisfied the professional liability insurance requirements as required under the act, section 3.2 of the ALA (63 P.S. § 1803.2), this chapter and Chapter 18 (relating to State Board of Medicine—practitioners other than medical doctors).

(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) and Subchapter G (relating to minimum standards of practice—child abuse reporting).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency, experience or English proficiency. The applicant may request the interview to be conducted by video 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 41 of the act (63 P.S. § 422.41), section 204 of the NDRA (63 P.S. § 272.204) or a disciplinary action taken by another jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

§ 16.12c. 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 § 16.12b (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. When the remaining requirements for licensure can be completed in less than 1 year, the Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon written request and 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) When the Board completes its assessment of the applicant and denies or grants the license.

(2) When the holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) When the provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for a license by endorsement under § 16.12b after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.

§ 16.13. Licensure, certification, examination and registration fees.

(a) *Medical Doctor License:*

License Without Restriction:

Application, graduate of a medical college within the United States or Canada \$35

Application, graduate of a medical college outside of the United States or Canada \$85

Biennial renewal \$360

* * * * *

[Pa.B. Doc. No. 24-1573. Filed for public inspection November 1, 2024, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 1, 3 AND 5]

Regulations Governing the Public Utility Commission's General Provisions, 52 Pa. Code Chapters 1, 3, and 5 (relating to Rules of Administrative Practice and Procedure; Special Provisions; and Formal Proceedings)

Public Meeting held
August 22, 2024

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson, statement follows; Ralph V. Yanora; Kathryn L. Zerfuss, statement follows; John F. Coleman, Jr., statement follows, dissenting

Regulations Governing the Public Utility Commission's General Provisions, 52 Pa. Code Chapters 1, 3, and 5 (relating to Rules of Administrative Practice and Procedure; Special Provisions; and Formal Proceedings); Docket No. L-2023-3041347

Clarified Notice of Proposed Rulemaking Order

By the Commission:

The Pennsylvania Public Utility Commission (PUC) has commenced this Notice of Proposed Rulemaking Order (NOPR) to seek comments on proposed amendments to the PUC's regulations at 52 Pa. Code §§ 1.1—1.96, 3.1—3.602, and 5.01—5.633 (relating to rules of administrative practice and procedure; special provisions; and formal proceedings), (Chapters 1, 3, and 5, respectively). Specifically, with this NOPR, the PUC proposes changes to its regulations in order to update and clarify the general provisions in Subpart A of Title 52 surrounding practice before the PUC.¹ This NOPR is comprised of a PUC Order, which is the Preamble, and an Annex A, which presents the proposed changes to the PUC's Rules of Administrative Practice.

Background

The general provisions regarding practice before the PUC were last revised in 2006.² Since then, our jurisdictional responsibilities have changed considerably, and important technological innovations and advancements have occurred that, if implemented, could bring much-needed efficiencies to the current processes and procedures in PUC administrative hearings and proceedings. As such, in the first quarter of 2016, the PUC announced its intention to revise the PUC's rules of practice and

¹ The clarifications to this NOPR Order and Annex were adopted by the Commission in the Order entered on August 22, 2024 at this docket. Regulations Governing the Public Utility Commission's General Provisions, 52 Pa. Code Chapters 1, 3, and 5 (relating to Rules of Administrative Practice and Procedure; Special Provisions; and Formal Proceedings), Docket No. L-2023-3041347 (Order Clarifying Notice of Proposed Rulemaking Order entered on May 12, 2022) (August 22, 2024 Order). For purposes of the rulemaking, this clarified NOPR Order and Annex A will be published in the *Pennsylvania Bulletin*.

² Final Rulemaking For the Revision of Chapters 1, 3, and 5 of Title 52 of the *Pennsylvania Code* Pertaining to Practice and Procedure Before the Commission, Docket No. L-00020156 (Final Rulemaking Order entered January 4, 2006), effective April 29, 2006, 36 Pa.B. 2097 (4/29/2006). On April 28, 2006, a Secretarial Letter was issued providing that for any PUC proceeding initiated prior to April 29, 2006, all active parties could jointly seek a determination for the assigned presiding officer or from the PUC that the revisions would apply to that proceeding, 36 Pa.B. 2281 (5/13/2006). That rulemaking may be viewed on the website of the Pennsylvania Independent Regulatory Review Commission as IRRR Number 2441, at https://www.irrc.state.pa.us/regulations/find_a_regulation.cfm.

procedure, 52 Pa. Code Chapters 1, 3 and 5, by convening a series of informal stakeholder meetings wherein PUC Staff and attorneys representing clients that regularly practice before the PUC could identify issues and concerns with the existing rules as well as recommend amended language for the PUC's consideration. We stated our intention to solicit additional input regarding proposed revisions and our commitment to carefully consider the views of all interested parties prior to taking formal action. Upon extensive consideration of the input we received from stakeholders, we now enter this Notice of Proposed Rulemaking Order for the requisite review and public comment.

Discussion

I. Proposed Amendments To Chapter 1—Rules Of Administrative Practice And Procedure

The PUC recognizes that the rules of administrative practice and procedure need to be updated in order to make PUC proceedings operate in a more efficient manner. Therefore, with the aim of increasing efficiency and clarity in PUC proceedings, the PUC proposes the following amendments to the regulations at 52 Pa. Code §§ 1.1—1.96 for the rationales articulated herein.

52 Pa. Code § 1.3. Information and Special Instructions.

Proposed Change

Section 1.3(a) would be amended to replace “application” with “request.”

Section 1.3(a)(2) would be amended to identify clearly that overnight delivery, certified or priority mail are the mailing options other than first-class mail.

Rationale for Proposed Change

The proposed amendment to Section 1.3(a) would streamline the process for seeking information about the PUC's procedural rules or information regarding hearings. The proposed amendment would clarify that an individual seeking procedural information no longer needs to file an “application,” which usually requires approval by the PUC or PUC staff. Additionally, the proposed amendment to Section 1.3(a)(2) is intended to clarify what is meant by the term “mail other than first-class” by deleting it and specifically identifying those types of mail service.

52 Pa. Code § 1.4. Filing Generally.

Proposed Change

Section 1.4(a)(2) would be amended to identify clearly that overnight delivery, certified or priority mail are the mailing options other than first-class mail for filings made with the PUC.

Rationale for Proposed Change

The proposed amendment to Section 1.4(a)(2) is intended to bring clarity to what is meant by the term “mail other than first class” by deleting it and specifically identifying those types of mail service.

52 Pa. Code § 1.5(a). Amendment to Rules.

Proposed Change

Section 1.5(a) is amended to remove “persons” from who may file an application based on the proposed new definition of “person” in Section 1.8 (relating to definitions).

Rationale for Proposed Change

The proposed amendment to Section 1.5(a) would allow parties in addition to “persons” (e.g., corporations and municipal corporations) to file applications requesting a general and permanent change in the PUC’s rules of administrative practice and procedure.

*52 Pa. Code § 1.6. Commission Office Hours.**Proposed Change*

Section 1.6 would be amended to allow the PUC to modify its office hours.

Rationale for Proposed Change

The proposed amendment to Section 1.6 is intended to recognize that the PUC, as an independent agency, may set its own hours.

*52 Pa. Code § 1.7. Sessions of the Commission.**Proposed Changes*

Section 1.7 would be amended to incorporate livestreamed and/or telephone public meetings.

Rationale for Proposed Changes

The proposed amendment to Section 1.7 is intended to recognize that the PUC has begun to use livestreamed and telephone public meetings more regularly.

*52 Pa. Code § 1.8. Definitions.**Proposed Changes*

“Act” would be amended to replace Section “3315” with “3316.”

“Adjudication” would be amended to clarify qualifying proceedings under the definition.

“Applicants” would be amended to change the term to singular form and to clarify qualifying entities under the definition.

“Adversarial proceeding” would be amended to replace “other persons” with “parties” to be consistent with the proposed new definition of “person” in this section.

“Authorized agent” would be amended to replace “person” with “representative of a filing user” to be consistent with the proposed new definition of “person” in this section. The definition would also be amended to allow anyone with permission to submit filings to do so, which lowers the previous standard from anyone with permission to “legally act” on behalf of the filing user.

“Corporation” would be added to refer to the definition of “corporation” set forth at 66 Pa.C.S. § 102.

“Certified legal intern” would be added to define the qualifications and conditions under which law students may participate in legal matters before the Commission.

“Electronic mail” would be amended to address communication methods, including prospective ones such as text messaging.

“Filing user” would be amended to include corporations and municipal corporations, which were previously included in the definition of “person,” and to provide the PUC’s updated website URL.

“Initial decision” would be amended to replace “participant” with “party.”

“Intervenor” would be amended to include corporations and municipal corporations, which were previously included in the definition of “person.”

“Municipal corporation” would be added to refer to the definition of “municipal corporation” set forth at 66 Pa.C.S. § 102.

“Nonadversarial proceeding” would be amended to remove references to “person.”

“Notarial officer” would be amended to replace “persons” with “individuals” in light of the proposed change to the definition of “person.”

“Party” would be amended to include “corporation” and “municipal corporation” in light of the proposed change to the definition of “person.”

“Person” would be amended to refer to the definition of “person” set forth at 66 Pa.C.S. § 102.

“Petitioners” would be redefined as “petitioner” and the definition amended to replace the term “persons” with “party.”

“Presiding officer” would be amended to replace the reference to “a person” with “a Commission employee.”

“Principal” would be amended to replace the reference to “a party” with “an individual” who can take action on behalf of a partnership, association, corporation, or municipal corporation, and to clarify that the individual can authorize counsel to take specified action on behalf of a partnership, association, corporation, or municipal corporation.

“Protestants” would be amended to change the term to singular form and to replace “persons” with “a party” to reflect the change to the definition of “person.”

“Qualified document” would be amended to update the PUC’s website address and to clarify existing language concerning types of documents that can be filed with the PUC electronically.

“Rate proceeding” would be amended for brevity.

“Recommended decision” would be amended for clarity.

“Respondents” would be amended to change the term to singular form and for brevity and to replace reference to “person” with “a party.”

“Secretary” would be amended for brevity.

“Staff” would be amended to remove the outdated reference to the “Office of Trial Staff” and to incorporate reference to the “Bureau of Investigation and Enforcement.”

“Statutory advocate” would be amended to remove the outdated reference to the “Office of Trial Staff” and incorporate reference to the “Bureau of Investigation and Enforcement.”

“Submittal” would be amended for clarity.

“Telefacsimile transmittal” would be redefined as “fax transmittal” and amended for clarity.

“Tenative Decision” would be replaced with “Tentative Order” and the definition would be amended for clarity.

“Trade Secret” would be amended for brevity and clarity.

“Writing or written” would be amended to update the definition.

Rationale for Proposed Changes

The proposed amendments to Section 1.8 would revise the definition of “person” to bring our regulations into line with the definition of “person” as set forth in Section 102 of the Public Utility Code (66 Pa.C.S. § 102). The proposed amendments also update the terms “corporation,” and “municipal corporation” and further incorporate those terms into the existing definition of “party” Where appro-

priate, the term “person(s)” has been replaced with “party” or “parties” to reflect the regulation’s applicability to persons, corporations, and municipal corporations. The proposed amendments to Section 1.8 would also add, clarify and update certain existing definitions.

Additionally, “act” would be replaced with “Act” throughout the regulations when necessary to refer to the Public Utility Code (Code).

52 Pa. Code § 1.13. Issuance of Commission Orders.

Proposed Changes

Section 1.13 would be amended for clarity and to address references to PUC orders.

Rationale for Proposed Changes

The proposed amendments to Section 1.13 are intended to provide brevity and clarity.

52 Pa. Code § 1.15. Extensions of Time and Continuances.

Proposed Changes

Section 1.15(a)(1) would be amended to change “person” to “Commission employee” and would amend the language concerning notice of the PUC.

Section 1.15(b) would be amended to add “to the extent possible” to the end of the section, regarding when requests for continuances should be filed.

Rationale for Proposed Changes

The proposed amendments to Section 1.15(a)(1) are primarily intended to provide clarity as to who at the Commission is authorized to grant an extension of a time period for filing pursuant to the Commission’s regulations, a prior Commission order, or other notice by an authorized Commission employee.

Concerning Section 1.15(b), the PUC provides its administrative law judges (ALJs) who preside over PUC proceedings with the authority to regulate the course of the proceeding, under 52 Pa. Code § 5.483. Nevertheless, there are several existing PUC regulations that either impair ALJ control or do not reflect what occurs in practice.

For example, the PUC’s regulation at Section 1.15(b) provides that requests for a continuance of hearings should be filed at least five (5) days prior to the hearing date. However, it is not always possible for a party to submit a request for continuance at least five (5) days prior to the hearing date, especially in the event of illness, and judges are oftentimes faced with requests for a continuance less than five (5) days before the start of a hearing. Therefore, the proposed amendment to Section 1.15(b) is intended to recognize that it is not always possible for a party to submit a request for continuance at least five (5) days prior to the hearing date, especially in the event of illness. As Judges are often faced with requests for a continuance that are submitted less than five (5) days before the start of a hearing, the proposed amendment provides presiding officers flexibility in their authority to regulate the course of a proceeding.

Likewise, presiding ALJs often address service of documents by parties during prehearing conferences. A party may express a preference as to how he or she wishes to be served during the course of the proceeding. Therefore, Sections 5.222 (related to initiation of prehearing conferences in nonrate proceedings) and 5.224 (related to Prehearing conference in rate proceedings) would be amended to afford the presiding officer with the authority to address and determine the method of service on parties.

52 Pa. Code § 1.16. Issuance of decisions by presiding officers.

Proposed Changes

Section 1.16(b) would be amended to delete the existing language describing the process for serving presiding officer decisions and simply refer to 708(e) of the Public Utility Code, 66 Pa.C.S. § 708(e).

Rationale For Proposed Changes

The proposed amendment to Section 1.16(b) would make the regulation consistent with the process for serving decisions by presiding officers as set forth by the General Assembly in Section 708(e) of the Public Utility Code, 66 Pa.C.S. § 708(e).

52 Pa. Code § 1.21. Appearance.

Proposed Changes

The title of Section 1.21 would be amended to “appearance in nonadversarial or informal proceedings” to clarify that it deals with appearances in PUC nonadversarial and informal proceedings only. The text of Section 1.21 would be amended to change “person” to “party” to specify who can appear on behalf of a party involved in a nonadversarial or informal PUC proceedings.

Section 1.21(c) would be amended to allow a non-attorney third party representative holding the power of attorney for an individual consumer to represent that individual during periods of disability or incapacity, or both.

Rationale for Proposed Changes

The proposed amendment to Section 1.21 is intended to provide a clear distinction between nonadversarial and informal proceedings and adversarial proceeding and states who can appear on behalf of a party in a nonadversarial and informal PUC proceedings. The proposed amendment also provides consistency with the proposed amended definition of “party” set forth in Section 1.8.

Further, various administrative agencies permit a party to be represented by a nonlawyer in some circumstances. For example, an individual claiming unemployment compensation (UC) may be represented by a duly authorized agent before the Pa. Department of Labor and Industry, the Unemployment Compensation Board of Review, and a UC referee. See *Harkness v. Unemployment Compensation Bd. of Rev.*, 920 A.2d 162 (Pa. 2007). Also, nonlawyer representatives are permitted to appear on behalf of individuals appearing before the Pa. Department of Human Services, Office of Hearings an Appeals. See *Nolan v. Department of Public Welfare*, 673 A.2d 414 (Pa. Cmwlth. 1995); and 55 Pa. Code §§ 275.2, 275.3(a), and 275.4(a)(1)(iv). Additionally, the Pa. Department of Revenue, Board of Appeals, specifies that a taxpayer filing an appeal may appear on his own behalf or be represented by someone else with the required technical knowledge who is not necessarily an attorney.

Accordingly, we propose a more permissive approach to representation similar to other administrative agencies would better facilitate the development of evidentiary records in complaint proceedings involving individual consumers.

The proposed amendment to Section 1.21(c) is intended to clarify that a non-attorney third-party representative holding power of attorney may represent an individual in nonadversarial proceedings during periods of disability or incapacity, or both.

52 Pa. Code § 1.22. *Appearance by Attorney or Certified Legal Intern.*

Proposed Changes

The title of Section 1.22 would be amended to “appearance in adversarial proceedings” to clarify that is dealing with appearances in PUC adversarial proceedings only. The amended section would define who can appear on behalf of a party involved in an adversarial proceeding. The proposed amendments also include “corporations” and “municipal corporations” in order to provide consistency with the proposed amended definition of “party” set forth in Section 1.8.

Section 1.22(a) would be amended to allow an authorized corporate official to represent small businesses or partnerships in adversarial proceedings, and to allow a non-attorney third party representative holding the power of attorney for an individual consumer to represent that individual during periods of disability or incapacity, or both.

Section 1.22(b) would be amended by removing the existing language and replacing it with language concerning representation before the Commission in adversarial proceedings.

Section 1.22(c) would be amended by deleting the existing language and replacing it with language stating that Section 1.22(b) supersedes 1 Pa. Code § 31.22 (relating to appearance by attorney). Section 1.22(c) is also amended by inserting the language currently existing at 1.22(b) concerning appearance by attorneys not licensed to practice in the Commonwealth.

Rationale for Proposed Changes

The proposed amendments to Section 1.22 are intended to adequately show that corporations and municipal corporations are subject to this section and clearly state who can appear on their behalf in an adversarial proceeding.

Sections 1.21 through 1.23 of our current rules operate to preclude a corporation or partnership from appearing before the PUC in an adversarial proceeding unless they have legal counsel. This rule relies on case precedent holding that a corporation may appear in court only through an attorney at law admitted to practice before the court. See *Walacavage v. Excell 2000*, 480 A.2d 281 (Pa. Super. 1984), citing *Simbraw, Inc. v. United States*, 367 F.2d 373 (3rd Cir. 1966); *MOVE Organization v. Department of Justice*, 555 F. Supp. 684 (E.D.Pa. 1983); *MacNeil v. Hearst Corp.*, 160 F. Supp. 157 (D.Del. 1958); *Merco Construction Engineers, Inc., v. Municipal Court*, 581 P.2d 636 (Ca. 1978); *Oahu Plumbing Sheet Metal, Ltd. v. Kona Construction, Inc.*, 590 P.2d 570 (Haw. 1979).

However, Rule 207 in the Rules of Procedure of the Magisterial District Judges (MDJ) in Pennsylvania allows corporate or partnership entities to appear pro se although, as noted that is not the case with the Court of Common Pleas and higher courts. It may be that PUC proceedings are more akin to MDJ proceedings, albeit at an administrative level, given the rights of appeal to Pennsylvania courts set out in the Code. Accordingly, the proposed amendment to Section 1.22(a) is intended to grant a more permissive approach to representation for individuals, small businesses, and partnerships, to better facilitate the development of evidentiary records in complaint proceedings involving individual consumers, and the ability of small Pennsylvania businesses to operate and seek redress before the PUC.

As part of the PUC’s consideration of whether small businesses and partnerships should continue to be precluded from appearing before the PUC without legal counsel in adversarial proceedings, we seek comment on a prospective definition for “small business,” including factors such as size or revenue or the potential adoption of an appropriate definition contained in other law.

52 Pa. Code § 1.23(a). *Other Representation Prohibited at Hearings.*

Proposed Changes

Section 1.23(a) would be amended to replace “persons” with “parties.”

Rationale for Proposed Changes

The proposed amendment to Section 1.23(a) is intended to clarify that all entities encompassed by the proposed amended definition of “party” in Section 1.8 are subject to this section.

52 Pa. Code § 1.24. *Notice of Appearance or Withdrawal.*

Proposed Changes

Section 1.24(b)(2)(i)(B) would be amended to replace “not licensed in this Commonwealth” with “appearing pro hac vice” and to remove parentheses in “jurisdiction(s).”

Section 1.24(b)(2)(i)(D) would be amended to change “person” to “party.”

Section 1.24(b)(2)(ii)(A) would be amended to include language that the attorney must serve notice of appearance.

Section 1.24(b)(3) would be amended to require the attorney to serve notice of withdrawal on the Secretary, the parties and the presiding officer.

Rationale for Proposed Changes

The proposed amendment to Section 1.24(b)(2)(i)(B) is intended to use the appropriate legal language for appearing pro hac vice before the Commonwealth.

The proposed amendment to Section 1.24(b)(2)(i)(D) is intended to create consistency with the proposed amended definition of “person” set forth in Section 1.8.

The proposed amendment to Section 1.24(b)(2)(ii)(A) is intended to clarify that the attorney must serve notice of appearance on the parties and a certificate of service with the Secretary.

The proposed amendment to Section 1.24(b)(3) is intended to clarify that the attorney must serve notice of withdrawal on the parties and presiding officer in addition to the Secretary.

52 Pa. Code § 1.27(a). *Suspension and Disbarment.*

Proposed Changes

Section 1.27(a) would be amended to change “person” to “individual.”

Rationale for Proposed Changes

The proposed amendment to Section 1.27(a) is intended to create consistency with the proposed amended definition of “person” set forth in Section 1.8.

52 Pa. Code § 1.31. *Requirements for Documentary Filings.*

Proposed Changes

Section 1.31(c)(3) would be amended to replace “person” with “party.”

Rationale for Proposed Changes

The proposed amendment to Section 1.31(c)(3) clarify that all entities encompassed by the proposed amended definition of “party” in Section 1.8 are subject to this section.

*52 Pa. Code § 1.32. Filing Specifications.**Proposed Changes*

Section 1.32(a)(1) would be amended to require that all typewritten documents be one-sided and have margins of at least one inch on all sides.

Section 1.32(a)(2) would be amended to require double-spaced text, except for quotations with a few lines of more, which are to be single-spaced and indented, all printed documents would have to be in at least 12-point font with 10-point font allowed for footnotes, and margins of at least 1 inch throughout.

Section 1.32(b)(1) would be deleted in its entirety.

Section 1.32(b) would further be amended to explain how filings must be filed electronically using the PUC’s electronic filing system as it specifies the filing requirements and the PUC’s requirement that documentary filings be searchable PDFs.

Rationale for Proposed Changes

The proposed amendments in Section 1.32(a) are intended to ensure that documents submitted to the PUC are accessible and legible. The proposed amendments in Section 1.32(b) are intended to ensure that submitted electronic documents are accessible to the PUC’s staff, including the ability to search submitted PDF documents. The proposed deletion of Section 1.32(b)(1), concerning participation in electronic filing, is to reduce confusion given that the PUC is also proposing amendments to Section 1.53, concerning service by the PUC, and Section 1.54, concerning service by a party, which will address participation in electronic service and filing, respectively.

*52 Pa. Code § 1.33. Incorporation by Reference.**Proposed Changes*

Section 1.33(b) would be amended to remove the specific language “person filing the current document ascertains that the.”

Rationale for Proposed Changes

The proposed amendment to Section 1.33(b) is intended to provide clarity and brevity.

*52 Pa. Code § 1.35. Execution.**Proposed Changes*

Section 1.35(b) would be amended to change “person” to “individual” and “act” to “Act.”

Rationale for Proposed Changes

The proposed amendments Section 1.35(b) are intended to create consistency with the revised definitions in Section 1.8.

*52 Pa. Code § 1.36. Verification.**Proposed Changes*

Section 1.36(a) would be amended to encourage parties to submit a cover letter with their petition if the petition contains no averment or denial of fact not appearing of record. Section 1.36(a) would be further amended to omit language providing that the verification may be signed by an individual other than a filing user.

Rationale for Proposed Changes

The amendment to incorporate a cover letter is proposed to aid the Secretary’s staff in processing filings. It is a best practice for the filing attorney to outwardly communicate whether such averment or denial is made, as the PUC employees processing the filing may or may not be attorneys. Therefore, adding this information in a cover letter will save the Secretary’s staff time, as they will not have to review the filing to determine whether the petition contains an averment or denial of fact.

Existing language in Section 1.36(a) states that verifications signed by someone other than the filing user must be refiled with a corrected verification within three days. This proposed amendment removing this language is intended to clarify that verifications must be signed by the appropriate individual upon filing and that improperly verified filings will be rejected.

*52 Pa. Code § 1.37. Number of Copies.**Proposed Changes*

Section 1.37(a)(3) would be amended to include and allow other electronic storage devices, such as USB flash drives.

Rationale for Proposed Changes

The proposed amendment to Section 1.37(a)(3) is intended to reflect current practice whereby many documents are already submitted to the Secretary’s Bureau by USB flash drive.

*52 Pa. Code § 1.43. Schedule of Fees Payable to the Commission.**Proposed Changes*

Section 1.43(a) would be amended to communicate that the PUC’s filing fees are non-refundable.

Section 1.43(a) would also be amended to update the schedule of fees charged by the PUC for processing various filings. Further, Section 1.43(a) would be amended to note that the category of “applications for amending a certificate” of public convenience (CPC) includes an application to abandon a CPC.

Rationale for Proposed Changes

The proposed amendment to Section 1.43(a) is intended to address requests by filers seeking a refund of filing fees paid to the PUC. The filing fees collected by the PUC are directly related to the costs of processing filings. If these fees were refundable, the PUC would be responsible for the costs associated with filing, whether the purposes of the filing were met or not. Therefore, it is appropriate that the regulation be amended to clarify that the PUC’s filing fees are non-refundable.

The proposed amendment to Section 1.43(a) would also eliminate certain fees. The PUC proposes to eliminate the fees related to intangible transition property notices since they relate to the 1997 restructuring of the electric industry and the retirement of resulting stranded costs and are therefore obsolete.³ The PUC’s microfiche records have all been converted to digital format, eliminating the need for any fees related to copies made of microfiche and microfilm rolls. The fee for filing an application for a certificate to discontinue service for intrastate common carrier passenger or household goods in use has been

³ See Perfection of Security Interests in Intangible Transition Property, Docket No. L-00970122 (Final Rulemaking Order adopted July 10, 1997); see also 27 Pa.B. 5420 (10/18/1997): <https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol27/27-42/1662.html> (last accessed on November 27, 2023). That proceeding is sometimes referred to at Docket No. L-970122.

eliminated, due to the difficulty of obtaining this de minimis amount from carriers who have gone out of business.

The proposed amendment to Section 1.43(a) would also add fees that have been implemented by the PUC since this regulation was last updated, including fees for applications to begin telecommunications service, applications to be a pipeline operator, applications to be a conservation service provider, and applications to be a utility valuation expert. Further, the fee schedule would be updated to clarify that applications to amend a CPC include applications to abandon a CPC.

In addition to the proposed amendments to Section 1.43(a), the PUC solicits comment on the proposed schedule of fees, including whether certain fees are still relevant given changes in PUC processes.

52 Pa. Code § 1.51. Instructions for Service, Notice and Protest.

Proposed Changes

Section 1.51(c) would be added to state that where an individual party is a victim of domestic violence and has a court order providing clear evidence of domestic violence, that party's address will be redacted on the service list.

Rationale for Proposed Changes

The addition of Section 1.51(c) serves an important role in protecting the personal information of domestic violence victims. There is no need for the personal information of domestic violence victims to be posted on the PUC's website, which is accessible to the general public.

52 Pa. Code § 1.53. Service by the Commission.

Proposed Changes

Section 1.53(a) would be amended to clarify that a person is not required to register for the PUC's electronic filing system to be a party in a PUC proceeding nor do they have to register to agree to the electronic service of documents by the PUC.

Section 1.53(b)(1) would be amended to clearly state that if a party has not agreed to electronic service they will continue to be served via first-class mail and that the recipient of the first-class mail would be the party's designated contact registered with the PUC.

Section 1.53(b)(3) would be amended to incorporate the current reality of the PUC's electronic filing system and also to add that a party does not have to have created a registered eService account with the PUC as a prerequisite to explicitly agreeing to the PUC serving the party with documents via electronic mail (e-mail). This section would be restructured by including subsections (i) and (ii) to differentiate between parties that open and use an account on the PUC's electronic filing system and those without an account but who agree to service by e-mail.

Section 1.53(c) would be amended to change "act" to "Act," incorporate the reality of a respondent utility that is an e-filing user, and to reflect that service of complaints in all hearings, investigations, and proceedings pending before the PUC can be made by e-mail upon agreement by each party, under 66 Pa.C.S. § 702 (relating to service of complaints on parties).

Rationale for Proposed Changes

The proposed amendment to Section 1.53(a) is intended to clarify that persons are not required to register to use the electronic filing system to be a party in a PUC

proceeding and shall continue to be served documents in paper form by the PUC unless they have agreed to electronic service.

The proposed amendment to Section 1.53(b)(1) is intended to create a more uniform service process to reduce potential confusion for PUC staff. We note that all persons appearing before the PUC are required to provide and maintain updated contact information, under Section 1.24.

The proposed amendment to Section 1.53(b)(3) originated from the PUC's waiver of service requirements during the COVID-19 pandemic, during which the PUC permitted electronic service by the PUC on all parties regardless of whether a particular party agreed to electronic service.⁴ The PUC has discerned that the flexibility of electronic service has provided additional efficiency across PUC operations; these include benefits to pro se complainants who rely on e-mail for more expedient service to avoid missing regulatory filing deadlines as well as allowing the Secretary's Bureau to more readily accept large filings.

The proposed amendment to Section 1.53(c) is intended to create consistency with the proposed new definitions in Section 1.8 and to incorporate the General Assembly's 2019 amendment to 66 Pa.C.S. § 702 that provides an explicit exception to the certified mailing of a complaint for a respondent party that has created a registered account with the PUC's electronic filing system.

52 Pa. Code § 1.54. Service by a Party.

Proposed Changes

Section 1.54(a) would be amended to clarify that a person will not be required to register to use the electronic filing system in order to serve documents on other parties. Section 1.54(b)(1) would be amended to clearly state that if a party has not agreed to the electronic service of documents, the other parties to the proceeding must continue to serve them their filings via first-class mail. Section 1.54(b)(3) would be amended to add the allowance of e-mail service when a party explicitly agrees to receive documents filed with the PUC in this fashion regarding a particular proceeding. This section would be restructured to differentiate between parties that open and use an account on the PUC's electronic filing system and those without an account but who agree to receive documents by e-mail.

Section 1.54(c) would be amended to remove "and persons or individuals."

Rationale for Proposed Changes

The proposed amendment to Section 1.54(b)(3) originated from the PUC's waiver of service requirements during the COVID-19 pandemic, during which the PUC directed that electronic service on PUC staff in proceedings pending before it, whether staff is a party or otherwise, be exclusively electronic unless the parties agreed otherwise.⁵ Allowing service by e-mail to parties who explicitly agree to e-mail service improves the efficiency of PUC operations.

The proposed amendment to Section 1.54(c) is intended for clarity and brevity and for consistency with the proposed new definitions in Section 1.8.

⁴ On March 20, 2020, Chairman Gladys Brown Dutrieuille issued an Emergency Order that provided for the suspension of regulatory and statutory deadlines under appropriate circumstances and modified filing and service requirements. The Commission unanimously ratified the March 20 Emergency Order at its March 26, 2020 Public Meeting. See also September 15, 2022 Order, Docket No. M-2021-3028321.

⁵ See September 15, 2022 Order, at Docket No. M-2021-3028321.

*52 Pa. Code § 1.56. Date of Service.**Proposed Changes*

Section 1.56(b) would be amended to remove “and the document is served.”

Rationale for Proposed Changes

The proposed amendment to Section 1.56(b) is intended for brevity and clarity.

*52 Pa. Code § 1.59. Number of Copies Served.**Proposed Changes*

Section 1.59 would be amended to provide the presiding officer with the discretion to determine the appropriate number of copies to be served on the presiding officer and other parties in a proceeding.

Rationale for Proposed Changes

Section 1.59 delineates the number of hard copies that shall be served on the presiding officer as well as the parties. The proposed amendment to Section 1.59 is intended to afford presiding officers with control to determine the appropriate number of copies that should be served in a proceeding, especially since serving hard copies may be unnecessary due to electronic service.

*52 Pa. Code § 1.61. Notice and Filing of Copies of Pleadings before other Tribunals.**Proposed Changes*

Section 1.61(a) would be amended to change “act” to “Act” and “person” to “entity.”

Section 1.61(b) would be amended to change required service from the Office of Trial Staff to the PUC’s Bureau of Investigation and Enforcement.

Section 1.61(d) would be amended to change “act” to “Act” and “person” to “entity.”

Rationale for Proposed Changes

The proposed amendments to Section 1.61(a) and (d) are intended to create consistency with the proposed new definitions in Section 1.8.

The proposed amendment to Section 1.61(b) is intended to reflect the renaming of the Office of Trial Staff to the Bureau of Investigation and Enforcement.

*52 Pa. Code § 1.71. Statement of Objectives.**Proposed Changes*

Section 1.71 would be amended to change “act” to “Act.”

Rationale for Proposed Changes

The proposed amendments to Section 1.71 are intended to create consistency with the proposed new definitions in Section 1.8.

*52 Pa. Code § 1.72. Content Review of Formal Case Files.**Proposed Changes*

Section 1.72 would be amended to remove procedures for written requests for access to PUC records.

Rationale for Proposed Changes

Sections 1.71–1.77 of the PUC’s regulations relate to 1) what documents should be kept for inspection at the Secretary’s Bureau’s public filing office, and 2) the process for getting non-confidential documents from the PUC and challenging determinations under those provisions. Under the Right to Know Law (RTK Law), 65 P.S. §§ 67.101–67.3104, that was in place at the time these regulations were last amended, agencies had to have their own processes for responding to written requests for records.

Now that process is unified under the RTK Law within the Office of Open Records (OOR) appeal process.

Therefore, the PUC’s regulations about written requests for review of public documents are now moot and are potentially in conflict with the RTK Law.

We seek comment on whether the regulations for written requests for access to PUC files are still needed given the RTK Law and the publicly-accessible PUC docketing system available on the PUC’s website.

*52 Pa. Code § 1.73. Fiscal Records.**Proposed Changes*

Section 1.73(b) would be amended to change “act” to “Act.”

Rationale for Proposed Changes

The proposed amendment to Section 1.73(b) is intended to update the reference from a prior version of the RTK Law to Act 3 of 2008 which created the newest version of the RTK Law.

*52 Pa. Code § 1.75. Review of Staff Determination.**Proposed Changes*

Section 1.75 would be removed from the PUC’s regulations.

Rationale for Proposed Changes

The proposed amendments to Section 1.75 are intended to bring PUC regulations in line with the RTK Law, now that the process for requesting access to PUC records is unified under the law. While it is still useful to have a regulation listing what must be kept for public inspection and processes for addressing informal requests for records, our regulations concerning written requests for review of public documents are now moot and are potentially in conflict with the RTK Law.

*52 Pa. Code § 1.77. Extensions of Time to Review Folders.**Proposed Changes*

Section 1.77 would be removed from the PUC’s regulations.

Rationale for Proposed Changes

The proposed amendments to Section 1.77 are intended to bring PUC regulations in line with the RTK Law, now that the process for requesting access to PUC records is unified under the law. While it is still useful to have a regulation listing what must be kept for public inspection and processes for addressing informal requests for records, our regulations concerning written requests for review of public documents are now moot and are potentially in conflict with the RTK Law.

*52 Pa. Code § 1.96. Unofficial Statements and Opinions by Commission Personnel.**Proposed Changes*

Section 1.96 would be amended to correct the spelling error in “employees” to “employees.”

Rationale for Proposed Changes

The proposed amendment to Section 1.96 is intended to correct a typographical error.

II. Proposed Amendments to Chapter 3—Special Provisions

The PUC recognizes that the rules relating to special provisions need to be updated in order to make PUC proceedings operate in a more efficient manner. Therefore, with the aim of increasing efficiency and clarity in

PUC proceedings, we propose the following amendments to the regulations at 52 Pa. Code §§ 3.1—3.602 for the rationales articulated herein.

52 Pa. Code § 3.1. Definitions.

Proposed Changes

“Emergency” would be amended to include clear and present danger to the public interest.

“Emergency Order” would be amended to replace “Director of Operations” with “Executive Director.”

Rationale for Proposed Changes

The proposed amendment to the definition of “emergency” allows the PUC to act in certain circumstances when there is a danger to the public interest, which was not previously specified. The amendment preserves the requirement that a “clear and present danger” must exist prior to any PUC action, and thereby alleviates any concerns regarding an overbroad definition of “emergency.”

The proposed amendment to the definition of “emergency order” reflects the renaming of the Director of Operations to the Executive Director.

52 Pa. Code § 3.2. Petitions for Issuance of Emergency Orders.

Proposed Changes

Section 3.2 would be amended to require, to the extent practicable, service of petitions for emergency orders to be served upon the statutory advocates.

Rationale for Proposed Changes

The proposed amendment to Section 3.2 is intended to ensure that the statutory advocates, namely, the Office of Consumer Advocate, the Office of Small Business Advocate, and the PUC’s Bureau of Investigation and Enforcement, are served with petitions to the PUC seeking the issuance of emergency orders. This requirement would allow the statutory advocates to be kept aware of such petitions and to take appropriate action in response to said petitions at their discretion.

52 Pa. Code § 3.3. Disposition of Ex Parte Emergency Orders.

Proposed Changes

Section 3.3(a)—(d) would be amended to replace “Director of Operations” with “Executive Director.”

Section 3.3(b) and (d) would be amended to allow statutory advocates to receive a copy of an emergency order or the denial of a petition for emergency order.

Rationale for Proposed Changes

The proposed amendments to Section 3.3(a)—(d) reflect the renaming of the Director of Operations to the Executive Director.

The proposed amendments to Section 3.3(b) and (d) are intended to ensure that the statutory advocates, namely, the Office of Consumer Advocate, the Office of Small Business Advocate, and the PUC’s Bureau of Investigation and Enforcement, are served with copy of an emergency order or the denial of a petition for emergency order. This requirement would allow the statutory advocates to be kept aware of such orders and to take appropriate action in response to said orders at their discretion.

52 Pa. Code § 3.4. Hearings Following Issuance of Emergency Orders.

Proposed Changes

Section 3.4(b) would be amended to require the petitioner to serve the statutory advocates and other parties.

Section 3.4(d) would be amended to replace “Director of Operations” with “Executive Director.”

Rationale for Proposed Changes

The proposed amendment to Section 3.4(b) clarifies all the parties that the petitioner is required to serve.

The proposed amendment to Section 3.4(d) reflects the renaming of the Director of Operations to the Executive Director.

52 Pa. Code § 3.6. Petitions for Interim Emergency Orders.

Proposed Changes

Section 3.6 would be amended to require service on statutory advocates.

Rationale for Proposed Changes

The proposed amendment to Section 3.6 is intended to ensure service of a petition for interim emergency order on the statutory advocates, in addition to the existing requirement to file with the Secretary and contemporaneously serve the Chief Administrative Law Judge and the parties.

52 Pa. Code § 3.101. Municipal Contracts.

Proposed Changes

Section 3.101 would be amended to replace “reproduction” with “reproduced.”

Rationale for Proposed Changes

The proposed amendment to Section 3.101 is intended to clarify existing language.

52 Pa. Code § 3.111. Form and Content of Informal Complaints.

Proposed Changes

Section 3.111(b) would be amended to change the PUC’s mailing address and to require informal complaints to comply with Section 3.111(a).

Rationale for Proposed Changes

The proposed amendments to Section 3.111(b) are intended to provide an updated mailing address for the PUC and to clarify that informal complaints should comply with the requirements of Section 3.111(a).

52 Pa. Code § 3.113. Resolution of Informal Investigations.

Proposed Changes

Subsections 3.113(a), (b)(1), and (b)(3) would be amended to state informal investigations terminated by letter will be served on affected parties.

Rationale for Proposed Changes

The proposed amendment to Section 3.113(b)(1) is intended to clarify on whom the PUC will serve letters terminating an informal investigation.

52 Pa. Code § 3.381. Applications for Transportation of Property, Household Goods in Use and Persons.

Proposed Changes

Section 3.381(a)(3) would be amended to change the PUC’s address.

Rationale for Proposed Changes

The proposed amendment to Section 3.381(a)(3) is intended to provide an updated mailing address for the PUC.

*52 Pa. Code § 3.391. Arbitration of Claims for Billing and Collecting Services.**Proposed Changes*

Section 3.391(a) would be amended to reflect the correct statute governing arbitration of a dispute between a water utility and an authority, city, borough or township as to the cost of billing and collecting services.

Rationale for Proposed Changes

The current statutory provision incorporated in Section 3.391 has been repealed. The proposed amendment would reflect the correct statutory provision that now governs when the water utility acts as a billing and collecting agent for a municipal authority, city, borough or township and the PUC is the forum for the arbitration of the dispute that arises between them due to the cost of billing and collecting services.

*52 Pa. Code § 3.551. Official Forms.**Proposed Changes*

Section 3.551 would be amended to change the PUC's address.

Rationale for Proposed Changes

The proposed amendment to Section 3.551 is intended to provide an updated mailing address for the PUC.

III. Proposed Amendments to Chapter 5—Formal Proceedings

The PUC recognizes that the rules governing formal proceedings need to be updated in order to make PUC proceedings operate in a more efficient manner. Therefore, with the aim of increasing efficiency and clarity in formal proceedings, the PUC proposes the following amendments to the regulations at 52 Pa. Code §§ 5.1—5.633 for the rationales articulated herein.

*52 Pa. Code § 5.12. Contents of Applications.**Proposed Changes*

Section 5.12(a) would be amended to direct the applicant to serve the application upon the statutory advocates.

Rationale for Proposed Changes

The proposed amendment to Section 5.12(a) is intended to ensure that the statutory advocates, namely, the Office of Consumer Advocate, the Office of Small Business Advocate, and the PUC's Bureau of Investigation and Enforcement, are served with copies of applications. This requirement will allow the statutory advocates to be kept aware of applications filed with the PUC, and take appropriate action in response to said applications, at their discretion.

*52 Pa. Code § 5.13. Applications for Construction or Alteration of Crossings.**Proposed Changes*

Section 5.13(b) would be amended to remove the phrase "complained against."

Rationale for Proposed Changes

The proposed amendment to Section 5.13(b) is intended to permit abolitions of crossings even when complaints have not been filed.

*52 Pa. Code § 5.14. Applications Requiring Notice.**Proposed Changes*

Section 5.14(a) would be amended to set forth illustrative examples of the applications for authority that must be published, whether in the *Pennsylvania Bulletin* only or as otherwise required by the PUC. This list would duplicate the list of applications mentioned in the existing Section 5.14(d), except for (d)(4—6) and (d)(10), which would be deleted. Applications for initiation of steam utility service, rail service, and common carrier service by motor vehicle (except as provided for in 52 Pa. Code § 3.381(b)) would be added to the newly-created Sections 5.14(a)(1—3). The reference to "fixed utilities" that originally appeared in Section 5.14(d) would be replaced with "utilities" in the newly-created Sections 5.14(a)(1—3).

Section 5.14(d) would be deleted in its entirety.

Rationale for Proposed Changes

Section 5.14(a) currently sets forth the general rule that notice of applications to the PUC for authority under the Code must be published in the *Pennsylvania Bulletin* and as may otherwise be required by the PUC. The proposed amendment to Section 5.14(a) would provide an informational listing of the applications for authority that must be published, which includes not just fixed utilities, but all utility service that is currently regulated by the PUC as defined under 66 Pa.C.S. § 102.

The proposed amendment to Section 5.14(d) would delete it in its entirety as it is no longer necessary.

*52 Pa. Code § 5.21. Formal Complaints Generally.**Proposed Changes*

Section 5.21(c) would be amended to change "Office of Trial Staff" to "Bureau of Investigation and Enforcement" and to allow for a complaint to be served electronically if the respondent is a filing user. It would also provide that the PUC may serve a copy of the complaint by e-mail upon agreement by each party, under 66 Pa.C.S. § 702. Section 5.21(d) would be amended to replace "compliant" with "complaint."

Rationale for Proposed Changes

The proposed amendment to Section 5.21(c) is intended to reflect the renaming of the Office of Trial Staff to the Bureau of Investigation and Enforcement and to incorporate the General Assembly's 2019 amendment to 66 Pa.C.S. § 702, which allows for the electronic filing of formal complaints when applicable.

The proposed amendment to Section 5.21(d) is intended to correct a typographical spelling error.

*52 Pa. Code § 5.22. Content of Formal Complaint.**Proposed Changes*

Section 5.22(a)(1)-(2) would be amended to change "telefacsimile" to "fax."

Rationale for Proposed Changes

The proposed amendment to Section 5.22(a)(2) is intended to update existing language.

*52 Pa. Code § 5.24. Satisfaction of Formal Complaints.**Proposed Changes*

Section 5.24(c) would be amended to specify that, in cases involving multiple respondents, a docket will not be marked closed until the filing of certified statements or certificates of satisfaction that resolve all claims against all respondents.

Rationale for Proposed Changes

The proposed amendment to Section 5.24(c) is intended to address the filing of certificates of satisfaction in cases where there are multiple respondents. Section 5.24(c) currently only addresses complaints involving a single respondent. In such cases, the filing of a certificate of satisfaction that is not objected to by the complainant resolves all claims against the respondent and allows the docket to be closed.

However, in complaints where there are multiple respondents, a certificate of satisfaction may or may not resolve the complainant's claims against each and every respondent. Therefore, in cases involving multiple respondents, the filing of a certificate of satisfaction will not automatically trigger closure of the case as long as there are claims that remain outstanding against any of the respondents.

*52 Pa. Code § 5.31. Staff-initiated Complaints.**Proposed Changes*

Section 5.31(b) would be amended to change "Office of Trial Staff" to "Bureau of Investigation and Enforcement."

Rationale for Proposed Changes

The proposed amendment to Section 5.31(b) is intended to reflect the renaming of the Office of Trial Staff to the Bureau of Investigation and Enforcement.

*52 Pa. Code § 5.41. Petitions Generally.**Proposed Changes*

Section 5.41(a) would be amended to require materially supportive documents to be attached, and, if they are not available for attachment, the petition must set forth the reason for unavailability.

Section 5.41(b) would be amended to change "Office of Trial Staff" to "Bureau of Investigation and Enforcement."

Rationale for Proposed Changes

The proposed amendment to Section 5.41(a) is intended to harmonize the filing requirements for formal complaints, as addressed in Section 5.22(a), and the filing requirements for petitions.

The proposed amendment to Section 5.41(b) is intended to reflect the renaming of the Office of Trial Staff to the Bureau of Investigation and Enforcement.

*52 Pa. Code § 5.42. Petitions for Declaratory Orders.**Proposed Changes*

Section 5.42(c) would be amended to require copies to be served in accordance with the PUC's direction.

Rationale for Proposed Changes

The proposed amendment to Section 5.42(c) is intended to provide consistency with similar language in Section 5.41(c).

*52 Pa. Code § 5.43. Petitions for Issuance, Amendment, Repeal, or Waiver of Commission Regulations.**Proposed Changes*

Section 5.43(b) would be amended to change "Office of Trial Staff" to "Bureau of Investigation and Enforcement."

Section 5.43(c) would be amended to require copies to be served in accordance with the PUC's direction.

Rationale for Proposed Changes

The proposed amendment to § 5.43(b) is intended to reflect the renaming of the Office of Trial Staff to the Bureau of Investigation and Enforcement.

The proposed amendment to Section 5.43(c) is intended to provide consistency with similar language in Section 5.41(c).

*52 Pa. Code § 5.52. Content of a Protest to an Application.**Proposed Changes*

Section 5.52(a)(2) would be amended to remove the extraneous space after "protest" and to add a new subsection (4) that would require that a protest to an application must explicitly request a hearing before the Office of Administrative Law Judge or the PUC will not schedule one.

Rationale for Proposed Changes

The proposed amendment to Section 5.52(a) is intended to correct a typographical error and to inform parties that submit protests that if they do not explicitly request a hearing before the Office of Administrative Law Judge the PUC will rule on the pleadings alone without holding evidentiary hearings.

*52 Pa. Code § 5.53. Time of Filing.**Proposed Changes*

Section 5.53 would be amended to provide for a 30-day period from the date of publication in the *Pennsylvania Bulletin* in which to file protests to applications, with modifications to this protest period being granted for good cause shown.

Rationale for Proposed Changes

Various PUC regulations provide for a 60-day period in which to file protests, unless otherwise specified. The 60-day period commences from the date of publication in the *Pennsylvania Bulletin*. See 52 Pa. Code § 5.14(c) (indicating that the time for filing protests to applications is governed by Section 5.53); and 52 Pa. Code § 5.53 (related to Time of filing).

Executive Order 2023-07, building Efficiency in the Commonwealth's Permitting, Licensing, and Certification Processes, which was issued on January 31, 2023, instructs executive agencies to examine the type of permits, licenses, or certifications they issue, which would then be subject to recommended efficient application processing times.⁶ As a best practice, the PUC should also take this opportunity to examine whether the PUC's application processes may be improved while still affording interested parties with notice and an opportunity to be heard.

The proposed amendment to Section 5.53 reduces the default protest period from 60 days to 30 days following publication of an application in the *Pennsylvania Bulletin*. This amendment is intended to follow Executive Order 2023-07 and to make processing times for applications more efficient while still affording interested parties with notice and an opportunity to be heard.

*52 Pa. Code § 5.72. Eligibility to Intervene.**Proposed Changes*

The heading of Section 5.72(a) would be amended to replace "Persons" with "Parties."

⁶ Executive Order 2023-07—Building Efficiency in the Commonwealth's Permitting, Licensing, and Certification Processes. See, https://www.governor.pa.gov/wp-content/uploads/2023/01/20230131_EO-2023-07_FINAL_Executed.pdf

Rationale for Proposed Changes

The proposed amendment in Section 5.72(a) is intended to clarify that Section 5.72(a) addresses persons seeking to intervene in a proceeding as a party.

*52 Pa. Code § 5.74. Filing of Petitions to Intervene.**Proposed Changes*

Section 5.74(b)(3) would be amended to change the timeline for filing petitions to intervene to the time specified in an order or notice, and within 30 days if no time is specified is set in an order or notice with respect to the proceedings.

Rationale for Proposed Changes

Section 5.74(b) of the PUC's regulations allows for the filing of a petition to intervene to occur no later than the date fixed for the filing of responsive pleadings in an order or notice with respect to the proceedings but not less than the notice and protest period established under §§ 5.14 and 5.53, absent good cause shown. Therefore, we propose to retain the existing language in the regulation at Section 5.74(b), but amend Section 5.74(b)(3) to note that, absent an order or notice stating otherwise under Sections 5.76(b)(1) or (b)(2), the outer limit for filing a petition to intervene would be aligned with proposed shortened time for filing protests of 30-days from the date of publication in the *Pennsylvania Bulletin*, except upon good cause shown. As proposed in Section 5.14(c), the proposed amendment to Section 5.74(b)(3) is intended to provide consistency with the timeframe for the filing of a protest as set forth in Section 5.53.

*52 Pa. Code § 5.81. Consolidation.**Proposed Changes*

We propose to amend Section 5.81 to incorporate a rule addressing the identification of, and participation by, utility and non-utility indispensable parties when it will result in a better record and comprehensive consideration of the parties, facts, and issues in a proceeding.

Rationale for Proposed Changes

Section 5.81 of the current rules expressly authorizes an Administrative Law Judge (ALJ) or the PUC to consolidate a common question of law or fact. The current rules contain no provision authorizing the ALJ or the PUC to identify an indispensable party and interplead that party. Accordingly, we solicit input on the development of a prospective rule that would address this issue.

*52 Pa. Code § 5.222. Initiation of Prehearing Conferences in Nonrate Proceedings.**Proposed Changes*

Section 5.222 would be amended to allow the presiding officer to address and determine the manner of service on parties in non-rate proceedings.

Rationale for Proposed Changes

The proposed amendment to Section 5.222 is intended to reflect that presiding officers often address service of documents by parties during prehearing conferences, and a party may express a preference as to how they wish to be served during the course of the proceeding. Therefore, it follows that the presiding officer be afforded with the authority to address and determine the method of service on parties.

*52 Pa. Code § 5.224. Prehearing Conference in Rate Proceedings.**Proposed Changes*

Section 5.224 would be amended to allow the presiding officer to address and determine the manner of service on parties in rate proceedings.

Rationale for Proposed Changes

The proposed amendment to Section 5.224 is intended to reflect that presiding officers often address service of documents by parties during prehearing conferences, and a party may express a preference as to how they wish to be served during the course of the proceeding. Therefore, it follows that the presiding officer be afforded with the authority to address and determine the method of service on parties.

*52 Pa. Code § 5.245. Failure to Appear, Proceed or Maintain Order in Proceedings.**Proposed Changes*

Section 5.245 would be amended to prohibit the section from applying to a party who is not required to secure counsel if there is no finding that the party has committed an abuse of process. It would also be amended to prohibit the dismissal of a complaint, petition, or application with prejudice for a procedural failure on the complainant, petitioner, or applicant's behalf.

Rationale for Proposed Changes

The PUC often relies on Sections 316 and 332(f) of the Code, 66 Pa.C.S. §§ 316 and 332(f), respectively, to dismiss proceedings with prejudice when litigants fail to appear. Section 332(f) addresses the failure to be at a scheduled conference or hearing. Section 332(f) holds that the failure to secure counsel and appear precludes that party from participating, seeking a rehearing, or a recall unless it was unavoidable, and the other party is not prejudiced. This general rule and exception seem to be limited to those circumstances where a party is required to have legal counsel before the PUC. This has also been relied on to dismiss unrepresented pro se litigant cases with prejudice when they fail to appear.

Section 316 of the Code also governs prima facie evidence of facts found which are conclusive unless set aside. This provision does not address stare decisis or dismissals with prejudice. This provision creates a presumption that prior facts, such as tariffed rates, are reasonable and precludes collateral attacks upon those facts absent a showing of changed circumstances. *McLaughlin v. DQE*, Docket No. C-20065798 (2009); *Duquesne Light Co. et al. v. Pa. PUC*, 715 A. 2d 540 (Pa. Cmwlth. 1998); *Popowsky v. Pa. PUC*, 669 A. 2d 1029, 1037 n. 14 (Pa. Cmwlth. 1995), rev'd in part on other grounds, 706 A. 2d 1197 (Pa. 1997); *Zucker v. Pa. PUC*, 401 A. 2d 1377, 1380 (Pa. Cmwlth. 1979); *Schellhammer v. Pa. PUC*, 629 A. 2d 189, 193 (Pa. Cmwlth. 1993).

The PUC often relies on Section 316 of the Code and the ancillary res judicata or collateral estoppel. However, Pennsylvania law holds that res judicata should not apply if a matter is dismissed on procedural matters, like a failure to appear, because there has been no substantive determination on the merits. *Scharf v. DeCou Company*, 183 A.41, 41-42 (1936); *Farabiugh Chevrolet v. Covenant Management, Inc.*, 522 A.2d 100, 101 (Pa. Super. 1987); *Gutman v. Giordano*, 557 A.2d 782, 783 (Pa. Super. 1989); *Acobacey v. Acobacey*, 22 Phila. 333, 191 Phila. Cty. Rptr. LEXIS 42 (1991); *Monroeville v. Liberatore*, 736 A.2d 31, 34 (Pa. Cmwlth. 1999). For collateral estoppel to apply,

there must be an identity of parties yet often a matter is raised by separate spouses at different times on very different facts.

Section 5.245 of our rules addresses failure to appear and the circumstances in which failure to be represented at a hearing may constitute a waiver to participate in the hearing. Therefore, it is the appropriate section to clarify when a pro se litigant can be dismissed with prejudice, and whether the application of res judicata and collateral estoppel based upon a litigant's failure to appear at hearing is permissible.

52 Pa. Code § 5.251. Recording of Proceedings.

Proposed Changes

Section 5.251(d) would be amended to include a provision detailing the rules regarding recording during a special agent proceeding.

Rationale for Proposed Changes

The proposed amendment to Section 5.251(d) is intended to clarify what occurs in practice during special agent proceedings.

52 Pa. Code § 5.252. Records of Proceedings.

Proposed Changes

Section 5.252(c) and (d) would be amended to replace "tapes" with "recordings."

Rationale for Proposed Changes

The proposed amendments to Section 5.252(c) and (d) are intended to reflect the change in technology the PUC uses for record proceedings from cassette tape to digital recordings.

52 Pa. Code § 5.304. Interlocutory Review of Discovery Matters.

Proposed Changes

Section 5.304(c) would be amended to replace "Responsive brief" with "Brief."

Section 5.304(i) would be amended to be left justified.

Rationale for Proposed Changes

The proposed amendment to Section 5.304(c) is intended to provide consistency with the language in Section 5.302(b) and to clarify that any party may file a brief in support or opposition to a petition for interlocutory review of a presiding officer's ruling on discovery.

The proposed amendment to Section 5.304(i) is intended to clarify the proper placement of the provision in the statute.

52 Pa. Code § 5.306. Expedited Notification.

Proposed Changes

Section 5.306 would be amended to replace "telefacsimile" with "telefax."

Rationale for Proposed Changes

The proposed amendment to Section 5.306 is intended to update existing language.

52 Pa. Code § 5.323. Hearing Preparation Material.

Proposed Changes

Section 5.323(b) would be amended to change the reference of "photostatic copy" to "copy."

Rationale for Proposed Changes

The proposed amendment to Section 5.323(b) is intended to clarify the reference in the provision and reduce confusion.

52 Pa. Code § 5.331. Sequence and Timing of Discovery.

Proposed Changes

Section 5.331(c) would be amended to add the sentence, "Once a protest or adverse pleading is filed with the PUC, staff data requests are deemed withdrawn."

Rationale for Proposed Changes

The proposed amendment to Section 5.331(c) is intended to clarify that when a protest or adverse pleading is filed with the PUC, the matter would be referred to the Office of Administrative Law Judge for assignment to a presiding officer, and staff data requests would be deemed "withdrawn."

52 Pa. Code § 5.342. Answers or Objections to Written Interrogatories by a Party.

Proposed Changes

Section 5.342(g) would be amended to add "or until such time as the parties may determine by mutual agreement," in reference to the timing of filing a motion to dismiss an objection to interrogatories.

Rationale for Proposed Changes

The proposed amendment to Section 5.342(g) is intended to allow parties to jointly set a timeline for motions to dismiss an objection to compel that was already answered in an interrogatory.

52 Pa. Code § 5.349. Requests for Documents, Entry for Inspection and other Purposes.

Proposed Changes

Section 5.349(b) would be amended to replace "Office of Trial Staff" with "Bureau of Investigation and Enforcement."

Rationale for Proposed Changes

The proposed amendment to Section 5.349(b) is intended to reflect the renaming of the Office of Trial Staff to the Bureau of Investigation and Enforcement.

52 Pa. Code § 5.351. On the Record Data Requests.

Proposed Changes

Section 5.351(a) would be amended to permit on the record data requests in all PUC proceedings, instead of only in rate cases.

Rationale for Proposed Changes

Section 5.351(a) allows a party to request that a witness provide information or documents at a later time as part of the witness' response to a question posed during cross-examination in the course of a rate proceeding. The proposed amendment to Section 5.351(a) is intended to allow on the record data requests in all PUC proceedings, instead of only in rate cases.

52 Pa. Code § 5.365. Orders to Limit Availability of Proprietary Information.

Proposed Changes

Section 5.365 would be amended to add subsection (h). The new Section 5.365(h) would require that, where parties to formal proceedings have indicated that they have a currently-effective court-granted Protection From Abuse (PFA) order, or other order for the protection of their personal safety, in place, all parties must redact the

PFA holder's address and contact information from any documents filed as part of the formal complaint proceeding.

Rationale for Proposed Changes

The proposed amendment to Section 5.365 is intended to ensure that individuals who have a valid PFA order or similar order from a court are protected from having their personal address and contact information inadvertently disclosed to the public. The formal complaint forms provided by the PUC include a section wherein a complainant may indicate that they have a court-granted PFA order, or other order that demonstrates evidence of domestic violence against them currently in effect for their personal safety or welfare in place, along with instructions to include a copy of said order with the formal complaint form. Parties to the proceeding would be responsible for reviewing the complaint form to ensure whether the complainant has indicated that they have a PFA order or similar order, and correspondingly ensuring that any filings to the proceeding exclude or redact the complainant's personal address and contact information.

52 Pa. Code § 5.408. Official and Judicial Notice of Fact.

Proposed Changes

Section 5.408(c) would be amended to add to the existing regulation that an aggrieved party has the opportunity to present counter evidence prior to the decision of the presiding officer being issued if the decision relies upon the noticed fact.

Rationale for Proposed Changes

The proposed amendment to Section 5.408(c) is intended to allow a party that is adversely affected by a noticed fact to have the opportunity upon timely request to show that the facts are not properly noticed or that alternative facts should be noticed.

52 Pa. Code § 5.409. Copies and Form of Documentary Evidence.

Proposed Changes

Section 5.409(a) would be amended to replace "two copies" of testimony to "one copy" of testimony.

Rationale for Proposed Changes

The proposed amendment to Section 5.409(a) is intended to provide consistency with Chapter 1 of the PUC's regulations.

52 Pa. Code § 5.412. Written testimony.

Proposed Changes

Section 5.412(f) would be amended to delete the requirement to file pre-served testimony according to Section 5.412a, given the proposed repeal of Section 5.412a.

Section 5.412(g) would be amended to replace "two copies" of testimony to "one copy" of testimony and to recognize that written testimony may be admitted via stipulation with no court reporter present.

Rationale for Proposed Changes

The proposed amendment to Section 5.412(f) reflects the proposed repeal of Section 5.412a.

The proposed amendment to Section 5.412(g) is intended to provide consistency with Chapter 1 of the PUC's regulations and to recognize that, on occasion, testimony is admitted via stipulation by the presiding officer when there is no court reporter present.

52 Pa. Code § 5.412a. Electronic Submission of Pre-served Testimony.

Proposed Changes

Section 5.412a would be repealed in its entirety.

Rationale for Proposed Changes

The coexistence of the court reporter's transcript and exhibits and the parties' separate electronic filing of pre-served testimony under Section 5.412a complicates matters when the Secretary's Bureau (SEC) is working with the Law Bureau (LAW) to prepare a certified record for a Commonwealth Court appeal. The existence of the parties' Section 5.412a filings of pre-served testimony in addition to testimony filed by the Court Reporter makes it more difficult for SEC staff to identify which documents should be included in the certified record.

Upon review of current procedures for processing of transcripts, we cannot identify any concrete benefit to stakeholders from continuing to require parties to submit electronic copies of pre-served testimony under 52 Pa. Code § 5.412a. It is apparent that continuation of this requirement is causing SEC staff considerable difficulty in preparing reproduced/certified records when working with LAW on appellate proceedings. As such, repealing Section 5.412a would reduce the administrative burden on SEC staff and aid in timely compliance with appellate deadlines. However, the PUC seeks stakeholder comment regarding how pre-served written testimony that is modified at hearing may be filed in the event that Section 5.412a is repealed.

52 Pa. Code § 5.502. Filing and Service of Briefs.

Proposed Changes

Section 5.502 would be amended to repeal original Section 5.502(c).

Section 5.502(d) would be amended to consolidate the filing requirements for briefs in rate proceedings and non-rate proceedings.

Section 5.502(f) would be amended to remove the non-specified timeline for main briefs and reply briefs; all timelines would be set by the presiding officer.

Rationale for Proposed Changes

The proposed amendments to Section 5.502 are intended to add clarity by removing references to "initial briefs" and "responsive briefs."

52 Pa. Code § 5.531. Certification of Record without Decision.

Proposed Changes

Section 5.531(a) would be amended to replace "file" with "issue."

Rationale for Proposed Changes

The proposed amendment to Section 5.531(a) is intended to clarify that a presiding officer will issue a decision.

52 Pa. Code § 5.533. Procedure to Except to Initial, Tentative and Recommended Decisions.

Proposed Changes

Section 5.533 would be amended to delete all references to "tentative decisions."

Rationale for Proposed Changes

The proposed amendment to Section 5.533 is intended to clarify that the PUC does not have “tentative decisions.” The PUC does have “tentative orders” but not “tentative decisions.”

52 Pa. Code § 5.591. Reports of Compliance.

Proposed Change

Section 5.591(a) would be amended to state that compliance reports will be filed by parties subject to the Commission’s jurisdiction.

Rationale for Proposed Changes

The proposed amendment to Section 5.591(a) is intended to clarify who is responsible for filing compliance reports with the Commission following the amended definition of “person.”

Conclusion

Accordingly, under sections 331, 332, 333, 334, 335, 501, 701, 702, 703 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 331—335, 701—703, 501 and 1501; section 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5 (relating to notice of proposed rulemaking required: adoption of regulations; and approval as to legality); section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)); section 5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234 (relating to fiscal note), we are considering adopting proposed changes to existing regulations and proposed new regulations, at 52 Pa. Code §§ 1.1—1.96, 3.1—3.602, and 5.01—5.633; *Therefore,*

It Is Ordered:

1. That a proposed rulemaking be opened to consider the proposed amendments to 52 Pa. Code Chapters 1, 3, and 5 (relating to rules of administrative practice and procedure; special provisions; and formal proceedings) set forth in Annex A.

2. That a copy of this Notice of Proposed Rulemaking Order, consisting of a Preamble and an Annex A, shall be posted on the Public Utility Commission’s website at Docket No. L-2012-2317273.

3. That the Secretary shall serve this Notice of Proposed Rulemaking Order, consisting of a Preamble and an Annex A, upon the Office of Consumer Advocate, the Office of Small Business Advocate, the PUC’s Bureau of Investigation and Enforcement, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Energy Association of Pennsylvania, the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia, AARP Pennsylvania, the Pennsylvania Telephone Association, the Broadband Communications Association of Pennsylvania, the PUC’s Consumer Advisory Council, and all jurisdictional fixed public utilities.

4. That the Law Bureau shall deliver this Notice of Proposed Rulemaking Order, consisting of a Preamble and an Annex A, together with an appropriate rulemaking packet, to the Office of Attorney General for review as to form and legality and to the Governor’s Budget Office for review of fiscal impact.

5. That after receiving approvals from the Office of the Attorney General and Governor’s Budget Office, the Law Bureau shall deliver this Notice of Proposed Rulemaking Order, consisting of a Preamble and an Annex A, together with an appropriate rulemaking packet, for review and comment to the majority and minority chairs of the Senate Committee on Consumer Protection and Professional Licensure and to the majority and minority chairs of the House Consumer Protection, Technology, and Utilities Committee. On the same day, the Law Bureau shall deliver this Notice of Proposed Rulemaking Order, consisting of a Preamble and an Annex A, together with an appropriate rulemaking packet, to the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*. Also on the same day, the Law Bureau shall deliver this Notice of Proposed Rulemaking Order, consisting of a Preamble and an Annex A, together with an appropriate rulemaking packet, to the Independent Regulatory Review Commission with proof of the other deliveries.

6. That interested persons may file written comments to this Notice of Proposed Rulemaking, consisting of a Preamble and an Annex A, as published in the *Pennsylvania Bulletin*, during the 60-day period following publication in the *Pennsylvania Bulletin*. The 60 days constitute the Public Comment Period. Comments filed during the Public Comment Period will be posted to the Public Utility Commission’s website and forwarded by the Public Utility Commission to the majority and minority chairs of the Senate Committee on Consumer Protection and Professional Licensure and the House Consumer Protection, Technology, and Utilities Committee and to the Independent Regulatory Review Commission.

7. That comments regarding this Notice of Proposed Rulemaking Order, consisting of a Preamble and an Annex A, may be filed electronically through the Public Utility Commission’s e-filing system,⁷ in which case no paper copy needs to be filed with the Secretary of the Public Utility Commission provided that the filing is less than 250 pages.⁸ If you do not efile, then you are required to mail, preferable by overnight delivery, one original filing, signed and dated, with the PUC’s Secretary at: Pennsylvania Public Utility Commission, Commonwealth Keystone Building 2nd Floor, 400 North Street, Harrisburg, PA 17120. Comments must reference Docket No. L-2023-3041347. All pages of filed comments, with the exception of a cover letter, must be numbered.

8. That comments filed prior to publication of the *Notice of Proposed Rulemaking* in the *Pennsylvania Bulletin* will be considered untimely filed and may be rejected by the Pennsylvania Public Utility Commission.

9. That the contact persons for this proceeding are Tiffany L. Tran, Esq., Law Bureau, 717-783-5413, tiftran@pa.gov; Colin W. Scott, Esq., Law Bureau, 717-783-5949, colin.scott@pa.gov; and Karen Thorne, Regulatory Review Assistant, Law Bureau, kathorne@pa.gov.

10. That an electronic copy, in WORD® or WORD®-compatible format, of all filed submissions, comments for filings at the docket must be emailed to the contact persons and to ra-pcprgreview@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: August 22, 2024

ORDER ENTERED: August 22, 2024

⁷ <https://www.puc.pa.gov/efiling/default.aspx>.

⁸ Any persons submitting a filing of 250 pages or more must mail one copy the Secretary of the Commission.

Statement of Vice Chair Kimberly Barrow

Today we vote to initiate a notice of proposed rulemaking process to revise our rules of practice and procedure. In addition to those changes that the Commission proposes and would seek comment on, I also would like to hear from parties as to whether our regulations' stated preference for settlements is appropriate in all circumstances.

Section 5.231(a) of our current rules states that it "is the policy of the Commonwealth to encourage settlements." Uniformly, settlements have been encouraged because they avoid the time and expense associated with litigation. Although litigation costs are a legitimate factor when considering settlements, there may be proceedings in which the public interest would be better served by a full evidentiary hearing. Moreover, the stated policy in Section 5.231(a) may serve to discourage parties from proceeding to litigation out of a perception that the Commission looks with disfavor on litigated proceedings. In your comments to the proposed rulemaking, please do include comments and evidence on the benefits and burdens created by the settlement policy and under what circumstances the Commission might seek a full public hearing for purposes of transparency.

November 9, 2023

KIMBERLY BARROW,
Vice Chairperson

Statement of Commissioner Kathryn L. Zerfuss

Over 17 years have passed since the Commission last revised the general provisions governing practice before the PUC. During that time, our jurisdictional responsibilities have changed considerably and the nature of administrative practice and procedure has evolved and matured. The Notice of Proposed Rulemaking (NOPR) we are considering today recognizes that important technological innovations and advancements have occurred since 2006 and proposes updates to bring efficiencies to the current procedures employed in PUC administrative hearings and proceedings.

We should always endeavor to improve efficiencies in our administrative hearing process and the NOPR takes significant steps in that direction. I am pleased that the motion before us today includes more substantive considerations. These include proposals to modernize our regulations to meet the realities and circumstances faced by the parties, particularly pro se complainants who appear on their own behalf, as well as small businesses navigating our administrative hearing process. I wholeheartedly support these critical considerations and welcome the comments and policy debates they will generate.

I emphasize the current proposal to permit "an individual consumer to be represented by an individual who holds a power of attorney over an individual during periods of disability and incapacity." The proposal within the motion is a good starting point, but in my view, it falls short of necessary reforms to individual representation, similar to procedures utilized by several other administrative agencies. By authorizing additional representation options for individuals, we may better facilitate the development of evidentiary records in complaint proceedings involving individual consumers. However, I am not prejudging the outcome and welcome a robust discussion. Undoubtedly, inclusion of this issue in the NOPR makes this one of the more consequential rulemakings in some time that is directly aimed at helping consumers.

I encourage all vested partners—including those organizations representing vulnerable populations such as legal services organizations, law school/pro bono clinics, and organizations representing seniors—to weigh in on this issue. It would be beneficial to hear from experienced paralegals, social workers, and other professionals (who already represent low income individuals in public benefits, unemployment, and other administrative hearings) about this proposal or other similar proposals which could better inform this NOPR on how to accomplish effective representation for individuals in Commission hearings and proceedings.

November 9, 2023

KATHRYN L. ZERFUSS,
Commissioner

Statement of Commissioner John F. Coleman, Jr.

Before the Commission for disposition is the Commission's Notice of Proposed Rulemaking (NOPR) seeking comments on proposed amendments to update and clarify the Commission's procedural regulations at 52 Pa. Code §§ 1.1—1.96, 3.1—3.602, and 5.01—5.633. By way of background, the Commission's general provisions for practice before the Commission were last modified in 2006. In preparation for this NOPR, the Commission convened a series of meetings between Commission staff and attorneys who practice before the Commission in 2016. The recommendation prepared by staff is the result of lengthy efforts to obtain input and balance the interests of all parties. I thank those who participated in this process. I would have supported beginning the rulemaking through the adoption of the proposed Order that is now before us.

However, I do not support the Motion that has been offered to modify the proposed Order. My objections to the Motion are both to the process and the substance of some of the changes. First, regarding the process, the Motion proposes a number of far reaching, substantive changes that were not the subject of the Commission's prior efforts to obtain input from stakeholders and build consensus. I think a better approach would have been to share these changes with stakeholders through an Advanced Notice of Proposed Rulemaking. Additionally, in some cases the Motion does not identify the specific, alternative regulatory language that is to be used in the Annex that will be served on the Office of Attorney General, the Governor's Budget Office, and the public. It is the Commission's usual practice in NOPRs to vote on specific, regulatory language, whether from a staff recommendation or a Motion. Given that it is unclear what the Commission is voting to do for some of the changes, I am not certain that this approach satisfies Pennsylvania's Open Meeting Law.⁹

Turning to the substance of the Motion, I will explain my objections to some of the substantive changes, using the criteria in Section 5.2 of the Regulatory Review Act.¹⁰

1. *Dismissals With Prejudice, Section 332(f): Statutory Authority, Economic Impact, Clarity*

The Pennsylvania General Assembly adopted Section 332(f) of the Public Utility Code (Code) to ensure judicial economy and provide for finality of proceedings. The Commission's existing regulations at Section 5.245(a)—(c) follow the statutory language and enjoy the presumption of reasonableness. The dismissal of a case, "with prejudice," for the failure to appear at a hearing gives full

⁹ 65 Pa.C.S. §§ 701—716.

¹⁰ 71 P.S. § 745.5a. Among other things, the Section 5.2 criteria requires us to show the following in support of a proposed regulation: the legal authority, need, and financial/economic impact.

effect to all the words of this subsection.¹¹ Such dismissals are mandated by the plain language of the statute, and are not a policy decision of the Commission:

Any party who shall fail to be represented at a scheduled conference or hearing after being duly notified thereof, *shall be deemed to have waived the opportunity to participate in such conference or hearing, and shall not be permitted thereafter to reopen the disposition of any matter accomplished thereat, or* to recall for further examination of witnesses who were excused, unless the presiding officer shall determine that failure to be represented was unavoidable and that the interests of the other parties and the public would not be prejudiced by permitting such reopening or further examination.

66 Pa.C.S. § 332(f) (emphasis added). In my view, the proposed rule is contrary to the plain language of Section 332(f) of the Code. The word “shall” carries an imperative or mandatory meaning, and was used twice by the General Assembly as a clear direction to the Commission.¹² The plain language of the statute provides the best indication of legislative intent regarding the consequences of failing to appear at a scheduled hearing.¹³ The statute does allow the Commission to permit a party to reopen the proceeding if nonappearance was “unavoidable” and the interests of other parties are not prejudiced. Words and phrases of a statute are to be construed according to their ordinary and plain meaning, and there is no basis in the language of the statute or law to eliminate the requirement of a finding that nonappearance was “unavoidable” and replace it with an “abuse of process” standard. The proposed rule is also contrary to Commonwealth Court precedent recognizing that the dismissal of cases for failure to appear at an agency hearing does not violate due process.¹⁴

The obligation to abide by Section 332(f) clearly applies both to attorneys and parties. The section heading is “Actions of parties and counsel.”¹⁵ The language clearly penalizes a “party” complainant who is representing themselves who fails to appear by prohibiting them from later reopening the proceeding. With attorneys, the language permits the Commission to bar them from appearing before the Commission in any future proceedings for obstructive conduct. In either case, the obligation is the same; either party complainants representing themselves or their attorneys are obligated by Code Section 332(f) to appear for a scheduled hearing or to explain why the nonappearance was unavoidable.

Allowing parties to later reopen proceedings they failed to prosecute will result in increased legal costs for public utilities which will be paid for by other ratepayers. No alternative regulatory language has been proposed for review.

2. *Need: Res judicata/Collateral Estoppel interplay with dismissal with prejudice: Need, Clarity*

The Motion proposes to prohibit the application of res judicata and collateral estoppel to dismiss a complaint brought on the same allegations as a complaint that was previously dismissed for failure to appear at the scheduled hearing. I do not disagree that res judicata/collateral

estoppel should not be used to dismiss such a complaint. One of the required elements of res judicata is that the case acting as a bar must have been a final judgment,¹⁶ and it is at least debatable as to whether a decision to dismiss a complaint with prejudice when the complainant fails to appear is a “final judgment” for purposes of res judicata.¹⁷ In my view, however, this prohibition would be an unnecessary addition to our regulations because an existing Code provision already addresses how to handle a complaint brought on the same allegations as a complaint that was previously dismissed for failure to appear. Namely, this type of case can be dismissed under Section 316 of the Code, which gives conclusive effect to a final Commission order not appealed that dismisses a complaint with prejudice for failure to appear at hearing.¹⁸ Therefore, I do not agree with the Motion that Section 316 of the Code does not address dismissals with prejudice. No specific regulatory language has been proposed for consideration in this Motion.

3. *Representation of Corporations and Partnerships and Representation of Individuals. Clarity/Statutory Authority.*

The Motion proposes to revise our procedural rules to permit small business corporations or partnerships to appear through an authorized corporate official. The Motion also proposes to revise the rules to permit an individual consumer to be represented by an authorized representative who is not an attorney. I oppose these proposed revisions because I am concerned that they would allow for the unauthorized practice of law before the Commission. I note that the Motion cites to the practice before other forums and state agencies as support for the proposed revisions. However, without more details about the nature of the proceedings before these other forums and state agencies, I am not comfortable concluding that the proposed revisions are lawful. Unlike the examples cited, the Commission is neither part of Pennsylvania’s unified judicial system nor an executive agency. The Motion provides no analysis or comparison of the enabling legislation, regulations or rules of court for these other forums with the respective rules or case precedent that applies to the Commission. In my view, these are the types of changes that should have been vetted with stakeholders first through an Advanced Notice of Proposed Rulemaking. No specific regulatory language has been proposed in this Motion on this issue.

4. *Extensions of time and continuances: Need/clarity*

The Commission’s administrative law judges already have the discretion to liberally construe our procedural rules and accept requests for continuance received less than five days prior to the hearing date, and grant such requests on a regular basis. Section 1.2 of our regulations permit the ALJs to waive any defect of procedure “to secure the just, speedy and inexpensive” determination in every type of proceeding.¹⁹ Liberal construction is to apply with particularity for cases involve pro se liti-

¹⁶ *McNeil v. Owens-Corning Fiberglas Corp.*, 545 Pa. 209, 213, 680 A.2d 1145, 1147-48 (1996).

¹⁷ See *Howell v. Philadelphia Gas Works*, Docket No. C-2016-2568426, (Opinion and Order entered May 2, 2017).

¹⁸ 66 Pa.C.S. § 316. Section 316 of the Code provides, in pertinent part, that: “Whenever the commission shall make any rule, regulation, finding, determination or order, the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside, annulled or modified on judicial review.” I concede that Section 316 of the Code governs prima facie evidence of facts found which are conclusive unless set aside and creates a presumption that prior facts are reasonable. However, that is not all that Section 316 does. Section 316 of the Code also gives conclusive effect to a final Commission order that is not appealed and in doing so, precludes a collateral attack of such order. Thus, regardless of whether res judicata/collateral estoppel applies, a complainant is barred by Code Section 316 from relitigating issues raised in a prior complaint that was dismissed with prejudice for failure to prosecute and meet the burden of proof.

¹⁹ 52 Pa. Code § 1.2(a).

¹¹ 1 Pa.C.S. § 1921(a).

¹² In re Canvass of Absentee Ballots of Nov. 4, 2003 Gen. Election, 577 Pa. 231 (2004). “This Court has repeatedly recognized the unambiguous meaning of the word in most contexts.” 577 Pa. at 245.

¹³ *Miller v. County of Centre*, 643 Pa. 560 (2017).

¹⁴ “[D]ismissal of a proceeding for a party’s failure to prosecute or failure to appear at a hearing without good cause does not violate due process.” *Fountain Capital Fund, Inc. v. Pennsylvania Securities Commission*, 948 A.2d 208, 214 (Pa. Cmwlth. 2008).

¹⁵ Section headings may be used in aid of construction. 1 Pa.C.S. § 1924.

gants.²⁰ The revision to Section 1.15 is unnecessary and would appear to create a standard different than found at Section 1.2(a).

Having identified these specific concerns, I do not agree with modifying the proposed Order to include the changes from the Motion.

November 9, 2023

JOHN F. COLEMAN, Jr.,
Commissioner

Statement of Vice Chair Kimberly Barrow

On November 9, 2023, the Commission initiated a notice of proposed rulemaking process to revise our rules of practice and procedure and I offered a statement at that public meeting. Consistent with that statement, with this clarification order, I also would like to hear from parties as to whether our regulations’ stated preference for settlements is appropriate in all circumstances.

Section 5.231(a) of our current rules states that it “is the policy of the Commonwealth to encourage settlements.” Uniformly, settlements have been encouraged because they avoid the time and expense associated with litigation. Although litigation costs are a legitimate factor when considering settlements, there may be proceedings in which the public interest would be better served by a full evidentiary hearing. Moreover, the stated policy in Section 5.231(a) may serve to discourage parties from proceeding to litigation out of a perception that the Commission looks with disfavor on litigated proceedings. In your comments to the proposed rulemaking, please do include comments and evidence on the benefits and burdens created by the settlement policy and explain under what circumstances the Commission might seek a full public hearing for purposes of transparency.

August 22, 2024

KIMBERLY BARROW,
Vice Chairperson

Statement of Commissioner Kathryn L. Zerfuss

Over 18 years have passed since the Commission last revised the general provisions governing practice before the PUC. Since then, our jurisdictional responsibilities have changed considerably and the nature of administrative practice and procedure has evolved and matured. The Clarified Notice of Proposed Rulemaking (NOPR) we are considering today recognizes that important technological innovations and advancements have occurred since 2006 and proposes updates to bring efficiencies to the current procedures in PUC administrative hearings and proceedings.

We should always endeavor to improve efficiencies in our administrative hearing process and the NOPR takes significant steps in that direction including many substantive considerations. These include proposals to modernize our regulations to meet the realities and circumstances faced by the parties, particularly pro se complainants who appear on their own behalf, as well as small businesses navigating our administrative hearing process. I wholeheartedly support these critical policy considerations and welcome the comments and policy debates they will generate.

I emphasize the current proposal to permit “an individual consumer to be represented by an individual who holds a power of attorney over an individual during periods of disability and incapacity.” The proposal is a good starting point, but in my view it falls short of

necessary reforms to individual representation, similar to procedures utilized by several other administrative agencies. By authorizing additional representation options for individuals, we may better facilitate the development of evidentiary records in complaint proceedings involving individual consumers. However, I am not prejudging the outcome and welcome a robust discussion. Undoubtedly, inclusion of this issue in the NOPR makes this one of the more consequential rulemakings in a generation that is directly aimed at helping consumers.

I encourage all vested partners—including those organizations representing vulnerable populations such as legal services organizations, law school/pro bono clinics, and organizations representing seniors—to weigh in on this issue. It would be beneficial to hear from experienced paralegals, social workers, and other professionals (who already represent income-eligible individuals in public benefits, unemployment, and other administrative hearings) about this proposal or other similar proposals which could better inform this NOPR on how to accomplish effective representation for individuals in Commission hearings and proceedings.

August 22, 2024

KATHRYN L. ZERFUSS,
Commissioner

Statement of Commissioner John F. Coleman, Jr.

On November 9, 2023, the Commission considered a recommendation to issue a Notice of Proposed Rulemaking regarding its procedural regulations. I voted to dissent from a Motion that modified the proposed rulemaking order. The order was subsequently tolled by the Office of Attorney General. We now consider a clarified notice of proposed rulemaking that includes changes to the proposed revisions to our regulations. These clarifications resolve some of the reasons for my dissent. However, the proposed order does retain certain substantive modifications that, in my view, fail to satisfy the Regulatory Review Act’s criteria for statutory authority, necessity and clarity. These modifications include proposed changes to our interpretations of Sections 316 and 332 of the Public Utility Code, and our rules regarding legal representation in Commission proceedings.²¹ Therefore, I will be voting no on the proposed order.

August 22, 2024

JOHN F. COLEMAN, Jr.,
Commissioner

Fiscal Note: 57-341. No fiscal impact; recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart A. GENERAL PROVISIONS
CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE
Subchapter A. GENERAL PROVISIONS

§ 1.3. Information and special instructions.

(a) Information as to procedures under this subpart, and instructions supplementing this subpart in special instances, will be furnished upon [**application**] **request** to:

* * * * *

²⁰ 52 Pa. Code § 1.2(d).

²¹ Please see my dissenting statement at this docket entered on November 9, 2023.

(2) In person or by **[mail other than first-class] overnight delivery, certified mail or priority mail:**

Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, Pennsylvania 17120

* * * * *

§ 1.4. Filing generally.

(a) Submittals, pleadings and other documents filed with the Commission should be submitted in one of the following manners:

* * * * *

(2) In person or by **[mail other than first-class] overnight delivery, certified mail or priority mail:**

Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, Pennsylvania 17120

* * * * *

§ 1.5. Amendment to rules.

(a) **[Persons may file an] An** application under §§ 5.1 and 5.11 (relating to pleadings allowed; and applications generally) requesting a general and permanent change in this subpart **is permitted.**

* * * * *

§ 1.6. Commission office hours.

Unless otherwise directed by the Governor **or the Commission**, the Commission offices will be open from 8 a.m. until 4:30 p.m. on business days except Saturdays, Sundays and legal holidays.

§ 1.7. Sessions of the Commission.

Public meetings of the Commission ordinarily will be held in its offices in the Commonwealth Keystone Building, Harrisburg, **or will be livestreamed or held over telephone.** Schedules for public meetings can be obtained from the Commission Secretary or viewed on the Commission's **[website] web site.**

§ 1.8. Definitions.

(a) Subject to additional definitions contained in subsequent sections which are applicable to specific chapters or subchapters, the following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

Act—66 Pa.C.S. §§ 101—[3315] **3316** (relating to **[the]** Public Utility Code).

Adjudication—An order, decree, decision, determination or ruling by the Commission affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of **[the parties to the proceeding in which the adjudication is made] a party with the opportunity for protest, answer, complaint or other opposition pleading.**

[Applicants—In proceedings involving applications for] Applicant—A party seeking permission or authorization **[which] from** the Commission **[may give]** under **the Commission's** statutory or **[other authority delegated to it, the parties on whose behalf the applications are made] delegated authority.**

Adversarial proceeding—A proceeding initiated **[by a person]** to seek authority, approvals, tariff changes, enforcement, fines, remedies or other relief from the Commission which is contested by one or more **[other persons] parties** and which will be decided on the basis of a formal record.

Authorized agent—A **[person] representative of a filing user** with permission to **[legally act] submit filings** on behalf of the filing user.

Certified legal intern—A law student meeting the requirements of Pa.B.A.R. No. 321 (relating to requirements for formal participation in legal matters by law students) may appear in a Commission proceeding consistent with Pa.B.A.R. No. 322 (relating to authorized activities of certified legal interns and law students).

Confirmation of receipt—A notification generated by the electronic filing system upon receipt of a filing.

Corporation—As defined in 66 Pa.C.S. § 102 (relating to definitions).

Electronic filing or filed electronically—Filing by means of the Commission's electronic filing system.

* * * * *

Electronic mail—**[A means of dispatching] The electronic transmittal or [receiving] receipt of a** submittal in **[relation to]** a Commission matter **[through electronic means].**

Fax transmittal—A telephonic means of transmitting or receiving a submittal in a Commission matter that prints a hard copy facsimile of the submittal in a legible form at the recipient's telefax machine.

Filing user—A person **[who has], corporation or municipal corporation** registered to use the electronic filing system in accordance with the registration instructions available on the Commission's web site at **[http://www.puc.state.pa.us/] http://www.puc.pa.gov/** and who has obtained a **filing** user ID and password.

* * * * *

Initial decision—A decision by a presiding officer **[which] that** becomes final unless timely exceptions are filed by a **[participant] party**, the Commission requests review upon its own motion, or as otherwise established by the **[act] Act.**

Intervenor—A person, **corporation or municipal corporation** intervening or petitioning to intervene as a party as provided by §§ 5.71—5.76 (relating to intervention).

* * * * *

Mediator—An individual designated to conduct a mediation.

Municipal corporation—As defined in 66 Pa.C.S. § 102.

Nonadversarial proceeding—A proceeding **[initiated by a person which] that** is not contested or a proceeding initiated by the Commission or **[at the request of a person] upon request to the Commission** to develop

regulations, policies, procedures, technical rules or interpretations of law.

* * * * *

Party—A person, corporation or municipal corporation who appears in a proceeding before the Commission.

Person—[Except as otherwise provided in this subpart or in the act, the term includes individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities, municipal corporations or other political subdivisions] As defined in 66 Pa.C.S. § 102.

[*Petitioners—Persons*] *Petitioner*—A person, corporation or municipal corporation seeking relief [not otherwise designated in this section] or other action from the Commission under the Commission's statutory or delegated authority.

* * * * *

Presiding officer—A [person] Commission employee designated by the Commission to preside over a matter.

Principal—[A party with] An individual within a partnership, association, corporation or municipal corporation that has the requisite power to authorize [its] or direct counsel for the partnership, association, corporation or municipal corporation to enter into stipulations or settlement agreements on behalf of the corporation or municipal corporation.

* * * * *

[*Protestants—Persons*] *Protestant*—A party objecting on the ground of private or public interest to the approval of an application or other matter which the Commission may have under consideration.

Qualified document—[A document that is listed in the categories of documents that are permitted to be filed electronically] A document authorized for filing with the Commission's electronic filing system in accordance with the instructions on the Commission's web site at [http://www.puc.state.pa.us/] http://www.puc.pa.gov/ and that complies with the filing requirements and restrictions in [§ 1.32(b) () this Chapter relating to filing specifications[]].

Rate proceeding—An [on the record] on-the-record proceeding brought by or before the Commission, the purpose of which is to determine the justness and reasonableness of a proposed or present rate for utility service, including, but not limited to, proceedings initiated under [sections 1307, 1308, 1310 and 1312] Chapter 13 of the [act] Act.

Recommended decision—[An opinion and order submitted for the approval of the Commission by the presiding officer] A decision authored by a presiding officer that requires Commission approval to become effective.

[*Respondents—Persons*] *Respondent*—A party subject to [a statute or other delegated authority administered by the Commission,] Commission jurisdiction who [are] is required to respond to an order

or notice issued or served by the Commission [instituting a proceeding or investigation on its own initiative or otherwise].

Secretary—The Secretary of the Commission [, who is the Commission officer with whom pleadings and other documents are filed and by whom official records are kept].

Staff—The Commission's [Office of Trial Staff] Bureau of Investigation and Enforcement prosecutor or Law Bureau staff counsel [and] or other Commission employees participating in a proceeding before the agency.

Statutory advocate—[The Office of Trial Staff, the] The Office of Consumer Advocate [and the], Office of Small Business Advocate and the Commission's Bureau of Investigation and Enforcement.

Submittal—An application, amendment, exhibit or similar document [involving matters filed in an adversarial or nonadversarial] that complies with the filing requirements and restrictions in this chapter and involves matters filed or served in a Commission proceeding.

[*Telefacsimile transmittal*—A means of dispatching or receiving a submittal in a Commission matter through electronic means that prints a hard copy facsimile of a document in a legible form at the recipient's machine.]

Tentative [decision] order—An order of the Commission [which becomes final unless exceptions are filed by a party within the time period specified by statute or as set forth in] that may become final without further action by the Commission and to which a party may file comments within the time specified by the order.

Trade secret—A private formula, pattern, device, cost study or compilation of information [which is] used in [a] business [and] which, if disclosed, would provide [the] opportunity [to obtain an] for competitive advantage [over competitors who] or economic harm to entities that, but for disclosure, do not know or use it.

* * * * *

Writing or written—Applies to documents [filed] whether in [paper form and documents filed electronically] hard copy or media.

* * * * *

Subchapter B. TIME

§ 1.13. Issuance of Commission orders.

(a) In computing a period of time involving the date of the issuance of [an order by the Commission] a Commission order, the day of issuance [of an order] will be the date the Secretary enters the order. An order will not be made public prior to its entry except where, in the Commission's judgment, the public interest so requires. The date of entry of an order may or may not be the day of its adoption by the Commission. The Secretary will clearly indicate on each order the date of its adoption by the Commission and the date of its entry.

(b) At the time a decision of a presiding officer becomes effective as an adjudication of the Commission in the absence of Commission review as provided for in section

332(h) of the [act] **Act** (relating to procedures in general), the Secretary will issue and serve upon the parties of record an appropriate notice of the date the adjudication became effective as a Commission order.

(c) The date of entry of an order [**which is**] subject to review by Commonwealth Court is governed by Pa.R.A.P. No. 108. The date of issuance of any other order shall be deemed to be the date of entry for the purposes of computing the time for appeal under an applicable statute relating to judicial review of Commission action.

* * * * *

§ 1.15. Extensions of time and continuances.

(a) Extensions of time shall be governed by the following:

(1) Except as otherwise provided by statute, whenever under this title or by order **or notice** of the Commission, [**or notice given thereunder,**] an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission, the presiding officer or other authorized [**person**] **Commission employee**, for good cause be extended upon motion made before expiration of the period originally prescribed or as previously extended. Upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act.

* * * * *

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date **to the extent possible**.

* * * * *

§ 1.16. Issuance of decisions by presiding officers.

* * * * *

(b) [**The Secretary will mail a decision to parties who are not filing users or have not agreed to receive electronic service. The decision will be deposited in the United States mail on the same date that the decision is posted on the Commission's electronic filing system. The date of the issuance will be clearly indicated on each paper copy of the decision that is mailed to parties.**] **The Secretary will mail a copy of the decision as prescribed in § 703(e) of the Act (relating to fixing of hearings).**

(c) Parties who are filing users and have agreed to receive electronic service **also** will be notified electronically that the decision has been posted on the Commission's electronic filing system and provided with a link to the decision.

Subchapter C. REPRESENTATION BEFORE THE COMMISSION

§ 1.21. Appearance in nonadversarial or informal proceedings.

(a) Individuals may represent themselves **in a nonadversarial Commission proceeding or an informal Commission proceeding.**

(b) [**Except as provided in subsection (a), persons in adversarial proceedings shall be represented in accordance with § 1.22 (relating to appearance by attorney or legal intern). For purposes of this section, any request for a general rate increase under § 1307(f) or § 1308(d) of the act (relating to sliding scale of rates; adjustments; and voluntary changes in rates) shall be considered to be an adversarial proceeding**] [**Reserved**].

(c) In nonadversarial proceedings, [**persons**] **a party** may be represented in the following manner:

- (1) A partner may represent the partnership.
- (2) A bona fide officer of a corporation, trust or association may represent the corporation, trust or association.
- (3) An officer or employee of an agency, political subdivision or government entity may represent the agency, political subdivision or government entity.

(4) A non-attorney third-party representative holding the power of attorney of an individual consumer may represent that individual during periods of disability or incapacity, or both.

(d) In informal proceedings brought under Chapters 56 and 64 (relating to standards and billing practices for residential utility service; and standards and billing practices for residential telephone service) and Chapter 14 of the [act] **Act** (relating to standards and billing practices for residential utility service; and standards and billing practices for residential telephone service), parties may be represented by one of the following:

* * * * *

§ 1.22. Appearance [**by attorney or certified legal intern] **in adversarial Commission proceedings.****

(a) [**Subject to § 1.21(a) (relating to appearance), an attorney at law admitted to practice before the Supreme Court of Pennsylvania shall represent persons in Commission proceedings**] **Individuals may represent themselves in an adversarial Commission proceeding. A non-attorney third-party representative holding the power of attorney of an individual consumer may represent that individual during periods of disability or incapacity, or both. An authorized corporate official may represent a small business or partnership in an adversarial Commission proceeding.**

(b) [**An attorney not licensed in this Commonwealth may appear before the Commission in accordance with the Pennsylvania Bar Admission Rules**] **Except as provided in subsection (a), persons, corporations and municipal corporations shall be represented by an attorney at law admitted to practice before the Supreme Court of Pennsylvania or by a certified legal intern in adversarial Commission proceedings. For purposes of this section, any request for a general rate increase under § 1307(f) or § 1308(d) of the Act (relating to sliding**

scale of rates; adjustments; and voluntary changes in rates) shall be considered to be an adversarial Commission proceeding.

(c) [A law student meeting the requirements of Pa.B.A.R. No. 321 (relating to requirements for formal participation in legal matters by law students) may appear in a Commission proceeding consistent with Pa.B.A.R. No. 322 (relating to authorized activities of certified legal interns)] Subsection (b) supersedes 1 Pa. Code § 31.22 (relating to appearance by attorney). An attorney not licensed in this Commonwealth may appear before the Commission in accordance with the Pennsylvania Bar Admission Rules.

* * * * *

§ 1.23. Other representation prohibited at hearings.

(a) [Persons] Parties may not be represented at a hearing before the Commission or a presiding officer except as stated in § 1.21 or § 1.22 (relating to appearance in nonadversarial or informal proceedings; and appearance [by attorney or certified legal intern] in adversarial Commission proceedings).

* * * * *

§ 1.24. Notice of appearance or withdrawal.

(a) *Individuals.* An individual appearing without legal representation before the Commission or a presiding officer shall file with the Secretary [an] a mailing address for service of a notice or other written [communication] communications unless the individual is an eFiling user or has agreed to electronic service of documents. A change in the individual's mailing address which occurs during the course of the proceeding [shall] must be reported to the Secretary promptly.

(b) *Attorneys.*

* * * * *

(2) *Appearance in all other instances.* An attorney shall file with the Secretary a written notice of appearance.

(i) *Content of notice.* Initial pleadings, entries of appearance and notices of withdrawal must include:

(A) The attorney's name, mailing address [and] or electronic mailing address, if [available] a filing user.

(B) Pennsylvania attorney identification number or, if [not licensed in this Commonwealth] appearing pro hac vice, identification of the jurisdiction or jurisdictions in which the attorney is licensed to practice law.

* * * * *

(D) The name and address of the [person] party represented.

(ii) *Filing.*

(A) *Appearance.* The attorney must serve the notice of appearance [shall be served] on the parties to the proceeding, and a certificate of service shall be filed with the Secretary.

* * * * *

(3) *Withdrawal.* An attorney may withdraw an appearance by filing a written notice of withdrawal with the Secretary[. The notice shall be served] and serving the notice on the parties and on the presiding officer[,] if one has been designated.

* * * * *

§ 1.27. Suspension and disbarment.

(a) The Commission may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to [a person] an individual who is found by the Commission, after notice and opportunity for hearing in the matter, to have done one or more of the following:

* * * * *

Subchapter D. DOCUMENTARY FILINGS

§ 1.31. Requirements for documentary filings.

* * * * *

(c) *Identifying information.* Documents filed with the Commission in a proceeding must clearly contain the following information:

* * * * *

(3) Within the title of the document, the name of the [person] party on whose behalf the filing is made. If more than one [person] party is involved, only a single name is necessary.

* * * * *

§ 1.32. Filing specifications.

(a) *Paper filings.* A paper filing made with the Commission must be:

(1) *Typewritten.* Pleadings, submittals or other documents filed in proceedings, if not printed, must be typewritten on paper cut or folded to letter size, 8 to 8 1/2 inches wide by 10 1/2 to 11 inches long, with [left-hand margin at least 1 inch wide and other margins] all margins at least 1 inch. The impression must be [on only one side of the paper] one sided, unless [there are] more than four pages, and shall be double spaced, except that quotations in excess of a few lines shall be single spaced and indented on both the left and right margins. Reproduced copies shall be accepted as typewritten [,] if [copies are] clearly legible.

(2) *Printed.* Printed documents must be at least [10-point type] 12-point font with 10-point font allowed for footnotes on unglazed paper, cut or folded so as not to exceed 8 1/2 inches wide by 11 inches long, with [inside margin] all margins at least 1 inch wide, and with [double-led text and single-led, indented quotations] double-spaced text except that quotations in excess of a few lines shall be single spaced and indented on both the left and right margins.

* * * * *

(b) *Electronic filings.*

* * * * *

(2) *Requirements.* An electronic filing made with the Commission must:

(i) Comply with the paper filing requirements in subsection (a) regarding margins, spacing and type size.

(ii) Be a qualified document [that is] listed in the categories of documents [that the Commission, after notice and opportunity to be heard, has designated as being permitted to be filed electronically] the Commission has designated as permissible electronic filings.

(iii) Be in PDF format so that the document, and when feasible, its attachments, shall be capable of being printed and copied without restriction, and may not require a password to view the contents.

(iv) Be filed in accordance with the instructions made available on the Commission's web site at [<http://www.puc.state.pa.us/>] <http://www.puc.pa.gov/>.

(v) Be filed and served as a searchable PDF. Additionally, filings must be provided to Commission staff in Microsoft-compatible format when that is feasible.

(3) *Size restriction.* A filing, including attachments, that exceeds 10 megabytes may not be filed electronically.

* * * * *

§ 1.33. Incorporation by reference.

* * * * *

(b) Documents on file with the Commission for more than 20 years may not be incorporated by reference in a current document unless the [**person filing the current document first ascertains that the earlier**] document continues to be readily available in the active records of the Commission.

§ 1.35. Execution.

* * * * *

(b) *Signatory.*

(1) A pleading, submittal or other document filed with the Commission must be signed by one of the following:

(i) The [**person**] **individual** filing the documents, and severally if there is more than one [**person**] **individual** so filing.

* * * * *

(c) *Effect.*

* * * * *

(2) If a document is signed in violation of this subsection, the presiding officer or the Commission, upon motion or upon its own initiative, may impose upon the individual who signed it, a represented party, or both, an appropriate sanction, which may include striking the document, dismissal of the proceeding or the imposition of civil penalties under section 3301 of the [**act**] **Act** (relating to civil penalties for violations).

* * * * *

§ 1.36. Verification.

(a) Applications, petitions, formal complaints, motions and answers thereto containing an averment of fact not appearing of record in the action or containing a denial of fact must be personally verified by a party thereto or by an authorized officer or other authorized employee of the party if a corporation or association. Verification means a signed written statement of fact supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). When a verification is filed electronically, the verification shall be executed by a filing user, or if the verification is signed by an individual who is not a filing user, a filing user may file the verification electronically by scanning the original verification and submitting it as an attachment to a filing. [**When a verification is signed by an individual who is not a filing user, the original verification shall be filed in paper form no later than 3 business days after the electronic filing is made. The filing date for the verification in paper form will be determined in accordance with § 1.11(a)(1)–(3) (relating to date of filing).**] The docket number for the filing must be clearly indicated on the original verification. When verification is permitted, notarization is not necessary. **When a party files a**

petition with the Secretary's Bureau and that petition contains no averment or denial of fact not appearing of record in the underlying action, the petitioner must include a cover letter with a statement to that effect so that the Secretary's Bureau staff is aware that the filer has intentionally excluded a verification.

* * * * *

§ 1.37. Number of copies.

(a) *Paper filings.* When a pleading, submittal or document other than correspondence is submitted in hard copy, an original and the cover letter shall be furnished to the Commission at the time of filing, except when:

* * * * *

(3) A filing, including attachments, exceeds 10 megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM, DVD or other electronic storage device, such as a USB flash drive, containing the filing and an index to the filing shall be filed with the Commission.

* * * * *

Subchapter E. FEES

§ 1.43. Schedule of fees payable to the Commission.

(a) *Fees for services.* The fees for services rendered by the Commission, **which are non-refundable**, are as follows:

<i>Description</i>	<i>Fee (in dollars)</i>
[Initial filing of Form A for intangible transition property notice...	\$550
Subsequent filing of notice changes in intangible transition property notice on Form B...	\$350]
Chapter 74 public information requests relating to perfection of security interests...	\$10 plus standard per page copying costs
Copies of papers, testimony, [microfiche,] records and computer printouts per sheet...	\$0.75
[Copies of microfiche per sheet...	\$1.50
Copies of microfilm per roll...	\$80]
Certifying copy of a paper, testimony or record...	\$5
Filing each securities certificate...	\$350
Filing each abbreviated securities certificate...	\$25
Filing each application for a certificate, permit or license [, or amendment of a certificate, permit or license]...	\$350
Filing each application for amendment of a certificate, permit or license...	\$350
Filing each application for abandonment of a certificate, permit or license...	\$350
Filing an application for a certificate of public convenience for telecommunications service...	\$250

<i>Description</i>	<i>Fee (in dollars)</i>
Filing an application for a certificate of public convenience for a motor common carrier of property or a group and party carrier of more than 15 passengers...	\$100
Filing an application for emergency temporary authority as common carrier of passengers or household goods in use, contract carrier of passengers or household goods in use, or broker or for an extension thereof...	\$100
Filing an application for temporary authority as common carrier of passengers or household goods in use, contract carrier of passengers or household goods in use, or broker...	\$100
[Filing an application for a certificate to discontinue intrastate common carrier passenger or household goods in use service...]	[\$10]
Filing an application to be a pipeline operator...	\$250
Filing an application to be a conservation service provider...	\$125
Filing an application to be a utility valuation expert...	\$125

* * * * *

Subchapter F. SERVICE OF DOCUMENTS

§ 1.51. Instructions for service, notice and protest.

* * * * *

(b) *Service list for parties.* The Commission will make available to filing users on the electronic filing system a service list for each docket in which they are a party that contains the following provisions:

* * * * *

(3) The e-mail addresses of parties who have agreed to receive electronic service.

(c) Exception to service list availability. Where an individual party is a victim of domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, the address of the victim will be redacted on the service list.

§ 1.53. Service by the Commission.

(a) *Applicability.* This section applies to service of an order, notice or other document originating with the Commission and other documents designated by the Commission, except when the Commission specifically requires a different form of service. **A person is not required to register to use the electronic filing system to be a party in a Commission proceeding. A person does not have to register for the electronic filing system to agree to electronic service. A person that is not an electronic filing user or has not agreed to electronic service of documents shall be served in paper form in accordance with subsection (b)(1) and (2).**

(b) *Forms of service.*

(1) *First class mail.* Service may be made by mailing a copy [thereof to the person to be served, addressed

to the person designated in the initial pleading, submittal or notice of appearance at the person's residence, principal office or place of business] of the document to the party as set forth in § 1.24 (relating to notice of appearance or withdrawal).

* * * * *

(3) *Electronic.* Service may be made electronically to [filing users] a party who [have] has agreed to receive electronic service **except when the Act specifically requires a different form of service. [Filing users will be sent an electronic mail notice informing them that a document was posted on the Commission's electronic filing system and providing a link to the document on the same day the document is posted.]**

(i) A party that is a filing user has agreed to the service of Commission documents exclusively by electronic means. The filing user will be sent an electronic mail notice informing them that the served document was posted and providing a link to the document on the same day the document is posted on the Commission's web site.

(ii) Parties may agree to electronic service in a Commission proceeding without being required to become a filing user.

(c) *Registered or certified mail.* [Service of a petition under § 3.391 (relating to arbitration of claims for billing and collecting services), and service of a complaint under section 702 of the act (relating to service of complaint on parties) must be by registered or certified mail, return receipt requested.] **Except as otherwise provided by the Act or another law, the following documents must be served by registered or certified mail, return receipt requested:**

(1) A Commission order under § 703(e) of the Act (relating to fixing of hearings).

(2) A complaint under § 702 of the Act (relating to service of complaints on parties). Service of complaints in all hearings, investigations and proceedings pending before the Commission may be made by e-mail upon agreement by each party.

(3) A petition under § 3.391 (relating to arbitration of claims for billing and collecting services).

(d) *Change of address.* It is the duty of a party to apprise the Commission promptly of changes to the party's current address.

* * * * *

§ 1.54. Service by a party.

(a) Pleadings, submittals, briefs and other documents, filed in proceedings pending before the Commission shall be served upon parties in the proceeding and upon the presiding officer, if one has been assigned. **A person will not be required to register for the electronic filing system to be a party in a Commission proceeding. A person that does not register to use the electronic filing system shall file and serve documents in paper form.**

(b) Service may be made by one of the following methods:

(1) *First class mail.* [Service may be made by mailing the requisite number of copies to each

party as provided in § 1.59 (relating to number of copies to be served), properly addressed with postage prepaid] If a party to the proceeding has not agreed to electronic service of documents, the other parties in the proceeding shall serve that party with the requisite number of copies of the filing as provided in § 1.59 (relating to number of copies to be served), properly addressed with postage prepaid.

(2) *Personal.* Service may be made personally.

(3) *Electronic.*

(i) *Documents not filed with the Commission.* Service may be made electronically only to those parties who have agreed to accept service in that manner.

(ii) *Documents filed with the Commission.* Service may be made electronically [to filing users] to all parties in the proceeding who have agreed to [receive] electronic service [Filing users who have agreed to receive electronic service shall be served with an electronic mail notice stating that a document was filed on the electronic filing system. The notice constitutes service] of filings. If the party is a filing user, they shall be served an electronic mail notice stating that a document was filed on the electronic filing system. A party that is a non-filing user but who has agreed to the electronic service of filings shall file a paper copy of a notice with the Commission stating that a document was served on the other party electronically. In both cases, the notice shall act as evidence of service of the filing.

* * * * *

(c) In a proceeding in which only some of the parties participate, the parties, with the authorization of the presiding officer, may limit the service of documents to parties [and persons or individuals] which state on the record or request in writing that they wish to be served.

* * * * *

§ 1.56. Date of service.

* * * * *

(b) Unless otherwise prescribed by the Commission or presiding officer, whenever a party is required or permitted to do an act within a prescribed period after service of a document upon the party [and the document is served] by first-class mail by the United States Postal Service, 3 days shall be added to the prescribed period.

* * * * *

§ 1.59. Number of copies to be served.

* * * * *

(b) The following number of copies of documents shall be served on other parties in a proceeding as deemed appropriate by the presiding officer:

* * * * *

Subchapter G. MATTERS BEFORE OTHER TRIBUNALS

§ 1.61. Notice and filing of copies of pleadings before other tribunals.

(a) When matters over which the Commission may have jurisdiction under the [act] Act are raised in proceedings filed with a court or other regulatory body by [a person] an entity subject to the [act] Act, either an appropriate application or petition, or notice of the proceedings and copies of the material pleadings filed

therein, shall be filed simultaneously with the Commission so that it may have sufficient notice and time for proper consideration of the matters within its jurisdiction.

(b) Upon filing of a petition for bankruptcy under the United States Bankruptcy Code (11 U.S.C.) by a jurisdictional public utility or licensee or by a parent, affiliate, or direct or indirect subsidiary of a public utility or licensee, the public utility or licensee shall file a copy of the petition with the Commission, and serve the [Office of Trial Staff] Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate.

* * * * *

(d) If the reorganization plan submitted under subsection (c) contemplates the abandonment of service, the submittal must include an application under Chapter 11 of the [act] Act (relating to certificates of public convenience). If a licensee's reorganization plan includes the abandonment of the license, the submittal must include the appropriate pleading as required by the [act] Act.

Subchapter H. PUBLIC ACCESS TO COMMISSION RECORDS

§ 1.71. Statement of objectives.

The Commission's records maintenance system is intended to provide for the greatest degree of public access to Commission documents that is consistent with the exercise of the functions of the Commission under the [act] Act and other applicable laws. The Commission's system is designed to meet that objective and to give public notice of which classes of documents are available for inspection. The system provides a predictable standard, which nevertheless permits the Commission to take cognizance of the circumstances of individual requests for documents which may militate in favor of or against disclosure.

§ 1.72. Content and review of formal case files.

* * * * *

(d) [Procedures. Procedures for review of correspondence and report folders will conform with the following:

(1) Correspondence folders. Review procedures for correspondence folders will be as follows:

(i) A person desiring access to a correspondence folder of a formal case may request file room personnel for a review of the file to determine which material contained therein may be released for inspection.

(ii) The review will be made and the requestor notified within 30 days.

(iii) If dissatisfied with the results of the first review, the requestor may ask that the documents removed from the correspondence folder before it was given to him be reviewed again.

(iv) A 30-day period applies to the second request for review.

(2) Report folders. Review procedures for report folders will be as follows:

(i) A person may request file room personnel for a review of particular documents or for a specifically defined portion of the report folder to deter-

mine which, if any, material contained in the folder may be released for inspection.

(ii) The review, except for good cause, will be made and the requestor notified within 30 days [Reserved].

§ 1.73. Fiscal records.

* * * * *

(b) No fiscal record, nor unseverable part thereof, which contains material exempted from the disclosure requirements provided in the [act of June 21, 1957 (P.L. 390, No. 212) (65 P.S. §§ 66.1—66.4) or which otherwise presents a substantial need for nondisclosure] the Right-to-Know Law (65 P.S. §§ 67.101—67.3104), will be available for public inspection.

* * * * *

§ 1.75. [Review of staff determination] [Reserved].

[When advised by a staff member that no further staff review of the request for review is possible, the requestor may petition the Commission for review as to a specific or definite class of documents.]

§ 1.77. [Extensions of time to review folders] [Reserved].

[For good cause the Commission may extend the time limits applicable to requests for access to documents. In the case of documents displaying no need for confidentiality, or, conversely, documents containing information which the Commission considers improper for public inspection, the Commission may direct the appropriate treatment thereof, notwithstanding contrary provisions in §§ 1.71—1.76.]

Subchapter L. UNOFFICIAL STATEMENTS AND OPINIONS

§ 1.96. Unofficial statements and opinions by Commission personnel.

Statements contained in formal opinions of the Commission or in decisions of a presiding officer which are not necessary in resolving the case, and informal opinions, whether oral or written, expressed by Commissioners, presiding officers, legal counsel, [employees] employees or representatives of the Commission and reports drafted by Commission bureaus are only considered as aids to the public, do not have the force and effect of law or legal determinations, and are not binding upon the Commonwealth or the Commission.

CHAPTER 3. SPECIAL PROVISIONS

Subchapter A. SPECIAL COMMISSION ACTIONS EMERGENCY RELIEF

§ 3.1. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Emergency—A situation which presents a clear and present danger to life or the public interest or property or which is uncontested and requires action prior to the next scheduled public meeting.

Emergency order—An ex parte order issued by a single Commissioner, the Commission, the Commission’s [Di-

rector of Operations] Executive Director or the Commission’s Secretary in response to an emergency.

* * * * *

EX PARTE EMERGENCY ORDERS

§ 3.2. Petitions for issuance of emergency orders.

(a) To the extent practicable, a petition for emergency order must be in the form of a petition as set forth in § 5.41 (relating to petitions generally) and [shall] must be served on the persons directly affected by the application and also on the statutory advocates.

* * * * *

§ 3.3. Disposition of ex parte emergency orders.

(a) Authority. The Chairperson, a Commissioner, the Commission’s [Director of Operations] Executive Director and the Commission’s Secretary have the authority to issue an emergency order.

(b) Form. An emergency order will be issued in writing and filed with the Secretary with copies to Commissioners [and the Director of Operations] and the Executive Director. The emergency order will be electronically served on the statutory advocates.

(c) Ratification. An emergency order or the denial of a petition for emergency order issued by a single Commissioner or the [Director of Operations] Executive Director or the Commission’s Secretary will be ratified, modified or rescinded by the Commission at the next scheduled public meeting after issuance of the order.

(d) Service. An emergency order or the denial of a petition for emergency order will be served by the Secretary as expeditiously as practicable upon the persons directly affected by the decision and the statutory advocates with copies to the Commissioners and the [Director of Operations] Executive Director.

§ 3.4. Hearings following issuance of emergency orders.

* * * * *

(b) The petition for expedited hearing shall be filed with the Secretary and a copy served upon the Chief Administrative Law Judge, the statutory advocates and all parties to the underlying proceeding.

* * * * *

(d) If the emergency order is issued by a single Commissioner or the [Director of Operations] Executive Director or by the Commission’s Secretary, the presiding officer will have the authority to stay the effect of the order until the next scheduled public meeting.

* * * * *

INTERIM EMERGENCY RELIEF

§ 3.6. Petitions for interim emergency orders.

(a) A party may submit a petition for an interim emergency order during the course of a proceeding. The petition shall be filed with the Secretary and served contemporaneously on the Chief Administrative Law Judge, on the statutory advocates and on the parties.

* * * * *

Subchapter B. INFORMAL PROCEEDINGS GENERALLY APPLICATIONS

§ 3.101. Municipal contracts.

No formal application need accompany municipal contracts filed under section 507 of the [act] Act (relating

to contracts between public utilities and municipalities), but an executed copy or [**reproduction**] **reproduced** copy of the contract [**shall**] **must** be filed with the Commission at least 30 days prior to the effective date of the contract.

INFORMAL COMPLAINTS AND INVESTIGATIONS

§ 3.111. Form and content of informal complaints.

* * * * *

(b) Informal complaints [**shall**] **as defined in subsection (a) must** be submitted to the Secretary for referral to the appropriate bureau, addressed to the following: Pennsylvania Public Utility Commission, [**Post Office Box 3265**] **400 North Street**, Harrisburg, Pennsylvania [**17105-3265**] **17120**.

* * * * *

§ 3.113. Resolution of informal investigations.

* * * * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

(1) When the Commission staff determines that no violation or potential violation of the [**act**] **Act** has occurred, the informal investigation will be terminated by letter **served on all parties involved**.

* * * * *

(3) When the utility, or other [**person**] **party** subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected [**persons**] **parties** with the opportunity to submit exceptions thereon or to take other action provided for under law.

Subchapter E. MOTOR TRANSPORTATION PROCEEDINGS

§ 3.381. Applications for transportation of property, household goods in use and persons.

(a) *Applications.*

* * * * *

(3) *Filing and verification.* An original application shall be filed by the applicant, or an authorized officer or representative, with the Secretary of the Pennsylvania Public Utility Commission, [**Post Office Box 3265**] **400 North Street**, Harrisburg, Pennsylvania [**17105-3265**] **17120**. The application shall be verified under § 1.36 (relating to verification). An application by a common carrier for a certificate of public convenience authorizing the transportation of passengers or household goods in use may be accompanied by verified statements of the applicant **and supporting party or firm**, as set forth in subsection (c)(1)(iii)(A)(II) **and (III)**. An application by a contract carrier for a permit authorizing the transportation of passengers or household goods in use may be accompanied by a verified statement of the applicant, as

set forth in subsection (c)(1)(iii)(A)(II) and a copy of the bilateral contract or statement of the shipper that it will enter into a bilateral contract with the carrier.

* * * * *

Subchapter F. ARBITRATION OF DISPUTES

§ 3.391. Arbitration of claims for billing and collecting services.

(a) Each petition for arbitration of a dispute under [**section 4 of the act of April 14, 1949 (P.L. 482, No. 98) (53 P.S. § 2264)**] **section 505 of the Water Services Act (53 P.S. § 3102.505)** shall set forth the following:

* * * * *

Subchapter H. FORMS

§ 3.551. Official forms.

Forms for applications, petitions, complaints and other matters are available on the Commission's [**website**] **web site** or from the Secretary of the Commission, [**P. O. Box 3265**] **400 North Street**, Harrisburg, Pennsylvania, [**17105-3265**] **17120**; (717) 772-7777.

CHAPTER 5. FORMAL PROCEEDINGS

Subchapter A. PLEADINGS AND OTHER PRELIMINARY MATTERS

APPLICATIONS

§ 5.12. Contents of applications.

(a) Applications must conform to this section unless a form or other specific requirements are provided in Chapter 3 (relating to special provisions). Applications [**must :**] **must:**

* * * * *

(4) Set forth, in the order indicated, the [**following-unless**] **following unless** otherwise provided by this chapter or in Chapter 3 for the specific type of application involved:

* * * * *

(iii) The name, title, mailing address, telephone number and electronic mail address, if available, of the person to whom correspondence or communication in regard to the application is to be addressed. [**The Commission will serve, when required, notices, orders and other papers upon the person named, and service will be deemed to be service upon the applicant.**]

(5) Be served upon the statutory advocates.

(a.1) The Commission will serve, when required, notices, orders and other papers on the person named and on the statutory advocates, and service will be deemed to be service on the applicant.

(b) Subsection (a) supersedes 1 Pa. Code § 35.2 (relating to contents of applications).

§ 5.13. Applications for construction or alteration of crossings.

* * * * *

(b) Plans submitted for the construction, relocation, alteration, protection or abolition of a crossing [**complained against shall**] **must** be accompanied by the names and post office addresses of the record owners of all property necessary to be acquired in the execution thereof, and shall, when directed by the Commission, be supplemented by a description by metes and bounds of all property necessary to be acquired.

§ 5.14. Applications requiring notice.

(a) *General rule.* Notice of applications to the Commission for authority under the [act] Act must be published in the *Pennsylvania Bulletin* and as may otherwise be required by the Commission. The following list of the applications for authority is for informational purposes only, and any omission of a relevant application does not eliminate or otherwise affect the requirement of its publication in the *Pennsylvania Bulletin* or as may be otherwise required by the Commission.

(1) To initiate utility service to the public, including any of the following:

- (i) Electric.
- (ii) Gas.
- (iii) Telephone.
- (iv) Water.
- (v) Wastewater.
- (vi) Pipeline.
- (vii) Radio-telephone common carrier service.
- (viii) Steam.
- (ix) Rail service.

(x) Common carrier service by motor vehicle, except as provided for in § 3.381(b) (relating to application for transportation of property, household goods in use and persons).

(2) To initiate, in a different nature or to a different territory than is currently authorized, utility service to the public, including any of the following:

- (i) Electric.
- (ii) Gas.
- (iii) Telephone.
- (iv) Water.
- (v) Wastewater.
- (vi) Pipeline.
- (vii) Radio-telephone common carrier service.
- (viii) Steam.
- (ix) Rail Service.

(x) Common carrier service by motor vehicle, except as provided for in § 3.381(b).

(3) To abandon, in whole or in part, utility service to the public, including any of the following:

- (i) Electric.
- (ii) Gas.
- (iii) Telephone.
- (iv) Water.
- (v) Wastewater.
- (vi) Pipeline.
- (vii) Radio-telephone common carrier service.
- (viii) Steam.
- (ix) Rail Service.

(x) Common carrier service by motor vehicle, except as provided for in § 3.381(b).

(4) To acquire or transfer tangible or intangible utility property through sale, merger, consolidation, lease or transfer of stock.

(5) To acquire 5% or more of the voting stock of another corporation.

(6) To secure exemption under section 619 of the Pennsylvania Municipalities Planning Code (53 P.S. § 10619).

(b) *Supplemental requirements.* The Secretary may require additional publication or notification in one or more of the following ways:

* * * * *

(d) [*Publication of application.* Except as set forth in §§ 3.361—3.363, 3.501 and 57.71, 57.72 and 57.74—57.77 as relating to the 60-day protest period, or as otherwise provided by the Secretary, application to the Commission for the following types of authority will be published in the *Pennsylvania Bulletin* and, as directed by the Secretary, in a newspaper of general circulation serving the geographical territory affected by the application and shall be subject to a 15-day protest period.

(1) To initiate fixed utility service to the public, including the following:

- (i) Electric.
- (ii) Gas.
- (iii) Telephone.
- (iv) Water.
- (v) Wastewater.
- (vi) Pipeline.
- (vii) Radio-telephone common carrier service.

(2) To initiate, in a different nature or to a different territory than is currently authorized, fixed utility service to the public, including the following:

- (i) Electric.
- (ii) Gas.
- (iii) Telephone.
- (iv) Water.
- (v) Wastewater.
- (vi) Pipeline.
- (vii) Radio-telephone common carrier service.

(3) To abandon, in whole or in part, fixed utility service to the public, including to the following:

- (i) Electric.
- (ii) Gas.
- (iii) Telephone.
- (iv) Water.
- (v) Wastewater.
- (vi) Pipeline.
- (vii) Radio-telephone common carrier service.

(4) To initiate rail utility service to the public.

(5) To initiate, in a different nature or to a different territory than is currently authorized, rail utility service to the public.

(6) To abandon, in whole or in part, rail utility service to the public.

(7) To acquire or transfer tangible or intangible utility property through sale, merger, consolidation, lease or transfer of stock.

(8) To acquire 5% or more of the voting stock of another corporation.

(9) To secure exemption under section 619 of the Pennsylvania Municipalities Planning Code (53 P.S. § 10619).

(10) To construct, alter or abandon, in whole or in part, or to change the status of a rail utility agency station or team track] [Reserved].

FORMAL COMPLAINTS

§ 5.21. Formal complaints generally.

* * * * *

(c) A copy of the complaint will be served by the Commission, by certified mail, upon the respondent unless they are a filing user. The Commission may serve a copy of the complaint by e-mail upon agreement by each party, under 66 Pa.C.S. § 702 (relating to service of complaints on parties). If the complaint proposes to change an existing or proposed tariff rate of a fixed public utility subject to the jurisdiction of the Commission, a copy of the complaint will be served by the Commission on the [Office of Trial Staff] Bureau of Investigation and Enforcement, Office of Consumer Advocate and Office of Small Business Advocate.

(d) The filing of a formal [compliant] complaint entitles the complainant to a formal hearing before the Commission except that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. Motions may be filed in accordance with §§ 5.101 and 5.102 (referring to preliminary objections; and motions for summary judgment and judgment on the pleadings).

* * * * *

§ 5.22. Content of formal complaint.

(a) A formal complaint must set forth the following:

(1) The name, mailing address, telephone number, [telefacsimile] fax number and electronic mailing address, if applicable, of the complainant.

(2) If the complainant is represented by an attorney, the name, mailing address, telephone number, [telefacsimile] fax number and Pennsylvania Supreme Court identification number of the attorney and, if available, the electronic mailing address.

* * * * *

§ 5.24. Satisfaction of formal complaints.

* * * * *

(c) In the case of certification of satisfaction under subsection (b), the respondent shall simultaneously serve a copy of the respondent's certified writing, including a statement informing the complainant of the complainant's right to object in writing within 10 days, upon the complainant. [Unless] In a case where there is only one respondent, unless the complainant objects, in writing, to the certification within 10 days of its filing, the complaint docket will be marked closed. In a case involving two or more respondents, the docket will not be marked closed until the filing of certified statements or certificates of satisfaction resolving all claims against all respondents.

* * * * *

§ 5.31. Staff-initiated complaints.

* * * * *

(b) A Commission bureau filing a complaint under this section involving a fixed utility or licensee will provide a copy to the [Office of Trial Staff] Bureau of Investigation and Enforcement, the Chief Counsel, the Office of Consumer Advocate, and the Office of Small Business Advocate.

* * * * *

PETITIONS

§ 5.41. Petitions generally.

(a) General requirements. Petitions for relief under the [act] Act or other statute that the Commission administers, must be in writing, state clearly and concisely the interest of the petitioner in the subject matter, the facts and law relied upon, and the relief sought. A document, the material part thereof or a copy must be attached when a petition is based upon the document, the material part thereof or a copy. If the document, the material part thereof or a copy is not accessible, the petition must set forth that the document, the material part thereof or the copy is not accessible and the reason, and set forth the substance of the document or material part thereof. Petitions for relief must comply with § 1.51 (relating to instructions for service, notice and protest).

(b) Service. A copy of the petition shall be served on all persons directly affected and on other parties whom petitioner believes will be affected by the petition. Copies of the petition shall be served upon the [Office of Trial Staff] Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate. Service shall be evidenced with a certificate of service filed with the petition.

* * * * *

§ 5.42. Petitions for declaratory orders.

* * * * *

(c) [Copies shall also be served in compliance with Commission direction] Copies. Copies must also be served as directed by the Commission.

* * * * *

§ 5.43. Petitions for issuance, amendment, repeal[,] or waiver of Commission regulations.

* * * * *

(b) A copy of the petition shall be served on all persons directly affected and on other parties who petitioner believes will be affected by the petition. Copies of the petition shall be served on the [Office of Trial Staff] Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate. Service shall be evidenced with a certificate of service filed with the petition.

(c) [Copies shall also be served in compliance with Commission direction.] Copies. Copies must also be served as directed by the Commission.

* * * * *

PROTESTS

§ 5.52. Content of a protest to an application.

(a) Form. A protest to an application must:

* * * * *

(2) State the grounds of the [protest .] protest.

(3) Set forth the facts establishing the protestant's standing to protest.

(4) Request a hearing before the Office of Administrative Law Judge or one will not be scheduled.

(b) *Motor carrier.* Protests in motor carrier cases must conform with § 3.381(c)(1) (relating to applications for transportation of property, **household goods in use** and persons).

* * * * *

§ 5.53. Time of filing.

A protest shall be filed within the time specified in the published notice of the application. If no protest time is specified **in the notice**, the protest shall be filed within **[60] 30** days of publication of the notice **except upon good cause shown**.

INTERVENTION

§ 5.72. Eligibility to intervene.

(a) **[Persons] Parties.** A petition to intervene may be filed by a person claiming a right to intervene or an interest of **[such] the** nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

* * * * *

§ 5.74. Filing of petitions to intervene.

* * * * *

(b) Petitions to intervene shall be filed:

* * * * *

(3) [In accordance with § 5.53 if no deadline is set in an order or notice with respect to the proceedings] Within the time specified in an order or notice with respect to the proceedings. If no deadline is specified, the petition must be filed within 30 days of publication of the notice, except upon good cause shown.

* * * * *

CONSOLIDATION

§ 5.81. Consolidation

(a) The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay. **The Commission or presiding officer may identify indispensable parties to a proceeding and interplead such parties if such action is deemed necessary to enhance the record or to give more comprehensive consideration to the parties, facts and issues in the proceeding.**

* * * * *

Subchapter B. HEARINGS

PREHEARING AND OTHER CONFERENCES

§ 5.222. Initiation of prehearing conferences in nonrate proceedings.

* * * * *

(c) The following matters shall be considered at prehearing conference:

* * * * *

(4) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of justice, including the following:

* * * * *

(v) A proposed plan and schedule of discovery which may include specific limitations on the number of written interrogatories and requests for admissions a party may propound on another party.

(vi) The method of service by a party.

(d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

* * * * *

§ 5.224. Prehearing conference in rate proceedings.

* * * * *

(b) The first prehearing conference shall be held as soon as practicable after the entry of the order of investigation. The parties shall come to the first prehearing conference prepared to discuss the following:

* * * * *

(3) Tentative scheduling of evidentiary hearings, close of the record, filing of briefs and other matters deemed appropriate, **such as the method of service by a party.**

* * * * *

HEARINGS

§ 5.245. Failure to appear, proceed or maintain order in proceedings.

* * * * *

(c) If the Commission or the presiding officer finds, after notice and opportunity for hearing, that the actions of a party, including an intervenor, in a proceeding obstruct the orderly conduct of the proceeding and are inimical to the public interest, the Commission or the presiding officer may take appropriate action, including dismissal of the complaint, application, or petition, if the action is that of complainant, applicant, or petitioner.

(d) Subsection (a)(1)—(3) does not apply if the party is not required to secure counsel and there is no finding that the party has committed an abuse of process.

(e) Dismissal of a complaint, petition or application with prejudice of the complainant, petitioner or applicant for the failure to appear is prohibited.

TRANSCRIPT

§ 5.251. Recording of proceedings.

* * * * *

(d) **[Subsections (a)—(c) supersede 1 Pa. Code § 35.131 (relating to recording of proceedings)] Special Agent Proceedings. Special agent proceedings will be audio recorded and will not be transcribed, unless the parties request the transcription of the audio recording or other circumstances warranting transcription exist.**

(e) Subsections (a)—(d) supersede 1 Pa. Code § 35.131 (relating to recording of proceedings).

§ 5.252. Review of testimony.

* * * * *

(c) Upon request for review, the Office of Administrative Law Judge will schedule a time and place for the review which shall be open to all parties. The court reporting firm **[shall] will** submit the **[tapes] recordings** and equipment necessary for the review and

[shall] will arrange for the court reporter responsible for transcribing the [tapes] recordings to be present at the review.

(d) Actual costs associated with making the [tapes] recordings available for review, including the time of the court reporter, [shall] must be paid by the party requesting review.

* * * * *

Subchapter C. INTERLOCUTORY REVIEW

§ 5.304. Interlocutory review of discovery matters.

* * * * *

(d) [Responsive brief] Brief. A party may file a [responsive] brief within 7 days of a request for certification, which:

* * * * *

§ 5.306. Expedited notification.

A presiding officer may order notification of parties by telephone, [telefacsimile] fax transmittal or other electronic means when time periods are short and delivery by mail may not prove adequate. Notification by means other than by mail will be confirmed by the presiding officer by service in writing and a filing will be made with the Secretary regarding confirmation.

* * * * *

Subchapter D. DISCOVERY

GENERAL

§ 5.323. Hearing preparation material.

* * * * *

(b) Statements. Upon written request, a party is entitled to immediate receipt of a [photostatic] copy or like reproduction of a statement concerning the action or its subject matter previously made by that party, another party or a witness. If the statement is not provided, the party may move for an order from the presiding officer. For the purposes of this subsection, a statement previously made is one of the following:

* * * * *

TIMING AND SUPPLEMENTAL RESPONSES

§ 5.331. Sequence and timing of discovery.

* * * * *

(c) Commission staff may initiate discovery at an earlier time. Commission staff discovery prior to formal Commission action to initiate a proceeding shall be designated as "Staff data requests" and shall be answered fully and completely by the public utility within the time periods specified in § 5.342(d) (relating to answers or objections to written interrogatories by a party). Unless a presiding officer has been designated, objections and motions to compel shall be ruled upon by the Chief Administrative Law Judge. Once a protest or adverse pleading is filed with the Commission, staff data requests are deemed withdrawn.

* * * * *

TYPES OF DISCOVERY

§ 5.342. Answers or objections to written interrogatories by a party.

* * * * *

(g) Motion to compel. Within 10 days of service of an objection to interrogatories, or until such time as the parties may determine by mutual agreement, the party submitting the interrogatories may file a motion requesting the presiding officer to dismiss an objection

[and] to compel that the interrogatory be answered. The motion to compel must include the interrogatory objected to and the objection. If a motion to compel is not filed within 10 days of service of the objection, or until such time as the parties may determine by mutual agreement, the objected to interrogatory will be deemed withdrawn.

* * * * *

§ 5.349. Requests for documents, entry for inspection and other purposes.

* * * * *

(b) As an alternative to permission to inspect and copy, and if requested by [the] a party seeking discovery, the party against whom discovery is sought shall reproduce the designated documents at the requesting party's expense. Regulated utilities shall provide copies of requested materials to Commission staff, which includes the [Office of Trial Staff] Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate at no charge.

* * * * *

§ 5.351. On the record data requests.

(a) A party may request that a witness provide information or documents at a later time as part of the witness' response to a question posed during cross-examination [in the course of a rate proceeding]. The request may only be made orally or in writing and shall be presented at the time the witness appears for cross-examination.

* * * * *

LIMITATIONS

§ 5.365. Orders to limit availability of proprietary information.

* * * * *

(g) Confidential security information. Challenges to a public utility's designation of confidential security information or requests in writing to examine confidential security information in nonadversarial proceedings are addressed in Chapter 102 (relating to confidential security information).

(h) Where a complainant in a formal proceeding has indicated in the complaint that a court has granted the complainant or another individual in the same residence a "protection from abuse" order or any other order which provides clear evidence of domestic violence against the complainant or the other individual that is currently in effect for personal safety or welfare, or provided a copy of the same, all parties are required to exclude or redact the complainant's personal address and contact information from any filings to the proceeding.

Subchapter E. EVIDENCE AND WITNESSES

EVIDENCE

§ 5.408. Official and judicial notice of fact.

* * * * *

(c) Upon notification that facts are about to be or have been noticed, a party adversely affected shall have the opportunity upon timely request to show that the facts are not properly noticed or that alternative facts should be noticed. A presiding officer shall afford an adversely affected party the opportunity to show that the facts are not properly noticed or that alterna-

tive facts should be noticed prior to the close of the record and the issuance of an initial decision or recommended decision.

* * * * *

§ 5.409. Copies and form of documentary evidence.

(a) Except as otherwise provided in this chapter, Chapters 1 and 3 (relating to rules of administrative practice and procedure; and special provisions), when exhibits of a documentary character are offered in evidence, copies shall be furnished to the presiding officer and to the parties present at the hearing, unless the presiding officer otherwise directs. [**Two copies**] **One copy** of each exhibit of documentary character [**shall**] **must** be furnished for the use of the Commission unless otherwise directed by the presiding officer.

* * * * *

WITNESSES

§ 5.412. Written testimony.

* * * * *

(f) *Service.* Written testimony shall be served upon the presiding officer and parties in the proceeding in accordance with the schedule established by this chapter. At the same time the testimony is served, a certificate of service for the testimony shall be filed with the Secretary. [**Pre-served testimony furnished to the court reporter during an adjudicatory proceeding before the Commission shall be filed with the Commission as required under § 5.412a (relating to electronic submission of pre-served testimony).**]

(g) *Copies.* At the hearing at which the testimony is authenticated, counsel for the witness [**shall**] **must** provide [**two copies**] **one copy** of the testimony to the court reporter **or to the presiding officer if no court reporter is present.**

* * * * *

§ 5.412a. [**Electronic submission of pre-served testimony**] [**Reserved**].

[**A General requirement for electronic submission.** A party serving pre-served testimony in proceedings pending before the Commission under § 5.412(f) (relating to written testimony) is required, within 30 days after the final hearing in an adjudicatory proceeding, unless the time period is otherwise modified by the presiding officer, to electronically file with, under § 1.32(b) (relating to filing specifications), or provide to the Secretary's Bureau a compact disc or technology prescribed by the Commission containing the testimony furnished by the party to the court reporter during the proceeding.

(b) *Form of electronic submission.* Electronically submitted testimony must be limited to pre-served testimony documents and be in Portable Document Format. Exhibits attached to pre-served testimony documents may be electronically submitted to the Commission in accordance with subsection (a). Exhibits not electronically submitted with pre-served testimony shall be submitted in paper form to the court reporter at hearing. The electronic submission requirements in this section do not apply to discovery requests or responses, or pre-filed testimony, including testimony filed under § 53.53(c) (relating to information to be furnished with proposed general rate increase filings in excess of \$1 million).

(1) *Electronic submission.* Each piece of pre-served testimony filed through the Commission's electronic filing system shall be uploaded separately. Each piece of pre-served testimony submitted to the Secretary's Bureau on a compact disc or other technology as prescribed by the Commission may be uploaded onto one compact disc, pending file size limitations.

(2) *Electronic submission of testimony modified at hearing.* Pre-served testimony submitted to the Commission must match exactly the version of testimony the presiding officer has required to be submitted to the court reporter at hearing. When a presiding officer requires a party to make hand-marked modifications to testimony during the hearing before submitting the testimony to the court reporter, the pre-served testimony electronically submitted to the Commission shall be marked to reflect the modifications. When a presiding officer does not require a party to make modifications to testimony at hearing before submitting the testimony to the court reporter, the pre-served testimony electronically submitted to the Commission may not be marked. Testimony not admitted into the record during a hearing may not be electronically submitted to the Commission.

(i) *Electronic submission of testimony stricken at hearing.* Pre-served testimony which was stricken at hearing shall be revised to reflect that which was stricken by containing hand-marked strikeouts or electronic strikeouts on the testimony. A party may not completely electronically delete testimony which was stricken at hearing.

(ii) *Pagination of electronically submitted testimony documents.* Striken or modified text on electronically submitted pre-served testimony documents must appear on the same page as the stricken or modified text on the pre-served testimony documents submitted to the court reporter at hearing.

(3) *Labeling of electronically submitted testimony.* Pre-served testimony electronically submitted to the Commission must be labeled consistent with the following examples:

- (i) “__ St. No. __ Direct Testimony of ____.”
- (ii) “__ St. No. __ -R Rebuttal Testimony of ____.”
- (iii) “__ St. No. __ -SR Surrebuttal Testimony of ____.”

(c) *Submission of paper copies of pre-served testimony to the court reporter when electronically filing pre-served testimony.* When electronically filing pre-served testimony with the Commission, one paper copy of pre-served testimony shall be provided to the court reporter at hearing.

(d) *Electronic submission of confidential or proprietary testimony.* Electronically submitted testimony confidential or proprietary in nature shall be submitted to the Secretary's Bureau on a compact disc or other technology as prescribed by the Commission. The compact disc must be labeled “CONFIDENTIAL” or “PROPRIETARY.” Confidential or proprietary testimony may not be filed through the Commission's electronic filing system. Electronically submitted testimony confidential or proprietary in nature must match exactly the version of

the confidential or proprietary testimony submitted to the court reporter at hearing.

(e) *Electronic submission of improper testimony.* If a party in an adjudicatory proceeding discovers that improper testimony documents have been electronically submitted to the Commission, the party may raise the improper submission with the presiding officer assigned to the adjudicatory proceeding. The presiding officer or the Commission will make a determination regarding the submission of improper testimony.

(f) *Electronic access to electronically submitted testimony.* A party shall obtain an eFiling account with the Commission to view electronically submitted pre-served testimony and to receive daily action alerts from the Commission's case and document management database that pre-served testimony has been electronically submitted to the Commission.]

Subchapter G. BRIEFS

§ 5.502. Filing and service of briefs.

* * * * *

(c) [*Filing of briefs in nonrate proceedings*] [Reserved].

[(1) *Initial brief.* An initial brief shall be filed by the party with the burden of proof except as provided by agreement or by direction of the presiding officer.

(2) *Response brief.* A party may file a response brief to the initial brief.]

(d) *Filing of briefs [in rate proceedings]*.

* * * * *

(e) *Filing of amicus curiae briefs.* A person interested in the issues involved in a Commission proceeding, although not a party, may, without applying for leave to do so, file amicus curiae briefs in regard to those issues. Unless otherwise ordered, amicus curiae briefs [**shall**] **must** be filed and served in the manner and number required within the time allowed by this section, absent good cause.

(f) *Deadlines.* [**Initial briefs, main briefs, responsive briefs**] **Main briefs** and reply briefs [**shall**] **must** be filed and served within the time fixed by the presiding officer. [**If no specific times are fixed, initial briefs or main briefs shall be filed and served within 20 days after the date of service of notice of the filing of the transcript and responsive briefs or reply briefs shall be filed within 40 days after date of service of the notice of the filing of the transcript.**]

* * * * *

(h) *Supersession.* [**Subsections (a)—(f)**] **Subsections (a)—(e)** supersede 1 Pa. Code § 35.191 and 35.193 (relating to proceedings in which briefs are to be filed; and filing and service of briefs).

Subchapter H. EXCEPTIONS, APPEALS AND ORAL ARGUMENT

§ 5.531. Certification of record without decision.

(a) If a proceeding is referred to a presiding officer, that officer will normally [**file**] **issue** a decision. The

record will be certified to the Commission without a decision of the presiding officer only as required or allowed by the Commission.

* * * * *

§ 5.533. Procedure to except to initial[, **tentative**] and recommended decisions.

(a) In a proceeding, exceptions may be filed by a party and served within 20 days after the initial[, **tentative**] or recommended decision is issued unless some other exception period is provided. Exceptions may not be filed with respect to an interlocutory decision.

* * * * *

Subchapter J. REPORTS OF COMPLIANCE

§ 5.591. Reports of compliance.

(a) A [**person**] **party** subject to the jurisdiction of the Commission [**who**] **that** is required to do or perform an act by a Commission order, permit or license provision shall file with the Secretary a notice stating that the requirement has or has not been met or complied with.

* * * * *

[Pa.B. Doc. No. 24-1574. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

**[55 PA. CODE CHS. 1330, 3800 AND 5330]
Psychiatric Residential Treatment Facilities**

Statutory Authority

Notice is hereby given that the Department of Human Services (Department) under the authority of sections 201(2), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 911 and 1021) and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)) intends to adopt this proposed rulemaking as set forth in Annex A.

Purpose of Regulation

The Department licenses residential treatment facilities (RTF) that serve children, youth or young adults under the authority of Chapter 3800 (relating to child residential and day treatment facilities). A subset of the RTFs that provide medically necessary behavioral health treatment in a residential setting to children, youth or young adults under 21 years of age with a behavioral health diagnosis is also certified by the Department. These RTFs are referred to as psychiatric residential treatment facilities (PRTF) in this proposed rulemaking.

The Department proposes to codify the minimum licensing standards, Medical Assistance (MA) participation requirements and MA payment conditions for PRTFs that serve children, youth or young adults with a behavioral health diagnosis in Chapters 1330 and 5330 (relating to psychiatric residential treatment facility; and psychiatric residential treatment facility). Chapter 5330 establishes the Department's minimum program and operational standards for a provider to obtain a license as a PRTF. Chapter 1330 establishes the Department's MA payment conditions and MA participation requirements for PRTFs. All PRTFs will need to be licensed under and comply with Chapter 5330, but only those PRTFs that want to receive

MA payment must comply with Chapter 1330. This proposed rulemaking will distinguish licensed PRTFs from other RTFs licensed by the Department and streamline the current licensure and certification process. Upon promulgation of the final-form rulemaking, PRTFs will be subject to Chapters 1330 and 5330.

This proposed rulemaking specifically addresses medically necessary behavioral health treatment for children, youth or young adults provided by a PRTF. It also includes requirements for PRTFs that are in line with the Federal requirements for PRTFs. Finally, this proposed rulemaking adds language to address specific health, safety and treatment needs of children, youth or young adults with a behavioral health diagnosis. This proposed rulemaking supports the goal of better services for children, youth or young adults with behavioral health needs and promotes the goal of children, youth or young adults returning to their home and community in the shortest time possible.

This proposed rulemaking will support children, youth or young adults who receive behavioral health treatment in a residential setting by adding requirements for minimum standards for treatment services, including the required frequency for individual therapy, group therapy and family therapy, and the qualifications for the individuals who provide therapy. This proposed rulemaking will also further delineate staff roles and responsibilities and enhance staff ratio requirements for direct supervision of children, youth or young adults.

This proposed rulemaking will update the current staff requirements to allow PRTFs to better meet the behavioral health needs of the children, youth or young adults served. While this proposed rulemaking maintains the current structure of a director, childcare worker and childcare worker supervisor, the minimum standards for these positions and the job titles are proposed to be updated. This proposed rulemaking also requires additional positions to meet Federal requirements and to better support the children, youth or young adults with behavioral health needs receiving treatment in a PRTF. The new positions include a medical director, treatment team leader, clinical director, mental health professional and registered nurse. This proposed rulemaking also includes minimum standards for additional positions, including an advanced practice professional and a licensed practical nurse. The fiscal impact of the changes to staff requirements is explained in detail as follows.

The current staff ratio requirements are also increased in this proposed rulemaking for both secure and nonsecure PRTFs, as described as follows. In addition, this proposed rulemaking increases certain types of reportable incidents. New incidents that are proposed to be reported include disruption of utilities, use of prohibited restrictive procedures and all medication errors. Because manual restraints have the potential to cause physical harm and can also have a traumatic impact on both the individual who is restrained and on the staff applying the restraint, this proposed rulemaking reduces the length of time for a manual restraint to be applied to a child, youth or young adult.

This proposed rulemaking also includes different admission requirements for secure PRTFs. Secure PRTFs prohibit egress from the facility or a portion thereof through internal locks, exterior locks or secure fencing around the facility. Generally, a child, youth or young adult needs to be alleged delinquent or adjudicated delinquent to receive care in a secure setting. This proposed rulemaking, however, deletes the delinquency

requirement because MA can be used to pay for a child's, youth's or young adult's medically necessary behavioral health treatment in a secure PRTF if the secure PRTF does not exclusively treat children, youth or young adults who are alleged delinquent or adjudicated delinquent. As a result, admission of a child, youth or young adult whose treatment is funded by MA to a secure PRTF will depend on the child's, youth's or young adult's medically recommended treatment needs, rather than on the child's, youth's or young adult's delinquency status.

Finally, this proposed rulemaking codifies the payment requirements for treatment in a PRTF.

Requirements

As discussed previously, proposed Chapter 1330 contains the requirements PRTF providers will need to follow to receive MA payment for the services provided to a child, youth or young adult who receives medically necessary behavioral health services. Proposed Chapter 5330 identifies the minimum program and operational standards for a provider to obtain a license as a PRTF.

The following is a summary of the major provisions of each chapter included in this proposed rulemaking.

Chapter 1330. Psychiatric Residential Treatment Facility—Payment

General Provisions (§§ 1330.1 and 1330.2)

This proposed rulemaking requires a PRTF to be enrolled in the MA program to receive payment for medically necessary behavioral health services rendered to children, youth or young adults with a behavioral health diagnosis. This proposed rulemaking also establishes definitions of key terms used under Chapter 1330. Terms that are used in both Chapter 1330 and Chapter 5330 are defined consistently.

Scope of Benefits (§ 1330.11)

This proposed rulemaking establishes that children, youth or young adults who are MA recipients and have a behavioral health diagnosis are eligible to receive medically necessary services in a PRTF.

Provider Participation (§§ 1330.21—1330.23)

This proposed rulemaking includes both the initial and ongoing requirements for a PRTF to participate in the MA program. This proposed rulemaking also establishes requirements for when a PRTF changes ownership.

Payment (§§ 1330.31—1330.43)

This proposed rulemaking addresses MA payment for treatment in a PRTF, including a secure PRTF; the requirement that services be medically necessary; and the conditions for payment for admission and continued stay at a PRTF. This proposed rulemaking includes additional requirements for admission to a secure PRTF. This proposed rulemaking adds a requirement for approval by the Department prior to admission to a secure PRTF if a child's, youth's or young adult's treatment is being funded by MA. Further, this proposed rulemaking does not require that a child, youth or young adult be an alleged delinquent or adjudicated delinquent to be admitted to a secure RTF. Rather, admission to a secure PRTF is based on the clinical need for a secure PRTF. This proposed rulemaking also addresses limitations on payment, including payment for hospital-reserved bed days and during periods of elopement, visitation and days of care for which no payment will be made. This proposed rulemaking explains how the Department will set rates for treatment provided in a PRTF, including the Department's rate-setting policy, cost reporting procedures, al-

allowable and nonallowable costs, income and offsets to allowable and nonallowable costs, and how costs should be allocated. It also includes requirements for related party transactions, billing requirements, financial records and third-party liability.

Utilization Review (§ 1330.51)

This proposed rulemaking requires claims submitted for MA payment to be subject to the utilization review procedures under Chapter 1101 (relating to general provisions).

Administrative Sanctions (§ 1330.61)

This proposed rulemaking addresses when sanctions will be imposed on a PRTF and when the Department will deny or recover payment for services or items.

Provider Right to Appeal (§ 1330.71)

This proposed rulemaking provides that appeals related to Chapter 1330 shall be made in accordance with Chapter 41 (relating to medical assistance provider appeal procedures).

Chapter 3800. Child Residential and Day Treatment Facilities

Exemptions (§ 3800.3)

This proposed rulemaking amends Chapter 3800 to specifically exclude PRTFs licensed under Chapter 5330. This provision will take effect 12 months after the effective date of the final-form rulemaking.

Chapter 5330. Psychiatric Residential Treatment Facility—Licensing

General Provisions (§§ 5330.1—5330.7)

This proposed rulemaking establishes the minimum requirements and treatment standards that must be met for a PRTF to obtain a license to serve children, youth or young adults with a behavioral health diagnosis. While this proposed rulemaking maintains much of the current licensing requirements for RTFs, it includes a new requirement that the facility be accredited to be licensed as a PRTF. The accreditation requirement is consistent with the Federal requirements to be a PRTF. See 42 CFR 441.151 (relating to general requirements). For a facility to be licensed as a PRTF under this proposed rulemaking, the facility must obtain a certificate of compliance from the Department; comply with Chapter 20 (relating to licensure or approval of facilities and agencies), Articles IX and X of the Human Services Code (62 P.S. §§ 901—1088) and 42 CFR Part 441, Subpart D (relating to inpatient psychiatric services for individuals under age 21 in psychiatric facilities or programs); and be accredited by The Joint Commission (TJC), the Commission on Accreditation of Rehabilitation Facilities (CARF), the Council on Accreditation (COA) or another accrediting body approved by the Department.

General Requirements (§§ 5330.11—5330.21)

This proposed rulemaking codifies the current minimum standards for a facility to be certified by the Department as an RTF, including the requirement that a PRTF have written agreements with other service providers to coordinate physical health care, educational services and other community-based behavioral health services and the requirement for a detailed service description. This proposed rulemaking also includes minimum standards for PRTFs that are required by Federal regulations, including the requirement to have an emergency preparedness plan. See 42 CFR 441.184 (relating to emergency preparedness). In addition, this proposed rule-

making includes new requirements that address visits with the child's, youth's or young adult's parents, legal guardians or caregivers, as well as a new requirement for a PRTF to have a written policy to designate awake and sleeping hours.

This proposed rulemaking addresses identification and reporting of abuse; complying with laws that prevent abuse of children, youth or young adults; safeguarding a child's, youth's or young adult's funds; obtaining consent for treatment and keeping records confidential. In addition, language is added to this proposed rulemaking requiring a plan of supervision for any PRTF staff implicated in abuse and a plan for protection of the child, youth or young adult who was subject to abuse.

This proposed rulemaking contains and expands the list of serious incidents that would need to be reported to the Department. Further, this proposed rulemaking requires notification to the child's, youth's or young adult's parents, legal guardians or caregivers. Additional incidents that need to be reported to the Department and require parental notification include disruption of water, heat or electricity; use of a prohibited restrictive procedure; and any medication error. This proposed requirement is to ensure that the child's, youth's or young adult's parents, legal guardians or caregivers and the Department are better informed about serious incidents occurring at a PRTF.

Current Federal regulations require that a child's, youth's or young adult's death, serious injury or suicide attempt be reported no later than the close of business the next business day. See 42 CFR 483.374(b)(1) (relating to facility reporting). Federal regulations also require that parents, legal guardians or caregivers be informed of their child's death, serious injury or suicide attempt no later than 24 hours after the occurrence. See 42 CFR 483.374(b)(2). This proposed rulemaking strengthens the Federal requirements by requiring that incidents involving a fire that results in children, youth or young adults being displaced and incidents involving the disruption of water, heat, cooling or power also be reported to the Department. In addition, this proposed rulemaking requires that all incidents be reported to the Department and parents, legal guardians and caregivers within 12 hours after the PRTF learns of the incident.

Rights (§§ 5330.31—5330.34)

This proposed rulemaking addresses children's, youth's and young adult's rights; the rights of their parents, legal guardians or caregivers; the grievance process that must be available for children, youth or young adults, parents, legal guardians or caregivers and prohibitions on discrimination. This proposed rulemaking also expands on rights by including rights under § 5100.53 (relating to bill of rights for patients). Further, this proposed rulemaking clarifies the requirements that must be met to conduct a search of a child, youth or young adult or the child's, youth's or young adult's property.

Staffing (§§ 5330.41—5330.53)

This proposed rulemaking maintains several existing requirements for several staff. However, staff titles and qualifications are proposed to be updated and staff may need to have additional years of experience and meet new educational requirements, which are proposed to enable staff to better serve children, youth or young adults with behavioral health needs.

In addition, staff positions are added to this proposed rulemaking to meet the treatment needs of children, youth or young adults in a PRTF setting and to incorporate requirements included in the Federal regulations for PRTFs. See 42 CFR 441.156 (relating to team developing individual plan of care). New required positions include a treatment team leader, mental health professional and a registered nurse.

This proposed rulemaking also includes new requirements for the supervision of clinical and direct care staff at a PRTF. Supervision requirements are added for registered nurses, clinical directors, advanced practice professionals, licensed practical nurses, mental health professionals, mental health worker supervisors and mental health workers, including requirements for direct observation, face-to-face supervision and documentation of the supervision. These requirements are added to increase oversight of the behavioral health treatment of children, youth or young adults.

The staffing ratios for a PRTF are also proposed to be enhanced. The staff-to-child, youth or young adult ratios are proposed to be increased to ensure that children, youth or young adults receive additional oversight based on their behavioral health needs. Under this proposed rulemaking, when there are less than 12 children, youth or young adults, at least 1 PRTF supervisory staff person shall be physically present or on call to consult with PRTF staff. When there are 12 or more children, youth or young adults, at least 1 PRTF supervisory staff person shall be physically present for every 12 children, youth or young adults. The proposed increased staff ratios also ensure that direct care staff have additional support if there is an incident at the PRTF. A mental health professional is also required to be at the PRTF during awake hours to provide children, youth or young adults in a PRTF additional time to meet with the mental health professional and allow parents, legal guardians or caregivers more time to contact the mental health professional or participate in family therapy.

The training requirements for staff in this proposed rulemaking include relevant behavioral health training areas that will better prepare staff to work with children, youth or young adults with behavioral health needs. New proposed behavioral health training areas include trauma-informed care principles; cultural competency and equity; principles of child development and behavioral health diagnosis; and conditions and needs that impact the child, youth or young adult.

Physical Site (§§ 5330.61—5330.86)

This proposed rulemaking maintains the current requirements for a physical site of a PRTF, such as equipment be operable, poisonous materials be secured, proper air temperature be maintained, first aid kits be available and there be adequate space for recreational and treatment activities. This proposed rulemaking also requires the PRTF to provide accommodations, equipment and furnishings needed to meet the health and safety needs of the children, youth or young adults served. It further requires the PRTF to ensure that heat sources are inaccessible to children, youth or young adults and sanitary conditions are maintained. The PRTF must also be properly lit and ventilated and free of hazards. The PRTF must have water that is safe to drink and a functioning communication system and post emergency telephone numbers by all telephones accessible to staff. These proposed facility requirements are to protect the health, safety and wellbeing of children, youth, young adults and PRTF staff.

Fire Safety (§§ 5330.91—5330.103)

This proposed rulemaking maintains existing fire safety requirements, such as the requirement to comply with fire safety statutes, regulations and ordinances; the need to develop evacuation procedures; the requirement that exit routes be available and clear of obstruction; and the minimum standards on the location and number of detectors, alarms and fire extinguishers. This proposed rulemaking also provides that a PRTF shall safely store flammable and combustible materials, have its furnace inspected, take other measures that will prevent a fire from starting and provide local first responders with information that will be needed in case of a fire. This proposed rulemaking also includes requirements for fire drills. Lastly, this proposed rulemaking requires that carbon monoxide alarms be installed in a PRTF to prevent carbon monoxide poisoning.

Health (§§ 5330.111—5330.119)

This proposed rulemaking maintains the existing standards for the provision of medical care to children, youth or young adults, such as the PRTF must arrange for or provide necessary physical or behavioral health treatment, that each child, youth or young adult undergo an initial medical assessment when admitted to a PRTF and, if the child, youth or young adult has not had a medical examination within 12 months prior to admission to the PRTF, the child, youth or young adult must have a medical examination. Under this proposed rulemaking, PRTFs are also required to ensure that children, youth or young adults receive dental, vision and hearing examinations. Further, this proposed rulemaking requires that if the child's, youth's or young adult's health or safety is at risk, a health and safety plan be developed and that the PRTF have a medical emergency plan.

This proposed rulemaking also addresses the use of drugs, alcohol, tobacco and e-cigarettes. Requirements for e-cigarettes are added due to the growth in the use of e-cigarettes. Under this proposed rulemaking, the use or possession of drugs, alcohol, tobacco and e-cigarette products by a child, youth or young adult is prohibited.

Staff Health (§§ 5330.121—5330.123)

This proposed rulemaking includes a requirement that each PRTF staff person have undergone a health assessment within 12 months of hire and every 24 months thereafter and have a tuberculosis screening upon employment. It also requires that each PRTF staff person show proof that they are free of any serious communicable diseases that may spread through casual contact.

Nutrition (§§ 5330.131—5330.133)

This proposed rulemaking maintains the existing requirements for nutrition. In addition, it proposes a new requirement that there cannot be more than 15 hours between an evening and morning meal the following day.

Treatment Services (§§ 5330.141—5330.148)

The requirements in this proposed rulemaking for treatment services comply with the Federal requirements specified in 42 CFR Part 441, Subpart D.

This rulemaking proposes that a child's, youth's or young adult's treatment be provided under the direction of a psychiatrist, including the development and updating of a child's, youth's or young adult's treatment plan. It also provides minimum standards for individual, family and group therapy and psychoeducation groups. This proposed rulemaking expands upon planning requirements for a child's, youth's or young adult's discharge

from a PRTF. Finally, this rulemaking proposes new requirements on utilizing a level system for PRTFs that utilize such a system. Specifically, a PRTF is required to develop written policies and procedures that utilize trauma-informed care principles to provide incentives, structure, limit setting, encouragement and support to a child, youth or young adult. Further, the level system must be individualized, consistent with treatment objectives, and developmentally appropriate and cannot be punitive in nature.

Transportation (§ 5330.151)

This proposed rulemaking maintains existing requirements for safely transporting a child, youth or young adult, such as requiring compliance with applicable laws and regulations regarding the transportation of children, youth or young adults. It also proposes to increase the staff-to-child, youth or young adult ratio during transportation to allow for additional support in the event an incident occurs during transportation.

Medication (§§ 5330.161—5330.170)

This proposed rulemaking maintains existing requirements for the storage and labeling of medications, such as the use of and the administration of medications, maintenance of a medication log and documentation of medication errors. It also proposes, as a result of feedback from the stakeholder workgroup, to add requirements that address the right to refuse medication in accordance with Federal and State laws and regulations. Further, additional language is added prohibiting the use of pro re nata medication to control a child's, youth's or young adult's acute, episodic behavior in a PRTF.

Restrictive Procedures (§§ 5330.181—5330.190)

This proposed rulemaking differs significantly from existing requirements regarding restrictive procedures, including those in Federal regulations. Specifically, it proposes to prohibit the use of mechanical restraints and seclusion in both secure and nonsecure PRTFs. This rulemaking also proposes to prohibit the use of chemical restraints and exclusion in secure and nonsecure PRTFs. While it permits the use of manual restraints, this proposed rulemaking prohibits the application of a manual restraint for more than 30 minutes. The 30-minute time limit for the application of a manual restraint is more stringent than what is required by the Federal regulations (see 42 CFR 483.358(e)(2) (relating to orders for the use of restraint or seclusion)), which permit a manual restraint for no more than 4 hours if the individual being restrained is 18 years of age or older but under 21 years of age; for no more than 2 hours if the individual being restrained is 9 years of age or older but under 18 years of age; or for no more than 1 hour if the individual being restrained is under 9 years of age. These proposed additional requirements are included to eliminate the excessive use of restraints and minimize the trauma that can arise as a result of the use of a restraint.

Further, this rulemaking proposes to require that a restrictive procedure plan be developed for all children, youth or young adults. Also, it includes requirements on who can order a manual restraint that are consistent with Federal regulations. See 42 CFR 483.358. Additionally, it proposes to require PRTFs to document the use of a manual restraint and implement follow-up procedures to prevent the use of another manual restraint. These proposed additional requirements are intended to protect the health and safety of a child, youth or young adult on whom a manual restraint is used.

Finally, this proposed rulemaking includes requirements for the use of time outs that are consistent with Federal regulations (see 42 CFR 483.368 (relating to application of time out)) and incorporates the requirements in the Federal regulations for the submission of an initial and annual attestation that the PRTF is complying with the Centers for Medicare & Medicaid Services' standards on the use of restrictive procedures. See 42 CFR 483.374 (relating to facility reporting).

Secure PRTF (§§ 5330.201 and 5330.202)

This proposed rulemaking addresses the minimum standards for a secure PRTF, including the mechanisms that can be used to prohibit egress from a secure PRTF or a portion of a PRTF and the staffing requirements. The staff ratio requirements in this proposed rulemaking for secure PRTFs are to be increased because of the severe behavioral health needs of the children, youth or young adults that may be served in secure PRTFs.

Records (§§ 5330.211—5330.214)

This proposed rulemaking addresses the required content and retention of a child's, youth's or young adult's records and the requirements for PRTF records. In addition, it proposes additional content requirements that are specific to children, youth or young adults receiving behavioral health treatment in a PRTF, including the requirement that the certification of need for continued stay and the child's, youth's or young adult's psychiatric evaluations are included in the record. This rulemaking also proposes requirements for maintaining PRTF records and properly handling protected health information in accordance with Federal and State regulations, including the requirement to maintain licenses, emergency preparedness plans and policies.

Quality Assurance (§ 5330.221)

This proposed rulemaking requires PRTFs to establish and implement quality assurance practices that include evaluation of services provided to children, youth or young adults; review of manual restraints utilized and adherence to the parameters identified in the PRTF's service description. Quality assurance requirements are proposed to be consistent with the requirements for other behavioral health facilities licensed by the Department.

Waivers (§ 5330.231)

This proposed rulemaking contains requirements for a PRTF to obtain a waiver of a specific program requirement. It also addresses when the Department may revoke a waiver.

Affected Individuals and Organizations

PRTFs that are currently licensed and certified by the Department to provide behavioral health treatment to children, youth or young adults will be affected by this proposed rulemaking. Currently, 22 providers with 76 licensed programs are accredited by TJC, CARF or COA. In addition, there are 6 providers with 27 licensed programs that are not accredited by TJC, CARF or COA. A new provider intending to provide PRTF services will have to meet the requirements proposed under Chapters 1330 and 5330.

Children, youth or young adults who receive treatment in a PRTF will be affected by this proposed rulemaking. Approximately 2,564 children, youth or young adults a year receive treatment funded by MA in an RTF certified by the Department. There may be additional children, youth or young adults affected by this proposed rulemaking whose services are funded by private insurance and other resources.

Staff employed by an RTF that seeks licensure as a PRTF may be affected by this proposed rulemaking because the minimum qualifications and responsibilities of positions have been changed to meet the behavioral health needs of children, youth or young adults in PRTFs.

The Department consulted with the Mental Health Planning Council in the development of this proposed rulemaking. The Mental Health Planning Council advises the Department on issues related to mental health, substance abuse, behavioral health disorders and cross-system disability. The Department also worked with a stakeholder workgroup to develop this proposed rulemaking. The stakeholder workgroup included representation from the following: RTF providers currently certified and licensed by the Department; family advocates; family members of children, youth or young adults who received RTF services; the Mental Health Association of Pennsylvania; Rehabilitation and Community Providers Association; Pennsylvania Council of Children, Youth & Family Services; Disability Rights of Pennsylvania; National Partnership for Juvenile Services; behavioral health managed care organizations; and county mental health representatives.

The stakeholder workgroup held an initial face-to-face meeting on February 11, 2020. After the onset of the novel coronavirus (COVID-19) pandemic, the workgroup held virtual meetings on June 11, 2020, June 17, 2020, and July 31, 2020. The stakeholder workgroup discussed staff qualifications and training, treatment planning, administering medication, ensuring health and safety and the use of restrictive procedures. A summary of each meeting was provided to workgroup members. Workgroup members were encouraged to ask questions, make suggestions or share concerns by means of e-mail.

The Department also consulted individually with family advocates; family members of children, youth or young adults who received RTF services; medical directors of behavioral health managed care organizations; psychiatrists; and other offices within the Department about whether there is a clinical need for secure treatment settings and determined that there are circumstances where there is a clinical need for children, youth or young adults to receive treatment in a secure PRTF. Because the Department is committed to ensuring active participation from family members whose children are currently receiving treatment in an RTF, the Department met with family members on March 19, 2021, June 25, 2021, September 1, 2021, and September 10, 2021.

The Department updated interested parties and organizations throughout the drafting of this proposed rulemaking to ensure a transparent process. Comments and feedback received from interested parties and organizations were considered in the drafting process.

Accomplishments and Benefits

This proposed rulemaking benefits children, youth or young adults receiving services in a PRTF by making changes that are intended to result in decreases in lengths of stay and reductions in readmissions. It encourages a robust commitment to trauma-informed principles; emphasizes active engagement of children, youth or young adults in their treatment; and promotes planning for discharge to begin upon admission.

This proposed rulemaking also benefits children, youth or young adults who receive treatment in a PRTF by increasing staff ratios, which will allow for increased supervision of children, youth or young adults and provides children, youth or young adults with additional

access to mental health professionals during awake hours. Requiring mental health professionals to be present at the PRTF during all awake hours will increase the availability of clinicians to respond to immediate treatment needs and allow for more opportunities for family therapy. Increased staffing also provides families with additional opportunities to contact a staff member to discuss any treatment concerns that they may have regarding their child. In addition, there will be more clinical staff onsite to provide support and guidance to direct care staff.

Children, youth or young adults will also benefit because this proposed rulemaking establishes minimum standards for the frequency and duration of individual, group and family therapy and psychoeducation groups, which will improve the behavioral health treatment children, youth or young adults receive while in a PRTF. Furthermore, by setting minimum training standards and requiring staff training in trauma-informed care, child development, cultural competency, diversity, equity and inclusion, this proposed rulemaking will ensure that staff are appropriately trained. The increased staff qualifications proposed under this rulemaking will also help ensure that services are delivered by qualified staff, which will result in services that meet the clinical needs of the children, youth or young adults on a consistent and therapeutic basis.

This proposed rulemaking will also benefit children, youth or young adults and their parents, legal guardians and caregivers because it changes the requirements for admission to a secure PRTF. Specifically, it does not require that a child, youth or young adult be alleged delinquent or adjudicated delinquent to be admitted to a secure PRTF. Instead, admission to a secure PRTF will depend on the child's, youth's or young adult's medically recommended treatment needs. In addition, this rulemaking proposes more stringent staff ratios for secure PRTFs, which will protect the safety of children, youth and young adults who receive services in a secure PRTF.

Finally, this proposed rulemaking also benefits children, youth and young adults by expanding upon the list of incidents to be reported and significantly reducing the length of time a manual restraint may be applied to a child, youth or young adult. In addition, it protects the health and safety of children, youth and young adults receiving services in a PRTF by prohibiting the use of seclusion, exclusion and prone, chemical and mechanical restraints.

This proposed rulemaking will benefit parents, legal guardians and caregivers of children, youth or young adults that receive treatment in a PRTF by setting a standard for family therapy and promoting the participation of parents, legal guardians and caregivers in treatment and discharge planning. It will also benefit PRTFs because it will allow for a more streamlined and codified approach to licensing.

Fiscal Impact

Because each RTF that is currently licensed and certified by the Department has a unique staffing, training and organizational structure, the Department does not have sufficient information to determine the fiscal impact this proposed rulemaking would have for each individual RTF. Therefore, the Department's fiscal analysis assumes that all RTFs are currently meeting, and not exceeding, the minimum licensure standards and the requirements to be certified by the Department to provide medically necessary behavioral health treatment. If providers incur

additional costs as a result of the new requirements in this proposed rulemaking, allowable costs may be submitted for payment through the cost reporting process. The Department's behavioral health managed care organizations' capitation rates and MA provider rates are anticipated to be adjusted to reflect the increased PRTF costs.

This proposed rulemaking will result in an annual cost to the MA program of approximately \$18,782,000 (\$9,007,000 in State funds). Based on the anticipated time frame for this proposed rulemaking to be promulgated, the cost for the first fiscal year will be half of the total annual cost for subsequent years after promulgation. This will amount to approximately \$9.42 million (\$4.518 million in State funds) in the first year. These costs include MA payments for room and board expenses for children, youth or young adults residing at previously nonaccredited RTFs, payment for costs PRTFs incur to comply with new requirements in this proposed rulemaking, costs for increased staffing in secure PRTFs required as a result of this proposed rulemaking and the cost to the Department to hire additional staff to carry out the work associated with licensing PRTFs.

This rulemaking proposes to require accreditation to be licensed as a PRTF. Nonaccredited RTFs certified by the Department that seek to become PRTFs will incur the cost of becoming accredited. The cost to become accredited depends upon the accreditation body selected by the nonaccredited RTF as well as the size of the provider. The cost for accreditation can be up to \$10,000.

In addition, if a child, youth or young adult who is eligible for MA receives medically necessary behavioral health treatment in an accredited RTF that is certified by the Department, MA will pay for the child's, youth's or young adult's behavioral health treatment and for room and board. However, if the child, youth or young adult is receiving medically necessary behavioral health treatment in a nonaccredited RTF certified by the Department, MA will only pay for the child's, youth's or young adult's medically necessary behavioral health treatment. The cost for the room and board is covered by another funding source, such as local governments. Because all PRTFs are proposed to be accredited under this rulemaking, it is anticipated that MA payment for room and board expenses for the six nonaccredited RTFs certified by the Department that are anticipated to convert to PRTFs will result in an annual cost to the MA program of approximately \$10 million (\$4.78 million in State funds). The annual cost was determined by breaking out the room and board component and averaging it to \$95.22 per day. The room and board component is multiplied by the number of billed bed days for current nonaccredited RTFs certified by the Department, which was 103,321 billed bed days.

RTFs that seek to be licensed as PRTFs may also incur costs related to changes in staff qualifications, staff responsibilities, staff ratios and staff training. The exact cost for each RTF is dependent upon the RTF's current treatment modalities, organizational structure, staff qualifications and supervision and training requirements. Additionally, PRTFs may incur the cost of having an automated external defibrillator (AED) on grounds. Should a PRTF not currently have an AED on grounds, the cost to purchase one can range from \$1,500 to \$2,500 depending on the type of AED purchased. The Department anticipates that most of the RTFs that seek to be licensed as PRTFs already have an AED on the grounds.

This rulemaking proposes changes to the existing staff requirements to allow PRTFs to better meet the behav-

ioral health needs of the children, youth or young adults served. While this proposed rulemaking maintains the structure of a director, childcare worker and childcare worker supervisor, the requirements for these positions are proposed to be updated.

The proposed requirements for the director position are less stringent under § 5330.46 (relating to program director) than existing requirements. Specifically, this proposed rulemaking allows a program director with a master's degree to have 1 year less work experience and a program director with a bachelor's degree to have 2 years less work experience. This proposed rulemaking also allows an individual with an associate's degree and 3 years of work experience or an individual with a high school diploma or equivalent and 5 years of work experience to become a program director.

Under this proposed rulemaking, the childcare worker, which is identified as a mental health worker in § 5330.49 (relating to mental health worker), has different qualifications. Specifically, this proposed rulemaking requires mental health workers to have a high school diploma or the equivalent of a high school diploma and 1 year of experience working directly with children, youth or young adults.

The education and experience requirements for a childcare supervisor, which is referred to as mental health worker supervisor under § 5330.50 (relating to additional staff positions), are also less stringent than current requirements. Specifically, this proposed rulemaking allows individuals with an associate's degree to have 1 year less work experience. This proposed rulemaking also allows individuals with a high school diploma or equivalent and 3 years of work experience to become mental health worker supervisors.

This proposed rulemaking also requires additional positions. The additional positions added under this proposed rulemaking meet Federal requirements for PRTFs and better support children, youth or young adults with behavioral health needs receiving medically necessary treatment in a PRTF. The new positions include a medical director, treatment team leader, clinical director, mental health professional and registered nurse.

A medical director may serve as the treatment team leader and clinical director as long as the requirements of each position are met. If an RTF needs to hire a medical director, treatment team leader, clinical director, mental health professional or registered nurse to meet the requirements of this proposed rulemaking, the approximate average annual cost for each position is as follows: \$289,300 for a medical director or a treatment team leader; \$66,450 for a clinical director, unless a physician assumes the role (which would increase the salary); \$51,500 for a mental health professional, unless the individual is a licensed practitioner (which would increase the salary); and \$66,500 for a registered nurse.

Finally, this proposed rulemaking allows a PRTF to also utilize a licensed practical nurse or an advanced practice professional. Should an RTF opt to employ a licensed practical nurse, the average annual salary is approximately \$47,100.

An advanced practice professional may either be licensed as a physician assistant or a certified registered nurse practitioner. Should an RTF opt to employ a physician assistant or a certified registered nurse practitioner, the average annual salary is approximately \$110,140 and \$120,550, respectively.

The staff ratio requirements in this proposed rulemaking are more stringent than what is currently required. During the stakeholder workgroup meetings, many RTF providers stated that staff ratios exceed existing requirements and meet the staff ratio requirements in this proposed rulemaking. RTF providers that are not currently exceeding the minimum staff ratio requirements will incur costs under this proposed rulemaking.

Currently, 1 childcare worker is required for every 8 children, youth or young adults during awake hours and 1 childcare worker for every 16 children, youth or young adults during sleeping hours. This proposed rulemaking requires 1 mental health worker for every 6 children, youth or young adults during awake hours and 1 mental health worker for every 12 children, youth or young adults during awake hours.

Using a 16-bed provider as an example, a PRTF provider that is not currently exceeding the minimum staffing requirements will need to hire two additional mental health workers at an average salary of approximately \$35,700. The total additional cost to the provider would be \$71,400.

It is anticipated that RTFs that participate in the MA program will seek payment from the cost reporting process for the costs related to changes to staffing requirements identified previously, which will result in an annual cost to the MA program of approximately \$7 million (\$3.34 million in State funds).

While the number of hours of annual training staff must receive prior to working with children, youth or young adults is being maintained, this proposed rulemaking changes who must complete training and some of the training topics. Under this proposed rulemaking, all PRTF staff will be required to complete initial and annual training hours. In addition, additional training topics are proposed to be added. Some of the additional training topics include cultural competency and equity, child development, diagnosis and treatment, and trauma-informed care principles. These additional training topics are proposed as a result of feedback from workgroup members and to support the Commonwealth's initiative of becoming a trauma-informed and healing-centered state. If an RTF does not provide training on the additional topics and does not have the resources to provide training on the additional training topics, the cost for the additional trainings would be approximately \$1,620. This cost was determined by factoring in the cost for training staff in the additional training topics and an assumption of 35% staff turnover.

This proposed rulemaking includes requirements for secure PRTFs. There are currently no secure PRTFs in this Commonwealth. An MA-enrolled provider that chooses to operate a secure PRTF will incur costs to meet the staffing requirements.

The staff ratio requirements for secure PRTFs are more stringent than the requirements for non-secure PRTFs. This proposed rulemaking requires that secure PRTFs have one mental health worker for every four children, youth or young adults during awake hours and one mental health worker for every eight children, youth or young adults during sleeping hours.

Existing RTFs that choose to transition to secure PRTFs and do not employ staff in excess of current requirements will need to hire additional mental health workers. Using a 16-bed provider as an example, an RTF will need to hire three additional mental health workers

at an average salary of approximately \$35,700. The total additional cost to the provider would be \$107,100. Additional costs as a result of compliance with the staff-ratio requirements for a secure PRTF may be submitted for payment through the cost reporting process. MA provider rates and capitation rates are anticipated to be adjusted as needed to include the increased costs related to staff ratio requirements. The Department assumes that four facilities that are not currently providing an RTF level of care may develop secure PRTFs, which will result in an annual cost to the MA program of approximately \$1 million (\$480,000 in State funds).

This proposed rulemaking imposes additional paperwork requirements, which are discussed as follows. Should an RTF not meet the requirements of this proposed rulemaking, the one-time cost for the RTF to develop the documents will be approximately \$2,763. The cost is based on an average hourly rate of \$34.54 for a program director needing an estimated 80 hours to develop the documents.

As for quality assurance plans, RTFs accredited by entities such as TJC, CARF or COA are currently required by these entities to complete quality improvement plans. Given the common practice of utilizing quality assurance activities, increased costs to the MA program to implement this requirement are expected to be minimal.

As noted previously, additional costs incurred by an RTF to comply with this proposed rulemaking may be submitted for payment through the cost reporting process. Behavioral health managed care organizations' capitation rates and MA provider rates are anticipated to be adjusted to reflect the increased costs.

The Department will need to hire six additional human services program representative staff positions to carry out the work associated with licensing PRTFs. It is anticipated that these added positions will result in an annual cost to the MA program of approximately \$782,000 (\$407,000 in State funds).

The implementation of the requirements in this proposed rulemaking may result in improved outcomes, which may result in shorter lengths of stay at a PRTF and less utilization of more costly higher levels of care, such as hospitalizations. The Department, however, cannot estimate the amount of savings resulting from improved outcomes because the Department cannot determine the potential decrease in the utilization of higher levels of care or the length of stay as a result of the requirements in this proposed rulemaking.

In addition, there may be a decrease in costs to local governments of approximately \$4.78 million as a result of this proposed rulemaking because they will no longer be paying for the cost of room and board for children, youth or young adults being served in nonaccredited RTFs certified by the Department.

Paperwork Requirements

While proposed Chapter 5330 maintains most of the current paperwork requirements for RTFs that are licensed and certified by the Department, it also includes new documentation requirements. This proposed rulemaking requires PRTFs to develop written policies and procedures on the following:

- Identification and reporting of abuse and plan of supervision for staff implicated in abuse.
- Reporting, investigating and management of reportable incidents.

- Reporting, investigating and management of recordable incidents.
- Management and disbursement of a child's, youth's or young adult's funds.
- Visits with legal guardians, parents or caregivers.
- Rights of children, youth or young adults and their parents, legal guardians or caregivers.
- Grievances.
- Searches of a child, youth or young adult or the child's, youth's or young adult's personal property.
- Designated awake and sleeping hours.
- Supervision of PRTF staff.
- Monitoring of initial and annual staff training.
- Use of hazardous equipment.
- Fire safety monitoring if a smoke detector, fire alarm or carbon monoxide detector becomes inoperative.
- Inclusion of the assessment of health and safety risks in the initial medical assessment.
- Use of a level system.
- Handling of discontinued and expired medication.
- Debriefing after a manual restraint.

In addition, this proposed rulemaking will require PRTFs to enter into written agreements to coordinate services with other service providers and to develop a written quality assurance plan and generate annual quality assurance reports.

Chapter 1330 will not result in additional paperwork for providers of PRTF services.

This proposed rulemaking will also not require children, youth or young adults who receive treatment in a PRTF or their parents, legal guardians or caregivers to complete additional reporting, recordkeeping or other paperwork requirements.

Effective Date

With the exception of the amendment to § 3800.3 (relating to exemptions), this proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The amendment to § 3800.3 will be effective 12 months after publication of the final-form rulemaking.

The Department will require both accredited and non-accredited RTFs certified by the Department to comply with this proposed rulemaking 12 months after promulgation.

The MA program will continue to pay for medically necessary behavioral health treatment and room and board for eligible children, youth or young adults provided by an accredited RTF certified by the Department for 12 months after promulgation of the final-form rulemaking.

RTFs currently licensed and certified by the Department must obtain a new license under Chapter 5330 within 12 months after promulgation of the final-form rulemaking. The Department will issue licenses in accordance with each RTF's license renewal date.

New facilities seeking to provide behavioral health residential treatment to children, youth or young adults shall obtain a license under Chapter 5330 prior to operating a PRTF.

Public Comment

Interested persons are invited to submit e-mail comments, suggestions or objections regarding this proposed rulemaking to the Department at ra-pwprtfregs@pa.gov.

If comments, suggestions or objections regarding this proposed rulemaking cannot be e-mailed, interested persons may submit written comments, suggestions or objections to Donald Hindmarsh, Bureau of Children's Behavioral Health Services, Commonwealth Towers, 11th Floor, P.O. Box 2675, Harrisburg PA 17105-2675.

Comments, suggestions or objections must be submitted within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-555 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish).

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 2, 2024, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the chairperson of the Health and Human Services Committee of the Senate and to the chairperson of the Human Services 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 after the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) that have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-555. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund;

(7) General Government Operations; (2) Implementing Year 2023-24 is \$0; 1st Succeeding Year 2024-25 is \$218,000; 2nd Succeeding Year 2025-26 through 5th Succeeding Year 2028-29 are \$407,000; (4) 2022-23 Program—\$120,016,000; 2021-22 Program—\$120,570,000; 2020-21 Program—\$106,235,000;

(7) MA—Capitation; (2) Implementing Year 2023-24 is \$0; 1st Succeeding Year 2024-25 is \$4,235,000; 2nd Succeeding Year 2025-26 through 5th Succeeding Year 2028-29 are \$8,471,000; (4) 2022-23 Program—\$3,481,000,000; 2021-22 Program—\$4,557,000,000; 2020-21 Program—\$3,060,000,000;

(7) MA—Fee For Service; (2) Implementing Year 2023-24 is \$0; (3) 1st Succeeding Year 2024-25 is \$64,000; 2nd Succeeding Year 2025-26 through 5th Succeeding Year 2028-29 are \$129,000; (4) 2022-23 Program—\$589,143,000; 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000;

(8) recommends adoption. Implementation and programmatic costs are expected to occur in the next fiscal year and thus funds will be included in the budget.

Annex A

TITLE 55. HUMAN SERVICES

PART III. MEDICAL ASSISTANCE MANUAL

(Editor's Note: Chapter 1330 is proposed to be added and is printed in regular type to enhance readability.)

**CHAPTER 1330. PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY
GENERAL PROVISIONS**

- Sec.
- 1330.1. Policy.
- 1330.2. Definitions.

SCOPE OF BENEFITS

- 1330.11. Scope of benefits.

PROVIDER PARTICIPATION

- 1330.21. Participation requirements for a PRTF.
- 1330.22. Ongoing responsibilities of a PRTF.
- 1330.23. Change of ownership.

PAYMENT

- 1330.31. General payment.
- 1330.32. Conditions for payment.
- 1330.33. Limitations on payment.
- 1330.34. Allowable costs.
- 1330.35. Income and offsets to allowable costs.
- 1330.36. Cost allocation for multiple programs.
- 1330.37. Related-party transactions.
- 1330.38. Nonallowable costs.
- 1330.39. Annual cost reporting and independent audit.
- 1330.40. Rate setting.
- 1330.41. Third-party liability.
- 1330.42. Billing requirements.
- 1330.43. Financial records.

UTILIZATION REVIEW

- 1330.51. Scope of claims review procedures.

ADMINISTRATIVE SANCTIONS

- 1330.61. Sanctions, denied payments and overpayments.

PROVIDER RIGHT OF APPEAL

- 1330.71. Provider right of appeal.

GENERAL PROVISIONS

§ 1330.1. Policy.

The MA program provides payment for behavioral health treatment when the services are medically necessary and provided to children, youth or young adults with a behavioral health diagnosis by a licensed PRTF enrolled in the MA program.

§ 1330.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly demonstrates a different meaning:

Caregiver—An individual with the primary responsibility for the care and supervision of a child, youth or young adult.

Child—An individual under 14 years of age.

Cost center—A group of services or staff, or both, or another unit or type of activity into which functions of a PRTF are divided for purposes of expense assignment and allocations.

Cost report—A data collection tool issued by the Department to collect expense and utilization information from a PRTF that may include supplemental schedules or addenda as requested by the Department.

Day of care—Room, board and behavioral health services calculated on a 24-hour day basis using a midnight census hour.

Department—The Department of Human Services of the Commonwealth.

Elopement—When a child, youth or young adult leaves the premises of a PRTF or a location without staff approval.

Fiscal year—The period of time beginning July 1 and ending June 30 of the following year.

Hospital-reserved bed day—A day when a child, youth or young adult who is expected to return to the PRTF is approved for and admitted to an acute care general hospital or a psychiatric or rehabilitation hospital.

MA—Medical Assistance.

PRTF—psychiatric residential treatment facility—A residential facility that provides services to treat the behavioral health needs of children, youth or young adults under the direction of a psychiatrist.

Parent—The biological or adoptive father or mother of a child, youth or young adult.

Related party—An individual or organization that is associated or affiliated with or has control of or is controlled by a PRTF. Control includes the power to influence or direct the actions or policies of another. The term does not include a child, youth or young adult.

Secure PRTF—A PRTF from which egress is prohibited.

Staff—Individuals employed or contracted by a PRTF on a full-time or part-time basis. Staff includes temporary staff, volunteers and interns.

Treatment plan—An individualized and detailed written plan of treatment services specifically tailored to address a child's, youth's or young adult's needs.

Treatment team—A group of individuals who are led by a treatment team leader and includes the PRTF staff directly involved in the child's, youth's or young adult's treatment, and the child, youth or young adult. The treatment team may also include the child's, youth's or young adult's parent, legal guardian or caregiver; and any individuals chosen by the child, youth or young adult or the parent, legal guardian or caregiver.

Treatment team leader—A board-certified or board-eligible psychiatrist who has the overall responsibility of directing the child's, youth's or young adult's treatment.

Visit—When a child, youth or young adult is under the approved temporary supervision of an individual at the individual's residence or in the community and not under the supervision of PRTF staff.

Young adult—An individual 18 years of age or older but under 21 years of age or an individual who is 22 years of age but was admitted to the PRTF prior to turning 21 years of age.

Youth—An individual 14 years of age or older but under 18 years of age.

SCOPE OF BENEFITS

§ 1330.11. Scope of benefits.

Children, youth and young adults who are MA recipients with a behavioral health diagnosis may receive medically necessary services in a PRTF.

PROVIDER PARTICIPATION**§ 1330.21. Participation requirements for a PRTF.**

To participate in the MA program, a PRTF shall:

(1) Comply with the special provisions applying to psychiatric hospitals set forth in 42 CFR 482.60 (relating to special provisions applying to psychiatric hospitals).

(2) Comply with the participation requirements in Chapter 1101 (relating to general provisions).

(3) Be licensed as a PRTF in accordance with Chapters 20 and 5330 (relating to licensure or approval of facilities and agencies; and psychiatric residential treatment facility).

(4) Enter into a written provider agreement with the Department to provide PRTF services.

(5) Be enrolled in the MA program by the Department.

§ 1330.22. Ongoing responsibilities of a PRTF.

(a) A PRTF shall comply with all of the following requirements:

(1) The record keeping and onsite access requirements in § 1101.51(e) (relating to ongoing responsibilities of providers).

(2) The record keeping requirements for child, youth or young adult records in § 5330.212 (relating to child, youth or young adult record).

(3) The record keeping requirements for PRTF records in § 5330.213 (relating to PRTF record).

(b) A PRTF shall retain complete, accurate, legible and auditable clinical, medical and fiscal records.

§ 1330.23. Change of ownership.

(a) If a PRTF changes ownership and the new owner wants to continue to participate in the MA program, the PRTF shall submit an application, on the form provided by the Department, and meet the requirements in § 1330.21 (relating to participation requirements for a PRTF).

(b) When a PRTF changes ownership, the Department will approve participation in the MA program by the new owner if the Department determines the new owner to be eligible to participate in the MA program under § 1330.21. The new ownership shall meet Federal and State laws and regulations prior to the Department approving participation in the MA program.

(c) When a PRTF changes ownership, the PRTF shall submit an attestation that complies with § 5330.190 (relating to attestation).

PAYMENT**§ 1330.31. General payment.**

(a) Except as provided in subsection (b), the MA program will pay for medically necessary services provided by a PRTF to a child, youth or young adult who is an MA recipient subject to the conditions and limitations in this chapter and Chapter 1101 (relating to general provisions).

(b) The MA program will pay for medically necessary services provided to a child, youth or young adult who is an MA recipient by a residential treatment facility licensed under Chapter 3800 (relating to child residential and day treatment facilities) and certified by the Department as of [insert the effective date of the final-form rulemaking] for 12 months after [insert the effective date of the final-form rulemaking].

(c) If a PRTF is rendering services to a young adult before the young adult turns 21 years of age, the Department will continue to pay for services if they are medically necessary and the young adult is under 22 years of age.

(d) The MA program will not pay for services provided by a PRTF that exclusively serves children, youth or young adults who are alleged delinquent or adjudicated delinquent.

§ 1330.32. Conditions for payment.

(a) MA will pay a PRTF if all of the following conditions are met:

(1) A psychiatric evaluation of the child, youth or young adult that is a result of a comprehensive in-person diagnostic examination has been completed. The psychiatric evaluation shall:

(i) Include a behavioral health diagnosis.

(ii) Indicate that a PRTF is recommended and medically necessary.

(iii) Address all of the following:

(A) If ambulatory care provided in the community meets the service needs of the child, youth or young adult.

(B) If treatment of the child's, youth's or young adult's behavioral health needs requires services in a PRTF under the direction of a psychiatrist.

(C) If services in a PRTF are needed to improve the child's, youth's or young adult's behavioral health needs or prevent further regression.

(2) The psychiatric evaluation is reviewed by an independent team that includes a psychiatrist who meets all of the following requirements:

(i) Has competence in the diagnosis and treatment of mental illness, preferably in child psychiatry.

(ii) Has knowledge of the child's, youth's or young adult's treatment needs.

(3) The independent team is independent of the psychiatrist who completed the psychiatric evaluation and the PRTF that is being recommended.

(4) The independent team certifies all of the following:

(i) Ambulatory care provided in the community does not meet the service needs of the child, youth or young adult.

(ii) Treatment of the child's, youth's or young adult's behavioral health needs requires services in a PRTF under the direction of a psychiatrist.

(iii) Services in a PRTF are needed to improve the child's, youth's or young adult's behavioral health needs or prevent further regression.

(b) The child's, youth or young adult's treatment team leader shall review the need for continued PRTF level of care every 30 days and certify that the child, youth or young adult continues to meet the requirements in subsection (a)(4).

§ 1330.33. Limitations on payment.

(a) MA will pay for hospital-reserved bed days for a PRTF that is currently participating in MA as follows:

(1) Payment will only be made to a PRTF to reserve a bed when a child, youth or young adult is hospitalized if the child, youth or young adult is admitted to a licensed hospital or hospital unit accredited as a hospital, the

hospitalization occurs during the child's, youth's or young adult's PRTF stay and the child, youth or young adult is expected to return to the PRTF upon discharge from the hospital.

(2) Payment for hospital-reserved bed days is limited to 15 cumulative days per calendar year for each child, youth or young adult, regardless of whether the child, youth or young adult was in continuous or intermittent treatment at one or more PRTFs during the calendar year.

(3) Payment for hospital-reserved bed days begins on the date of a child's, youth's or young adult's admission to the hospital and will be paid at the rate of 1/3 of the PRTF's approved per diem payment rate.

(b) MA will pay for up to 2 days of elopement from a PRTF per calendar year for each child, youth or young adult.

(c) MA will pay for a day of care if the child's, youth's or young adult's bed is reserved while the child, youth or young adult is on a visit.

(d) MA will not pay a PRTF for the following:

(1) A day of care during which a child, youth or young adult was absent from the PRTF for one of the following reasons:

(i) Elopement, unless the absence meets the criteria in subsection (b).

(ii) Leaving the PRTF against medical advice.

(iii) Hospitalization, unless the hospitalization meets the criteria in subsection (a).

(iv) Visits, unless the visit meets the criteria in subsection (c).

(2) Admissions and days of care that do not meet the requirements of this chapter.

(3) The day of discharge or transfer to another facility.

§ 1330.34. Allowable costs.

The Department uses Medicare principles as established by the Social Security Act (42 U.S.C. §§ 301—1397mm) and Federal regulations and instructions as a basis for determining what cost items are allowable for the purposes of MA reimbursement.

§ 1330.35. Income and offsets to allowable costs.

In an annual cost report, the PRTF shall report income from the following as sources to offset allowable costs in the determination of operating costs:

(1) Payments received from a youth or young adult or a child's, youth's or young adult's parent, legal guardian or caregiver.

(2) Gifts, donations, endowments, bequests and contributions restricted by the donor for allowable costs.

(3) Refunds and cash discounts.

(4) Grants designated for allowable costs.

(5) Income from the National School Lunch Program.

(6) Income from space rental, vending machines and similar items.

(7) Fundraising efforts restricted for allowable costs.

(8) Interest earned on items specified in paragraphs (1)—(7).

§ 1330.36. Cost allocation for multiple programs.

(a) If a provider operates a PRTF as well as other types of programs, the provider shall document how various costs are allocated between the multiple programs.

(b) The account of the cost allocation must include all of the following:

(1) Salary costs for individuals responsible for more than one program.

(2) Staff fringe benefits for individuals responsible for more than one program.

(3) Rental costs that apply to more than one program.

(4) Motor vehicles that are used by more than one program.

(5) Other related expenses shared by more than one program.

§ 1330.37. Related-party transactions.

(a) A PRTF shall include in its allowable costs, services and supplies furnished to the PRTF by a related party at an amount equal to the cost of such services and supplies to the related party.

(b) The cost of services and supplies procured by a PRTF through a related-party transaction may not exceed the cost of comparable services and supplies if purchased elsewhere.

(c) The related party's costs include reasonable costs incurred in the furnishing of services and supplies to the PRTF.

§ 1330.38. Nonallowable costs.

(a) The following costs are excluded from the operating costs described in § 1330.34 (relating to allowable costs) and are not included in a PRTF's per diem rate:

(1) Costs for legal services relating to litigation against the State, including administrative appeals, if the litigation is ultimately decided in favor of the State.

(2) Administrative costs of more than 13% of allowable MA costs.

(3) Costs for which Federal financial participation is prohibited by statute.

(4) Costs for services not provided by a PRTF to a child, youth or young adult residing in the PRTF.

(5) Education costs associated with a child's, youth's or young adult's individual educational plan, individual family service plan or treatment plan which are to be paid for by the child's, youth's or young adult's school district.

(6) Costs related to a PRTF staff's medical education, residency programs or education field placements.

(7) Costs for a service if payment is available from another public agency, insurance or health program or any other source.

(8) Expenses not related to providing services to MA recipients.

(9) Costs associated with the following:

(i) Advertising, excluding employment opportunities.

(ii) Charitable contributions.

(iii) Staff recognition, such as gifts, awards or dinners.

(iv) Staff social functions, such as picnics or athletic teams.

(v) Nonstandard fringe benefits.

- (vi) Fundraising and marketing.
- (vii) Life insurance for officers and directors of the governing board, including life insurance premiums necessary to obtain mortgages and other loans.
- (viii) Membership fees for social, fraternal and other organizations involved in activities unrelated to the program or an organization defined as a lobbying group under 65 Pa.C.S. Chapter 13A (relating to lobbying disclosure).
- (ix) Meals for visitors.
- (x) Political activities.
- (xi) Related-party rental, leases or other payments that exceed the provision outlined in § 1330.37 (relating to related-party transactions).
- (xii) Reorganization costs.
- (xiii) Federal, State or local income and excess profit taxes.
- (xiv) Taxes from which exemptions are available to a PRTF.
- (xv) Bad debts and contractual adjustments.
- (xvi) Barber and beautician services.
- (xvii) Children's, youth's or young adult's allowances.
- (xviii) Clothing and shoes for children, youth or young adults receiving services in the PRTF.
- (xix) Living expenses for live-in staff, including lodging, meals and personal laundry.
- (xx) Meals for staff, except for meals provided during training activities documented in a child's, youth's or young adult's treatment plan.
- (xxi) Penalties, fines or late charges assessed by any source, whether or not related to a PRTF.
- (xxii) Personal hygiene items for children, youth or young adults receiving service in the PRTF.
- (xxiii) Personal travel for staff, including personal use of a PRTF vehicle.
- (xxiv) Transportation and living costs associated with onsite visits by parents, legal guardians or caregivers.
- (xxv) Salaries for PRTF staff no longer employed by the PRTF.
- (xxvi) Free care or discounted services.
- (xxvii) Personal radio, television, Internet and telephone service.
- (xxviii) Direct and indirect costs related to nonallowable cost centers including all of the following:
 - (A) Gift, flower and coffee shops.
 - (B) Homes for administrators or clergy.
 - (C) Convent areas.
 - (D) Nurses' quarters.
- (xxix) Pennsylvania capital stock and franchise tax.
- (xxx) Collection expenses associated with bad debts.
- (xxxi) Travel expenses for members of the governing body unrelated to the PRTF's program.
- (xxxii) Vocational rehabilitation services.
- (xxxiii) Parties and social activities not related to providing care to children, youth or young adults receiving services in the PRTF.

(xxxiv) Recreation costs not related to providing care to children, youth or young adults receiving services in the PRTF.

(xxxv) Charity, in-kind and courtesy allowances.

(xxxvi) Extraordinary costs related to, or precipitated by, bankruptcy.

(b) The following services are not included in the per diem rate and may not be included as a cost for the PRTF:

- (1) Health care, including dental, vision and hearing care, which is not related to the child's, youth's or young adult's behavioral health needs.
- (2) Prescription drugs.
- (3) Ambulance services.
- (4) Methadone maintenance.
- (5) Diagnostic procedures or laboratory tests.
- (6) Inpatient hospitalization.
- (7) Emergency room visits.
- (8) Diagnostic or therapeutic procedures for experimental, research or educational purposes.
- (9) Experimental or investigative procedures or clinical trial research and services that are not in accordance with customary standards of medical practice or are not commonly used.

(c) The Department will not contribute to a return on equity for proprietary programs.

(d) Costs that are not recognized as allowable costs in a fiscal year may not be carried forward or backward to other fiscal years for inclusion in allowable costs.

§ 1330.39. Annual cost reporting and independent audit.

(a) Residential treatment facilities that are licensed under Chapter 3800 (relating to child residential and day treatment facilities) and certified by the Department as of [insert the publication date of the final-form rulemaking] shall provide a projected cost report to the Department within 3 months of [insert the publication date of the final-form rulemaking].

(b) A PRTF shall submit to the Department an annual cost report and an independent audit performed by an independent public accountant.

(c) If costs have been allocated between programs and supporting services, disclosure shall be made in the independent audit and in accordance with generally accepted accounting principles.

(d) A PRTF shall disclose in the independent audit the existence of any affiliate and the affiliate's relationship to the PRTF, including the nature of any financial transaction between the affiliate and the PRTF.

(e) A provider that operates PRTFs in different locations but uses a consolidated financial report shall designate cost centers for each location in the independent audit. Information accompanying the independent audit shall include the basis used to allocate income and expenses to each location.

(f) A PRTF shall submit an annual cost report on a form specified by and in accordance with the instructions provided by the Department.

(g) The annual cost report submitted to the Department shall be prepared on an accrual basis.

(h) A PRTF shall identify allowable services, administration, ancillary and related organization costs based on financial and statistical records maintained by the PRTF. The cost information contained in the annual cost report shall be current and accurate.

(i) The annual cost report must cover a fiscal period of 12 consecutive months, from July 1 to June 30, except as noted in subsection (k).

(j) The annual cost report for the preceding fiscal year ending June 30 must be submitted to the Department by September 30 of that year.

(k) When a PRTF begins operating after the start of the fiscal year, the cost report must cover the period from the date of approval for participation in the MA program by the Department to June 30.

(l) The Department may adjust costs reported in the annual cost report as follows:

(1) Costs may be adjusted based upon the findings of current or closed audits, cost settlements, approved service descriptions or any information relevant to the costs being adjusted.

(2) The Department will inform the PRTF in writing if the annual cost report is adjusted.

(3) If the Department does not inform a PRTF of adjustments to the annual cost report in writing within 180 days of receiving the annual cost report, the annual cost report submitted by a PRTF will be accepted by the Department as submitted.

§ 1330.40. Rate setting.

(a) Per diem rates will be established as follows:

(1) A cost report submitted by a PRTF in accordance with § 1330.39 (relating to annual cost reporting and independent audit), as adjusted by the Department, if necessary, will be used for the calculation of the PRTF's per diem rate.

(2) A per diem rate for a PRTF will be established by dividing the total projected operating costs by the number of days of care reported in the annual cost report subject to a minimum of 85% of the maximum number of days based on the number of beds specified on the PRTF's certificate of compliance.

(3) The total actual days of care provided include all days of service provided plus hospital-reserve bed days as specified by § 1330.33 (relating to limitations on payment). Reserved beds counted as actual days of service may not be filled.

(4) The total projected operating cost will be calculated as follows:

(i) For a new PRTF, the total MA allowable costs from the budgeted annual cost report, including adjustments for income and nonallowable, limited and excluded costs, as determined by the Department are used to determine projected operating costs.

(ii) For an existing PRTF, an annual cost report filed September 30 as specified in § 1330.39, including adjustments for income and nonallowable, limited and excluded costs, as determined by the Department is used to determine projected operating costs.

(iii) Cost depreciation on capital assets, limited to buildings and fixed equipment, and interest on capital indebtedness is added to the total operating cost to obtain the total projected operating cost.

(5) Once established, a per diem rate will remain in place, unless the per diem rate is adjusted.

(b) The costs incurred in providing behavioral health treatment and room and board are included in the per diem payment for services in a PRTF and may not be billed separately or in addition to the per diem payment rate by the PRTF or any other entity with which the PRTF may have an agreement to provide these services.

(c) If there is more than one accounting method for handling a cost item, the method initially elected by the PRTF shall be followed consistently in subsequent annual cost reports, unless the PRTF submits prior written justification and receives approval from the Department for using a different accounting method.

§ 1330.41. Third-party liability.

(a) A PRTF shall utilize available third-party resources, including Medicare Part B, for services a child, youth or young adult receives while in the PRTF.

(b) If a PRTF receives reimbursement from a third party subsequent to payment from the Department, the PRTF shall repay the Department by submitting a replacement of prior claim according to the Department's instructions.

(c) If a child, youth or young adult or the legal guardian of a child, youth or young adult requests a copy of the record of payment or amounts due, the PRTF shall submit a copy of the invoice and the request to the Department.

(d) Except as specified in subsection (e), if a child, youth or young adult has third-party resource benefits, the MA program will pay the lesser of the following:

(1) A PRTF's per diem payment rate multiplied by the number of covered days, minus any payment from available third-party resources, including any Medicare Part B payment.

(2) The amount of the insurance plan's deductible and coinsurance minus any other payment from an available third-party resource, including any Medicare Part B payment.

(e) If payment from a child's, youth's or young adult's available third-party resources equals or exceeds a PRTF's per diem rate multiplied by the number of compensable days, the Department will not make payment to the PRTF.

§ 1330.42. Billing requirements.

(a) A PRTF shall submit invoices to the Department in accordance with the Department's instructions.

(b) Original and resubmitted claims, including replacement claims, must be received for final adjudication within 365 days following the last date of service on the invoice.

(c) If the service spans 2 fiscal years, a separate invoice must be prepared for each fiscal year.

(d) If the service spans two different per diem rates, a separate invoice must be prepared for each period covered by the different rates.

§ 1330.43. Financial records.

(a) A PRTF shall maintain adequate financial and statistical records for determination of costs payable under the MA program for a period of 5 years after the date of last payment.

(b) A PRTF shall maintain all of the following records:

- (1) General financial ledgers, journals and books.
- (2) Original evidence of cost, such as purchase requisitions, purchase orders, vouchers, vendor invoices, requisitions for supplies, inventories, timecards, payrolls and bases for apportioning costs, that are auditable and relate to the determination of reasonable costs.
- (3) Records relating to allocated administrative costs.
- (4) Records relating to each annual cost report.
- (5) Cash disbursement journals.
- (6) Cash receipts journals.
- (7) Payroll journals or computer printouts.
- (8) Fixed asset ledgers or equivalent records.
- (9) Inventory control records.
- (10) Charts of accounts that parallel or crosswalk to the annual cost report format issued by the Department.
- (11) Statement listing all sources of a PRTF's revenue, including Federal, State, local and private sources.
- (12) Accounting records.
- (13) Documentation of staff compensation by PRTF positions.

UTILIZATION REVIEW

§ 1330.51. Scope of claims review procedures.

Claims submitted for payment under the MA program are subject to the utilization review procedures in Chapter 1101 (relating to general provisions).

ADMINISTRATIVE SANCTIONS

§ 1330.61. Sanctions, denied payments and overpayments.

(a) If the Department determines that a PRTF has billed for services inconsistent with the requirements of this chapter or Chapter 5330 (relating to psychiatric residential treatment facility) or provided services outside the scope of customary standards of medical practice or otherwise violated the standards set forth in a provider agreement, the PRTF will be subject to the sanctions in Chapter 1101 (relating to general provisions) up to and including termination from the MA program.

(b) If the Department determines that services or items provided by a PRTF were not provided according to standards of practice for the discipline providing the service, were not medically necessary, were inappropriate or were otherwise noncompensable, the Department will deny payment for the services and items and related services and items and recover payment already made for the services and items and related services and items.

(c) If the Department determines as a result of an audit or through other means that a PRTF received excess funds in the form of an overpayment from the Department, the funds must be returned to the Department within 6 months from the date the PRTF is notified.

PROVIDER RIGHT OF APPEAL

§ 1330.71. Provider right of appeal.

Appeals related to this chapter shall be made in accordance with Chapter 41 (relating to medical assistance provider appeal procedures).

PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

Subpart E. RESIDENTIAL AGENCIES, FACILITIES AND SERVICES

ARTICLE I. LICENSING/APPROVAL

CHAPTER 3800. CHILD RESIDENTIAL AND DAY TREATMENT FACILITIES

GENERAL PROVISIONS

§ 3800.3. Exemptions.

This chapter does not apply to the following:

* * * * *

(11) Private homes of persons providing care to a relative, except homes in which children live with their own children but no other relative, unless the home is a transitional living residence that is exempt from this chapter under paragraph (2).

(12) Psychiatric residential treatment facilities licensed under Chapter 5330 (relating to psychiatric residential treatment facility).

PART VII. MENTAL HEALTH MANUAL

Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES

(Editor's Note: Chapter 5330 is proposed to be added and is printed in regular type to enhance readability.)

CHAPTER 5330. PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY

GENERAL PROVISIONS

Sec.	Purpose.
5330.1.	Purpose.
5330.2.	Scope.
5330.3.	Definitions.
5330.4.	Licensure and certificate of compliance.
5330.5.	Maximum capacity.
5330.6.	Fire safety approval.
5330.7.	Exemptions.

GENERAL REQUIREMENTS

5330.11.	Service description.
5330.12.	Coordination of services.
5330.13.	Abuse.
5330.14.	Reportable incidents.
5330.15.	Recordable incidents.
5330.16.	Child, youth or young adult funds.
5330.17.	Consent to treatment.
5330.18.	Confidentiality of records.
5330.19.	Emergency preparedness.
5330.20.	Visits.
5330.21.	Awake hours and sleeping hours.

RIGHTS

5330.31.	Rights.
5330.32.	Grievance procedures.
5330.33.	Nondiscrimination.
5330.34.	Searches.

STAFFING

5330.41.	Supervision of staff.
5330.42.	Staff requirements.
5330.43.	Medical director.
5330.44.	Treatment team leader.
5330.45.	Clinical director.
5330.46.	Program director.
5330.47.	Registered nurse.
5330.48.	Mental health professional.
5330.49.	Mental health worker.
5330.50.	Additional staff positions.
5330.51.	Initial staff training.
5330.52.	Annual staff training.
5330.53.	Criminal history checks and child abuse certifications.

PHYSICAL SITE

5330.61.	Applicable construction safety laws.
5330.62.	Physical accommodations and equipment.

- 5330.63. Poisons.
- 5330.64. Heat sources.
- 5330.65. Sanitation.
- 5330.66. Ventilation.
- 5330.67. Lighting.
- 5330.68. Surfaces.
- 5330.69. Water.
- 5330.70. Air temperature.
- 5330.71. Communication system.
- 5330.72. Emergency telephone numbers.
- 5330.73. Handrails and railings.
- 5330.74. Landings and stairs.
- 5330.75. Furniture.
- 5330.76. Equipment.
- 5330.77. First aid supplies.
- 5330.78. Elevators.
- 5330.79. Activity space.
- 5330.80. Exterior conditions.
- 5330.81. Firearms and weapons.
- 5330.82. Bedrooms.
- 5330.83. Bathrooms.
- 5330.84. Kitchen area.
- 5330.85. Laundry.
- 5330.86. Swimming.

FIRE SAFETY

- 5330.91. Compliance with fire safety statutes, regulations and ordinances.
- 5330.92. Unobstructed egress.
- 5330.93. Exits.
- 5330.94. Evacuation procedures.
- 5330.95. Notification of local first responders.
- 5330.96. Flammable and combustible materials.
- 5330.97. Furnaces.
- 5330.98. Portable space heaters.
- 5330.99. Wood and coal burning stoves.
- 5330.100. Fireplaces.
- 5330.101. Detectors and alarms.
- 5330.102. Fire extinguishers.
- 5330.103. Fire drills.

HEALTH

- 5330.111. Health and behavioral health services.
- 5330.112. Initial medical assessment.
- 5330.113. Health and safety plan.
- 5330.114. Medical examination.
- 5330.115. Dental care.
- 5330.116. Vision care.
- 5330.117. Hearing care.
- 5330.118. Use of drugs, alcohol, tobacco and e-cigarettes.
- 5330.119. Emergency plan.

STAFF HEALTH

- 5330.121. Staff assessment.
- 5330.122. Tuberculosis screening.
- 5330.123. Serious communicable diseases or medical problem.

NUTRITION

- 5330.131. Daily meals.
- 5330.132. Quantity of food.
- 5330.133. Withholding or forcing of food.

TREATMENT SERVICES

- 5330.141. Treatment planning requirements.
- 5330.142. Treatment plan.
- 5330.143. Maintenance of treatment plan.
- 5330.144. Copies of treatment plan.
- 5330.145. Treatment services.
- 5330.146. Education.
- 5330.147. Discharge.
- 5330.148. Level system.

TRANSPORTATION

- 5330.151. Transportation.

MEDICATION

- 5330.161. Storage of medication.
- 5330.162. Labeling of medication.
- 5330.163. Use of prescription medication.
- 5330.164. Medication log.
- 5330.165. Medication error.
- 5330.166. Medication refusal.
- 5330.167. Adverse reaction.
- 5330.168. Medication administration.
- 5330.169. Medication administration training.
- 5330.170. Self-administration.

RESTRICTIVE PROCEDURES

- 5330.181. Use of manual restraints.
- 5330.182. Ordering a manual restraint.
- 5330.183. Prohibited restrictive procedures.
- 5330.184. Restrictive procedure plan.
- 5330.185. Application of a manual restraint.
- 5330.186. Injuries from a manual restraint.
- 5330.187. Documentation of a manual restraint.
- 5330.188. Debriefing.
- 5330.189. Time out.
- 5330.190. Attestation.

SECURE PRTF

- 5330.201. Requirements for a secure PRTF.
- 5330.202. Exceptions for a secure PRTF.

RECORDS

- 5330.211. Emergency contact information.
- 5330.212. Child, youth or young adult record.
- 5330.213. PRTF record.
- 5330.214. Record retention and disposal.

QUALITY ASSURANCE

- 5330.221. Quality assurance requirements.

WAIVERS

- 5330.231. Waivers.

GENERAL PROVISIONS

§ 5330.1. Purpose.

The purpose of this chapter is to establish minimum requirements and service standards that shall be met for a facility to obtain a license as a PRTF.

§ 5330.2. Scope.

This chapter applies to PRTFs that operate in this Commonwealth and serve children, youth or young adults with a behavioral health diagnosis. This chapter does not apply to providers that offer services for substance use disorder or provide services for a primary diagnosis of substance use disorder, which must be licensed by the Department of Drug and Alcohol Programs under 28 Pa. Code Part V (relating to Department of Drug and Alcohol Programs).

§ 5330.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

AED—An automatic external defibrillator.

APP—*advanced practice professional*—An individual who is licensed as a certified registered nurse practitioner or physician assistant.

Aversive conditioning—The application of startling, painful or noxious stimuli.

CMS—The Centers for Medicare & Medicaid Services.

Caregiver—An individual with the primary responsibility for the care and supervision of a child, youth or young adult.

Chemical restraint—The administration of a drug that has the temporary effect of restricting a child's, youth's or young adult's freedom of movement that is used to manage the child's, youth's or young adult's behavior and reduces risk to the safety of the child, youth, young adult or others and is not the standard service for the child's, youth's or young adult's behavioral health needs.

Child—An individual under 14 years of age.

Contraband—Property that poses a threat to a child's, youth's, young adult's or other's safety.

Department—The Department of Human Services of the Commonwealth.

Educational host district—The school district where a PRTF is physically located.

Elopement—When a child, youth or young adult leaves the premises of a PRTF or a location without PRTF staff approval.

Emergency safety situation—A sudden, unexpected occurrence or set of circumstances demanding immediate action.

Exclusion—The removal of a child, youth or young adult from the child's, youth's or young adult's immediate environment and restricting the child, youth or young adult alone to a room or area that is not locked.

Grievance—A written or verbal concern expressed by a child, youth, young adult, parent, legal guardian or caregiver about a PRTF.

Intimate sexual contact—Vaginal and anal penetration, oral sex or direct skin-to-skin touching of sexual organs or the touching of intimate body parts.

LPN—licensed practical nurse—The term includes an individual licensed under the laws of this Commonwealth to practice practical nursing or an individual who holds a privilege to practice as a practical nurse under the Nurse Licensure Compact Act (35 P.S. §§ 10291—10295).

Manual restraint—A physical hands-on technique that restricts the movement or function of a child, youth or young adult or a portion of the child's, youth's or young adult's body. The term does not include the use of hands-on assistance needed to enable a child, youth or young adult to achieve a goal or objective identified in a treatment plan.

Mechanical restraint—The use of a device attached or adjacent to a child's, youth's or young adult's body that restricts freedom of movement or normal access to the child's, youth's or young adult's body which cannot easily be removed by the child, youth or young adult.

PRTF—psychiatric residential treatment facility—A residential facility that provides services to treat the behavioral health needs of children, youth or young adults under the direction of a psychiatrist.

Parent—The biological or adoptive father or mother of a child, youth or young adult.

RN—registered nurse—The term includes an individual licensed under the laws of this Commonwealth to practice professional nursing or an individual who holds a privilege to practice as a registered nurse under the Nurse Licensure Compact Act.

Reportable illness—A life-threatening illness, involuntary emergency psychiatric admission or an illness that appears on the Department of Health's List of Reportable Diseases.

Reportable injury—An injury for which a child, youth or young adult requires medical treatment more intensive than first aid. The term first aid includes assessing a condition, cleaning a wound, applying topical medications and applying simple bandages.

Seclusion—Restricting a child, youth or young adult in a locked room, at any time, including sleeping hours. A locked room includes a room with a door locking device such as a key lock, spring lock, bolt lock or foot pressure lock or a room where the door is physically held closed and the child, youth or young adult is prevented from

leaving the room. The term includes locking a child, youth or young adult in a bedroom during sleeping hours.

Secure PRTF—A PRTF from which egress is prohibited.

Serious injury—Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.

Staff—Individuals employed by a PRTF on a full-time or part-time basis. The term includes contracted staff, temporary staff, volunteers and interns.

Supervisory staff—PRTF staff that meet the qualifications of a medical director, clinical director, program director, mental health professional or mental health worker supervisor.

Time out—A voluntary behavioral approach that enables a child, youth or young adult to leave an immediate environment for a period of time to de-escalate and regain self-control.

Trauma-informed care—A strengths-based approach to service delivery and organizational structure that:

(i) Realizes the widespread impact of trauma, including historical trauma, and understands potential paths to recovery.

(ii) Recognizes the signs and symptoms of trauma in children, youth, young adults, parents, legal guardians, caregivers, staff and others involved with the PRTF.

(iii) Responds by fully integrating knowledge about trauma into policies, procedures and practices and seeks to actively prevent re-traumatization.

Treatment plan—An individualized and detailed written plan of treatment services specifically tailored to address a child's, youth's or young adult's needs.

Treatment team—A group of individuals who are led by a treatment team leader and includes the PRTF staff directly involved in the child's, youth's or young adult's treatment, and the child, youth or young adult. The treatment team may also include the child's, youth's or young adult's parent, legal guardian or caregiver; and any individuals chosen by the child, youth or young adult or the parent, legal guardian or caregiver.

Treatment team leader—A board-certified or board-eligible psychiatrist who has the overall responsibility of directing the child's, youth's or young adult's treatment.

Visit—When a child, youth or young adult is under the approved temporary supervision of an individual off the facility premises at the individual's residence or in the community and not under the supervision of PRTF staff.

Young adult—An individual 18 years of age or older but under 21 years of age or an individual who is under 22 years of age but was admitted to the PRTF prior to turning 21 years of age.

Youth—An individual 14 years of age or older but under 18 years of age.

§ 5330.4. Licensure and certificate of compliance.

(a) A PRTF shall obtain a license from the Department prior to beginning operations.

(b) A residential treatment facility licensed under Chapter 3800 (relating to child residential and day treatment facilities) that provides the services of a PRTF as of [insert the effective date of the final-form rule-

making] shall comply with this chapter by [insert date that is 12 months after the effective date of the final-form rulemaking].

(c) To be licensed as a PRTF, a facility shall:

(1) File an application for a certificate of compliance with the Department in accordance with the Department's application procedure.

(2) Comply with the requirements of this chapter.

(3) Comply with the requirements of Chapter 20 (relating to licensure or approval of facilities and agencies).

(4) Comply with the requirements of Articles IX or X of the Human Services Code (62 P.S. §§ 901—1088) as applicable.

(5) Comply with the requirements of 42 CFR Part 441, Subpart D (relating to inpatient psychiatric services for individuals under 21 years of age in psychiatric facilities or programs).

(6) Be accredited by The Joint Commission, the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation or another accrediting body approved by the Department.

(7) Obtain a certificate of compliance from the Department prior to beginning operations.

(d) The Department will issue a new certificate of compliance for each physical location that qualifies for a certificate of compliance.

(e) A PRTF shall post in a conspicuous and public place the current certificate of compliance and have a copy of this chapter readily available to be viewed.

§ 5330.5. Maximum capacity.

(a) The maximum capacity specified on the certificate of compliance will be based on the available bedroom square footage and number of toilets and sinks in the PRTF.

(b) The maximum capacity specified on the certificate of compliance may not be exceeded.

§ 5330.6. Fire safety approval.

(a) A PRTF shall obtain a valid fire safety approval from the appropriate local building authority under the Pennsylvania Construction Code Act (35 P.S. §§ 7210.101—7210.1103) prior to applying for an initial certificate of compliance.

(b) If a fire safety approval is withdrawn or restricted, the PRTF shall provide notification to the Department verbally within 24 hours and in writing within 48 hours of service of notice of the withdrawal or restriction. The notification shall include a plan to remedy the issue that led to the withdrawal or restriction of the fire safety approval or a plan for relocating the children, youth or young adults residing in the PRTF.

(c) If a building is structurally renovated or altered after the initial fire safety approval is issued, the PRTF shall submit a new fire safety approval or written certification from the appropriate fire safety authority that a new fire safety approval is not required. The PRTF shall submit this documentation to the Department within 15 days of the completion of the renovation or alteration.

(d) The Department will report fire safety concerns observed during an inspection to the fire safety authority that issued the fire safety approval.

§ 5330.7. Exemptions.

(a) This chapter does not apply to community residences for persons with mental illness that provide care to both children, youth or young adults and adults in the same facility or community residential host homes for persons with mental illness that are licensed under Chapter 5310 (relating to community residential rehabilitation services for the mentally ill).

(b) This chapter does not apply to residential facilities that serve children, youth or young adults that are licensed under Chapter 3800 (relating to child residential and day treatment facilities).

GENERAL REQUIREMENTS

§ 5330.11. Service description.

(a) As part of the initial certificate of compliance application, a facility shall submit to the Department for review and approval a written service description that includes all of the following:

(1) The PRTF's mission and vision for supporting and maximizing the behavioral health of a child, youth or young adult.

(2) Address, phone number, web site and accreditation agency of the PRTF.

(3) An overview of the PRTF to include a description of specialized services and modalities the PRTF offers.

(4) The average length of treatment.

(5) Identification of the target population served by the PRTF, including age range, gender and total number of children, youth or young adults that will be served.

(6) The bed capacity of the PRTF.

(7) Description of the criteria used for exclusion.

(8) Goals, objectives and expected outcomes of the PRTF.

(9) Description of the overall theoretical design and clinical approaches to services.

(10) Description of how the PRTF implements and utilizes trauma-informed care practices.

(11) Description of the level system as specified in § 5330.148 (relating to level system), if applicable.

(12) Description of the expectations that will be used to encourage active involvement in the treatment process by the parent, legal guardian or caregiver.

(13) Identification of the specific restrictive procedures utilized by a PRTF.

(14) Description of educational providers that will be utilized by a child, youth or young adult while at the PRTF.

(15) Identification of the school district within which the PRTF is located.

(16) Description of the discharge planning process of the PRTF.

(17) An organizational chart of the PRTF according to position titles.

(b) A PRTF's updated service description must be approved by the Department prior to a change in services specified in subsection (a).

§ 5330.12. Coordination of services.

(a) A PRTF shall have written agreements to coordinate services with other service providers, including the following:

- (1) A psychiatric inpatient hospital.
- (2) A local community hospital.
- (3) Peer support providers.
- (4) Mental health and intellectual or developmental disability case management programs.
- (5) Drug and alcohol programs.
- (6) Educational providers.

(b) A PRTF shall update the written agreements with the other service providers annually or when the PRTF becomes aware that the agreements are no longer accurate.

(c) A PRTF shall have an affiliation or a written transfer agreement with at least one hospital that participates in the Medical Assistance Program. The affiliation or transfer agreement must reasonably ensure all of the following:

- (1) A child, youth or young adult will be transferred from a PRTF to a hospital and admitted in a timely manner when a transfer is medically necessary for medical care or acute psychiatric care.
- (2) Medical and other information needed for the child's, youth's or young adult's care will be exchanged between the PRTF and the hospital in accordance with Federal and State medical privacy laws and regulations, including any information needed to determine whether the appropriate care can be provided in a less restrictive setting.
- (3) Services are available to each child, youth or young adult at all times.

§ 5330.13. Abuse.

(a) A PRTF shall have a written policy and procedure on the identification of abuse, reporting abuse, plan of supervision for any PRTF staff implicated in abuse and plan for the protection of the child, youth or young adult who was subject to abuse.

(b) A PRTF shall comply with 23 Pa.C.S. §§ 6301—6388 (relating to Child Protective Services Law) and Chapter 3490 (relating to protective services).

(c) A PRTF shall comply with the Adult Protective Services Act (35 P.S. §§ 10210.101—10210.704).

§ 5330.14. Reportable incidents.

(a) A PRTF shall develop a written policy and procedure on the reporting, investigation and management of reportable incidents.

(b) A PRTF shall call the Department and complete an incident report through the Department's information management system within 12 hours after any of the following reportable incidents are known to the PRTF:

- (1) Fire requiring the children, youth or young adults of a PRTF to shelter in place or relocate.
- (2) Death of a child, youth or young adult.
- (3) Serious injury to a child, youth or young adult.
- (4) Disruption to water, heat, power or cooling at a PRTF.

(c) A PRTF shall complete an incident report through the Department's information management system within 12 hours after any of the following reportable incidents are known to a PRTF:

- (1) Use of a prohibited restrictive procedure specified in § 5330.183 (relating to prohibited restrictive procedures).
- (2) An incident where a child, youth or young adult requires hospitalization or outpatient treatment at a hospital or other medical facility.
- (3) Physical act by a child, youth or young adult to attempt suicide.
- (4) Child's, youth's or young adult's elopement from a PRTF.
- (5) Incidents of physical assault involving a child, youth, young adult or PRTF staff.
- (6) Violation of a child's, youth's or young adult's civil rights.
- (7) Intimate sexual contact involving a child, youth or young adult.
- (8) An outbreak of a serious communicable disease as defined by the Department of Health.
- (9) Suspected abuse or abuse of a child, youth or young adult.
- (10) An event that results in notification of emergency services, such as the fire department, law enforcement or emergency medical services.
- (11) Activation of a PRTF emergency preparedness plan.
- (12) Misuse of a child's, youth's or young adult's funds.
- (13) A medication error as specified in § 5330.165 (relating to medication error).
- (d) A PRTF shall call the parent, legal guardian or caregiver and inform the parent, legal guardian or caregiver of the reportable incidents identified in subsections (b) and (c) no later than 12 hours after the reportable incident is known to the PRTF.

(e) A PRTF shall report the following reportable incidents to the State-designated protection and advocacy system no later than close of business the next business day after the reportable incident is known to a PRTF:

- (1) Death of a child, youth or young adult.
- (2) Physical act by a child, youth or young adult to attempt suicide.
- (3) Serious injury to a child, youth or young adult.
- (f) If a PRTF reports a reportable incident to the State-designated protection and advocacy system, it shall include all of the following information:
 - (1) Name of the child, youth or young adult involved in the reportable incident.
 - (2) Description of the reportable incident.
 - (3) Name, street address and telephone number of the PRTF.

(g) A PRTF shall document in the child's, youth's or young adult's record the date and time a report was made to the State-designated protection and advocacy system and the name and title of the individual from the State-designated protection and advocacy system that received the report.

(h) A PRTF shall report the death of a child, youth or young adult to the appropriate CMS regional office no

later than close of business the next business day after the child's, youth's or young adult's death is known to the PRTF and document in the child's, youth's or young adult's record that the child's, youth's or young adult's death was reported to the appropriate CMS regional office.

(i) A PRTF shall document in the child's, youth's or young adult's record the date and time the Department was called about a reportable incident identified in subsection (b) and the name and title of the individual from the Department who was notified of the reportable incident.

(j) A PRTF shall document in the child's, youth's or young adult's record the date and time the parent, legal guardian or caregiver was called about a reportable incident identified in subsections (b) and (c) and the name of the parent, legal guardian or caregiver who was notified of the reportable incident.

(k) A copy of all incident reports in subsections (b) and (c) shall be maintained in the child's, youth's or young adult's record.

§ 5330.15. Recordable incidents.

(a) A PRTF shall maintain a record of the following recordable incidents:

- (1) Medical seizure that requires medical attention.
- (2) Suicidal gesture or verbal threat of suicide or harm to self or others.
- (3) Property damage of more than \$500.
- (4) Search of a child, youth or young adult or the child's, youth's or young adult's property.

(5) A reportable injury or reportable illness while the child, youth or young adult is on a visit.

(b) A PRTF shall notify a child's, youth's or young adult's parent, legal guardian or caregiver of a recordable incident specified in subsection (a)(1)—(5) no later than 12 hours after a recordable incident occurs. The notification shall be documented in the child's, youth's or young adult's record.

§ 5330.16. Child, youth or young adult funds.

(a) A PRTF shall have a written policy and procedure on the management and disbursement of a child's, youth's or young adult's funds.

(b) Money earned or received by a child, youth or young adult is the child's, youth's or young adult's personal property.

(c) If a PRTF maintains funds for a child, youth or young adult, the PRTF shall maintain a separate accounting system for the child's, youth's or young adult's funds, including the dates and amounts of deposits and withdrawals. Combining a child's, youth's or young adult's funds with PRTF funds is prohibited.

(d) If a PRTF maintains funds for a child, youth or young adult, the child, youth or young adult shall be provided with an accounting of their funds at least once a month and upon request.

(e) A PRTF may not use or borrow a child's, youth's or young adult's funds.

(f) A PRTF shall release the youth's or young adult's funds to the youth or young adult upon discharge and upon request.

(g) A PRTF shall release a child's funds to the child's parent, legal guardian or caregiver upon discharge and upon request.

§ 5330.17. Consent to treatment.

(a) Consent to treatment must be obtained in accordance with Federal and State laws, regulations and Department policies regarding consent to treatment.

(b) Prior to the initiation of services provided by a PRTF, the PRTF shall obtain consent from either a youth or young adult, or the child's, youth's or young adult's parent, legal guardian or caregiver for the child, youth or young adult to receive services.

(c) Consent for emergency physical health treatment is not required for life-threatening conditions when an attempt to obtain consent would result in a delay of services and the delay would increase the risk of harm to the child's, youth's or young adult's life or health.

(d) Consent and attempts to obtain consent shall be documented in the child's, youth's or young adult's record. Documentation of consent, refusal to consent and attempts to obtain consent shall include all of the following:

- (1) Name of the person contacted to provide consent.
- (2) Relationship of the person contacted to provide consent for the treatment to the child, youth or young adult.
- (3) Name and title of the PRTF staff person who sought consent.

§ 5330.18. Confidentiality of records.

(a) A PRTF shall comply with all of the following statutes and regulations relating to confidentiality of records, to the extent applicable:

- (1) Chapter 63 of 23 Pa.C.S. (relating to Child Protective Services Law).
- (2) Part III of 23 Pa.C.S. (relating to Adoption Act).
- (3) The Mental Health Procedures Act (50 P.S. §§ 7101—7503).
- (4) Section 602(d) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4602(d)).
- (5) The Confidentiality of HIV-Related Information Act (35 P.S. §§ 7601—7612).
- (6) Sections 5100.31—5100.39 of 55 Pa. Code (relating to confidentiality of mental health records).
- (7) Sections 3490.91—3490.95 of 55 Pa. Code (relating to confidentiality).
- (8) Section 444 of the General Education Provisions Act (20 U.S.C. § 1232g).
- (9) Part 99 of 34 CFR (relating to family educational rights and privacy).
- (10) The Health Insurance Portability and Accountability Act of 1996 (Pub.L. No. 104-191).
- (11) Other applicable statutes and regulations.

(b) Information relating to a child, youth or young adult may only be shared if a signed authorization of release is obtained from the youth or young adult or the child's, youth's or young adult's parent, legal guardian or caregiver.

(c) Information relating to the parent, legal guardian or caregiver of a child, youth or young adult may not be

shared without an authorization of release of information from the child's, youth's or young adult's parent, legal guardian or caregiver.

(d) A PRTF shall have a written policy and procedure on protecting the confidentiality and privacy of a child's, youth's or young adult's information that includes all of the following:

(1) The process to obtain permission to release a photograph of a child, youth or young adult.

(2) The use of photographs of children, youth or young adults.

(3) How the PRTF will ensure that children's, youth's or young adult's and PRTF staff's social media activity does not contain identifying information about a child, youth or young adult served by the PRTF.

§ 5330.19. Emergency preparedness.

A PRTF shall comply with the requirements of 42 CFR 441.184 (relating to emergency preparedness).

§ 5330.20. Visits.

(a) A PRTF shall have a written policy and procedure on visits.

(b) A PRTF may not deny a child, youth or young adult a visit as a means of punishment or coercion.

(c) A PRTF shall develop a visit plan for a child, youth or young adult when the child, youth or young adult is not under the supervision of PRTF staff that includes both of the following:

(1) Identified coping skills for the child, youth or young adult.

(2) Telephone numbers for local crisis intervention services and for the PRTF.

(d) A PRTF shall give the visit plan for a child, youth or young adult to the individual who will be supervising the child, youth or young adult during the visit.

(e) Prior to a visit that occurs at the parent's, legal guardian's or caregiver's residence or in the community, a PRTF shall require that the child's, youth's or young adult's parent, legal guardian or caregiver sign an acknowledgement that the parent, legal guardian or caregiver will receive, secure, administer and return prescribed medication not taken by the child, youth or young adult during the visit.

(f) The visit plan and signed acknowledgment shall be included in the child's, youth's or young adult's record.

(g) A PRTF shall contact the child's, youth's or young adult's parent, legal guardian or caregiver at least once every 24 hours if a visit lasts more than 24 hours to check on the safety, health and well-being of the child, youth or young adult.

§ 5330.21. Awake hours and sleeping hours.

A PRTF shall have a written policy and procedure that designates the PRTF's awake hours and sleeping hours.

RIGHTS

§ 5330.31. Rights.

(a) A PRTF shall have a written policy and procedure on the rights of children, youth or young adults.

(b) A child, youth or young adult has the right to all of the following:

(1) To be informed of the policies and procedures of the PRTF.

(2) To appropriate medical, behavioral health and dental treatment.

(3) To receive services in the PRTF in the least restrictive setting necessary to accomplish the treatment objectives.

(4) To participate in the development and review of the child's, youth's or young adult's treatment plan.

(5) To clean and seasonal clothing that is age and gender appropriate.

(6) To be free from excessive medication.

(7) To be free from abuse, mistreatment, threats, harassment, corporal punishment and unusual treatment.

(8) To not be subjected to unusual or extreme methods of discipline which may cause psychological or physical harm to the child, youth or young adult.

(9) To be protected from unreasonable search and seizure. A PRTF may conduct searches of a child, youth or young adult or the child's, youth's or young adult's personal property in accordance with § 5330.34 (relating to searches).

(10) To communicate with PRTF staff in a language that the child, youth or young adult understands, including American Sign Language, and when necessary, through interpreters or translators.

(11) To be treated with dignity and respect.

(12) To be assisted by an advocate of the child's, youth's or young adult's choice in the assertion of rights and to communicate with a lawyer in private.

(13) All civil rights unless prohibited by court order.

(14) To practice the child's, youth's or young adult's religion of choice or abstain from religious practices.

(15) To communicate with a clergy person in private.

(16) To file a grievance without retaliation and to receive a prompt response to the grievance.

(17) To communicate privately with an individual unless the communication is prohibited by court order or the child's, youth's or young adult's treatment team has determined that communication with an individual would negatively impact the child's, youth's or young adult's treatment, safety or well-being.

(18) To visit with the child's, youth's or young adult's parent, legal guardian or caregiver at reasonable hours at least once each week, at a time and location convenient for the parent, legal guardian or caregiver, the child, youth or young adult and the PRTF, unless the parent, legal guardian or caregiver is prohibited from visiting by court order or the child's, youth's or young adult's treatment team has determined that the visit with the parent, legal guardian or caregiver would negatively impact the child's, youth's or young adult's treatment, safety or well-being.

(19) To receive visitors of the child's, youth's or young adult's choice at reasonable hours unless the visitor is prohibited from visiting by court order or the child's, youth's or young adult's treatment team has determined that the visitor would negatively impact the child's, youth's or young adult's treatment, safety or well-being.

(20) To receive and send unopened letters and to have outgoing letters stamped and mailed unless prohibited by court order and to be allowed to read and write letters in private. Incoming and outgoing mail may be inspected for contraband when there is reasonable suspicion that the

contents of the mail may negatively impact the child's, youth's or young adult's treatment, safety or well-being. The inspection shall be done in the presence of the child, youth or young adult.

(21) To have access to a telephone designated for use by children, youth or young adults.

(22) To keep and use personal property, unless it is determined that a specific item is contraband in accordance with the PRTF's policy and procedure. The reasons for imposing a limitation on personal property and its scope shall be clearly defined, documented and explained to the child, youth or young adult.

(23) To be paid in compliance with the Fair Labor Standards Act of 1938 (29 U.S.C. §§ 201—219) and the Child Labor Act (43 P.S. §§ 40.1—40.14) for any work the child, youth or young adult does for the PRTF.

(24) To peacefully assemble and to join with other children, youth or young adults to organize a body of or participate in government of the PRTF, when it has been determined feasible by the PRTF.

(25) To be discharged from the PRTF as soon as the child, youth or young adult no longer needs services.

(c) A child's, youth's or young adult's rights may not be used as a reward or sanction.

(d) A child's, youth's or young adult's parent, legal guardian or caregiver has all of the following rights:

(1) To communicate with PRTF staff in a language that the parent, legal guardian or caregiver understands, including American Sign Language, and when necessary, through interpreters or translators.

(2) To have ongoing contact with their child, youth or young adult unless prohibited by court order or determined by the child's, youth's or young adult's treatment team that the contact would negatively impact the child's, youth's or young adult's treatment, safety or well-being.

(3) To actively participate in the development, implementation and monitoring of their child's, youth's or young adult's treatment unless prohibited by court order or determined by the child's, youth's or young adult's treatment team that the active participation would negatively impact the child's, youth's or young adult's treatment, safety or well-being.

(e) A PRTF shall obtain a written acknowledgement from a youth or young adult or the child's, youth's or young adult's parent, legal guardian or caregiver that the policy on the rights of children, youth and young adults was received and reviewed within 7 days of the child's, youth's or young adult's admission to the PRTF. The signed acknowledgement shall be maintained in the child's, youth's or young adult's record.

(f) A copy of a child's, youth's or young adult's rights specified in subsection (b) shall be posted in a conspicuous and public location in the PRTF.

§ 5330.32. Grievance procedures.

(a) A child, youth or young adult and the child's, youth's or young adult's parent, legal guardian or caregiver has the right to file a grievance with a PRTF.

(b) A PRTF shall have a written policy and procedure on grievances that assures the investigation and resolution of grievances and includes both of the following:

(1) A process to document written and verbal grievances.

(2) A process that assures that written and verbal grievances are submitted in a secure manner and without fear of retaliation.

(c) A copy of the PRTF grievance policy and procedure shall be posted in a conspicuous and public place in the PRTF.

(d) A copy of the grievance policy and procedure shall be provided to the child, youth or young adult and the child's, youth's or young adult's parent, legal guardian or caregiver on the day of admission to the PRTF.

(e) A PRTF shall obtain a written acknowledgement from a youth or young adult or the child's, youth's or young adult's parent, legal guardian or caregiver that the grievance policy was received and reviewed within 7 days of the child's, youth's or young adult's admission to the PRTF. The signed acknowledgement shall be filed in the child's, youth's or young adult's record.

§ 5330.33. Nondiscrimination.

A PRTF may not discriminate based on race, color, creed, disability, religious affiliation, ancestry, gender, gender identity or expression, sexual orientation, national origin or age and shall comply with applicable Federal and State laws and regulations.

§ 5330.34. Searches.

(a) A PRTF shall have a written policy and procedure on searches of a child, youth or young adult or the child's, youth's or young adult's personal property.

(b) A PRTF may conduct searches of a child, youth or young adult or the child's, youth's or young adult's property and bedroom when a search is necessary to protect the child, youth, young adult or others.

(c) Unclothed body searches of a child, youth or young adult are prohibited.

STAFFING

§ 5330.41. Supervision of staff.

(a) A PRTF shall have a written policy and procedure on the supervision of PRTF staff that includes all of the following:

(1) A medical director shall provide the following supervision to an RN, clinical director or APP:

(i) One hour of face-to-face supervision every month.

(ii) Thirty minutes of direct observation of the provision of services every 6 months.

(2) A clinical director or medical director shall provide the following supervision to a mental health professional:

(i) Two hours of supervision each month. Of the 2 hours of supervision, 1 hour shall be face-to-face.

(ii) One hour of direct observation of the provision of services every 6 months. Each occurrence of direct observation of services shall be for at least 30 minutes.

(3) A clinical director, medical director or mental health professional shall provide the following supervision to a mental health worker supervisor:

(i) Two hours of supervision each month. Of the 2 hours of supervision, 1 hour shall be face-to-face.

(ii) One hour of direct observation of the provision of services every 6 months. Each occurrence of direct observation of services shall be for at least 30 minutes.

(4) A clinical director, medical director, mental health professional or mental health worker supervisor shall provide the following supervision to a mental health worker:

(i) Two hours of supervision each month. Of the 2 hours of supervision, 1 hour shall be face-to-face.

(ii) One hour of direct observation of the provision of services every 6 months. Each occurrence of direct observation of services shall be for at least 30 minutes.

(5) If a PRTF utilizes a mental health worker supervisor, the mental health worker supervisor shall supervise the mental health worker.

(6) An RN shall provide the following supervision to an LPN:

(i) One hour of face-to-face supervision every month.

(ii) Thirty minutes of direct observation of the provision of services every 6 months.

(b) A PRTF shall maintain documentation about each supervision session in the supervised PRTF staff person's personnel file that includes the following:

(1) The date and type of supervision session or date of direct observation.

(2) The location of the supervision session or location of direct observation.

(3) The start and end time of the supervision session or direct observation.

(4) Summary of the purpose and content of the supervision session or direct observation.

(5) Signature and date of signature for both the supervisee and the supervisor.

(c) Face-to-face supervision may be delivered through secure, real-time, two-way audio and video transmission that meets technology and privacy standards required by the Health Insurance Portability and Accountability Act of 1996 (Pub.L. No. 104-191).

§ 5330.42. Staff requirements.

(a) Staff working in a PRTF shall be 21 years of age or older.

(b) At least two PRTF staff persons who are trained in the use of manual restraints shall be present and available at the PRTF at all times.

(c) During the PRTF's awake hours, the following requirements must be met:

(1) At least one mental health worker or a PRTF staff person who meets the qualifications of a mental health worker shall provide supervision to every six children, youth or young adults.

(2) PRTF staff providing supervision shall always be within auditory and visual range of children, youth or young adults.

(3) A mental health professional shall be present at the PRTF.

(d) During sleeping hours, the following requirements must be met:

(1) At least one mental health worker or a PRTF staff person who meets the qualifications of a mental health worker shall provide supervision to every 12 children, youth or young adults.

(2) PRTF staff providing supervision to children, youth or young adults shall remain within auditory range of the children, youth or young adults being supervised.

(3) PRTF staff supervising children, youth or young adults shall conduct visual observations of each child, youth or young adult at least every 15 minutes.

(e) PRTF staff shall be supervised as follows:

(1) When there are less than 12 children, youth or young adults physically present at a PRTF, at least one PRTF supervisory staff person shall be physically present at the PRTF or on call to consult with PRTF staff.

(2) When 12 or more children, youth or young adults are physically present at a PRTF, at least one PRTF supervisory staff person shall be physically present at the PRTF for every 12 children, youth or young adults.

§ 5330.43. Medical director.

(a) A PRTF shall have a medical director.

(b) The medical director shall be responsible for both of the following:

(1) Overseeing the delivery of psychiatric services and programming to children, youth or young adults in a PRTF.

(2) Coordination and supervision of PRTF staff on clinical and medical matters, including the prescribing and monitoring of psychotropic medication.

(c) The medical director shall be licensed in this Commonwealth as a physician practicing psychiatry and be a board-certified or board-eligible psychiatrist.

(d) The medical director may also serve as a treatment team leader.

§ 5330.44. Treatment team leader.

(a) A PRTF shall identify a treatment team leader for each child, youth or young adult.

(b) The treatment team leader shall be responsible for all of the following:

(1) Direction of each child's, youth's or young adult's treatment team.

(2) Leading monthly treatment plan meetings for each child, youth or young adult.

(3) Development and implementation of the child's, youth's or young adult's individualized treatment plan.

(4) Overseeing the update of each child's, youth's or young adult's treatment plan by the treatment team at least every 30 days.

(5) Development of a discharge plan for each child, youth or young adult.

(6) Completing a comprehensive psychiatric evaluation that includes an examination of the medical, psychological, social, behavioral and developmental aspects of the child, youth or young adult and reflects the need for a PRTF level of care. The comprehensive psychiatric evaluation shall be completed within 7 days of a child's, youth's or young adult's admission to the PRTF.

(7) Determining if a PRTF level of care remains medically necessary for the child, youth or young adult every 30 days.

(c) The treatment team leader shall meet the qualifications of a medical director specified in § 5330.43(c) (relating to medical director).

§ 5330.45. Clinical director.

- (a) A PRTF shall have a clinical director.
- (b) The clinical director shall be responsible for all of the following:
- (1) Oversight of treatment assessments, services, therapeutic activities and program schedules.
 - (2) Review and response to emergency safety situations that occur at a PRTF.
 - (3) Oversight of the training curricula to ensure the requirements of §§ 5330.51 and 5330.52 (relating to initial staff training; and annual staff training) are met.
- (c) The clinical director shall have at least 2 years of experience in the delivery of behavioral health services to children, youth or young adults with a mental illness or behavioral health disorder and meet one of the following:
- (1) Be licensed in this Commonwealth as a physician.
 - (2) Be licensed in this Commonwealth as a psychologist.
 - (3) Be licensed in this Commonwealth as a marriage and family therapist.
 - (4) Be licensed in this Commonwealth as a professional counselor.
 - (5) Be licensed in this Commonwealth as a clinical social worker.
 - (6) Be licensed in this Commonwealth as a social worker and have completed a clinical practicum.
- (d) A medical director may also serve as a clinical director.

§ 5330.46. Program director.

- (a) A PRTF shall have a program director.
- (b) The program director shall be responsible for all of the following:
- (1) Administration and management of a PRTF.
 - (2) Implementation of the PRTF's policies and procedures.
 - (3) Compliance with this chapter.
 - (4) Overseeing the general safety and protection of children, youth and young adults.
 - (5) Developing and maintaining a program schedule of daily activities, which includes designated awake and sleeping times.
- (c) The program director shall have one of the following:
- (1) At least 1 year of experience in human service administration or direct care of children, youth or young adults with behavioral health needs and a graduate degree in psychology, sociology, social work, counseling, education, human services, public administration, business administration or a related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.
 - (2) At least 2 years of experience in human service administration or direct care of children, youth or young

adults with behavioral health needs and a bachelor's degree in psychology, sociology, social work, counseling, education, human services, public administration, business administration or a related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(3) At least 3 years of experience in human service administration or direct care of children, youth or young adults with behavioral health needs and an associate's degree in psychology, sociology, social work, counseling, education, human services, public administration, business administration or a related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency. One of the 3 years of experience must be in a supervisory or managerial role.

(4) At least 5 years of experience in direct care of children, youth or young adults with behavioral health needs and a high school diploma or the equivalent of a high school diploma. Two of the 5 years of experience must be in a supervisory or managerial role.

§ 5330.47. Registered nurse.

- (a) A PRTF shall have an RN who is either onsite or available at all times when not onsite.
- (b) The RN shall be responsible for all of the following:
- (1) Overseeing the nursing care for children, youth or young adults in a PRTF.
 - (2) Assessing the health conditions of children, youth or young adults and determining appropriate nursing care needs.
 - (3) Participating in monthly treatment plan meetings.
- (c) The RN shall have at least 1 year of experience in treating children, youth or young adults with behavioral health needs.

§ 5330.48. Mental health professional.

- (a) A PRTF shall have a mental health professional.
- (b) Children, youth or young adults in a PRTF shall be assigned to a mental health professional.
- (c) The mental health professional shall be responsible for all of the following:
- (1) Developing of the child's, youth's or young adult's individualized treatment plan.
 - (2) Participating in monthly treatment plan meetings for all assigned children, youth or young adults.
 - (3) Implementing treatment services and therapeutic activities for a child, youth or young adult in accordance with the child's, youth's or young adult's treatment plan.

(4) Providing individual, group or family therapy in accordance with the child's, youth's or young adult's treatment plan.

(5) Coordinating with the treatment team under the direction of the treatment team leader to address the goals, objectives, needs and strengths of assigned children, youth or young adults.

(d) The mental health professional's assigned caseload may not exceed eight children, youth or young adults.

(e) The mental health professional shall meet one of the following:

(1) Be licensed in this Commonwealth as a physician, psychologist, marriage and family therapist, professional counselor or clinical social worker.

(2) Be licensed in this Commonwealth as a social worker or behavior specialist and have a graduate degree that required a clinical or mental health direct service practicum from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(3) Have at least 1 year of experience in providing mental health direct services to children, youth or young adults and a graduate degree with at least nine credits specific to clinical practice in psychology, sociology, social work or counseling from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(4) Completed a clinical or mental health direct service practicum and have a graduate degree with a least nine credits specific to clinical practice in psychology, sociology, social work, education, counseling or a related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

§ 5330.49. Mental health worker.

(a) A PRTF shall have a mental health worker.

(b) The mental health worker shall be responsible for all of the following:

(1) Implementing therapeutic interventions.

(2) Providing direct and active supervision to children, youth or young adults.

(3) Supporting the strengths and needs of children, youth or young adults.

(4) Sharing pertinent information with the child's, youth's or young adult's treatment team. This may include general observations, progress with service goals and areas of concern.

(5) Facilitating psychoeducational groups.

(c) The mental health worker shall have a high school diploma or the equivalent of a high school diploma and at least 1 year of experience working with children, youth or young adults.

§ 5330.50. Additional staff positions.

The following PRTF staff positions, if utilized, shall meet all of the following requirements:

(1) If within the scope of the APP's practice, an APP may do the following:

(i) Evaluate the physical or psychological condition of a child, youth or young adult who takes a prescribed medication.

(ii) Review, update, sign and date the child's, youth's or young adult's treatment plan.

(iii) Perform initial or routine specific screenings and assessments to assess the physical or psychological condition of a child, youth or young adult.

(2) The APP shall be licensed in this Commonwealth and have at least 1 year of experience working with children, youth or young adults.

(3) If within the scope of the LPN's practice, an LPN may do the following:

(i) Accept verbal orders for a manual restraint.

(ii) Participate in the planning, implementation and evaluation of nursing care provided to a child, youth or young adult.

(4) The LPN shall be onsite at a PRTF whenever an RN is not onsite at the PRTF.

(5) The LPN shall have at least 1 year of experience working with children, youth or young adults.

(6) A mental health worker supervisor may provide the following:

(i) Supervision to a mental health worker.

(ii) Direct and active supervision to children, youth or young adults.

(7) The mental health worker supervisor shall have one of the following:

(i) At least 1 year of experience in the delivery of behavioral health services to children, youth or young adults and a bachelor's degree in psychology, sociology, social work, counseling, education, human services, public administration, business administration or a related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(ii) At least 2 years of experience in the delivery of behavioral health services to children, youth or young adults and an associate's degree in psychology, sociology, social work, counseling, education, human services, public administration, business administration or a related field from a college or university accredited by an agency

recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(iii) At least 3 years of experience in the delivery of behavioral health services to children, youth or young adults and a high school diploma or the equivalent of a high school diploma.

§ 5330.51. Initial staff training.

(a) A PRTF shall have a written policy and procedure on the monitoring of initial PRTF staff training.

(b) PRTF staff shall complete an orientation that includes the individual's specific duties and responsibilities and information on the PRTF's policies and procedures.

(c) Except as required under subsection (d), PRTF staff shall complete at least 30 hours of training in the following areas within 120 days of their date of hire:

- (1) The requirements of this chapter.
- (2) The requirements of 23 Pa.C.S. §§ 6301—6388 (relating to Child Protective Services Law) and Chapter 3490 (relating to protective services).
- (3) The requirements of the Adult Protective Services Act (35 P.S. §§ 10210.101—10210.704).
- (4) Fire safety by a fire safety expert. The following apply:
 - (i) Training may be through a video recording if the video recording is prepared by a fire safety expert and is administered onsite by a PRTF staff person who is trained by a fire safety expert.
 - (ii) If the facility serves 20 or fewer children, youth or young adults, the training may be conducted by a PRTF staff person trained by a fire safety expert.
- (5) First aid, opioid overdose reversal medication, Heimlich techniques, cardiopulmonary resuscitation, use of an AED, universal precautions and blood-borne pathogen training facilitated by an individual qualified as a trainer by a hospital or other recognized health care organization.
- (6) The use of manual restraints that is consistent with 42 CFR 483.376 (relating to education and training) and provided by an individual who meets the qualifications in 42 CFR 483.376(c).

(7) Verbal de-escalation, crisis prevention and suicide prevention.

(8) Professional ethics and conduct, professional boundaries and confidentiality.

(9) Cultural competency and equity training that increases awareness of cultural norms and provides skills and knowledge regarding the value of diversity.

(10) Trauma-informed care principles and practical applications.

(11) Mental health diagnoses, conditions, needs and effective service interventions for children, youth or young adults.

(12) Principles of child development.

(13) Recognizing and responding to emergency safety situations.

(d) The medical director, treatment team leader, clinical director, program director, RN, mental health professional, mental health worker, and if utilized, an APP, an LPN and a mental health worker supervisor shall complete the training required under subsection (c) prior to working directly with children, youth or young adults.

(e) A PRTF shall keep documentation of completion of initial training requirements, which includes all of the following:

- (1) Name of the PRTF staff trained.
- (2) Training date.
- (3) Training source.
- (4) Name and qualifications of the trainer.
- (5) Length of training.

§ 5330.52. Annual staff training.

(a) A PRTF shall have a written policy and procedure on the monitoring of annual PRTF staff training.

(b) PRTF staff shall have at least 30 hours of annual training in the areas specified in § 5330.51(c) (relating to initial staff training).

(c) In addition to the requirements in subsection (b), the medical director, treatment team leader, clinical director, program director, RN, mental health professional, mental health worker, and if utilized, an APP, an LPN and a mental health worker supervisor shall complete an additional 10 hours of annual training in the following areas:

- (1) Best practices, including evidenced-based practices to address the unique characteristics of the children, youth or young adults served.
- (2) Types, uses and side effects of psychotropic medications prescribed to children, youth or young adults.
- (3) Effective and transferable discharge and reintegration planning.
- (4) Documentation skills and requirements.
- (5) Mental health conditions, emotional disturbances or behavior disorders in children, youth or young adults as they relate to their biopsychosocial needs.

(d) A PRTF shall keep documentation of completion of annual training requirements, which includes all of the following:

- (1) Name of the PRTF staff trained.
- (2) Training date.
- (3) Training source.
- (4) Name and qualifications of the trainer.
- (5) Length of training.

§ 5330.53. Criminal history checks and child abuse certifications.

(a) Criminal history checks and child abuse certifications must be completed for all PRTF staff in accordance with 23 Pa.C.S. §§ 6301—6388 (relating to Child Protective Services Law) and Chapter 3490 (relating to protective services).

(b) A PRTF shall have a written policy and procedure to ensure that PRTF staff having contact with children, youth or young adults comply with 23 Pa.C.S. §§ 6301—6388 and Chapter 3490, including mandated reporting and training requirements.

PHYSICAL SITE**§ 5330.61. Applicable construction safety laws.**

A PRTF shall comply with the requirements of 34 Pa. Code Part XIV (relating to uniform construction code).

§ 5330.62. Physical accommodations and equipment.

A PRTF shall provide or arrange for physical site accommodations and equipment needed to meet the health and safety needs of a child, youth or young adult served, including special accommodations as a result of a child's, youth's or young adult's disability.

§ 5330.63. Poisons.

(a) Poisonous materials, including cleaning and other toxic materials, must be kept locked and inaccessible to a child, youth or young adult.

(b) Poisonous materials, including cleaning and other toxic materials, must be clearly labeled and stored in a container that meets the requirements for safe storage of that material.

(c) Poisonous materials, including cleaning and other toxic materials, must be kept separate from food, food preparation surfaces and dining surfaces.

§ 5330.64. Heat sources.

Heat sources, such as hot water pipes, fixed space heaters, hot water heaters and radiators exceeding 120°F that are accessible to a child, youth or young adult must be equipped with protective guards or insulation to prevent a child, youth or young adult from making physical contact with the heat source.

§ 5330.65. Sanitation.

(a) Sanitary conditions must be maintained.

(b) A PRTF shall take steps to prevent and address infestation of insects or rodents.

(c) Trash must be removed from the property at least once a week.

(d) Trash inside and outside of a PRTF must be kept in covered trash receptacles that prevent insect and rodent penetration.

§ 5330.66. Ventilation.

(a) Living areas, recreation areas, dining areas, bathrooms, bedrooms and kitchens must be ventilated by at least one operable window or mechanical ventilation.

(b) Windows, including windows in doors, must be securely screened when open.

§ 5330.67. Lighting.

Rooms, bedrooms, hallways, interior stairs, outside steps, outside doorways, porches, ramps and fire escapes must be properly lighted to avoid accidents.

§ 5330.68. Surfaces.

Indoor and outdoor floors, walls, ceilings, windows, doors and other surfaces must be free of damage or hazards.

§ 5330.69. Water.

(a) A PRTF shall have hot and cold water.

(b) Hot water temperature in areas accessible to a child, youth or young adult may not exceed 120°F.

(c) A PRTF that is not connected to a public water or sewer system shall meet all Federal and State statutes, regulations and standards regarding private water and sewage systems.

(d) A PRTF that is not connected to a public water system shall have a coliform water test performed at least every 3 months by the Department of Environmental Protection.

§ 5330.70. Air temperature.

(a) The indoor temperature shall be at least 65°F during awake hours when a child, youth or young adult is present in a PRTF.

(b) The indoor temperature may not be less than 62°F during sleeping hours.

(c) When the indoor temperature exceeds 85°F, a PRTF shall use mechanical ventilation, such as fans or air conditioning.

§ 5330.71. Communication system.

(a) A PRTF shall have a working telephone that is accessible to PRTF staff at all times.

(b) A PRTF shall have communication equipment, such as a hand-held two-way radio, to allow PRTF staff to contact other PRTF staff for assistance in an emergency safety situation.

§ 5330.72. Emergency telephone numbers.

The PRTF's physical address and telephone numbers for the nearest hospital, police department, fire department, ambulance and poison control center must be posted on or by all working telephones accessible to PRTF staff.

§ 5330.73. Handrails and railings.

(a) Ramps, interior stairways and outside steps exceeding two steps must have a well-secured handrail.

(b) Porches that have over an 18-inch drop must have a well-secured railing.

§ 5330.74. Landings and stairs.

(a) Stairs must have a landing which is at least as wide as the doorway, beyond each interior and exterior door that opens directly into a stairway.

(b) Interior stairs must have nonskid surfaces.

§ 5330.75. Furniture.

(a) Furniture must be free of hazards.

(b) A PRTF shall have enough furniture to accommodate seating for the largest group of children, youth or young adults that may routinely congregate so that no child, youth or young adult is required to stand or sit on the floor.

§ 5330.76. Equipment.

(a) Equipment must be kept clean and maintained in good repair.

(b) Equipment that poses a hazard to children, youth or young adults must be stored in an area that is inaccessible to children, youth or young adults.

(c) A PRTF shall have a written policy and procedure to ensure that hazardous equipment is used in a safe and appropriate manner.

§ 5330.77. First aid supplies.

(a) A PRTF shall have a first aid kit available to PRTF staff on every floor of the PRTF.

(b) PRTF staff shall confirm that a first aid kit is present if an activity is being conducted outside on the grounds of the PRTF or away from the PRTF.

(c) A first aid kit shall contain all of the following items:

- (1) A first aid manual.
- (2) Nonporous disposable gloves.
- (3) Antiseptic.
- (4) Assorted adhesive bandages.
- (5) Gauze pads.
- (6) Thermometer.
- (7) Tape.
- (8) Tweezers.
- (9) Scissors.
- (10) Opioid overdose reversal medication.

(d) A first aid kit may not be accessible to children, youth or young adults.

(e) A PRTF shall have an AED that is accessible to PRTF staff.

(f) An AED may not be accessible to children, youth or young adults.

§ 5330.78. Elevators.

An elevator must have a valid certificate of operation from the Department of Labor and Industry.

§ 5330.79. Activity space.

A PRTF shall have indoor space for activities such as recreation, studying and group activities and outdoor space for activities such as recreation and group activities.

§ 5330.80. Exterior conditions.

(a) The exterior of structures and grounds or yard of a PRTF must be free of hazards.

(b) Outside walkways must be free of ice, snow and any type of obstruction.

§ 5330.81. Firearms and weapons.

A PRTF shall have a written policy regarding possession of firearms, weapons and ammunition on the premise of a PRTF. A PRTF is not required to permit firearms, weapons and ammunition. The policy shall be in accordance with Federal and State law.

§ 5330.82. Bedrooms.

(a) A single bedroom must have at least 70 square feet of floor space per child, youth or young adult measured wall to wall, including space occupied by furniture.

(b) A shared bedroom must have at least 60 square feet of floor space per child, youth or young adult measured wall to wall, including space occupied by furniture.

(c) No more than four children, youth or young adults may share a bedroom.

(d) The ceiling height in a bedroom must be at least 7 1/2 feet.

(e) A bedroom must have a window with a source of natural light.

(f) A child, youth or young adult shall be provided with all of the following:

(1) A bed with a solid foundation and fire-retardant mattress in good condition.

(2) A pillow and bedding, in good condition, appropriate for the temperature in the PRTF.

(3) A storage area for clothing.

(g) Cots or portable beds are not permitted.

(h) Bunk beds must allow enough space between each bed and the ceiling to allow a child, youth or young adult to sit up in bed.

(i) Bunk beds must be equipped with securely attached ladders capable of supporting a child, youth or young adult.

(j) The top bunk of bunk beds must be equipped with a secure safety rail on each open side and open end of the bunk.

(k) A bedroom may not be used as a means of egress or as a means to access another part of a PRTF.

§ 5330.83. Bathrooms.

(a) A PRTF shall have at least one functional toilet for every six children, youth or young adults.

(b) A PRTF shall have at least one functional sink for every six children, youth or young adults.

(c) A PRTF shall have at least one functional bathtub or shower for every six children, youth or young adults.

(d) A PRTF shall have slip-resistant surfaces in bathtubs and showers.

(e) Privacy must be provided for toilets, showers and bathtubs by partitions or doors.

(f) A PRTF shall have at least one wall mirror for every six children, youth or young adults.

(g) All of the following toiletry items must be provided for each child, youth or young adult:

- (1) Towels and washcloths.
- (2) Toothpaste.
- (3) Toothbrush.
- (4) Comb or hairbrush.
- (5) Shampoo.
- (6) Soap.
- (7) Feminine hygiene products, if needed.
- (8) Toilet paper.
- (9) Deodorant, if needed.
- (10) Body lotion, if needed.

(h) Bar soap is not permitted unless there is a separate bar clearly labeled for each child, youth or young adult.

§ 5330.84. Kitchen area.

(a) A PRTF shall have a kitchen area with an operable refrigerator, sink, cooking equipment and cabinets for storage.

(b) Utensils for eating, drinking, serving food and preparing food must be washed and rinsed after each use.

(c) Food must be protected from contamination while being stored, prepared, transported and served.

(d) Uneaten food from a child's, youth's or young adult's dish may not be served again or used in the preparation of future meals.

(e) Food must be kept at the following temperatures:

- (1) Cold food must be kept at or below 40°F.
- (2) Hot food must be kept at or above 140°F.

(3) Frozen food must be kept at or below 0°F.

§ 5330.85. Laundry.

Bed linens, towels, washcloths and clothing must be laundered at least once a week.

§ 5330.86. Swimming.

(a) The perimeter of swimming pools must be surrounded by a fence that meets local codes and a gate that is locked when the pool is not in use.

(b) Swimming pools must be inaccessible to children, youth or young adults when not in use.

(c) A certified lifeguard shall supervise children, youth or young adults at all times while swimming. A certified lifeguard may not be counted towards the supervision ratio specified in § 5330.42 (relating to staff requirements).

FIRE SAFETY

§ 5330.91. Compliance with fire safety statutes, regulations and ordinances.

A PRTF shall comply with applicable Federal and State laws, regulations and local ordinances regarding fire safety.

§ 5330.92. Unobstructed egress.

(a) Stairways, hallways, doorways, passageways and egress routes from rooms and from a PRTF must be unlocked and unobstructed unless the fire safety approval specified in § 5330.6 (relating to fire safety approval) permits locking of certain means of egress. If a fire safety approval is not required in accordance with § 5330.6, means of egress may not be locked.

(b) Doors used for egress routes from rooms and from a PRTF may not be equipped with key-locking devices, electronic card-operated systems or other PRTF staff-controlled devices that prevent immediate egress by a child, youth or young adult from the PRTF.

(c) Doors with delayed egress must be equipped with a mechanism that unlocks after no more than a 15-second delay and must meet the requirements of section 1008.1.9.7 of the International Building Code, regarding delayed egress locks.

§ 5330.93. Exits.

(a) If more than four children, youth or young adults sleep above the ground floor of a PRTF, there must be at least two interior or exterior exits from each floor.

(b) If a fire escape is used as a means of egress, it must be permanently installed.

§ 5330.94. Evacuation procedures.

(a) A PRTF shall have written emergency evacuation procedures that include PRTF staff responsibilities, means of transportation and designated meeting areas.

(b) A PRTF shall have emergency evacuation procedures that contain a detailed diagram of exit paths, exit doors and fire extinguishers for each floor posted in a conspicuous and public place on each floor of the PRTF.

(c) An elevator may not be used during a fire drill or an emergency evacuation procedure.

§ 5330.95. Notification of local first responders.

(a) A PRTF shall notify local first responders in writing of all of the following:

(1) Maximum number of children, youth, young adults and PRTF staff that could be present at the PRTF.

(2) Physical address of physical structures.

(3) Specific location of bedrooms.

(4) Assistance needed to evacuate children, youth or young adults in an emergency.

(b) Notification to local first responders must be reviewed and updated annually or within 5 days of when there is a change in the physical address of a physical structure, location of bedrooms or assistance needed to evacuate.

§ 5330.96. Flammable and combustible materials.

Flammable and combustible materials must be used safely, stored away from heat sources and inaccessible to children, youth or young adults.

§ 5330.97. Furnaces.

(a) Furnaces must be inspected and cleaned annually by a professional furnace cleaning company or properly trained PRTF maintenance staff.

(b) A PRTF shall maintain documentation of the annual inspection and cleaning of a furnace.

§ 5330.98. Portable space heaters.

Portable space heaters or heaters that are not permanently mounted or installed are not permitted.

§ 5330.99. Wood and coal burning stoves.

The use of wood and coal burning stoves is not permitted.

§ 5330.100. Fireplaces.

(a) Fireplaces must be securely screened or equipped with protective guards while in use.

(b) PRTF staff shall be present with a child, youth or young adult while a fireplace is in use.

(c) A fireplace chimney and flue must be cleaned and inspected annually by a professional cleaning company or properly trained PRTF maintenance staff.

(d) A PRTF shall maintain documentation of the cleaning and inspection of the fireplace chimney and flue.

(e) Inoperable fireplaces must be inaccessible.

§ 5330.101. Detectors and alarms.

(a) A PRTF shall have an operable smoke detector located within 15 feet of each bedroom door.

(b) A PRTF shall have at least one operable smoke detector on each floor, including a basement and an attic.

(c) Smoke detectors and fire alarms must be a type approved by the Department of Labor and Industry or listed by Underwriters Laboratories.

(d) If a PRTF serves four or more children, youth or young adults or if the PRTF has three or more floors including a basement and an attic, there must be at least one smoke detector on each floor that is interconnected and audible throughout the PRTF or a fire alarm system that is audible throughout the PRTF.

(e) Smoke detectors and fire alarms must be equipped with a visual aid so that an individual with a hearing impairment can be alerted in the event of a fire.

(f) If a smoke detector or fire alarm becomes inoperable, repair or replacement shall be completed within 24 hours of the time the detector or alarm was found to be inoperable.

(g) An approved carbon monoxide alarm must be installed in a PRTF no more than 15 feet from any fossil fuel-burning device or appliance.

(h) Carbon monoxide detectors and alarm systems must be tested and replaced in accordance with the manufacturer's guidelines.

(i) A PRTF shall have a written procedure for fire safety monitoring if a smoke detector, fire alarm or carbon monoxide detector becomes inoperative.

§ 5330.102. Fire extinguishers.

(a) Fire extinguishers must be inspected and approved annually by a fire safety expert who is not an employee of the PRTF. The date of the inspection must be documented on the fire extinguisher.

(b) Fire extinguishers must be listed by Underwriters Laboratories or approved by Factory Mutual Systems.

(c) There must be at least one approved fire extinguisher with a minimum 2-A rating for each floor, including a basement and an attic.

(d) If an indoor floor area including a basement or an attic is more than 3,000 square feet, there must be an additional approved fire extinguisher with a minimum 2-A rating for each additional 3,000 square feet of indoor floor space.

(e) An approved fire extinguisher with a minimum 2A-10BC rating must be in a kitchen. The kitchen fire extinguisher meets the requirements for one approved fire extinguisher for each floor as required in subsection (c).

(f) Fire extinguishers must be accessible to all PRTF staff. A fire extinguisher must be secured if access to the extinguisher by a child, youth or young adult may cause a safety risk to the child, youth or young adult. If fire extinguishers are secured, PRTF staff shall have the means to immediately gain access to the fire extinguisher in the event of a fire emergency.

§ 5330.103. Fire drills.

(a) An unannounced fire drill must be held at least once a month.

(b) Fire drills must be held during normal staffing conditions and not when additional PRTF staff are present.

(c) The evacuation routes must allow children, youth or young adults to evacuate the entire physical structure into a public thoroughfare or to a fire-safe area designated in writing within the past year by a fire safety expert. The public thoroughfare or to a fire-safe area must be within 2 1/2 minutes or within the period specified in writing within the past year by a fire safety expert. The fire safety expert may not be an employee of the PRTF.

(d) A fire drill must be held during sleeping hours at least once every 6 months.

(e) Alternate exit routes must be used during fire drills at least once every 3 months.

(f) Fire drills must be held on different days of the week, at different times and during different staffing shifts.

(g) A fire alarm or smoke detector must be activated during each fire drill.

(h) A PRTF shall have a written fire drill record that contains all of the following:

(1) Address and name of the physical structure where the fire drill occurred.

(2) Date the fire drill occurred.

(3) Time the fire drill occurred.

(4) Amount of time for all individuals to evacuate the PRTF.

(5) The exit route that was utilized during the fire drill.

(6) The number of children, youth or young adults in the location at the time of the fire drill.

(7) Documentation of any issues encountered during the fire drill.

(8) Documentation of whether fire alarms or smoke detectors were operable.

HEALTH

§ 5330.111. Health and behavioral health services.

(a) A PRTF shall identify acute and chronic conditions of a child, youth or young adult and shall arrange for or provide appropriate medical treatment.

(b) Medically necessary physical and behavioral health treatment, diagnostic services, follow-up examinations and services, such as medical, nursing, pharmaceutical, dental, dietary, hearing, vision, blood lead level, psychiatric and psychological services that are planned or prescribed for the child, youth or young adult, shall be arranged for or provided.

§ 5330.112. Initial medical assessment.

(a) A PRTF shall have a written policy and procedure on inclusion of the assessment of health or safety risks in the initial medical assessment of children, youth or young adults.

(b) An initial medical assessment must include all of the following:

(1) Vital signs, such as blood pressure, pulse, temperature and breathing rate.

(2) Allergies.

(3) Medication history.

(4) Immunization history.

(5) Substance use history.

(6) Prior or current injuries or illnesses.

(7) Prior hospitalizations.

(8) Medical diagnoses.

(9) Parents' medical history, if known.

(10) Vision screening.

(11) Hearing screening.

(c) A child, youth or young adult shall have an initial medical assessment completed by a physician, APP or RN within 24 hours of admission to a PRTF.

(d) An initial medical assessment must be signed and dated by the physician, APP or RN who completed the initial medical assessment.

(e) If a physician did not complete the initial medical assessment, a physician shall review and sign the initial medical assessment within 3 days from the date the initial medical assessment was completed.

(f) A copy of the initial medical assessment shall be kept in a child's, youth's or young adult's record.

§ 5330.113. Health and safety plan.

(a) If an initial medical assessment specified in § 5330.112 (relating to initial medical assessment) identifies a health or safety risk to a child, youth, young adult or others, a written health and safety plan to protect the child, youth, young adult or others must be developed and implemented within 24 hours after the initial medical assessment is completed.

(b) The health and safety plan to protect the child, youth, young adult or others must be communicated to and made available to PRTF staff and must be filed in the child's, youth's or young adult's record.

(c) A written health and safety plan must be developed and implemented within 24 hours of the PRTF medical staff or treatment staff being notified of a health or safety risk to the child, youth or young adult.

(d) Written health and safety plans must be updated based on the health and safety risks of the child, youth or young adult.

§ 5330.114. Medical examination.

(a) If a child, youth or young adult did not have a medical examination, or there is no documentation of a medical examination 12 months prior to admission to a PRTF that meets the requirements of the State Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Program Periodicity Schedule, a medical examination by a physician or APP shall be completed within 15 days of the child's, youth's or young adult's admission to a PRTF.

(b) An initial medical examination must include all of the following:

(1) Review of the assessments specified in § 5330.112 (relating to initial medical assessment).

(2) Review of the health history and medical information pertinent to the child, youth or young adult to inform medical care, diagnosis and services needed in an emergency safety situation.

(3) Review of required immunizations, screening tests and laboratory tests, including the ordering of any immunizations, screening tests and laboratory tests that are indicated.

(4) Communicable disease detection, if recommended by a physician or APP based on the child's, youth's or young adult's health condition and with appropriate consent from the youth or young adult or the child's, youth's or young adult's parent, legal guardian or caregiver.

(5) Recommendations for follow-up physical or behavioral health treatment, examinations or services.

(c) A child, youth or young adult shall have a medical examination completed annually by a physician or APP that meets the requirements of the State EPSDT Program Periodicity Schedule.

(d) A medical examination must be signed and dated by the physician or APP who completed the medical examination.

(e) Written verification of completion of the medical examination must be kept in the child's, youth's or young adult's record specifying all of the following:

(1) Date of the examination.

(2) Results of the examination.

(3) Name, address and contact information of the examining physician or APP.

(4) Follow-up recommendations.

§ 5330.115. Dental care.

(a) A child, youth or young adult shall have a dental examination performed by a licensed dentist and teeth cleaning performed by a licensed dentist or dental technician at least semiannually.

(b) A child, youth or young adult shall receive a dental examination and teeth cleaning within 30 days after admission to a PRTF.

(c) If the child, youth or young adult had a dental examination and teeth cleaning prior to admission to the PRTF that meets the requirements of subsection (a), an initial examination and teeth cleaning within 30 days after admission is not required.

(d) Follow-up dental work indicated by the examination, such as treatment of cavities and application of protective sealants, must be provided as recommended by the licensed dentist.

(e) A written record of completion of each dental examination and teeth cleaning, including the preadmission dental examination and teeth cleaning permitted in subsection (c), specifying the date of the examination and teeth cleaning, the licensed dentist's name and address, results of the examination, follow-up recommendations made and the dates and provision of follow-up services and treatment, must be kept in the child's, youth's or young adult's record.

§ 5330.116. Vision care.

(a) A child, youth or young adult shall receive vision screening and treatment to include diagnosis and services including eyeglasses, for defects in vision.

(b) A child, youth or young adult shall receive a vision screening within 30 days after admission to a PRTF in accordance with the periodicity schedule recommended by the American Academy of Pediatrics.

(c) If the child, youth or young adult had a vision screening prior to admission to the PRTF that meets the requirements of subsection (a) within the periodicity schedule specified in subsection (b), an initial examination within 30 days after admission is not required. The next screening shall be required within the periodicity schedule specified in subsection (b).

(d) Follow-up treatment, such as provision of eyeglasses, must be provided as recommended by the treating practitioner.

(e) A written record of completion of each vision screening, including the preadmission screening permitted in subsection (c), specifying the date of the screening, the treating practitioner's name and address, results of the screening, follow-up recommendations made, and the dates and provision of follow-up services and treatment, must be kept in the child's, youth's or young adult's record.

§ 5330.117. Hearing care.

(a) A child, youth or young adult shall receive a hearing screening and treatment to include diagnosis and services, including hearing aids, for defects in hearing.

(b) Each child, youth or young adult shall receive a hearing screening within 30 days after admission in accordance with the periodicity schedule recommended by the American Academy of Pediatrics.

(c) If the child, youth or young adult had a hearing screening prior to admission to the PRTF that meets the requirements of subsection (a) within the periodicity schedule specified in subsection (b), an initial examination within 30 days after admission is not required. The next screening shall be required within the periodicity schedule specified in subsection (b).

(d) Follow-up treatment, such as provision of hearing aids, must be provided as recommended by the treating practitioner.

(e) A written record of completion of each hearing screening, including the preadmission screening permitted in subsection (c), specifying the date of the screening, the treating practitioner's name and address, the results of the screening, follow-up recommendations made and the dates and provision of follow-up services and treatment, must be kept in the child's, youth's or young adult's record.

§ 5330.118. Use of drugs, alcohol, tobacco and e-cigarettes.

(a) A PRTF shall have a written policy and procedure on the use of drugs, alcohol, tobacco and e-cigarettes.

(b) Use or possession of drugs, alcohol, tobacco and e-cigarette products by a child, youth or young adult is prohibited.

(c) Use or possession of drugs, alcohol, tobacco and e-cigarette products by a PRTF staff person is prohibited in the PRTF and during transportation of a child, youth or young adult.

(d) If PRTF staff are permitted to use tobacco and e-cigarette products on the grounds of the PRTF, the following apply:

(1) The PRTF shall designate areas of the PRTF grounds where it is permissible to use tobacco or e-cigarettes.

(2) The PRTF shall have a written fire safety procedure in the areas where it is permissible to use tobacco and e-cigarettes. Procedures must include extinguishing procedures and requirements that use of tobacco and e-cigarette products shall occur a safe distance from flammable or combustible materials and physical structures.

(3) Use of tobacco and e-cigarette products must be out of the sight of a child, youth or young adult.

§ 5330.119. Emergency plan.

(a) A PRTF shall have a written medical emergency plan for children, youth, young adults and PRTF staff. The plan must include all of the following:

(1) A hospital or health care provider that will provide services in an emergency.

(2) A transportation method to be used during an emergency.

(3) An emergency staffing plan.

(4) Medical and behavioral health needs or situations for which emergency medical care and services are warranted.

(b) A child, youth or young adult and the child's, youth's or young adult's parent, legal guardian or caregiver shall be given a copy of the medical emergency plan upon the child's, youth's or young adult's admission to the PRTF.

(c) A child's, youth's or young adult's parent, legal guardian or caregiver shall be notified within 12 hours from the time the medical emergency plan is implemented for their child, youth or young adult.

STAFF HEALTH

§ 5330.121. Staff assessment.

(a) PRTF staff who have direct contact with children, youth or young adults or who work in food preparation shall have a health assessment completed within 12 months prior to being hired by the PRTF and shall have a health assessment completed within 24 months of their last health assessment thereafter.

(b) A physician or APP shall complete the health assessment.

(c) The health assessment must include all of the following:

(1) A physical examination.

(2) Tuberculosis screening consistent with § 5330.122 (relating to tuberculosis screening).

(3) Examination for communicable diseases.

(4) Examination of medical problems which might threaten the health of a child, youth or young adult or prevent a PRTF staff person from providing adequate care to children, youth or young adults.

(d) The physician or APP who completed the assessment shall complete a report of the assessment that includes all of the following:

(1) The signature and professional title of the physician or APP who completed the assessment.

(2) Results of the examination for communicable disease.

(3) The physician's or APP's assessment of the PRTF staff person's suitability to provide care to a child, youth or young adult.

(e) A copy of the report of the current health assessment must be included in the PRTF staff person's record.

§ 5330.122. Tuberculosis screening.

(a) A PRTF staff person shall have a tuberculosis screening completed at initial employment.

(b) A PRTF staff person shall have a subsequent tuberculosis screening completed if directed by a physician, an APP, the Department of Health or a local health department.

(c) A PRTF staff person who has had a positive tuberculin skin test and a negative chest X-ray is not required to have further tuberculosis testing, unless one of the following occurs:

(1) The PRTF staff person is exposed to an active case of tuberculosis.

(2) The PRTF staff person develops a productive cough that does not respond to medical treatment within 14 days of the onset of the cough.

(d) A copy of a positive tuberculin test shall be included in the PRTF staff person's record along with the results of a chest X-ray and evaluation for chemoprophylaxis.

§ 5330.123. Serious communicable diseases or medical problem.

(a) If a PRTF staff person has a serious communicable disease as defined by the Department of Health, written

authorization from a physician or APP is required for the PRTF staff person to be present at the PRTF.

(b) The written authorization from a physician or APP shall include a statement that the PRTF staff person will not pose a serious threat to the health of the children, youth or young adults and specific instructions and precautions to be taken for the protection of the children, youth or young adults while the PRTF staff person has a communicable disease.

(c) A PRTF shall follow the written instructions and precautions specified in the written authorization from a physician or APP.

NUTRITION

§ 5330.131. Daily meals.

(a) A PRTF shall provide at least three meals and one snack a day to children, youth or young adults.

(b) There may be no more than 15 hours between an evening meal and a morning meal.

(c) If a child, youth or young adult misses a meal, a PRTF shall provide the child, youth or young adult with a meal as soon as possible.

(d) If a child, youth or young adult refuses to eat a meal, the refusal shall be documented in the child's, youth's or young adult's record and reported to the child's, youth's or young adult's treatment team.

(e) If a child, youth or young adult requests a meal after initially refusing a meal, a PRTF shall provide the meal to the child, youth or young adult when requested.

§ 5330.132. Quantity of food.

(a) The quantity of food for each meal served must meet the minimum daily requirements as recommended by the United States Department of Agriculture, unless otherwise recommended in writing by a physician or an APP for a specific child, youth or young adult.

(b) Dietary alternatives must be available for a child, youth or young adult who has food allergies, special health needs or religious beliefs regarding dietary restrictions or dietary preferences.

(c) Additional portions of meals must be available for a child, youth or young adult upon request, unless a physician or an APP has directed in writing that additional portions must not be available for the child, youth or young adult.

(d) Water must be available to a child, youth or young adult at all times.

§ 5330.133. Withholding or forcing of food.

(a) A PRTF may not withhold food or drink as a means for punishment or coercion.

(b) A child, youth or young adult may not be forced to consume food or drink.

TREATMENT SERVICES

§ 5330.141. Treatment planning requirements.

(a) A treatment team shall meet the requirements of 42 CFR 441.156 (relating to team developing individual plan of care).

(b) A treatment team leader shall ensure that only PRTF staff who are trained and experienced in the use of the modalities proposed in the treatment plan participate in its development, implementation and review.

(c) A treatment team leader shall actively involve the child's, youth's or young adult's treatment team in the treatment planning process.

(d) PRTF staff shall maintain a communication log for each child, youth or young adult that includes daily notes about the child's, youth's or young adult's behaviors and observations about the child, youth or young adult that can be used by the treatment team in the treatment planning process.

§ 5330.142. Treatment plan.

(a) The following requirements must be met prior to the development of a child's, youth's or young adult's treatment plan:

(1) A multi-disciplinary assessment and screening must be completed within 48 hours of a child's, youth's or young adult's admission to the PRTF.

(2) A psychiatric evaluation must be completed that includes an examination of the medical, psychological, social, behavioral and developmental aspects of the child, youth or young adult and reflects the need for a PRTF level of care. The psychiatric evaluation must be completed within 7 days of a child's, youth's or young adult's admission to the PRTF.

(b) The multi-disciplinary assessment and psychiatric evaluation must address all of the following:

(1) Specific service recommendations that address the reasons the child, youth or young adult was admitted to the PRTF.

(2) The child's, youth's or young adult's trauma history.

(3) The parent's, legal guardian's or caregiver's trauma history, if known.

(4) Identification of the child's, youth's or young adult's strengths.

(5) The child's, youth's or young adult's educational history and needs.

(6) Prior evaluations, assessments and screenings.

(7) Prior treatment services and their effectiveness.

(c) A child's, youth's or young adult's treatment team shall utilize the multi-disciplinary assessment, psychiatric evaluation and PRTF staff observations to formulate an individualized treatment plan for the child, youth or young adult.

(d) A child's, youth's or young adult's treatment plan shall be developed and implemented no later than 14 days after the child's, youth's or young adult's admission to the PRTF.

(e) A treatment plan must:

(1) Be designed to result in the child's, youth's or young adult's discharge at the earliest possible time from the PRTF.

(2) Identify objectives and interventions aimed at treating and eliminating behavior that may lead to the use of a manual restraint.

(3) Reflect the need for a PRTF level of care.

(4) State individualized and measurable treatment objectives.

(5) Monitor the progress of each individualized treatment objective.

(6) Identify the child's, youth's or young adult's strengths.

(7) Include the child's, youth's or young adult's plan for discharge.

(8) Document the child's, youth or young adult's achievements since the last treatment plan.

(9) Prescribe an integrated program of therapies and experiences designed to meet the child's, youth's or young adult's treatment needs.

(10) Address the impact of the child's, youth's or young adult's medical and trauma history.

(f) A PRTF shall document in the child's, youth's or young adult's record the participation of treatment team members in the development of the child's, youth's or young adult's treatment plan.

(g) Treatment team members shall sign and date the treatment plan. Objections to the treatment plan or refusal to sign the treatment plan must be documented in the child's, youth's or young adult's record.

§ 5330.143. Maintenance of treatment plan.

(a) A child's, youth's or young adult's treatment plan must be revised at least every 30 days in accordance with 42 CFR 441.155(c) (relating to individual plan of care).

(b) A child's, youth's or young adult's treatment plan must be revised when changes to service objectives and goals are identified.

(c) A PRTF shall notify the child's, youth's or young adult's parent, legal guardian or caregiver at least 14 days prior to the date of a regularly scheduled treatment plan meeting. The PRTF shall document the notification, including the method of notification.

(d) A PRTF shall implement a treatment plan in accordance with the objectives, therapies and activities that have been determined by the treatment team.

§ 5330.144. Copies of treatment plan.

A copy of the child's, youth's or young adult's treatment plan and revisions to the child's, youth's or young adult's treatment plan must be provided to all of the following:

- (1) The child, youth or young adult.
- (2) The child's, youth's or young adult's parent, legal guardian or caregiver with authorized release of information.
- (3) An individual who participated in the development of or revision to the treatment plan with authorized release of information.

§ 5330.145. Treatment services.

(a) A PRTF shall ensure the physical and psychological well-being of a child, youth or young adult are being met in accordance with age, presenting behaviors and other vulnerabilities.

(b) A PRTF shall provide therapy that addresses a child's, youth's or young adult's psychological, social, behavioral, medical, recreational, developmental needs and traumatic experiences.

(c) All of the following must be provided in accordance with the child's, youth's or young adult's treatment objectives:

- (1) Individual therapy with the child's, youth's or young adult's treatment team leader must be provided for at least 1 hour each month.
- (2) Individual therapy with the child's, youth's or young adult's mental health professional must be provided for at least 2 hours each week.

(3) Group therapy must be provided for at least 3 hours each week. PRTF staff that meet the qualifications of a mental health professional, clinical director or treatment team leader shall facilitate group therapy.

(4) Family therapy as follows:

(i) Family therapy must be provided by PRTF staff that meet the minimum qualifications of a mental health professional, clinical director or treatment team leader.

(ii) Family therapy must be scheduled at a time that is convenient for the child's, youth's or young adult's parents, legal guardians or caregivers.

(iii) Family therapy must be provided for at least 1 hour each week.

(5) Psychoeducation group therapy must be provided at least 3 hours each week. PRTF staff that meet the minimum qualifications of a mental health worker shall facilitate psychoeducation groups.

(d) If a child, youth or young adult or parent, legal guardian or caregiver refuses to receive a treatment service, the refusal to receive the service must be documented in the child's, youth's or young adult's record.

(e) Individual and group therapy and psychoeducation groups must be in person and may not be provided through two-way audio and video transmission.

(f) Family therapy may be provided in person or through secure, real-time, two-way audio and video transmission that meets technology and privacy standards required by the Health Insurance Portability and Accountability Act of 1996 (Pub.L. No. 104-191).

(g) Services received by a child, youth or young adult or parent, legal guardian or caregiver, including efforts to conduct services, must be documented in the child's, youth's or young adult's record.

§ 5330.146. Education.

(a) Under 22 Pa. Code Chapters 11, 14 and 15 (relating to student attendance; special education services and programs; and protected handicapped students), a child, youth or young adult who is of compulsory school age shall participate in a school program provided by an entity that is licensed by the Department of Education.

(b) A child's, youth's or young adult's educational needs may not be a prerequisite for admission to a PRTF.

(c) Decisions regarding the education of the child, youth or young adult shall be made by the educational host district, on an individualized basis utilizing the most integrated setting appropriate, with input from the treatment team, home school district, the educational decision maker and court, if applicable.

(d) A child, youth or young adult shall have the right to an appropriate education consistent with State laws, including the opportunity to participate in extracurricular, cultural, vocational and personal enrichment activities that are reasonably available and consistent with the child's, youth's or young adult's age, developmental level and treatment plan.

§ 5330.147. Discharge.

(a) A plan for the child's, youth's or young adult's discharge shall begin on the day of admission to the PRTF and remain an active part in the child's, youth's or young adult's treatment plan.

(b) A PRTF shall provide no less than 30 days advance written notice of the pending discharge of a child, youth or young adult to all of the following:

(1) The child's, youth's or young adult's treatment team.

(2) Identified community providers, with authorized release of information.

(3) The child's, youth's or young adult's educational host district and receiving district, if known, with authorized release of information.

(c) Prior to discharging a child, youth or young adult, the treatment team shall meet to complete a plan for discharge that must be child, youth or young adult centered and include all of the following:

(1) The child's, youth's or young adult's strengths and needs.

(2) Specific and transferrable short-term and long-term objectives for the child, youth or young adult.

(3) A summary of the treatment provided, including the goals, objectives and services used.

(4) If the child, youth or young adult receives psychotropic medications, the rationale for the psychotropic medications, the dosage taken by the child, youth or young adult and the effectiveness of the psychotropic medications.

(5) The name and contact information of identified community providers.

(d) The treatment team meeting specified in subsection (c) must be documented in the child's, youth's or young adult's record.

(e) The mental health professional, in coordination with the child's, youth's or young adult's parent, legal guardian or caregiver, shall contact the community providers identified in the plan for discharge to schedule an appointment.

(f) Documentation of the contact specified in subsection (e) and date of appointment must be included in the child's, youth's or young adult's record.

(g) At least a 30-day supply of prescribed medications must be provided upon discharge to the young adult or the person to whom the child, youth or young adult is being discharged.

§ 5330.148. Level system.

The following requirements must be met if a PRTF utilizes a level system:

(1) A PRTF shall develop a written policy and procedure which utilizes trauma-informed care principles to provide incentives, structure, limit setting, encouragement and support to a child, youth or young adult.

(2) The level system must be individualized according to a child's, youth's or young adult's age and stage of development.

(3) The level system must be consistent with the child's, youth's or young adult's treatment objectives.

(4) The level system must be age and developmentally appropriate for the child, youth or young adult.

(5) The level system may not be punitive in nature.

TRANSPORTATION

§ 5330.151. Transportation.

(a) PRTF staff who provide transportation for children, youth or young adults shall comply with all applicable Federal and State laws and regulations regarding vehicles and properly transporting children, youth or young adults according to age, size, disability and other needs.

(b) A driver of a vehicle may not be counted towards the supervision ratio requirements specified in subsection (d).

(c) A driver of a vehicle and at least one PRTF staff person shall be present in the vehicle when a child, youth or young adult is being transported.

(d) There shall be at least one PRTF staff person present for every three children, youth or young adults being transported.

(e) A manual restraint may not be utilized on a child, youth or young adult during transport.

MEDICATION

§ 5330.161. Storage of medication.

(a) Prescription and nonprescription medication must be kept in an area or container that is locked and not accessible to children, youth or young adults.

(b) Prescription and nonprescription medication stored in a refrigerator must be kept in a locked container.

(c) Prescription and nonprescription medication must be stored under proper sanitary, temperature, moisture and light conditions.

(d) A PRTF shall have a written policy and procedure that meets Federal and State laws and regulations regarding the handling of discontinued and expired medication.

§ 5330.162. Labeling of medication.

(a) Prescription medication must be kept in its original container and labeled with a pharmacy label that includes all of the following:

- (1) The child's, youth's or young adult's name.
- (2) Name of the medication.
- (3) Prescription number.
- (4) Date the prescription was issued.
- (5) Prescribed dosage.
- (6) Name of the prescribing physician.

(b) Nonprescription medication must be stored in its original container with the original label.

§ 5330.163. Use of prescription medication.

(a) Prescription medication must be used only by the child, youth or young adult for whom the medication was prescribed.

(b) The use of pro re nata medication to control a child's, youth's or young adult's acute, episodic behavior is prohibited.

§ 5330.164. Medication log.

(a) A prescription and nonprescription medication log must be kept for each child, youth or young adult.

(b) The prescription and nonprescription medication log must be available to the treatment team upon request.

(c) A child's, youth's or young adult's medication log must include all of the following:

- (1) Known allergies of the child, youth or young adult.
- (2) For each prescription and nonprescription medication taken by the child, youth or young adult, all of the following:

(i) Name of the medication, including brand name and generic name.

(ii) If a prescription medication, name of the prescribing physician or APP.

(iii) If a prescription medication, prescribed dosage of the medication.

(iv) Method of administration.

(v) Time medication must be administered.

(vi) Other specific administration instructions, as applicable.

(vii) Possible side effects.

(viii) Contraindicated medications.

(ix) Name of the qualified PRTF staff specified in § 5330.168 (relating to medication administration) who distributed, administered or observed the child's, youth's or young adult's self-administration of the medication, if applicable.

(x) Time medication was administered.

§ 5330.165. Medication error.

(a) A medication error includes the following, regardless of whether the medication error resulted in an adverse reaction:

(1) Failure to administer the prescribed medication.

(2) Utilizing the incorrect method to administer the medication.

(3) Administering the incorrect medication.

(4) Administering the correct medication in an incorrect dosage.

(5) Administering the correct medication at the incorrect time.

(b) Documentation of a medication error that includes detailed information about the medication error must be recorded in the child's, youth's or young adult's medication log.

§ 5330.166. Medication refusal.

(a) A child, youth or young adult and the child's, youth's or young adult's parent, legal guardian or caregiver has the right to refuse a prescription or nonprescription medication in accordance with applicable Federal and State laws and regulations.

(b) If a child, youth or young adult refuses to take a prescription or nonprescription medication, the refusal must be documented in the child's, youth's or young adult's medication log.

(c) A PRTF shall inform the child's, youth's or young adult's treatment team leader of the refusal to take prescription medication as soon as possible, but no later than 1 hour after the refusal.

§ 5330.167. Adverse reaction.

(a) If a child, youth or young adult experiences an adverse reaction to a prescription or nonprescription medication requiring immediate medical attention, a PRTF shall notify the parent, legal guardian or caregiver and treatment team leader prior to the next scheduled dosage, but no later than 1 hour after the adverse reaction.

(b) If a child, youth or young adult experiences an adverse reaction from a prescription or nonprescription medication not requiring immediate medical attention, a PRTF shall notify the parent, legal guardian or caregiver

and treatment team leader prior to the next scheduled dosage, but no later than 12 hours after the adverse reaction.

(c) Documentation of an adverse reaction from a prescription or nonprescription medication must be included in the child's, youth's or young adult's medication log.

(d) The treatment team leader shall review the adverse reaction and document a change to a medication in the child's, youth's or young adult's medication log.

§ 5330.168. Medication administration.

(a) Prescription and nonprescription medication, including injections, shall only be administered by the following:

(1) Physician.

(2) Physician assistant.

(3) Certified registered nurse practitioner.

(4) RN.

(5) LPN.

(6) PRTF staff who meet the requirements of § 5330.169 (relating to medication administration training).

(7) A child, youth or young adult who meets the requirements of § 5330.170 (relating to self-administration).

(b) Prescription and nonprescription medication must be administered in accordance with the instructions for the medication.

§ 5330.169. Medication administration training.

(a) PRTF staff who have completed and passed a Department-approved medication administration course within the past 2 years are permitted to administer oral, inhaled, topical, eye and ear drop medications, diabetes medications and epinephrine injections for insect bites or other allergic reactions.

(b) PRTF staff who have completed and passed a Department-approved medication administration course and have completed and passed a diabetes patient education program within the past 12 months that meets the Standards for Diabetes Patient Education Programs of the Department of Health are permitted to administer insulin injections.

(c) PRTF staff medication administration training must be documented and must include the name of PRTF staff trained, training date, training source, name of qualified trainer and length of training.

§ 5330.170. Self-administration.

(a) The following requirements must be met for a child, youth or young adult to self-administer oral, inhaled, topical, eye and ear drop medications, diabetes medications and epinephrine injections for insect bites or other allergic reactions:

(1) Documented approval from a prescribing physician stating that a child, youth or young adult has the knowledge, skills and abilities to self-administer the medication.

(2) The child, youth or young adult recognizes the prescription or nonprescription medication and knows the condition or illness for which the prescription or nonprescription medication is being taken, the correct dosage and when to take the prescription or nonprescription medication.

(3) A PRTF staff person who meets the qualifications of § 5330.168(a)(1)—(6) (relating to medication administration) is physically present throughout the self-administration and immediately records the administration in the child's, youth's or young adult's medication log.

RESTRICTIVE PROCEDURES

§ 5330.181. Use of manual restraints.

(a) A manual restraint is the only restrictive procedure permitted in a PRTF.

(b) A manual restraint may only be used if a child, youth or young adult poses an imminent threat to physically harm themselves or others.

(c) Children, youth or young adults have the right to be free from a manual restraint used as a means of coercion, discipline, convenience or retaliation.

(d) A PRTF staff person shall only use a manual restraint if the PRTF staff person has completed training in the use of manual restraints that is consistent with 42 CFR 483.376 (relating to education and training) and is provided by an individual who meets the qualifications in 42 CFR 483.376(c).

(e) A PRTF shall develop a written policy and procedure for the use of manual restraints that includes all of the following:

(1) The requirements of subsections (a)—(d).

(2) Therapeutic approaches, such as goal planning, which are aimed at de-escalating, redirecting and releasing aggression through healthy channels, counseling and removing a child, youth or young adult from an over-stimulating environment.

(3) A performance improvement process that must be reviewed every 30 days to monitor and reduce the use of manual restraints.

(4) Contact information, including the phone number and mailing address, for the appropriate State protection and advocacy organization.

(f) On the day of admission, a PRTF shall do all of the following:

(1) Provide a copy of the restrictive procedure policy to the child, youth or young adult and the parent, legal guardian or caregiver.

(2) Inform the child, youth or young adult and the parent, legal guardian or caregiver of the PRTF's restrictive procedure policy.

(3) Obtain a signed acknowledgment from a youth or young adult or the child's, youth's or young adult's parent, legal guardian or caregiver that the restrictive procedure policy was received and reviewed. The signed acknowledgment must be filed in the child's, youth's or young adult's record.

§ 5330.182. Ordering a manual restraint.

(a) The ordered manual restraint must be the least restrictive manual restraint.

(b) An order for a manual restraint must align with all of the following conditions relating to the child, youth or young adult:

(1) The results of the assessment, screening and evaluation specified in § 5330.142 (relating to treatment plan).

(2) Chronological and developmental age.

(3) Size.

(4) Gender.

(5) Physical condition.

(6) Psychiatric condition.

(7) Personal trauma history.

(8) Personal abuse history.

(c) A manual restraint may be ordered only when a child, youth or young adult poses an imminent threat to physically harm themselves or others and both of the following have occurred:

(1) Every attempt has been made to de-escalate the child's, youth's or young adult's behavior.

(2) Less intrusive techniques and resources appropriate to address the behavior have been tried and failed.

(d) A manual restraint may not be ordered as a standing order or on an as-needed basis.

(e) If a child's, youth's or young adult's treatment team leader is available to the PRTF staff and certified in the use of manual restraints, the treatment team leader is the only PRTF staff person that may order a manual restraint.

(f) If the treatment team leader is not available to PRTF staff or if the treatment team leader is available but not certified in the use of manual restraints, PRTF staff who meet the qualifications specified in §§ 5330.43 or 5330.45 (relating to medical director; and clinical director) or an APP may order a manual restraint provided the ordering PRTF staff are certified in the use of manual restraints.

(g) An order for a manual restraint must be received by an RN or LPN while the manual restraint is being used by PRTF staff or immediately after the manual restraint ends.

(h) A child's, youth's or young adult's treatment team leader shall be contacted and informed about the use of a manual restraint within 48 hours of its use, unless the manual restraint was ordered by the treatment team leader.

(i) An order for a manual restraint and the application of a manual restraint may not exceed 30 minutes.

(j) An order for a manual restraint must include all of the following and be documented in the child's, youth's or young adult's record:

(1) The name of the qualified PRTF staff person who ordered the manual restraint.

(2) The date and time a manual restraint was ordered.

(3) The type of manual restraint that was ordered.

(4) The length of time for which a manual restraint was ordered.

(5) The start time and end time the manual restraint was applied.

(k) An order for a manual restraint expires once the manual restraint of the child, youth or young adult ends and a new order must be obtained prior to the initiation of a new manual restraint.

(l) The qualified PRTF staff who ordered a manual restraint shall be available in person or by telephone for consultation with PRTF staff administering and observing the manual restraint throughout the duration of a manual restraint.

§ 5330.183. Prohibited restrictive procedures.

- (a) The following restrictive procedures are prohibited:
- (1) Seclusion.
 - (2) Exclusion.
 - (3) Chemical restraint.
 - (4) Mechanical restraint.
- (5) A manual restraint that places a child, youth or young adult in a prone position or applies pressure or weight on the child's, youth's or young adult's respiratory system.
- (6) Aversive conditioning.
- (7) A restrictive procedure that limits a child's, youth's or young adult's food, drink or access to a toilet.
- (b) Seclusion and exclusion do not include the use of a time out as defined in this chapter.
- (c) Exclusion does not occur if a PRTF staff person remains in the exclusion area with the child, youth or young adult.

§ 5330.184. Restrictive procedure plan.

- (a) A restrictive procedure plan must be written within 24 hours of a child's, youth's or young adult's admission to a PRTF and prior to the use of a manual restraint.
- (b) A restrictive procedure plan must be developed and revised with the participation of the treatment team.
- (c) A restrictive procedure plan must be reviewed, approved, signed and dated by treatment team members at least every 30 days.
- (d) A restrictive procedure plan must include all of the following:
- (1) Known observable signals that occur prior to any behaviors that put a child, youth or young adult at risk for a manual restraint and the suspected reason for the behavior.
 - (2) Desired behavioral outcomes, documented in measurable terms.
 - (3) Interventions to be used to modify or eliminate behaviors that put a child, youth or young adult at risk for a manual restraint.
 - (4) Physical or behavioral health needs or past trauma that may contraindicate the use of a specific manual restraint.
 - (e) A restrictive procedure plan must be implemented as written.
 - (f) Copies of a restrictive procedure plan must be kept in a child's, youth's or young adult's record.

§ 5330.185. Application of a manual restraint.

- (a) A PRTF shall have at least two PRTF staff persons present during the application of a manual restraint.
- (b) At least one PRTF staff person who is medically trained to provide emergency first aid and cardiopulmonary resuscitation shall be present throughout the use of a manual restraint.
- (c) At least one PRTF staff person who has completed the required manual restraint training and who is not involved in applying a manual restraint shall be physically present throughout the use of a manual restraint to continually assess the physical and psychological well-being of the child, youth or young adult and to oversee that the manual restraint is being applied correctly.

(d) The child's, youth's or young adult's physical and psychological condition must be documented in the child's, youth's or young adult's medical record at least every 10 minutes during a manual restraint.

(e) Both of the following must occur at 10-minute increments during the application of a manual restraint:

- (1) The manual restraint is released.
 - (2) The child, youth or young adult is transitioned to another approved manual restraint technique.
- (f) PRTF staff who are directly or indirectly involved in a manual restraint shall reduce or eliminate influences that may impede the child, youth or young adult from de-escalating.
- (g) During a manual restraint, a child's, youth's or young adult's basic needs and rights must continue to be met.
- (h) A manual restraint must end when the earliest of the following occurs:

- (1) The order for a manual restraint expires.
- (2) The manual restraint has been applied for 30 minutes.
- (3) When the child, youth or young adult no longer poses an imminent danger of physical harm to self or others.

(i) Within 30 minutes of initiation of a manual restraint or immediately after a manual restraint is removed, a treatment team leader, physician, APP or RN, who is certified in the use of manual restraints, shall conduct a face-to-face assessment of all of the following:

- (1) The child's, youth's or young adult's physical and psychological condition.
- (2) The child's, youth's or young adult's behavior.
- (3) Appropriateness of the intervention measures.
- (4) Complications caused by the use of the manual restraint.

(j) The face-to-face assessment specified in subsection (i) must be in person and may not occur through secure, real-time, two-way audio and video transmission.

(k) A PRTF shall notify the child's, youth's or young adult's parent, legal guardian or caregiver of the manual restraint within 1 hour after the manual restraint has ended.

§ 5330.186. Injuries from a manual restraint.

- (a) A PRTF shall immediately obtain medical treatment from qualified medical personnel for a child, youth or young adult injured as a result of a manual restraint.
- (b) Injuries that occur as a result of a manual restraint, including injuries to PRTF staff, must be documented in the child's, youth's or young adult's record.

§ 5330.187. Documentation of a manual restraint.

- (a) The PRTF staff shall document the use of a manual restraint in the child's, youth's or young adult's record by the end of the shift in which the manual restraint was concluded.
- (b) Documentation of the use of a manual restraint must include all of the following:
- (1) The requirements of § 5330.182(j) (relating to ordering a manual restraint).
 - (2) The requirements of § 5330.185(d) (relating to application of a manual restraint).

(3) The time and results of the face-to-face assessment specified in § 5330.185(i).

(4) The name of the qualified medical personnel that completed the child's, youth's or young adult's face-to-face physical and psychological assessment during and after the manual restraint.

(5) Description of the emergency safety situation that created the need for the manual restraint.

(6) Description of the attempts made to de-escalate the child's, youth's or young adult's behavior.

(7) Description of the less intrusive techniques and resources that are appropriate to address the child's, youth's or young adult's behavior that were tried and failed.

(8) The name and title of PRTF staff involved in the ordering, application and observation of the manual restraint.

(9) The date and time the treatment team leader was consulted if the treatment team leader did not order the manual restraint.

(10) Written statements from PRTF staff describing the events prior to, during and following the manual restraint from each PRTF staff person who was directly involved or who observed the manual restraint.

(11) The date, time and method the PRTF used to contact the child's, youth's or young adult's parent, legal guardian or caregiver regarding the use of the manual restraint and the name of the PRTF staff person that contacted the child's, youth's or young adult's parent, legal guardian or caregiver.

(c) A verbal order for a manual restraint must be verified in writing by the qualified PRTF staff person who ordered the manual restraint and documented in the child's, youth's or young adult's record within 48 hours of the verbal order.

§ 5330.188. Debriefing.

(a) A PRTF shall have a written policy and procedure on debriefing after the use of a manual restraint.

(b) Within 24 hours after the use of a manual restraint, a face-to-face discussion with the child, youth or young adult must occur and include all of the following:

(1) PRTF staff involved in the manual restraint, except when the presence of a particular PRTF staff person may jeopardize the well-being of the child, youth or young adult.

(2) Representatives from the child's, youth's or young adult's treatment team.

(3) The child's, youth's or young adult's parent, legal guardian or caregiver, if available.

(c) The discussion specified in subsection (b) must provide the child, youth or young adult; parent, legal guardian or caregiver; and PRTF staff the opportunity to discuss the circumstances resulting in the use of a manual restraint and strategies to be used by PRTF staff, the child, youth, young adult or others that may prevent the future use of a manual restraint.

(d) Within 24 hours after the use of a manual restraint, the PRTF staff involved in the manual restraint, supervisory and administrative staff shall conduct a debriefing that includes, at a minimum, a review and discussion of all of the following:

(1) The circumstances that led to the use of the manual restraint, including a discussion of the precipitating factors.

(2) Alternative techniques that may have prevented the use of a manual restraint.

(3) The procedures, if any, that PRTF staff are to implement to prevent a recurrence of the use of a manual restraint.

(4) The outcome of the manual restraint, including any physical or emotional injuries resulting from the use of the manual restraint.

(e) PRTF staff involved in a manual restraint that results in an injury to a child, youth or young adult or PRTF staff shall meet with PRTF supervisory staff within 24 hours of the manual restraint and evaluate the circumstances that caused the injury and develop a plan to prevent future injuries.

(f) PRTF staff shall document in the child's, youth's or young adult's record the discussions required by subsections (b), (d) and (e), including the names of the PRTF staff who were present, the names of PRTF staff that were excused and any changes to the child's, youth's or young adult's treatment plan as a result of the discussion.

§ 5330.189. Time out.

(a) A child, youth or young adult in a time out may not be physically prevented from leaving the time out area.

(b) Time outs may take place in areas away from other children, youth or young adults or in areas where other children, youth or young adults are having activities.

(c) PRTF staff shall directly supervise the child, youth or young adult while in a time out.

(d) A time out may not be used in a punitive manner or to exclude or seclude a child, youth or young adult from activities.

§ 5330.190. Attestation.

(a) A PRTF shall attest, in writing, in accordance with 42 CFR 483.374 (relating to facility reporting) that the PRTF is complying with CMS's standards on the use of restrictive procedures and this chapter's requirements on the use of restrictive procedures.

(b) The attestation shall include the signature of the PRTF program director.

(c) A PRTF shall provide an attestation to the Department annually.

(d) A PRTF enrolling in the Medical Assistance Program shall provide the attestation required by subsection (a) when it executes a provider agreement with the Department.

(e) Within 5 days of receiving notification from the Department of Health that it has determined that the PRTF is out of compliance with 42 CFR Part 483, Subpart G (relating to condition of participation for the use of restraint or seclusion in psychiatric residential treatment facilities providing inpatient psychiatric services for individuals under age 21) and must close, the PRTF shall provide the Department with the PRTF's plans for the orderly transfer of children, youth or young adults.

SECURE PRTF

§ 5330.201. Requirements for a secure PRTF.

(a) A PRTF must be designated as a secure PRTF when egress from the PRTF, or a portion of the PRTF, is prohibited through one of the following mechanisms:

- (1) Internal locks within the building or exterior locks.
- (2) Secure fencing around the perimeter of the PRTF.
- (b) A secure PRTF shall have a written fire safety approval that is appropriate for a secure setting from the Department of Labor and Industry, the Department of Health or the appropriate local building authority under the Pennsylvania Construction Code Act (35 P.S. §§ 7210.101—7210.1103) prior to applying for an initial certificate of compliance.
- (c) A secure PRTF shall meet all of the following staffing requirements:
 - (1) During awake hours, at least one mental health worker or PRTF staff person who meets the qualifications of a mental health worker shall provide supervision to every four children, youth or young adults.
 - (2) During sleeping hours, at least one mental health worker or PRTF staff person who meets the qualifications of a mental health worker shall provide supervision to every eight children, youth or young adults.
 - (d) No more than two children, youth or young adults may share a bedroom in a secure PRTF.
 - (e) A fence that surrounds the secure PRTF may not have razor ribbon or barbed wire attached to it.
 - (f) A secure PRTF may not have security bars attached to doors and windows.

§ 5330.202. Exceptions for a secure PRTF.

A secure PRTF shall comply with the requirements of this chapter, except for the following:

- (1) Section 5330.42(d)(1) (relating to staff requirements).
- (2) Section 5330.42(e)(1).
- (3) Section 5330.82(c) (relating to bedrooms).
- (4) Section 5330.92 (relating to unobstructed egress).

RECORDS

§ 5330.211. Emergency contact information.

- (a) Emergency contact information for a child, youth or young adult must be documented in a child’s, youth’s or young adult’s record and accessible to PRTF staff.
- (b) Emergency contact information for a child, youth or young adult must include all of the following:
 - (1) The name, address and telephone number of a parent, legal guardian or caregiver to be contacted in case of an emergency.
 - (2) The name, address and telephone number of a child’s, youth’s or young adult’s physician and health insurance.
 - (3) The name, address and telephone number of the parent, legal guardian or caregiver permitted to give consent for medical treatment.
- (c) The emergency contact information for each child, youth or young adult shall accompany the child, youth or young adult when the child, youth or young adult is not at the PRTF.

§ 5330.212. Child, youth or young adult record.

- (a) A PRTF shall store child, youth or young adult records in a secure location.
- (b) A PRTF shall maintain a record for each child, youth or young adult it serves that includes all of the following:

- (1) Identifying information as follows:
 - (i) The child’s, youth’s or young adult’s name, gender, gender identity, admission date, birth date and social security number.
 - (ii) The child’s, youth’s or young adult’s race and ethnicity, height, weight, hair color, eye color and identifying marks.
 - (iii) Dated photograph of the child, youth or young adult taken within the past year.
 - (iv) The language spoken and understood by the child, youth or young adult and the primary language used by the child’s, youth’s or young adult’s parent, legal guardian or caregiver if other than English or other means of communication used by the child, youth or young adult or the child’s, youth’s or young adult’s parent, legal guardian or caregiver.
 - (v) The child’s, youth’s or young adult’s religious affiliation.
 - (vi) The name, address and telephone number of the person to be contacted in the event of an emergency.
- (2) Independent certification of need for PRTF services.
- (3) Medical and behavioral records, including medication logs, assessments, screenings and treatment updates.
- (4) A psychiatric evaluation and updates to the psychiatric evaluation.
- (5) A treatment plan and updates to the treatment plan.
- (6) Documentation of efforts to coordinate care with other services and community supports.
- (7) Documentation of each service provided, including all of the following:
 - (i) Date and time a service is provided, duration of service and setting where the service is provided.
 - (ii) Identification of the service provided to address a goal in the treatment plan.
 - (iii) Description of the outcome of the service provided.
 - (iv) Signature of the PRTF staff providing the service.
- (8) Documentation of the reason why a service was not provided in accordance with the treatment plan.
- (9) Consent to treatment and authorized release of information forms.
- (10) Plan for discharge in accordance with § 5330.147 (relating to discharge).
- (11) Documentation of the use of manual restraints as required by § 5330.187 (relating to documentation of a manual restraint).
- (12) Applicable court orders.
- (13) Educational records.
- (14) Reportable incidents as specified in § 5330.14 (relating to reportable incidents).
- (15) Documentation of psychotropic medication reviews, including the clinical rationale for the psychotropic medication.
- (16) Signed notification of rights and grievance procedures specified in §§ 5330.31 and 5330.32 (relating to rights; and grievance procedures).
- (17) Signed notice of confidentiality in accordance with the Health Insurance Portability and Accountability Act of 1996 (Pub.L. No. 104-191).

(c) A child's, youth's or young adult's record must be:

(1) Legible.

(2) Signed and dated by the PRTF staff writing in the record.

(3) Reviewed for quality by the program director, clinical director or designated quality assurance staff within 6 months of the initial entry. After the initial review, subsequent reviews may be limited to new additions to the record and must occur at least annually.

(d) A child's, youth's or young adult's record must be kept for at least 4 years following the child's, youth's or young adult's discharge from the PRTF or until any audit or litigation is resolved, whichever is later.

§ 5330.213. PRTF record.

(a) A PRTF shall store its records in a secure location.

(b) A PRTF shall maintain records that contain all of the following for at least 4 years:

(1) Inspection reports, certifications or licenses issued by Federal, State and local agencies.

(2) A detailed service description in accordance with § 5330.11 (relating to service description) and all updates to the service description.

(3) A copy of the emergency preparedness plan specified in § 5330.19 (relating to emergency preparedness).

(4) Human resources policies and procedures.

(5) Written agreements to coordinate services in accordance with § 5330.12 (relating to coordination of services) that must be maintained by a PRTF and updated annually.

(6) Daily schedules for services and activities.

(7) If the PRTF is not connected to a public water system, results of water tests performed by the Department of Environmental Protection.

(8) Quality assurance plans in accordance with § 5330.221 (relating to quality assurance requirements).

(c) A PRTF shall maintain PRTF staff personnel records that include all of the following for at least 4 years after the PRTF staff is no longer employed by the agency:

(1) Job descriptions.

(2) Work schedules and time sheets.

(3) Criminal history checks and child abuse certifications required by 23 Pa.C.S. §§ 6301—6388 (relating to Child Protective Services Law) and Chapter 3490 (relating to protective services).

(4) Documentation of PRTF staff credentials and qualifications.

(5) Documentation of required trainings, including completion of continuing education credits required for professionally licensed PRTF staff in accordance with the applicable professional regulations.

(6) Documentation of PRTF staff health assessments.

§ 5330.214. Record retention and disposal.

A PRTF shall secure, maintain and dispose of records, both written and electronic, that contain protected health information in accordance with applicable Federal and State privacy and confidentiality laws and regulations.

QUALITY ASSURANCE

§ 5330.221. Quality assurance requirements.

(a) A PRTF shall establish and implement a written quality assurance plan that meets all of the following:

(1) Identifies the methodology for PRTF and individual record reviews, including all of the following:

(i) Method for establishing sample size of PRTF and individual records for review.

(ii) Frequency of individual records review to prepare for the annual report.

(iii) Qualifications of PRTF staff who perform the review of records.

(2) Provides an annual report of services provided by the PRTF that includes all of the following:

(i) Review of individual records for compliance with this chapter.

(ii) Review of individual and parent, legal guardian or caregiver satisfaction information.

(iii) Assessment of delivered services outcomes and if treatment plan goals have been completed.

(iv) Evaluation of compliance with the PRTF's approved service description.

(v) Analysis of manual restraint usage.

(b) A PRTF shall make annual reports available to the public upon request.

(c) A PRTF shall provide written notification that a copy of the annual report may be requested at any time by a child, youth, young adult, parent, legal guardian or caregiver upon the child's, youth's or young adult's admission to the PRTF.

WAIVERS

§ 5330.231. Waivers.

(a) A PRTF may submit a written request to the Department for a waiver of a specific regulation in this chapter.

(b) The Department may grant a waiver unconditionally or subject to conditions that must be met. The Department may revoke a waiver if conditions required by the waiver are not met.

(c) A waiver request will be granted only in exceptional circumstances and if all of the following are met:

(1) The waiver does not jeopardize the health and safety of the children, youth or young adults.

(2) The waiver will not adversely affect the quality of services.

(3) The intent of the requirement to be waived will still be met.

(4) Children, youth or young adults will benefit from the waiver of the requirement.

(5) The waiver does not violate a Federal or State statute or regulation or local ordinance.

(d) The scope, definitions and purpose of this chapter may not be waived.

[Pa.B. Doc. No. 24-1575. Filed for public inspection November 1, 2024, 9:00 a.m.]

PENNSYLVANIA BULLETIN

Volume 54
Saturday, November 2, 2024 • Harrisburg, PA

Number 44

Part II

This part contains the
Notices



NOTICES

DEPARTMENT OF AGRICULTURE

Program Requirements for the 2024-2025 Pennsylvania Fresh Food Financing Initiative Grant Program

The Department of Agriculture (Department) hereby provides notice of the standards and requirements for the Pennsylvania Fresh Food Financing Initiative Grant Program (Program).

The Program is established under authority of section 1718-E(a)(5) of the Fiscal Code (72 P.S. § 1718-E(a)(5)) which provides that money appropriated in the current fiscal year and unspent money from previous fiscal years shall be used to strengthen local food systems and increase market opportunities for farmers in this Commonwealth by providing grants that increase the availability of fresh foods in underserved and low-income or moderate-income communities in this Commonwealth. Grants under this paragraph may be used to construct, rehabilitate or expand grocery stores, farmers' markets or retail food establishments, including any other project that may serve this purpose.

The Program aims to strengthen local food systems and increase market opportunities for farmers in this Commonwealth by providing grants that increase the availability of fresh and local foods in underserved and low-income or moderate-income communities in this Commonwealth.

This initiative supports local agricultural producers and retailers through reimbursement grant funding to facilitate the establishment, construction, rehabilitation and expansion of grocery stores, farmers' markets and other food enterprises, with priority given to establishments that serve food deserts. This Program also supports the implementation of innovative food access technologies that support customer purchasing options.

This notice establishes the policy guidelines for the Program. It establishes the process by which grant applications will be solicited, reviewed and awarded for Fiscal Year (FY) 2024-2025. The amount appropriated for grants in FY 2024-2025 is up to \$4 million.

1. *Program Objectives.* The Program's objectives are to:

a. *Improve access to fresh food:* Increase the availability of high-quality, affordable fresh fruits and vegetables, herbs, meat and dairy products in underserved communities.

b. *Support Pennsylvania agriculture:* Prioritize projects that expand or diversify the production, aggregation, sourcing or sale of agricultural commodities in this Commonwealth.

c. *Promote economic development:* Increase business opportunities, especially for small, diverse businesses and veteran-owned businesses within this Commonwealth.

d. *Encourage innovation:* Support innovative technology or delivery methods that increase healthy food access by expanding infrastructure that supports customer purchasing options, enables mobile or pop-up farmers markets, implements mobile Electronic Benefit Transfer reader technology or increases direct to consumer sales.

2. *Definitions.* The following words and phrases apply to the Program:

Cooperative: A business entity that is owned and democratically controlled by its member-owners who utilize its services and share in its profits and losses.

Farmers' Markets: A single or multi-stall market that sells agricultural products, particularly fresh fruit and vegetables, to the public at a single or multiple locations. This designation applies to any organization that operates a farmers' market location.

Food Desert: As defined by The United States Department of Agriculture by Census tract by the Food Access Research Atlas of its Economic Research Service. These areas have limited access to affordable, and nutritious food, based on certain low-income and low-access criteria.

Food Enterprise: A business involved in the production, processing and marketing of food products. It can include various types of businesses such as food production companies, specialty food processors, cooperatives, farmers' markets and farm-based enterprises which may be for-profit or non-profit that create value-added products.

Grocery Stores: A retail food establishment with one or more retail locations totaling more than 30,000 retail square feet but less than 100,000 square feet.

Large or Regional Anchor Supermarkets: A retail food establishment collectively totaling more than 100,000 retail square feet and operating more than one retail location.

Secretary: The Secretary of the Department.

3. *Eligible Applicants.*

a. Entities primarily engaged (70% or more of revenue) in the sale of fresh, staple and perishable food to consumers, which:

i. Operate within this Commonwealth.

ii. Serve customers in food deserts.

iii. Provide access to affordable, high-quality fresh food in these communities.

iv. Expand access to Pennsylvania-grown or processed produce, dairy and meat products.

b. Priority will be given to projects that increase business opportunities for:

i. Veteran-Owned Businesses

ii. Small and Diverse Businesses that are registered with the PA Department of General Services Bureau of Diversity, Inclusion and Small Business Opportunities

iii. PA Preferred Businesses with an active trademark license agreement.

iv. Businesses that have a fully implemented business plan.

4. *Grant Types.* Matching reimbursement grants will be offered in the following categories to defray the costs of an eligible project or equipment purchase, where the grant comprises no more than 85% of the total project cost:

a. Large/regional anchor supermarket up to \$1 million.

b. Grocery store up to \$500,000.

c. Food enterprise up to \$100,000.

5. *Limitations on Grants.* The following shall apply:

a. The amount of reimbursement is based on actual eligible costs submitted by an approved applicant for an approved project during any fiscal year in which grants are offered.

b. Grant reimbursement money is limited as described in section 4.

c. Grant reimbursement money shall not be used to reimburse any portion of an in-kind contribution to an eligible project.

d. Grant money may not be used to pay or reimburse wages or salaries of grant recipient staff.

e. Grant money may not be used to reimburse any portion of the project costs which are being paid or reimbursed under another Federal or State grant program.

6. *Application Procedure.*

a. *Online applications only.* An applicant for a grant under the Program shall be submitted through the Commonwealth's Single Application for Assistance online application system, at <https://grants.pa.gov>.

b. *Application window.* Applications must be submitted through the Single Application for Assistance online application system between 8 a.m. on November 4, 2024, and 5 p.m. on January 18, 2025. Applications received outside of that application window will not be considered or reviewed.

c. *Application requirements.* An application for a grant under the Program shall contain the following information:

i. The applicant's name, business address and contact information.

ii. A brief narrative explaining how the applicant is an eligible applicant.

iii. The details of the project or equipment purchase for which reimbursement grant money is sought, including the following:

A. A project budget.

B. A statement of the maximum amount of grant money sought for the project.

C. A project implementation schedule, a construction schedule or an equipment purchase plan, as appropriate for the project or purchase with respect to which the grant is sought.

D. A narrative identifying each entity that will assist in, participate in and benefit from the project.

E. A project completion date, which shall be no later than June 30, 2026.

F. An attestation signed by the applicant, verifying the accuracy of the information presented on the application.

7. *Disposition and Review of Grant Applications.*

a. The Department will review each application, and supporting documentation submitted therewith, for com-

pleteness and accuracy, and shall determine whether the application is eligible for consideration.

b. If an application is found to be incomplete or inaccurate, the Department may request additional documentation and may discontinue further processing of the application until the requested information is received.

8. *Notice of Disposition of Application.* The Department will provide the applicant e-mail notice of the disposition (approval or disapproval) of the application.

9. *Grant Agreement.* After the Secretary approves a grant application, and as a precondition to the Department's release of grant moneys to a successful applicant, the Department and the applicant will execute a written or electronic grant agreement which describes the terms and conditions subject to which the grant is made. The grant agreement will contain and conform to the requirements of this notice and will also contain any special terms and conditions as required by the Secretary. Among the terms of the grant agreement will be a requirement that the grant recipient provide the Department full and complete access to all records relating to the performance of the project and submit the information as the department may require. Applicants who wish to view the full terms and conditions of the grant agreement in advance of submitting an application may contact the Department at the address set forth in Section 11. Applicants who are unable to agree to the terms and conditions should not apply.

10. *Distribution of Grant Money.* As Program grants are reimbursement grants, the Department will not issue grant money until the successful applicant delivers the following to the Department immediately following project completion, but no later than June 30, 2026:

a. A verified statement that the eligible project has been completed or implemented, or that the subject equipment has been purchased.

b. A verified statement of the project completion date, or the equipment purchase date.

c. Photos of the completed or implemented project or the equipment purchased, with a narrative explanation of each photo.

d. Bills and invoices demonstrating that expenses were incurred for which reimbursement grant funds are sought.

Documents submitted to the Department under this section shall be directed to the Department of Agriculture, Bureau of Market Development, Attn: Pennsylvania Fresh Financing Initiative Program Coordinator, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

11. *Additional Information:* Additional information may be obtained from the Department by contacting Corinne Elliott, (717) 787-6041, corielliot@pa.gov.

RUSSELL REDDING,
Secretary

[Pa.B. Doc. No. 24-1576. Filed for public inspection November 1, 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 October 22, 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-bnbnksbmsnspspt@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>
09-23-2024	ACNB Bank Gettysburg Adams County	160 North Pointe Boulevard Suite 113 Lancaster Lancaster County (Limited-Service Facility)	Opened
10-15-2024	Penn Community Bank Doylestown Bucks County	2285 Schoenersville Road Bethlehem Lehigh County	Opened
10-17-2024	PS Bank Wyalusing Bradford County	1743 North Keyser Avenue Scranton Lackawanna County	Approved
10-18-2024	Hamlin Bank and Trust Company Smethport McKean County	101 South Main Street Sheffield Warren County	Approved
10-21-2024	Farmers and Merchants Trust Co. of Chambersburg Chambersburg Franklin County	4765 Linglestown Road Harrisburg Dauphin County	Opened

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
10-11-2024	Peoples Security Bank and Trust Company Dunmore Lackawanna County	1743 North Keyser Avenue Scranton Lackawanna County	Closed

CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,
Secretary

[Pa.B. Doc. No. 24-1577. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0924817	Joint DEP/PFBC Pesticides Permit	New	Lehman John F 1054 Creamery Road Newtown, PA 18940-2816	Upper Makefield Township Bucks County	SERO
4624809	Joint DEP/PFBC Pesticides Permit	New	Paramount Realty 120 N Pointe Boulevard Lancaster, PA 17601-4100	Upper Dublin Township Montgomery County	SERO
4624810	Joint DEP/PFBC Pesticides Permit	New	Zolotarev Anatoli F 1132 Rose Glen Road Gladwyne, PA 19035-1320	Lower Merion Township Montgomery County	SERO
4624811	Joint DEP/PFBC Pesticides Permit	New	Martin Luther School c/o Gemma Svcs 512 W Township Line Road Plymouth Meeting, PA 19462	Plymouth Township Montgomery County	SERO
6024801	Joint DEP/PFBC Pesticides Permit	New	Deangelo Contr Service 100 N Conahan Drive Hazleton, PA 18201-7355	East Buffalo Township Union County	NCRO
1519407	Land Application and Reuse of Sewage Individual WQM Permit	Renewal	Franklin Township Chester County 20 Municipal Lane P.O. Box 118 Kemblesville, PA 19347	Franklin Township Chester County	SERO

<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>
3624402	Land Application and Reuse of Sewage Individual WQM Permit	Transfer	283 Commerce Hub Venture LLC 7225 Renner Road Shawnee, KS 66217-3043	East Hempfield Township Lancaster County	SCRO
NOEXNW246	No Exposure Certification	New	Federal Express Corporation 3620 Hacks Cross Road Env Management Dept Bldg B Memphis, TN 38125-8800	Hermitage City Mercer County	NWRO
NOEXSC435	No Exposure Certification	New	TE Connectivity Corp 1311 S Market Street Mechanicsburg, PA 17055-5632	Upper Allen Township Cumberland County	SCRO
PAG035052	PAG-03 NPDES General Permit for Industrial Stormwater	New	Estes Express Lines 3901 W Broad Street Richmond, VA 23230-3962	White Deer Township Union County	NCRO
PAG041429	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Laskowski James W 133 Gilmore Drive Kennerdell, PA 16374	Clinton Township Venango County	NWRO
PAG044006	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Renewal	Nelson Kevin & Nelson Melissa 12 Chestnut Grove Lane Newville, PA 17241-8780	Upper Frankford Township Cumberland County	SCRO
PAG045305	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	John & Shannon Nappi 1700 Smokey Corners Road Williamsport, PA 17701-9670	Hepburn Township Lycoming County	NCRO
PAG046493	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Boyde Jack W 904 Pine Run Road Freedom, PA 15042-2152	Rochester Township Beaver County	SWRO
PAG046494	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Schoepke Gary 1151 Oaklake Road Lower Burrell, PA 15068-6921	Lower Burrell City Westmoreland County	SWRO
PAG103590	PAG-10 NPDES General Permit for Hydrostatic Test Water	New	Texas Eastern Trans LP 565 Marriott Drive Suite 400 Nashville, TN 37214-5033	North Woodbury Township Blair County	SCRO
PAG136350	PAG-13 NPDES General Permit for MS4s	Renewal	Ellsworth Borough Washington County P.O. Box 545 23 S Main Street Ellsworth, PA 15331-0545	Ellsworth Borough Washington County	SWRO
PAG136400	PAG-13 NPDES General Permit for MS4s	Renewal	Vandergrift Borough Westmoreland County 109 Grant Avenue Vandergrift, PA 15690	Vandergrift Borough Westmoreland County	SWRO
PAG136401	PAG-13 NPDES General Permit for MS4s	Renewal	West Leechburg Borough Westmoreland County 1015 Plazak Street West Leechburg, PA 15656	West Leechburg Borough Westmoreland County	SWRO
0624403	Sewer Extensions Individual WQM Permit	New	Amity Township Berks County 2004 Weavertown Road Douglassville, PA 19518-8971	Amity Township Berks County	SCRO
1024412	Sewer Extensions Individual WQM Permit	New	Breakneck Creek Region Authority 1166 Mars Evans City Road Mars, PA 16046-2216	Adams Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0255921	Single Residence STP Individual NPDES Permit	Transfer	Pelligreno Anthony 106 Muller Hill Road Zelienople, PA 16063-3706	Marion Township Beaver County	SWRO
PA0293113	Single Residence STP Individual NPDES Permit	Transfer	Dippold Bradley 114 Lilac Lane Valencia, PA 16059-2214	Middlesex Township Butler County	NWRO
0421403	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Pelligreno Anthony 106 Muller Hill Road Zelienople, PA 16063-3706	Marion Township Beaver County	SWRO
1023408	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Dippold Bradley 114 Lilac Lane Valencia, PA 16059-2214	Middlesex Township Butler County	NWRO
WQG02672403	WQG-02 Sewer Extension WQM General Permit	New	Conewago Twp Sewer Auth York County 600 Locust Point Road York, PA 17406-6056	Conewago Township York County	SCRO

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

PA0228079, Sewage, SIC Code 4952, **Middleburg Municipal Authority**, 13 N Main Street, Middleburg, PA 17842-1082. Facility Name: Kissimmee Wastewater Treatment Plant. This existing facility is located in Franklin Township, **Snyder County**.

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

The receiving stream(s), Unnamed Tributary to Middle Creek, is located in State Water Plan watershed 6-A and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>IMIN</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	4.0	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	4.2	6.7	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	5.0	7.5	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	1.8	2.8	XXX	11.0	17.0	22
Nov 1 - Apr 30						
May 1 - Oct 31	0.62	0.93	XXX	3.7	5.6	7.4

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

PA0228508, Sewage, SIC Code 4952, **Huston Township Authority**, P.O. Box 40, Julian, PA 16844-0040. Facility Name: Village of Julian Wastewater Treatment Plant. This existing facility is located in Huston Township, **Centre 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), Bald Eagle Creek, is located in State Water Plan watershed 9-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.04 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	8.0	13.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	8.0	13.0	XXX	25.0	40.0	50
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	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.

Northcentral Regional Office

PA0229460, Sewage, SIC Code 4952, **Abbott Township, Potter County**, 1431 Germania Road, Galeton, PA 16922-9445. Facility Name: Abbott Township Potter County. This existing facility is located in Abbott Township, **Potter 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), Germania Branch (EV), is located in State Water Plan watershed 9-B and is classified for Exceptional Value Waters, 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 0.015 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous 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	3.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	3.1	5.0	XXX	25.0	40.0	50
Nov 1 - Apr 30	1.9	2.9	XXX	15.0	23.0	30
May 1 - Oct 31	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Total Suspended Solids	2.5	3.8	XXX	20.0	30.0	40
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
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				Geo Mean		
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	1.4	2.1	XXX	11.0	16.5	23
Ultraviolet light dosage (mWsec/cm ²)	XXX	XXX	Report	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

- Other Requirements
- Solids Management

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

PA0043206, Sewage, SIC Code 7032, **Trails End Camp Inc.**, 1714 Wantagh Avenue, Wantagh, NY 11793-3904. Facility Name: Trails End Camp. This existing facility is located in Berlin Township, **Wayne County**.

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

The receiving stream(s), Unnamed Tributary to Beach Lake Creek (HQ-CWF), is located in State Water Plan watershed 1-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.22	XXX	0.71
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Geo Mean				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	15.0	XXX	30
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of .03 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Nitrate-Nitrite as N	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Nitrogen	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Kjeldahl Nitrogen	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX

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

- Solids Management
- TRC Minimization

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

PA0061093, Sewage, SIC Code 8249, **Monroe Career & Technical Institute**, 194 Laurel Lake Road, Bartonsville, PA 18321-9448. Facility Name: Monroe Career & Tech Institute STP. This existing facility is located in Pocono Township, **Monroe County**.

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

The receiving stream(s), Unnamed Tributary to Pocono Creek (HQ-CWF), is located in State Water Plan watershed 1-E 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 .015 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.36	XXX	1.20

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.26	XXX	0.87

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	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	XXX	25.0	50.0	50.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
CBOD ₅ Minimum % Removal (%)	85	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	Report	Report	XXX	30.0	60.0	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 9.0	18.0	18.0
Ammonia-Nitrogen	Report	Report	XXX	3.0	6.0	6.0
Nov 1 - Apr 30	Report	Report	XXX	3.0	6.0	6.0
May 1 - Oct 31	Report	Report	XXX	3.0	6.0	6.0

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Daily Maximum		Average Monthly	Daily Maximum	
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Nitrate-Nitrite as N	Avg Qrtly Report	Report	XXX	Avg Qrtly Report	Report	XXX
	Avg Qrtly Report	Report	XXX	Avg Qrtly Report	Report	XXX
Total Nitrogen	Avg Qrtly Report	Report	XXX	Avg Qrtly Report	Report	XXX
	Avg Qrtly Report	Report	XXX	Avg Qrtly Report	Report	XXX
Total Kjeldahl Nitrogen	Avg Qrtly Report	Report	XXX	Avg Qrtly Report	Report	XXX
	Avg Qrtly Report	Report	XXX	Avg Qrtly Report	Report	XXX

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

- Stormwater prohibition; Necessary property rights; Residuals management; Chlorine minimization; Responsible operator notification; POTW reporting requirements (upon request); Solids management; and Requirements for Total Residual Chlorine (TRC)

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0063827, Sewage, SIC Code 4952, **Pines At West Penn LLC**, P.O. Box 677, Morgantown, PA 19543. Facility Name: West Penn Pines MHP. This existing facility is located in West Penn Township, **Schuylkill County**.

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

The receiving stream(s), Lizard 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 .06 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.170

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.387	XXX	1.170

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
		XXX	Inst Min			
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	20.0	40.0	40
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	20.0	40
			XXX			
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
			XXX			
Total Suspended Solids	XXX	XXX	XXX	20.0	40.0	40
			XXX			
Total Suspended Solids	XXX	XXX	XXX	10.0	20.0	20
			XXX			

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
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	10.0	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	9.0	18.0	18
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	3.0	6.0	6

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

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

- Solids Management
- TRC Minimization
- DRBC Requirements

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0275794, Industrial, SIC Code 4941, **Blue Triton Brands, Inc.**, 305 Nestle Way, Breinigsville, PA 18031. Facility Name: Greenwaltz Springs. This existing facility is located in Washington Township, **Northampton County**.

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

The receiving stream, Greenwalk Creek (CWF, MF), is located in State Water Plan watershed 1-F 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 0.377 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Dissolved Solids	XXX	XXX	XXX	XXX	XXX	1,000
Magnesium, Total	XXX	XXX	XXX	Report	XXX	Report
Calcium, Total	XXX	XXX	XXX	Report	XXX	Report
Sodium, Total	XXX	XXX	XXX	Report	XXX	Report
Sulfate, Total	XXX	XXX	XXX	Report	XXX	Report
Chloride	XXX	XXX	XXX	Report	XXX	Report
Hardness, Total (as CaCO ₃)	XXX	XXX	XXX	Report	XXX	Report

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

- Instream Monitoring

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0204714, Sewage, SIC Code 7033, **Henry Ward**, 10 Kindle Lane, Levittown, PA 19055-2409. Facility Name: New Horizons Foundation Campground. This existing facility is located in Cherryhill Township, **Indiana County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .0025 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	0.0025	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
			XXX	25	XXX	50
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean	XXX	1,000
				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	21	42
Ammonia-Nitrogen	XXX	XXX	XXX	21	XXX	42

The proposed effluent limits for Outfall 001 are based on a design flow of .0025 MGD.—Limits.

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0086525, Sewage, SIC Code 4952, **Centre Township Municipal Authority, Berks County**, 449 Bucks Hill Road, Mohrsville, PA 19541-9340. Facility Name: Centre Township Kingsgate East STP. This existing facility is located in Centre Township, **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 to Irish Creek (WWF), is located in State Water Plan watershed 3-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 0.012 MGD.—Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	2.5	4.0	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	3.0	4.5	XXX	30.0	45.0	60.0
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean	XXX	Report
Ammonia-Nitrogen	2.0	XXX	XXX	20.0	XXX	40.0
Nov 1 - Apr 30						
May 1 - Oct 31	1.8	XXX	XXX	18.0	XXX	36.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Nitrate-Nitrite as N	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Nitrogen	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Kjeldahl Nitrogen	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	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 717-705-4732.

The EPA Waiver is in effect.

Southcentral Regional Office

PA0261262, Sewage, SIC Code 4952, **North Londonderry Township Authority**, 655 E Ridge Road, Palmyra, PA 17078-9308. Facility Name: North Londonderry Township STP. This existing facility is located in South Annville Township, **Lebanon 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), Killinger Creek (TSF), is located in State Water Plan watershed 7-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily 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	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	250	375	XXX	20	30	40
Nov 1 - Apr 30						
May 1 - Oct 31	125	188	XXX	10	15	20
BOD ₅ Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	125	188	XXX	10	15	20

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen	88	XXX	XXX	7.0	XXX	14
Nov 1 - Apr 30						
May 1 - Oct 31	31	XXX	XXX	2.5	XXX	5
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	25	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Aluminum, Total	Report	XXX	XXX	Report	XXX	XXX
Boron, Total	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
Cyanide, Free	0.09	XXX	XXX	0.007	XXX	0.018
Zinc, Total	1.88	XXX	XXX	0.15	XXX	0.37
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 monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs)	XXX	25,936	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Ammonia-Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	3,458	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

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

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

- Stormwater prohibition, Approval contingencies, Solids management, Restriction on receipt of hauled in waste under certain conditions, WET testing requirements, and Stormwater conditions.

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

PA0261360, Sewage, SIC Code 6515, **Hess Leasing**, 116B Blantz Road, Lititz, PA 17543-9573. Facility Name: Mountain View MHP. This existing facility is located in Elizabeth Township, **Lancaster County**.

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

The receiving stream, Unnamed Tributary to Hammer Creek (HQ-CWF, MF), is located in State Water Plan watershed 7-J 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 .002 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	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

The proposed effluent limits for Outfall 001 are based on a design flow of .002 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02 Avg Mo	XXX	0.04
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	15.0 Avg Mo	XXX	30
May 1 - Oct 31	XXX	XXX	XXX	5.0 Avg Mo	XXX	10

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

PA0027596, Industrial, SIC Code 3273, **New Enterprise Stone & Lime Co. Inc.**, P.O. Box 77, New Enterprise, PA 16664-0077. Facility Name: New Enterprise Stone Roaring Spring Quarry. This existing facility is located in Taylor Township, **Blair 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), Halter Creek (CWF (existing use)), is located in State Water Plan watershed 11-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 .345 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Semi-Annual Average	Daily Maximum		Semi-Annual Average	Daily Maximum	
Cadmium, Total	Report	XXX	XXX	Report	XXX	XXX
Thallium, Total	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .345 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Semi-Annual Average	Daily Maximum		Semi-Annual Average	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	30 Avg Mo	50	60

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

PA0246441, Concentrated Animal Feeding Operation (CAFO), **Deer Stone Ag., Inc. (Willow Brook Farm)**, 10049 Ferguson Valley Road, Lewistown, PA 17044-8601.

Deer Stone Ag., Inc. has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Willow Brook Farm, located in Granville Township, **Mifflin County**.

The CAFO is situated near Unnamed Tributary to Strodes Run (HQ-CWF, MF) in Watershed 12-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 800.52 animal equivalent units (AEUs) consisting of 1,200 Gestating sow, 200 Sow and litter, 4,000 Nursery pig: 3—10 wk., 12 Beef Cow, 3 Beef Finishers, 12 Beef Calf, and 10 Boar. Liquid swine manure is stored in a two stage HDPE-Lined Lagoon system. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

Southeast Regional Office

PA0036200, Sewage, SIC Code 6514, **Radley Run Mews Sewer Assoc**, P.O. Box 84, Pocopson, PA 19366-0084. Facility Name: Radley Run Mews STP. This existing facility is located in Birmingham Township, **Chester County**.

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

The receiving stream(s), Plum Run (WWF, MF), is located in State Water Plan watershed 3-H and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.032 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 3.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	6.7	XXX	Inst Min XXX	25	XXX	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	8.0	XXX	XXX	30	XXX	60
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	8.0	XXX	XXX	Geo Mean 30.0	XXX	60
Ammonia-Nitrogen	4.0	XXX	XXX	15.0	XXX	30
Nov 1 - Apr 30						
May 1 - Oct 31	1.3	XXX	XXX	5.0	XXX	10
Total Phosphorus	0.53	XXX	XXX	2.0	XXX	4
E. Coli (No./100 ml)	XXX	XXX	Report	XXX	XXX	100
TRC	XXX	XXX	XXX	0.6	XXX	1.5
UV Dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
(from 2/1/2015 to Expiration)						

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

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

- No Stormwater
- Acquire Necessary Property Rights
- Sludge Disposal Requirements
- Phase Out When Municipal Sewers Available
- Total Residual Chlorine Requirement

- F. Discharge to Small Stream
 G. Notification of Designation of Operator
 H. Remedial Measures if Unsatisfactory Effluent
 I. Twice per Month Sampling
 The EPA Waiver is not in effect.

Southeast Regional Office

PA0052761, Sewage, SIC Code 4952, **Buckingham SNF, LLC**, 820 Durham Road, Buckingham, PA 18912. Facility Name: Buckingham Valley Nursing Center STP. This existing facility is located in Buckingham Township, **Bucks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.014 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.1	XXX	0.25
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	20.0	XXX	40
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	8.0	XXX	16
Jul 1 - Oct 31						
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	9.0	XXX	18
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6
Total Phosphorus	0.2	XXX	XXX	1.6	XXX	3.2
Nov 1 - Mar 31						
Apr 1 - Oct 31	0.1	XXX	XXX	0.8	XXX	1.6

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

- No stormwater from pavements, area ways, roofs shall be admitted to sanitary sewers
- Proper disposal of collected screenings, slurries, sludges, and other solids
- Permittee shall optimize chlorine dosages to minimize TRC in effluent
- Permittee shall notify DEP of Operator in responsible charge
- Permittee shall develop and maintain operations and maintenance (O&M) plan
- Seasonal effluent limits for Fecal Coliform

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0057339, Sewage, SIC Code 8811, **Brian & Cheryl Davidson**, 209 Poplar Road, Honey Brook, PA 19344-1349. Facility Name: Davidson Properties. This existing facility is located in Honey Brook Township, **Chester 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), West Branch Brandywine Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-H and is classified for Migratory Fishes, High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6 Inst Min	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	1.0 Daily Max	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	10.00	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- AMR to DEP
- DMR to DEP if Attached
- 1/year Measure Depth of Septage and Scum
- Septic Tanks Pumped Once Every Three Years
- Total Residual Chlorine Requirement
- No Stormwater
- Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP when Municipal Sewers Available

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

PA0058190, Sewage, SIC Code 8811, **Brenda Phelan**, 191 Hill Road, Green Lane, PA 18054-2415. Facility Name: Phelan SRSTP. This existing facility is located in Salford Township, **Montgomery 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 Unami Creek (HQ-TSF), is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Nitrate-Nitrite as N	XXX	XXX	XXX	10.0	XXX	20
Ammonia-Nitrogen	XXX	XXX	XXX	3.0	XXX	6
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3

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

- AMR Submission
- DMR Submission
- Annual Measuring
- Septic Tank Pumping
- No stormwater
- Property Rights
- Proper Sludge Disposal
- Act 537 and Abandoning STP

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

PAI130526, MS4, **New London Township, Chester County**, 902 State Road, New London, PA 19360-1002.

The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in New London Township, **Chester County**. The receiving stream(s), West Branch White Clay Creek (TSF, MF), Big Elk Creek (HQ-TSF, MF), Unnamed Tributary to Middle Branch White Clay Creek (TSF, MF), Unnamed Tributary to West Branch White Clay Creek (TSF, MF), Ways Run (HQ-TSF, MF), East Branch Big Elk Creek (HQ-TSF, MF), and Hodgson Run (HQ-TSF, MF), is located in State Water Plan watershed 7-K and 3-I and is classified for Migratory Fishes, Trout Stocking, High Quality Waters—Trout Stocking, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) 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 for small MS4s, and is not in effect for large MS4s.

Southwest Regional Office

PA0026212, Sewage, SIC Code 4952, **Washington-East Washington Joint Authority**, 102 Arden Station Road, Washington, PA 15301-4514. Facility Name: Washington-East Washington STP. This existing facility is located in South Strabane Township, **Washington County**.

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

The receiving stream(s), Chartiers Creek (WWF), is located in State Water Plan watershed 20-F 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 9.77 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Copper, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Cyanide, Free (ug/L)	0.47	0.74	XXX	5.82	9.09	14.55
Chloroform (ug/L)	0.86	1.35	XXX	10.65	16.62	26.62

The proposed effluent limits for Outfall 001 are based on a design flow of 9.77 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Copper, Total (ug/L)	1.86	2.40	XXX	22.8	29.5	29.5

NOTICES

7219

<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>	
Cyanide, Free (ug/L)	0.41	0.72	XXX	4.98	8.86	12.4
Chloroform (ug/L)	0.58	1.07	XXX	7.1	13.1	17.7

The proposed effluent limits for Outfall 001 are based on a design flow of 9.77 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.04	XXX	0.13
Carbonaceous Biochemical Oxygen Demand (CBOD5)	1,055	1,545	XXX	13.0	19.0 Wkly Avg	26
Nov 1 - Apr 30						
May 1 - Oct 31	895	1,300	XXX	11.0	16.0	22
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report Wkly Avg	XXX
Raw Sewage Influent						
Total Suspended Solids	2,440	3,665	XXX	30.0	45.0 Wkly Avg	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	Report Wkly Avg	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Oct 1 - Apr 30						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	Report Daily Max	XXX	Report	Report	XXX
Ammonia-Nitrogen	255	XXX	XXX	3.15	XXX	6.3
Nov 1 - Apr 30						
May 1 - Oct 31	160	XXX	XXX	1.97	XXX	3.94
Total Phosphorus	Report	Report Daily Max	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	Report	Report Daily Max	XXX	Report	Report	XXX
Boron, Total (ug/L)	Report	Report Daily Max	XXX	Report	Report	XXX
Iron, Dissolved (ug/L)	Report	Report Daily Max	XXX	Report	Report	XXX
Iron, Total (ug/L)	Report	Report Daily Max	XXX	Report	Report	XXX
Zinc, Total (ug/L)	Report	Report Daily Max	XXX	Report	Report	XXX
Chlorodibromomethane (ug/L)	0.17	0.3 Daily Max	XXX	2.03	3.71	5.08
Dichlorobromomethane (ug/L)	0.2	0.36 Daily Max	XXX	2.42	4.39	6.04
Radium-226 and Radium-228, Total (pCi/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 9.77 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
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

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 not in effect.

Southwest Regional Office

PA0098124, Industrial, SIC Code 4911, **Duquesne Light Co.**, 2825 New Beaver Avenue, Pittsburgh, PA 15233-1003. Facility Name: Elrama Ash Disposal Site. This existing facility is located in Union Township, **Washington County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.07354 MGD.—Interim 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 Max</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
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Boron, Total	XXX	XXX	XXX	15.0	30.0	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	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 001 are based on a design flow of 0.07448 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 Max</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
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	10.0	15.6	XXX
Boron, Total	XXX	XXX	XXX	1.6	2.5	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	4.99	7.79	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 are based on a design flow of .00094 MGD.—Interim 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 Max</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
Boron, Total	XXX	XXX	XXX	15.0	30.0	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	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 are based on a design flow of .00094 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 Max</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
Boron, Total	XXX	XXX	XXX	1.74	2.71	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.41	8.44	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 003 are based on a design flow of .07448 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 Max</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
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 004 are based on a design flow of .01701 MGD.—Interim 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 Max</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
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Boron, Total	XXX	XXX	XXX	1.8	4.5	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	6.0	15.0	XXX
Thallium, Total	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 004 are based on a design flow of .01701 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 Max</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
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 005 are based on a design flow of .0053 MGD.—Interim 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 Max</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
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	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 Max</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Boron, Total	XXX	XXX	XXX	15.0	30.0	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	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 005 are based on a design flow of .0053 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 Max</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
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 006: Limits.

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

The proposed effluent limits for Outfall 007: Limits.

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

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0255777, Industrial, SIC Code 4911, **Harwick Operating Co. LLC**, 12601 Plantside Drive, Louisville, KY 40299-6386. Facility Name: Cheswick Generating Station. This existing facility is located in Indiana 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), Little Deer Creek (TSF), is located in State Water Plan watershed 18-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 1.42 MGD.—Interim 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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	35.0	70.0	88.0 ⁽¹⁾
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	50	100	XXX
Aluminum, Total	Report	Report	XXX	0.75	0.75	1.2 ⁽¹⁾
Beryllium, Total	XXX	XXX	XXX	0.01	0.02	0.025 ⁽¹⁾
Boron, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	0.0003	0.0006	0.00075 ⁽¹⁾
Chromium, Hexavalent	XXX	XXX	XXX	0.006	0.012	XXX
Copper, Total	XXX	XXX	XXX	0.009	0.018	0.023 ⁽¹⁾
Cyanide, Free	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	1.5	3.0	3.75 ⁽¹⁾
Manganese, Total	Report	Report	XXX	1.0	1.663	2.18 ⁽¹⁾
Selenium, Total	XXX	XXX	XXX	0.005	0.01	0.0125 ⁽¹⁾
Silver, Total	XXX	XXX	XXX	0.003	0.006	0.0075 ⁽¹⁾
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	0.002	0.004	0.005 ⁽¹⁾
Pentachlorophenol	XXX	XXX	XXX	0.0003	0.0006	0.00075 ⁽¹⁾
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 1.42 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</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 Residual Chlorine (TRC)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	35.0	70.0	88.0 ⁽¹⁾
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	50	100	XXX
Aluminum, Total	Report	Report	XXX	0.75	0.75	1.2 ⁽¹⁾
Beryllium, Total	XXX	XXX	XXX	0.01	0.02	0.025 ⁽¹⁾
Boron, Total	XXX	XXX	XXX	1.706	2.661	XXX
Cadmium, Total	XXX	XXX	XXX	0.0003	0.0006	0.00075 ⁽¹⁾
Chromium, Hexavalent	XXX	XXX	XXX	0.006	0.012	XXX
Copper, Total	XXX	XXX	XXX	0.009	0.018	0.023 ⁽¹⁾
Cyanide, Free	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	1.5	3.0	3.75 ⁽¹⁾
Manganese, Total	Report	Report	XXX	1.0	1.663	2.18 ⁽¹⁾
Selenium, Total	XXX	XXX	XXX	0.005	0.01	0.0125 ⁽¹⁾
Silver, Total	XXX	XXX	XXX	0.003	0.006	0.0075 ⁽¹⁾
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	0.002	0.004	0.005 ⁽¹⁾
Pentachlorophenol	XXX	XXX	XXX	0.0003	0.0006	0.00075 ⁽¹⁾
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfall 010 are based on a design flow of 0 MGD.—Limits.

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

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

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

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

Footnotes

⁽¹⁾ Instantaneous maximum limitations are imposed for the purpose of evaluating compliance during Department inspections and/or grab sampling. No evaluation of the noted IMAX limits is required for reporting by the permittee.

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

- Compliance Schedule
- Chemical Additives
- Requirements for Storm Water Outfalls
- Sedimentation Basin Cleaning

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.

Cambria District Office

Applicant: **PA DEP Bureau of Abandoned Mine Reclamation**

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

Application Number: **PAD680017**

Application Type: Major Amendment

Municipality/County: Shade Township, **Somerset County**

Project Site Name: OSM 56(2515)101.1

Total Earth Disturbance Area (acres): 18 acres

Surface Waters Receiving Stormwater Discharges: Dark Shade Creek (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: The intent of this project is to backfill the following: approximately 3,200 linear feet of dangerous highwall, 3 acres of pit and one collapsed mine opening using the existing spoil material in Shade Township, Somerset County. The total project earth disturbance of Abandoned Mine Land (AML) eligible area measures eighteen (18) acres in size. A rock-lined channel is a proposed amendment to PAD680017 for the purpose of runoff conveyance.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Demonstrated Estates, LLC**

Applicant Address: 15 William Street, Unit 12H, New York, NY 10005

Application Number: **PAD450208**

Application Type: New

Municipality/County: Middle Smithfield Township, **Monroe County**

Project Site Name: Dave Wu Passive House

Total Earth Disturbance Area (acres): 1.23 acres

Surface Waters Receiving Stormwater Discharges: UNT Saw Creek Run (HQ-CWF, MF)

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

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

Project Description: Construction of a single-family home and driveway.

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: **Kay Mosser, LLC, c/o Rick Koze**

Applicant Address: 5930 Hamilton Boulevard, Allentown, PA 18106

Application Number: **PAD390174 A-2**

Application Type: Major Amendment

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

Project Site Name: Mosser Road Subdivision

Total Earth Disturbance Area (acres): 9.30 acres

Surface Waters Receiving Stormwater Discharges: UNT to Schaefer Run (HQ-CWF, MF)

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

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

Project Description: A 10-lot residential subdivision and associated roadway, utilities, and stormwater 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.

Regional Permit Coordination Office

Applicant: **Ricky C. Tindall**

Applicant Address: 200 Black Barren Road, Peach Bottom, PA 17563

Application Number: **PAD360131**

Application Type: New

Municipality/County: Fulton Township, **Lancaster County**

Project Site Name: Ricky C. Tindall

Total Earth Disturbance Area (acres): 2.27 acres

Surface Waters Receiving Stormwater Discharges: tributary to Conowingo 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: Construction of a 40-foot by 40-foot sawmill addition and a proposed 50-foot by 70-foot pole barn with additional parking areas and stormwater management facilities.

Special Conditions: N/A

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

Regional Permit Coordination Office

Applicant: **PLF, LLC**

Applicant Address: 1317 Edgewater Drive, Unit 145, Orlando, FL 32804

Application Number: **PAD220016**

Application Type: New

Municipality/County: Londonderry Township, **Dauphin County**

Project Site Name: Falcon Crest at Lytle Farms

Total Earth Disturbance Area (acres): 159.78 acres

Surface Waters Receiving Stormwater Discharges: tributaries to Swatara Creek (WWF)

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

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

Project Description: PLF is proposing to construct a mixed-use development with includes 205 single family homes, 91 town homes, 532 apartments, 47,615 square feet of retail/commercial space, associated roads, parking, recreational space, open space and stormwater management facilities. The development will be served by public sewer and water among other utilities.

Special Conditions: N/A

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

Southeast Regional Office

Applicant: **Sellersville Acquisitions LLC**

Applicant Address: 301 Oxford Valley Rd, Suite 702, Yardley, PA 19067

Application Number: **PAD090105**

Application Type: New

Municipality/County: Sellersville Borough, **Bucks County**

Project Site Name: Sellersville Tract

Total Earth Disturbance Area (acres): 5.06 acres

Surface Waters Receiving Stormwater Discharges: Unnamed Tributaries to East Branch Perkiomen Creek (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 in Sellersville Borough is being redeveloped as a Traditional Neighborhood Development (TND), which consists of 10.51 acres and is a Brownfields Remediation Site. The site has frontage along North Main Street (SR 0413) to the west, 12th Street to the northwest, Franklin Ave to the northeast, and an unopened right-of-way of Undine Street to the southeast. The reference plans depict the proposed site improvements and the construction of thirty (30) townhouse units.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Excell Homes, Inc., c/o Dimitri Zahariadis**

Applicant Address: P.O. Box 207, Lackawaxen, PA 18435

Application Number: **PAD520057**

Application Type: New

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

Project Site Name: Odenath & Zahariadis Subdivisions

Total Earth Disturbance Area (acres): 3.77 acres

Surface Waters Receiving Stormwater Discharges: Raymondskill Creek High Quality—Cold Water Fish, Migratory Fish (HQ-CWF, MF)

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

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

Project Description: Construction of 4 single family homes on individual lots with associated driveways, septic, and other 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: **Green Knight Economic Development Corp. and JVI, LLC**

Applicant Address: 1265 Miller Road, Wind Gap, PA 18091-9765

Application Number: **PAD480017 A-3**

Application Type: Major Amendment

Municipality/County: Plainfield Township, Bushkill Township, **Northampton County**

Project Site Name: Green Knight Industrial Park II Lots 6G, 6H and 6I

Total Earth Disturbance Area (acres): 13.18 acres

Surface Waters Receiving Stormwater Discharges: UNT to Little Bushkill Creek (HQ-CWF, MF) and Sober Runs (EV, MF) via EV wetlands

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

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

Project Description: The project involves the demolition of two existing buildings with associated gravel/paves areas for the development of a 192,000 square foot industrial use building, truck docks, parking lots, access drives and associated stormwater management facilities.

Special Conditions: Potential Impacts to EV Wetlands. 1. The permittee shall monitor water table elevations daily at each monitoring well identified in the approved PCSM Plan for EV wetlands for a minimum of five years. Reports providing water table elevations shall be submitted to DEP every six months, beginning in (October of the 2nd year of coverage). These reports shall be submitted by October 31st and April 30th each year. All monitoring wells should confirm the presence of a water table no deeper than 12-inches below the ground surface for a period of at least 14 consecutive days during the growing season (April 1—October 1 annually) at a minimum frequency of 3 of the 5 monitoring years, unless a longer timeframe for monitoring is extended by DEP in writing. If a water table is not observed at the previously stated depth and/or for a duration of at least 14 consecutive days in 3 of 5 monitoring years (or in accordance with an alternate monitoring timeframe approved by DEP in writing), the wetland will be considered adversely impacted by the project, unless information and/or data provided to DEP demonstrates otherwise and DEP concurs that the project did not adversely impact the wetland. 2. The permittee shall provide DEP with a running comparison of monitoring data for pre-construction and post-construction monitoring every six months, beginning in (October of the 3rd year after the date of coverage). These monitoring data reports shall be submitted by October 31st and April 30th each year. If the ground water table elevation is found to be lower in post-construction monitoring for the same time period, the wetland will be considered adversely impacted by the project, unless information and/or data provided to DEP demonstrates the cause is unrelated to the project and DEP concurs that the project did not adversely impact the wetland. 3. The permittee shall delineate the boundaries of the EV wetlands in the years (5 years from date of coverage) and (7 years from the date of coverage) using the Army Corps of Engineers' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0). These wetland delineations shall be submitted to DEP on or before April 30th in the 5th year of permit coverage and on or before the permit expiration or termination date of this permit or the 7th year of permit coverage whichever is sooner, unless an alternate timeframe for submission of these delineations is approved by DEP in writing. Boundaries shall be surveyed and compared to the boundaries outlined on the approved plans. The data shall be submitted to DEP on or before April 30th of each year, beginning in (October of the 3rd year after the date of coverage). If a reduction in size of the wetland of greater than 0.05 acre is observed, the wetland will be considered adversely impacted by the project, unless a clear and unrelated cause of the reduction in size is demonstrated and DEP concurs that the project did not adversely impact the wetland. 4. The permittee shall provide reports identifying plant species in the EV wetlands during the growing season once a year for five years beginning in (April of the 3rd year after the date of coverage). Any observed reduction in the number of different species having a wetland indicator status of (identify indicator status appropriate for the wetland in question) shall be clearly identified in the report. If a reduction is observed, the wetland will be considered adversely impacted by the project unless another clear cause of the reduction in diversity is identified and DEP concurs that the project did not adversely impact the wetland. 5. The permittee shall inspect monitoring wells, including water level loggers, at least monthly to ensure that they are not damaged and are functioning properly. If a damaged or malfunctioning well is identified, DEP shall be contacted immediately in writing, and the well shall be restored to its design specifications within two weeks, unless weather conditions do not permit and/or is otherwise extended in writing by DEP. 6. In the event that the water table falls below the bottom of a monitoring well and the water level logger in that well becomes inoperable, the well shall be inspected at a minimum of once every two weeks and the data logger shall be

re-installed once the water table is again observed in the well. 7. DEP may require the monitoring period to be extended to confirm or disprove potential adverse impacts to EV wetlands. DEP will review the monitoring information submitted by the permittee and if DEP determines that the EV wetlands have been adversely impacted, the permittee shall submit to DEP for review and approval a narrative identifying the cause(s) of the impact and plans to correct it within 3 months after DEP has determined that the wetlands have been adversely impacted. If the cause(s) cannot be identified or if correction of the impact is deemed infeasible, the permittee shall submit to DEP for review and approval plans and a schedule to create (identify required mitigation area) acres of (identify the wetland mitigation required) wetlands in or along the floodplain of (identify the receiving stream) or one of its tributaries within 6 months of DEP's determination of an adverse impact, unless an alternate location for wetland creation is approved and/or this deadline is extended in writing by DEP. Construction of the replacement wetlands shall begin no later than one year after DEP's determination of an adverse impact, unless an alternate deadline is established in writing by DEP.

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

Southcentral Regional Office

Applicant: **Shetron Farms, LLC**

Applicant Address: 1505 Walnut Bottom Road, Newville, PA 17241

Application Number: **PAD500024**

Application Type: New

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

Project Site Name: Shetron Property

Total Earth Disturbance Area (acres): 9.697 acres

Surface Waters Receiving Stormwater Discharges: UNT to Horse Valley Run (HQ-CWF, MF)

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

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

Project Description: Equestrian Training and Boarding Facility. Application was submitted as a corrective action plan due to earth disturbances on the site without the appropriate authorization.

Special Conditions: N/A

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

Southeast Regional Office

Applicant: **Asset Realty & Construction Group**

Applicant Address: 1590 Troy Avenue, Brooklyn, PA 11234-1444

Application Number: **PAD510237 A-1**

Application Type: Major Amendment

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

Project Site Name: 7240 State Road

Total Earth Disturbance Area (acres): 3.27 acres

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

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

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

Project Description: An Individual Permit Application for the demolition phase of the project was previously submitted as the first phase of the overall project (PAD # 510237). The first phase included demolition of the existing vacant industrial building, demolition of on-site existing pavement areas, and site restoration within the areas of disturbance. The current application is for a major amendment to the prior permit for the second phase of the project for the proposed redevelopment, which includes the construction of a new four-story 152,720 sf self-storage facility with associated site improvements. This phase of this project proposes one (1) subsurface detention basin, one (1) media filter, and nonstructural BMPs.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Suburban Realty, LP**

Applicant Address: 330 Oakford Road, Clarks Summit, PA 18411

Application Number: **PAD450124 A-2**

Application Type: Major Amendment

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

Project Site Name: Proposed Commercial Development

Total Earth Disturbance Area (acres): 11.67 acres

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

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

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

Project Description: Construction of a proposed WaWa food market with Fueling Station and Chipotle Restaurant, Associated Site improvements including parking, landscaping, utilities, and stormwater Management BMPs.

Special Conditions: Q. Potential Impacts to EV Wetlands. 1. The permittee shall monitor water table elevations daily at each monitoring well identified in the approved PCSM Plan for EV wetlands for a minimum of five years. Reports providing water table elevations shall be submitted to DEP every six months, beginning in (October of the 2nd year of coverage). These reports shall be submitted by October 31st and April 30th each year. All monitoring wells should confirm the presence of a water table no deeper than 12-inches below the ground surface for a period of at least 14 consecutive days during the growing season (April 1—October 1 annually) at a minimum frequency of 3 of the 5 monitoring years, unless a longer timeframe for monitoring is extended by DEP in writing. If a water table is not observed at the previously stated depth and/or for a duration of at least 14 consecutive days in 3 of 5 monitoring years (or in accordance with an alternate monitoring timeframe approved by DEP in writing), the wetland will be considered adversely impacted by the project, unless information and/or data provided to DEP demonstrates otherwise and DEP concurs that the project did not adversely impact the wetland. 2. The permittee shall provide DEP with a running comparison of monitoring data for pre-construction and post-construction monitoring every six months, beginning in (October of the 3rd year after the date of coverage). These monitoring data reports shall be submitted by October 31st and April 30th each year. If the ground water table elevation is found to be lower in post-construction monitoring for the same time period, the wetland will be considered adversely impacted by the project, unless information and/or data provided to DEP demonstrates the cause is unrelated to the project and DEP concurs that the project did not adversely impact the wetland. 3. The permittee shall delineate the boundaries of the EV wetlands in the years (5 years from date of coverage) and (7 years from the date of coverage) using the Army Corps of Engineers' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0). These wetland delineations shall be submitted to DEP on or before April 30th in the 5th year of permit coverage and on or before the permit expiration or termination date of this permit or the 7th year of permit coverage whichever is sooner, unless an alternate timeframe for submission of these delineations is approved by DEP in writing. Boundaries shall be surveyed and compared to the boundaries outlined on the approved plans. The data shall be submitted to DEP on or before April 30th of each year, beginning in (October of the 3rd year after the date of coverage). If a reduction in size of the wetland of greater than 0.05 acre is observed, the wetland will be considered adversely impacted by the project, unless a clear and unrelated cause of the reduction in size is demonstrated and DEP concurs that the project did not adversely impact the wetland. 4. The permittee shall provide reports identifying plant species in the EV wetlands during the growing season once a year for five years beginning in (April of the 3rd year after the date of coverage). Any observed reduction in the number of different species having a wetland indicator status of (identify indicator status appropriate for the wetland in question) shall be clearly identified in the report. If a reduction is observed, the wetland will be considered adversely impacted by the project unless another clear cause of the reduction in diversity is identified and DEP concurs that the project did not adversely impact the wetland. 5. The permittee shall inspect monitoring wells, including water level loggers, at least monthly to ensure that they are not damaged and are functioning properly. If a damaged or malfunctioning well is identified, DEP shall be contacted immediately in writing, and the well shall be restored to its design specifications within two weeks, unless weather conditions do not permit and/or is otherwise extended in writing by DEP. 6. In the event that the water table falls below the bottom of a monitoring well and the water level logger in that well becomes inoperable, the well shall be inspected at a minimum of once every two weeks and the data logger shall be re-installed once the water table is again observed in the well. 7. DEP may require the monitoring period to be extended to confirm or disprove potential adverse impacts to EV wetlands. DEP will review the monitoring information submitted by the permittee and if DEP determines that the EV wetlands have been adversely impacted, the permittee shall submit to DEP for review and approval a narrative identifying the cause(s) of the impact and plans to correct it within 3 months after DEP has determined that the wetlands have been adversely impacted. If the cause(s) cannot be identified or if correction of the impact is deemed infeasible, the permittee shall submit to DEP for review and approval plans and a schedule to create (identify required mitigation area) acres of (identify the wetland mitigation required) wetlands in or along the floodplain of (identify the receiving stream) or one of its tributaries within 6 months of DEP's determination of an adverse impact, unless an alternate location for wetland creation is approved and/or this deadline is extended in writing by DEP. Construction of the replacement wetlands shall begin no later than one year after DEP's determination of an adverse impact, unless an alternate deadline is established in writing by DEP.

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

Northeast Regional Office

Applicant: Parkland School District, c/o Mark Madson

Applicant Address: 1210 Springhouse Road, Allentown, PA 18014

Application Number: **PAD390322**

Application Type: New

Municipality/County: South Whitehall Township, **Lehigh County**

Project Site Name: Parkland School District New Operations Center

Total Earth Disturbance Area (acres): 10.559 acres

Surface Waters Receiving Stormwater Discharges: Jordan Creek (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: Construction of a new operations center for Parkland School District was previously authorized under NPDES Permit PAC390197 and is currently ongoing. A major permit amendment was submitted for additional parking areas and infiltration bed. Due to the expansion of facility usage and soil contaminants, the permit was elevated to an Individual NPDES Permit. Due to arsenic levels on site, soils cannot be exported to residential sites. Three subsurface infiltration beds, associated water quality inlets and an at-grade detention basin are the primary stormwater management BMPs for the current proposal.

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.

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>
Ag Ventures Schwalm Farm 345 W. High Street Elizabethtown, PA 17022	Dauphin County	0	2,257.26	Swine	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: Olivia Harris, Clerical Supervisor I, 570-327-0561.

Application No. 5724502, Construction, Public Water Supply.

Applicant	Hillsgrove Hotel
Address	2148 PA 87 Hillsgrove, PA 18619
Municipality	Hillsgrove Township
County	Sullivan County
Responsible Official	Cathy MacElhaney 2148 PA 87 Hillsgrove, PA 18619
Consulting Engineer	Nathan Jones 1000 Commerce Park Drive Williamsport, PA 17701
Application Received	October 21, 2024
Description	CWSC Major Amendment for a water system upgrade.

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

Contact: Samantha Mielo, Environmental Engineer, 814-332-6360.

Application No. 3224503, Construction, Public Water Supply.

Applicant	Blairsville Municipal Authority
Address	203 East Market Street Blairsville, PA 15717
Municipality	Derry Township
County	Westmoreland County
Responsible Official	Jody Poorbaugh 203 East Market Street Blairsville, PA 15717
Consulting Engineer	Randy L. Krause, P.E. 267 Blue Run Road Cheswick, PA 15024
Application Received	October 10, 2024
Description	Adding orthophosphate chemical for corrosion control and upgrading the chlorine, pH, and turbidity analyzers to allow communication with future SCADA system.

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

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

Application No. 0924520, Construction, Public Water Supply.

Applicant	Perkasie Regional Authority
Address	150 Ridge Road Suite 2 Sellersville, PA 18960-1521
Municipality	East Rockhill Township
County	Bucks County
Responsible Official	Nicholas Fretz 150 Ridge Road Sellersville, PA 18960-1521
Consulting Engineer	Pennoni Engineering 150 Ridge Road Suite 2 Sellersville, PA 18960-1521
Application Received	September 12, 2024
Description	Existing treatment center to receive a building addition to increase capacity and treatment scope.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to

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

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

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

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

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

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

Contact: Ben Weaver, 814-343-3357.

National Fuel Gas Kane Field, Primary Facility ID # 879075, 5405 Highland Road, Kane, PA 16735, Jones Township, **Elk County**. Moody & Associate, Inc., 2402 West 8th Street, Erie, PA 16505 on behalf of National Fuel Gas Supply Corp., 6363 Main Street, Williamsville, NY 14221, submitted a Notice of Intent to Remediate. An historic buried refuse dump was discovered during the course of an ongoing construction project. The exact nature of the refuse is being investigated but may contain household refuse as well as organic and inorganic contamination. The refuse is contained to an area approximately 0.3 acre in size. The site is currently used for office space and equipment storage for support of a natural gas storage field. The intended future use of the property is office space and equipment storage in support of a natural gas storage field, as well as a weld shop. The

Notice of Intent to Remediate was published in *Kane Republican* on October 1, 2024. Application received: October 11, 2024.

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

Contact: C. David Brown, Professional Geologist Manager, 484-250-5792.

1820 & 1900 W Allegheny Ave, Primary Facility ID # 865764, 1820 and 1900 West Allegheny Avenue, Philadelphia, PA 19132, City of Philadelphia, **Philadelphia County**. Anna Thornton, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Max Kent, New Courtland, 6970 Germantown Avenue, Philadelphia, PA 19119, submitted a Notice of Intent to Remediate. submitted a Notice of Intent to Remediate. Groundwater has been found to be contaminated with chlorinated solvents, inorganics, lead, and PAH's. The future use of the property is residential. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Metro Philly* on March 27, 2023. Application received: September 26, 2024.

2944 Samuel Drive, Primary Facility ID # 840740, 2944 Samuel Drive, Bensalem, PA 19020, Bensalem Township, **Bucks County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Howard Weiss, 2944 Samuel Drive, Inc., 4250 Wissahickon Avenue, Philadelphia, PA 19129, submitted a Notice of Intent to Remediate. submitted a Notice of Intent to Remediate. Soil and groundwater have been found to be contaminated with inorganics and PAH's. The future use of the property is nonresidential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *Bucks County Courier Times* on June 14, 2024. Application received: October 14, 2024.

202 Marketplace, Primary Facility ID # 878219, 411 Doylestown Road, Montgomeryville, PA 18936, Montgomery Township, **Montgomery County**. Anna Thornton, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Christian Lomax, Viking Group, 4 Executive Campus, Suite 100, 771 Cuthbert Boulevard, Cherry Hill, NJ 08002, submitted a Notice of Intent to Remediate. submitted a Notice of Intent to Remediate. Soil and groundwater have been found to be contaminated with chlorinated solvents. The future use of the property is nonresidential. The proposed cleanup standards for the site are the Statewide health and site-specific standards. The Notice of Intent to Remediate was published in *The Times Herald* on September 24, 2024. Application received: September 26, 2024.

4109 E Lincoln Hwy, Primary Facility ID # 879120, 4109 East Lincoln Highway, Thorndale, PA 19372, Caln Township, **Chester County**. Stephen Huxta, Huxta Environmental, 461 Merlin Road, Phoenixville, PA 19460 on behalf of Michael Cohen, WM Cohen & Sons, 4109 East Lincoln Highway, Thorndale, PA 19372, submitted a Notice of Intent to Remediate. submitted a Notice of Intent to Remediate. Soil has been found to be contaminated with diesel fuel, leaded gasoline, unleaded gasoline, used motor oil, lead, and PAH's. The future use of the property is residential. The proposed cleanup standard is the Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Local News* on September 26, 2024. Application received: September 27, 2024.

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 a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-1982.

Contact: Jason Dunham, Environmental Group Manager.

WMGR046 Base Permit. McGill Fairless Hills, LLC, 634 Christian Chapel Church Rd, New Hill, NC 27562, Falls Township, **Bucks County**. McGill Fairless Hills, LLC operates an individually permitted composting facility and utilizes coverage under WMGR046 to beneficially use the resultant compost. The proposed modification would not amend the wastes authorized for processing but would amend the wastes authorized for beneficial use under WMGR046. McGill Fairless Hills, LLC proposes to amend the beneficial use language in Section A that describes the waste authorized for processing and beneficial use. The existing language authorizes processing and beneficial use of the following wastes: “drinking water treatment sludge, yard waste, bark ash, coal ash, agricultural residues, waste cardboard and paper, sludge generated by paper or pulp mills (SIC Code 2621 and 2611), waste from vegetable food processing, unused sands, waste foundry sand that is authorized for use as a soil additive or soil substitute under General Permit Number WMGR019, spent mushroom substrate, and freshwater, brackish and marine dredged material.” McGill Fairless Hills, LLC proposes adding language to the permit that would allow for the beneficial use compost generated from the processing of the following wastes: “drinking water treatment sludge; biosolids; wastewater treatment plant sludge; waste cardboard, paper, and pulp; food waste; agricultural waste and by-products; wood ash; yard waste; wood; and horticultural waste.” Comments or questions concerning the application should be directed to Jason Dunham, Environmental Group Manager, 717-787-1982, Central Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. 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. Application received: August 16, 2024. Accepted: August 29, 2024.

Comments or questions concerning the application should be directed to Jason Dunham, Environmental Group Manager, 717-787-1982, Central Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-1982. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717- 787-7381.

Contact: Jason Dunham, Environmental Group Manager.

WMGR165SC001, Activated Carbon Innovations PA LLC, 3311 E135 US Highway 202 206, Suite 14, Bedminster, NJ 07921, Bedminster Township, **Somerset County**. General Permit No. WMGR165. Activated Carbon Innovations PA LLC (Activated Carbon), 135 US Highway 202 206, Suite 14, Bedminster, NJ 07921. This application is for a new Statewide General Permit, WMGR165. The current project is located at 1377 DeGol Industrial Drive, Hollidaysburg, PA 16648, Hollidaysburg Boro, Blair County. General Permit No. WMGR165 is for the processing of waste spent activated carbon used in water treatment or air treatment and the beneficial use of the waste activated carbon after processing as a water treatment medium in wastewater streams and air treatment medium in the removal of contaminants/pollutants from air streams from air treatment facilities. The waste activated carbon will be processed by screening, thermal processing, acid washing and chemical upgrading. The application for determination of applicability for WMGR165SC001 was determined to be administratively complete on October 9, 2024. Application received: October 1, 2024. Accepted: October 4, 2024.

Comments or questions concerning the application should be directed to Jason Dunham, Environmental Group Manager, 717-787-7381, Central Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7381. 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.

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

Contact: Waste Management Program Manager.

WMGR101SW006, Mamont Supply, Inc., 1005 General Forbes Court, Jeannette, PA 15644, Stowe Township, **Allegheny County**. A Determination of Applicability for coverage under Residual Waste General Permit No. WMGR101SW006 was received. Mamont Supply, Inc. will operate for processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag, reclaimed asphalt pavement materials (RAP) in quantities greater than 10 cubic yards and uncontaminated brick, block and concrete from sidewalk and highway projects as a construction material. This operation will be conducted at the Mamont Supply Reclaim Yard located at 2201 Robinson Blvd, McKees Rocks, PA 15136.

Application received: September 30, 2024. Deemed administratively complete: October 22, 2024.

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Contact: Waste Management Program Manager.

300558. LBR Aquisition Company, LLC, 2105 West 1800 North, Far West, UT 84404, Greene Township, Grant District, **Beaver County** and **Hancock County**, West Virginia. Permit renewal application to continue closure operations at the Little Blue Run Residual Waste Disposal Impoundment. Application received: December 14, 2023. Deemed administratively complete: October 16, 2024.

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

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

Contact: Waste Management Program Manager.

WMGM030SW001. Beaver County Department of Sustainability and Waste Management, 469 Constitution Blvd, New Brighton, PA 15066, Brighton Township, **Beaver County**. An application for renewed coverage under Municipal Waste General Permit No. WMGM030SW001 was received. The Beaver County Department of Sustainability and Waste Management is applying for the renewal of General Permit No. WMGM030SW001 to continue operating the 15-acre resi-

dential yard waste composting site located at 1095 Doyle Drive, Beaver, PA 15009. Application received: September 19, 2024. Deemed administratively complete: October 22, 2024.

Questions concerning the application should be directed to Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

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 Operat-

ing Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

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

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

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

10-00380D: Mountain Gathering, LLC, 910 Saxonburg Road, Butler, PA 16002, Jefferson Township, **Butler County**. Application received: May 16, 2024.

Intent to Issue Plan Approval

10-00380D: Mountain Gathering, LLC (910 Saxonburg Road, Butler, PA 16002), The Department of Environmental Protection intends to issue a plan approval to Mountain Gathering re-authorize the operation of Jefferson Compressor Station and modify permit conditions and requirements at their facility located in Jefferson Township, Butler County. Mountain Gathering Jefferson Compressor Station is a Natural Minor facility and natural gas compressor station under State Only Permit No. 10-00380. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The following sources are affected by this Plan Approval:

- Eight (8) 1775 BHP Caterpillar G3606TA compressor engines (Source ID 101—108) rated at 13.79 MMBtu/hr and associated Ariel JGC-4 compressors (Source ID 101-C1—108-C8) and Oxidation Catalysts (Source ID C101—C108).
- One (1) NATCO TEG Dehydrator rated at (Source ID 401) rated at 105 MMSCFD.
- One (1) Zeeco T20288F Enclosed Flare to control emissions from the Dehydrator (Source ID C301)

This Plan Approval was submitted for the following reasons:

- to revise their site wide emission limit to 49 tpy VOC
- to replace the oxidation catalyst pressure, drop requirements to periodic monitoring outlined in the latest GP5 requirements for compressor engines
- adding Promax as an authorized software to calculate emissions
- revising the emission limits of the TEG dehydrator to 5.60 tpy VOC

These requests and application were submitted due to a Notice of Violation issued to the applicant dated July 11, 2023. The violations were:

- Exceeding the site wide VOC limit of 45.35 tpy VOC from their operating permit 10-00380 with actual emissions of 174.67 tons in 2019, 219.64 tons in 2020, and 161.45 tons in 2021.
- Exceeding the source specific VOC limit of 0.99 tpy VOC with actual emissions of 141.08 tons, 164.48 tons, and 122.06 tons in years 2019, 2020, and 2021 from source 401.
- Exceeding the pressure drop requirements of 2 in. of water across the oxidation catalysts.
- Other violations unrelated to the application.

An updated site wide emissions calculation along with an updated site-specific gas analysis reveals that the PTE of the sites VOC emissions are 49.94. Going forward the site wide limit be 49 tpy VOC on a 12-month rolling basis. Recordkeeping will be required to show compliance with this limitation. Previously, the PTE of 0.99 tpy VOC for source 401 did not represent a feasible emission rate for the source. Updated PTE calculations reveal that the rate is closer to 5.60 tpy VOC. Going forward this will be the new emission limit for the source. The source is controlled by an enclosed flare described previously.

The applicant states that the previous pressure drop requirements for the engines control device (Source 101—108) may not have been indicative of control device malfunctions. Going forward, the applicant agrees to the more stringent periodic monitoring that is required for engines in the GP5. This includes performance testing and periodic monitoring every 2,500 hours of operation utilizing portable analyzers to detect emissions exceeding applicable limits.

Based on BAT, site wide PTE, and regulatory requirements the modified emission limits will be as follows:

- All limits not modified by this plan approval remain in place
- 49 tpy VOC based on a 12-month rolling total site wide
- 5.60 tpy VOC for source 401

Potential emissions from the subject source(s) will be as follows:

Pollutants	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}	VOC	HAPs
101	8.57	3.3	0.03	0.53	0.53	3.94	1.55
102	8.57	3.3	0.03	0.53	0.53	3.94	1.55
103	8.57	3.3	0.03	0.53	0.53	3.94	1.55
104	8.57	3.3	0.03	0.53	0.53	3.94	1.55
105	8.57	3.3	0.03	0.53	0.53	3.94	1.55

<i>Pollutants</i>	<i>NO_x</i>	<i>CO</i>	<i>SO_x</i>	<i>PM₁₀</i>	<i>PM_{2.5}</i>	<i>VOC</i>	<i>HAPs</i>
106	8.57	3.3	0.03	0.53	0.53	3.94	1.55
107	8.57	3.3	0.03	0.53	0.53	3.94	1.55
108	8.57	3.3	0.03	0.53	0.53	3.94	1.55
301 Gun Barrrel tank	-	-	-	-	-	0.35	0.02
301 Produced Water Tanks	-	-	-	-	-	0.00411	0.0019
920 Water Loading	-	-	-	-	-	0.49	0.24
301 Condensate Tank	-	-	-	-	-	0.04	0.00187
910 Condensate Loading	-	-	-	-	-	0.18	0.01
Methanol Tanks	-	-	-	-	-	0.02	0.02
C301	7.74	35.3	0.07	0.85	0.85	-	-
401	-	-	-	-	-	5.60	0.50
201 Dehy Reboiler	0.85	0.72	0.01	0.06	0.06	0.05	0.02
501	-	-	-	-	-	-	-
601/801 Venting Blowdowns	-	-	-	-	-	10.80	0.28
601 Crank Case	-	1.13	-	-	-	0.37	0.13
701	-	-	-	-	-	0.51	0.02
Totals	77.16	63.54	0.32	5.17	5.17	49.94	13.66
Major	100	100	100	100	100	50	25

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling DEP at (814) 332-6940.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [10-00380D: Mountain Gathering, LLC] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests

for a public hearing should be directed to Eric Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

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

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

IP21-001053: St. Joseph's University—Hawk Hill Campus (SJU-HH), 5600 City Ave., Philadelphia, PA 19131, City of Philadelphia, **Philadelphia County**. Application received: November 2, 2021. The City of Philadelphia, Air Management Services (AMS) intends to issue a Plan Approval for the operation of a school. The Plan Approval project will include the following: • Installation of twelve (12) natural gas-fueled external combustion sources (boilers and hot water heaters) with rated capacity of 0.31 MMBtu/hr to 1.5 MMBtu/hr • Installation of sixty (60) laboratory fume hoods • Installation of eight-four (84) "insignificant" natural gas-fueled and one (1) No. 2 oil-fueled external combustion sources • Updating the equipment capacity, fuel type, location, and number of units for twenty-three (23) sources The potential emission increases from the previously listed installation and modification are: 7.89 tons per year (tpy) of nitrogen oxides (NO_x), 6.48 tpy of carbon monoxide (CO), 1.05 tpy of volatile organic compounds (VOC), and 0.606 tpy of particulate matter (PM). NO_x emissions from the facility shall be less than 25 tons per rolling 12-month period to qualify for the Synthetic Minor Operating Permit (SMOP). The Plan Approval will be issued under

25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection by contacting the Source Registration Unit at 215-685-7572 or DPHAMS_Service_Requests@phila.gov. Public Comment and Public hearing. Persons wishing to file protest or comments on the previously listed Plan Approval must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the Plan Approval or schedule a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Managements Services, 7801 Essington Ave., Philadelphia, PA 19153 or e-mailed to DPHAMS_Service_Requests@phila.gov with "SJU-HH, IP21-001053" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Accommodations. Individuals in need of accommodations and/or interpretation should contact AMS at DPHAMS_Service_Requests@Phila.Gov and/or 215-685-7572. Please include: the name and contact information of the person requesting an accommodation and/or interpretation; (2) the name of the program, service, activity, or location of the request; and (3) a description of the modification and/or interpretation being requested."

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.

26-00402D: Chestnut Valley Landfill, 1184 McClellandtown Rd, McClellandtown, PA 15458, German Township, **Fayette County**. Application received: February 1, 2024.

Intent to Issue Plan Approval:

PA-26-00402D: 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 for a landfill gas-to-renewable natural gas (RNG) processing facility at Chestnut Valley Landfill located in German Township, Fayette County. The RNG processing facility will be controlled by a thermal oxidizer and a backup flare.

The thermal oxidizer will be the primary control device, and will be limited to 0.06 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 backup flare will operate in emergency and off-specification gas situations. The backup flare will be limited to 2,000 hours of operation per 12-cmp and will meet a 98% destruction efficiency of VOC or 20 ppmvd VOC at 3% O₂.

The potential to emit for the project is facility will be limited to annual emissions of 9.3 tons/year of NO_x, 30.0 tons/year of CO, 0.9 ton/year of VOC, 7.2 tons/year of SO_x, 3.5 tons/year of PM₁₀, and 0.4 ton/year of total HAPs. 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-26-00402D) 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 shguerrier@pa.gov. All comments must be received prior to the close of business 30 days after the date of this publication.

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

11-00434: New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Rd, New Enterprise, PA 16664, Jackson Township, **Cambria County**. Application received: August 28, 2024. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue a modified natural minor State-Only Operating Permit to New Enterprise Stone & Lime Co., Inc. located in Jackson Township, Cambria County. This operating permit is for the Vintondale Quarry located at 1317 Chickaree Hill Rd, Johnstown, PA. The modification removes a requirement for the conveyers on site to be enclosed, while maintaining that their emissions must be controlled using water sprays. Sources of emissions consist of a sandstone processing plant, controlled by water sprays, and haul roads controlled by a water truck. Potential emissions from this facility are estimated to be 40.5 TPY PM; and 19.6 TPY PM₁₀. Those who wish to provide the Department with additional written information that they believe should be considered prior to the modification of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permitting Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (11-00434) and concise statements regarding the relevancy of the information or objections to issuance of the Operating 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 Tom Joseph, Facilities Permit Chief, at the previously listed address. All comments must be received prior to the close of business 30 days after the date of this publication. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly. 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.

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.

49-00047, Furman Foods Inc., 770 Cannery Road, P.O. Box 500, Northumberland, PA 17857-8615, Point Township, **Northumberland County**. Application received: April 3, 2024. The Department plans to issue a renewal of the State Only Operating Permit for their Northumberland Cannery facility. The facility is currently operating under State Only Operating Permit 49-00047. The facility's sources include a cannery consisting of One (1) dual-fired (gas or No. 2 fuel oil) Boiler—Keeler Co. Model # 14539 with a heat input rating of 39.7 million Btu/hr; One (1) gas-fired Boiler—Erie City Iron Works Model # 97790 with a heat input rating of 69.4 million Btu/hr; One (1) distillate (No. 2 fuel oil)-fired Boiler—Cleaver Brooks Model # CB 439-700 with a heat input rating of 29.3 million Btu/hr input; One (1) waste oil-fired Furnace/Space Heater—Reznor Model # RA-235 with a heat input rating of 235,000 Btu/hr; Ten (10) natural gas-fired Space Heaters with a combined heat input rating of 4,575,000 Btu/hr; Six (6) propane-fired Space Heaters with a combined heat input rating of 750,000 Btu/hr; One (1) diesel-fired emergency generator engine—Detroit Diesel Model # 7085-7000 with a rated horsepower (HP) equal to approximately 318; Six (6) cold cleaning machines or part washing stations; One (1) anaerobic digestion process for wastewater treatment. The facility has potential emissions of 10.4 tons per year (tpy) of particulate matter, 90 tpy of nitrogen oxides, 72.3 tpy of carbon monoxide, 14.8 TPY of volatile organic compounds, 1.3 tpy of hazardous air pollutants, and 36.6 tpy of sulfur dioxide. No emission or equipment changes are being proposed by this action. The anaerobic digester and the enclosed flare are subject to the Department's Best Available Technology (BAT) requirements. Two of the three (3) boilers at the facility fire natural gas primarily and are to be operated as gas-fired boilers to comply with the NESHAP standard for boilers at area source of HAP emissions, as codified in 40 CFR Part 63 Subpart JJJJJ. The other boiler is fired on No. 2 fuel oil and is subject to work practice standards in Subpart JJJJJ. Based on the information provided in the permit

renewal application submittal, all applicable air quality regulatory requirements pertaining to the air contaminant sources located at this facility have been incorporated into the renewal permit, including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance with the applicable requirements. The applicable requirements were derived from 25 Pa. Code Article III, Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

59-00019, MetalKraft Industries, Inc., P.O. Box 606, Wellsboro, PA 16901, Charleston Township, **Tioga County**. Application received: June 29, 2023. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously mentioned facility. The facility's sources include four (4) sinter furnaces, two (2) parts washers, one (1) oil impregnation process and one (1) annealing oven. The subject facility has the following potential emissions: 0.56 TPY of carbon monoxide; 0.68 TPY of nitrogen oxides; 0.01 TPY of sulfur oxides; 2.64 TPY of particulate matter; 3.94 TPY of volatile organic compounds and 800 TPY of greenhouse gases. The operating permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

40-00150, Freedom Corrugated LLC, 595 Oak Ridge Road, Hazle Township, PA 18202-9362, Hazle Township, **Luzerne County**. Application received: October 3, 2024. The Department intends to issue an initial State-Only Operating Permit (synthetic minor) for the Hazle Township facility. Sources at this facility includes their corrugators, parts washer, starch storage silo with bin vent, and boilers. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

21-03133, Penn State Health Hampden Health Center, 2200 Good Hope Road, Enola, PA 17025, Hampden Township, **Cumberland County**. Application received: September 3, 2024. For the operation of a general medical and surgical hospital. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated at 40.3 tpy NO_x, 19.0 tpy CO, 4.94 PM₁₀, 1.14 tpy VOC, 9.45 tpy SO_x, and 0.35 tpy HAPs. The Operating Permit will include emission limits

and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items the conditions include provisions from 25 Pa. Code §§ 123.11, 123.22, 123.13 and 123.21 and 40 CFR Part 60 Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

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

06-03012, Brenntag Northeast LLC/Snyder Rd, 619 Snyder Road, Reading, PA 19612, Ontelaunee Township, **Berks County**. Application received: August 23, 2024. To issue a State Only Operating Permit for the chemical distribution facility. The potential emissions from the facility are estimated at 17.73 tpy of VOCs and 11.13 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.57 Storage tanks less than or equal to 40,000 gallons capacity containing VOCs.

06-03113, Haines & Kibblehouse, Inc., P.O. Box 196, Skippack, PA 19474, Robeson Township, **Berks County**. Application received: January 30, 2024. For the operation of a limestone crushing plant. This is for renewal of the existing State-Only Permit. The operation is controlled by wet suppression and fabric collectors. The crushing plant includes equipment subject to 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The facility has the potential to emit an estimated 99.96 tons per year of uncontrolled particulate matter (PM) emissions. This is for renewal of the existing State-Only Permit. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

46-00239, SEI Investments, 100 Cinder Mill Rd, Oaks, PA 19456, Upper Providence Township, **Montgomery County**. Application received: April 8, 2024. For the renewal of a Non-Title V Facility, State-Only, Synthetic Minor Permit. SEI Investments sources of emissions include the following emergency diesel engines: two 1,800 hp, four 960 hp, one 1,120 hp, one 268 hp and two 1,839 hp diesel engines. The facility has a potential to emit 847 tons per year of NO_x based on running all engines 8,760 hours per year. All engines have emission limits and hours of operation limits which brings the NO_x PTE emissions to 13.4 tons per year. Monitoring, recordkeeping and reporting requirements are included in the permit to address applicable limitations. The only change reflected in this renewal permit is the incorporation of GP9-46-0113. The GP was for two (2) 1839 bhp diesel emergency engines, EPA Tier 2 certified.

46-00026, Global Packaging, 209 Brower Ave, Oaks, PA 19460, Upper Providence Township, **Montgomery County**. Application received: April 19, 2024. This action is for renewal of a non-Title V, Synthetic Minor Operating Permit. The facility produces packaging for various consumer products. During this renewal the facility notified

DEP that Source ID 111 is no longer controlled by the catalytic oxidizer (C02), DEP approved a new ink VOC emission calculations formula. The primary pollutants of concern are Volatile Organic Compounds (VOC) and Hazardous Air Pollutants (HAP) and their potential emissions are 24.9 tpy and 24.9/9.99 tpy respectively. 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 previously listed contact person in the header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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

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

63-01001, ETC Northeast Pipeline, LLC, 76 Rover Lane, Bulger, PA 15019, Salem Township, **Westmoreland County**. Application received: June 9, 2023. In accordance with 25 Pa. Code §§ 127.424 and 127.425, and the Department is providing notice of intent to issue an initial natural minor State-Only Operating Permit for the continued operation of the Revolution Cryogenic Plant located in Smith Township, Washington County. The facility has previously been permitted under a GP-5 and a GP-1. The Revolution Cryogenic Plant is a natural gas processing plant. Air contamination sources and air cleaning devices at this facility include the following: three (3) 40.92 MMBtu/hr HMO heaters, one (1) 200 MMscfd amine sweetening unit controlled by a 5.54 MMBtu/hr thermal oxidizer, two (2) 90,000-gallon 12-lb pressurized condensate tanks, two (2) 21,000-gallon 2-lb RVP condensate tanks, various miscellaneous storage tanks, truck loadout controlled by a 1.0 MMBtu/hr combustor, one (1) 6.22 MMBtu/hr NGL dehydration regenerator heater, one (1) 8.5 MMBtu/hr regenerator gas heater, fifteen (15) catalytic heaters, two (2) air-actuated pneumatic devices, venting/blowdowns, fugitive emission sources (such as valves, flanges, connectors, etc.), rod packing controlled by an 11.3 MMBtu/hr combustor, pigging operations (one launcher and one receiver), and a 906 MMBtu/hr plant-wide flare. The Revolution Cryogenic Plant has potential emissions of 30.6 TPY NO_x, 35.3 TPY CO, 29.0 TPY VOC, 8.1 TPY PM₁₀, 8.1 TPY PM_{2.5}, < 1 TPY SO_x, 2.4 TPY hexane, 2.6 TPY total HAP, and 81,000 TPY CO_{2e}. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, work practice, and reporting requirements for the site. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Thomas Joseph, Environmental Engineering Manager, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-01001) and concise statements regarding the relevancy of the information or objections to issuance of the Operating 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 Thomas Joseph, Environmental Engineering Manager, at the previously listed address or submitted to tjoseph@pa.gov. All comments must be received prior to the close of business 30 days after the date of this publication. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> and by contacting 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.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

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

Coal Applications

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

Table 1

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

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 32743710. NPDES No. PA0214884. Helvetia Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township, **Indiana County**. To renew the permit and related NPDES permit. Application received: September 25, 2024. Accepted: October 10, 2024.

Mining Permit No. 11051301. NPDES No. PA0235652. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Cresson and Munster Townships, **Cambria County**. To revise the permit and related NPDES permit for installation of a mine degas borehole, affecting 1.4 proposed surface acres. Application received: September 9, 2024. Accepted: October 10, 2024.

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Aleppo Township, **Greene County**. To revise the permit and related

NPDES permit for the installation of a degas borehole, affecting 1.4 proposed surface acres. Application received: September 30, 2024. Accepted: October 16, 2024.

Mining Permit No. 11031301. NPDES No. PA0235539. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Jackson Township, **Cambria County**. To revise the permit and related NPDES permit for the installation of a power borehole, communication borehole, and a rock dust borehole, affecting 8.7 proposed surface acres. Application received: September 9, 2024. Accepted: October 17, 2024.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17930124. NPDES No. PA0219649. RES Coal, LLC, 51 Airport Road, Clearfield, PA 16830, Decatur Township and Woodward Township, **Clearfield County**. Permit renewal application for reclamation only and post-mining water treatment a bituminous surface coal mine and associated NPDES permit affecting 346.0 acres. Receiving stream(s): North Branch to Upper Morgan Run to Clearfield Creek to the Susquehanna River classified for the following use(s): CWF, MF. Application received: October 21, 2024. Accepted: October 22, 2024.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54931601. Sherman Mountain Coal Co., Inc., 65 Main Street, Tremont, PA 17981, Frailey Township, **Schuylkill County**. Transfer of an anthracite coal preparation plant operation from Sherman Coal Co., Inc., affecting 16.6 acres. Receiving stream: Middle Creek, classified for the following uses: CWF, MF. Application received: October 11, 2024.

Noncoal Applications

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

Table 2

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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: RA-EPCAMBRIADMO@pa.gov.

Mining Permit No. 32220401. NPDES No. PA0279862. Britt Energies, Inc., P.O. Box 515, Indiana, PA 15701, West Wheatfield Township, **Indiana County**. Revision to change the underground permit area to 942.7 acres from 756.2 acres on a large noncoal (industrial minerals) underground operation. Surface permit area is still 169.2 acres. Receiving stream: tributary to Roaring Run classified for the following use: CWF. Application received: October 22, 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:

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

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

disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

Effluent Limits for Noncoal Mining Activities

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

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

Coal NPDES Draft Permits

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

Contact: Bonnie Herbert, Clerical Assistant 3.

PA0213535. Mining Permit No. 30841316. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Aleppo Township, **Greene County**. Application received: September 5, 2023. Accepted: October 3, 2023.

A revision to the NPDES and mining activity permit, affecting 44,069.11 underground acres and 1,923.01 surface acres. Receiving stream(s): Tributary 32575 to South Fork Dunkard Fork, classified for the following use: TSF.

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

The proposed effluent limits for Outfall 038 discharging to Trib 32575 to South Fork Dunkard Fork:

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

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solid	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50.0	50.0	50.0
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 039 discharging to Trib 32575 to South Fork Dunkard Fork

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

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50.0	50.0	50.0
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: RA-EPCAMBRIADMO@pa.gov.

NPDES No. PA0269280. Mining Permit No. 11130201. Ebensburg Power Company, 1501 Ligonier Street, Latrobe, PA 15650, Richland Township, **Cambria County**. Modification of the NPDES permit affecting approximately 64.6 acres. Receiving stream: Paint Creek classified for the following use: CWF. Application received: July 29, 2024.

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

The proposed effluent limits for all outfalls in this permit are Instream Criteria limits described for previously listed coal mining activities.

The following outfalls discharge to Paint Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>
001	New	Storm Water Outfall
002	New	Storm Water Outfall
003	New	Storm Water Outfall
004	New	Storm Water Outfall

The following limits apply to all weather discharges from all facilities to Paint Creek:

<i>Discharge Parameter</i>	<i>DISCHARGE LIMITATIONS</i>				<i>MONITORING REQUIREMENTS</i>	
	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Measurement Frequency (minimum¹)</i>	<i>Sample Type</i>
Total Suspended Solids (mg/L)	N/A	35	70	90	2/Month	Grab
Iron, Total (mg/L)		3.0	6.0	7.0	2/Month	Grab
Manganese, Total (mg/L)		2.0	4.0	5.0	2/Month	Grab
Aluminum, Total (mg/L)		2.0	4.0	5.0	2/Month	Grab
Net Alkalinity (as CaCO ₃ , mg/L)	0.0				2/Month	Calculated
Alkalinity, Total (as CaCO ₃ , mg/L)			Report		2/Month	Grab
Acidity, Total (as CaCO ₃ , mg/L)			Report		2/Month	Grab
pH (S.U.)	6.0			9.0	2/Month	Grab
Specific Conductance (micromhos)			Report		2/Month	Grab
Sulfate			Report		2/Month	Grab
Flow (gpm)			Report		2/Month	Measured
Temperature (°F)			Report		2/Month	Measured

NPDES No. PA0249262. Mining Permit No. 56020105. Fieg Bros, P.O. Box 38, Berlin, PA 15530, Brothersvalley Township, **Somerset County**. NPDES renewal for a bituminous surface mine affecting 96.9 acres. Receiving streams: Unnamed Tributary to Miller Run: Classification: CWF, included in the Kiski-Conemaugh TMDL and; Sandy Hollow classified as a CWF: Included in the Buffalo Run TMDL. Application received: July 3, 2024.

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

The proposed effluent limits for all outfalls in this permit are Instream Criteria limits described for previously listed coal mining activities.

The following treated wastewater outfall discharges to Sandy Run:

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

The following treated wastewater outfall discharges from an unnamed tributary to Miller Run:

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

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

Outfalls: 002: Sandy Hollow

Outfall: 003: Miller Run

<i>Parameter</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	6.0	XXX	XXX	9.0
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
Iron, Total (mg/L)	XXX	1.5	3.0	3.7
Manganese, Total (mg/L)	XXX	1.0	2.0	2.5
Aluminum, Total (mg/L)	XXX	0.75	0.75	0.75

Outfalls: 002: Sandy Hollow

Outfall: 003: Miller Run

Parameter	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Osmotic Pressure (mOsm/kg)	XXX	XXX	XXX	50.0
Net Alkalinity (as CaCO ₃ , mg/L)	0.0	XXX	XXX	XXX
Alkalinity, Total (as CaCO ₃ , mg/L)			Report	
Acidity, Total (as CaCO ₃ , mg/L)			Report	
Flow (gpm)			Report	
Temperature (°C)			Report	
Total Dissolved Solids (mg/L)			Report	
Sulfate, Total (mg/L)			Report	
Chloride (mg/L)			Report	

The following stormwater outfalls discharge from an unnamed tributary to Miller Run:

Outfall Nos.	New Outfall (Y/N)
006	N
007	N

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

Outfalls: 006, 007 (All discharges)

Parameter	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum
pH (S.U.)	6.0	XXX	XXX	9.0
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
Iron, Total (mg/L)	XXX	3.0	6.0	7.0
Manganese, Total (mg/L)	XXX	2.0	4.0	5.0
Aluminum, Total (mg/L)	XXX	0.75	0.75	0.75
Osmotic Pressure (mOsm/kg)	XXX	XXX	XXX	50.0
Net Alkalinity (as CaCO ₃ , mg/L)	0.0	XXX	XXX	XXX
Alkalinity, Total (as CaCO ₃ , mg/L)			Report	
Acidity, Total (as CaCO ₃ , mg/L)			Report	
Flow (gpm)			Report	
Temperature (°C)			Report	
Total Dissolved Solids (mg/L)			Report	
Sulfate, Total (mg/L)			Report	
Chloride (mg/L)			Report	

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. PA0259501. Mining Permit No. 37130303. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Worth Township, Plain Grove Township, **Butler** and **Lawrence Counties**. Renewal of NPDES permit for discharge of water resulting from surface mining of industrial minerals affecting 202.8 acres. Receiving stream(s): unnamed tributary to Jamison Run and Jamison Run, classified for the following use(s): CWF. Application received: August 12, 2024.

The following outfalls discharge to unnamed tributary to Jamison Run and Jamison Run:

Outfall No.	New or Existing	Type	Discharge Rate
001	Existing	Sediment Pond 001	Precipitation Induced, 0.27 MGD
002	Existing	Sediment Pond 002	Precipitation Induced, 0.49 MGD
003	Existing	Sediment Pond 003	Precipitation Induced, 0.24 MGD
004	Existing	Sediment Pond 004	Precipitation Induced, 0.46 MGD
005	Existing	Treatment Pond 005	Intermittent (Pumped), 0.11 MGD
006	Existing	Treatment Pond 006	Intermittent (Pumped), 0.11 MGD

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

Outfalls: 005 (All Discharges)

Parameter	30-Day Average	Daily Maximum	Instant. Maximum
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Iron, Total (mg/L)	3.0	6.0	7.0
Manganese, Total (mg/L)	2.0	4.0	5.0
Net Alkalinity (mg/L)		0.0 (minimum)	
Aluminum, Total (mg/L)		Report	
Alkalinity, Total (as CaCO ₃) (mg/L)		Report	

Outfalls: 005 (All Discharges)

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Acidity, Total (as CaCO ₃) (mg/L)		Report	
Specific Conductance (µmhos/cm)		Report	
Sulfate, Total (mg/L)		Report	
Temperature (°C)		Report	
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

Outfalls: 006 (All Discharges)

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Iron, Total (mg/L)	2.8	5.6	7.0
Manganese, Total (mg/L)	2.0	4.0	5.0
Aluminum, Total (mg/L)	1.4	2.8	3.5
Net Alkalinity (mg/L)		0.0 (minimum)	
Alkalinity, Total (as CaCO ₃) (mg/L)		Report	
Acidity, Total (as CaCO ₃) (mg/L)		Report	
Specific Conductance (µmhos/cm)		Report	
Sulfate, Total (mg/L)		Report	
Temperature (°C)		Report	
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

Outfalls: 002 & 003 (All Discharges)

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Iron, Total (mg/L)	2.8	5.6	7.0
Manganese, Total (mg/L)	2.0	4.0	5.0
Aluminum, Total (mg/L)	1.4	2.8	3.5
Net Alkalinity (mg/L)		0.0 (minimum)	
Alkalinity, Total (as CaCO ₃) (mg/L)		Report	
Acidity, Total (as CaCO ₃) (mg/L)		Report	
Specific Conductance (µmhos/cm)		Report	
Sulfate, Total (mg/L)		Report	
Temperature (°C)		Report	
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

Outfalls: 001 & 004 (Discharges during Dry Weather Conditions)

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Iron, Total (mg/L)	3.0	6.0	7.0
Manganese, Total (mg/L)	2.0	4.0	5.0
Net Alkalinity (mg/L)		0.0 (minimum)	
Aluminum, Total (mg/L)		Report	
Alkalinity, Total (as CaCO ₃) (mg/L)		Report	
Acidity, Total (as CaCO ₃) (mg/L)		Report	
Specific Conductance (µmhos/cm)		Report	
Sulfate, Total (mg/L)		Report	
Temperature (°C)		Report	
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

Outfalls: 001 & 004 (Discharges after ≤10-yr/24-hr Precip. Event)

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

Outfalls: 001 & 004 (Discharges after >10-yr/24-hr Precip. Event)

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

NPDES No. PA0280691. Mining Permit No. 20192801. Ernst Conservation Seeds, Inc., 8884 Mercer Pike, Meadville, PA 16335, Summit Township, **Crawford County**. Transfer 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-CWF. There are no permitted NPDES outfalls, all water must be contained on site. Application received: July 31, 2024.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0226050. Mining Permit No. 64142801. Litts & Sons Stone Co., Inc., 19 Primrose Drive, Springbrook Township, PA 18444, Sterling Township, **Wayne County**. Renew NPDES permit affecting 6.3 acres. Receiving stream: Buttermilk Creek, classified for the following uses: EV-CWF, MF. Non-Discharging Best Management Practices will be in effect. Application received: July 1, 2024.

NPDES Permit No. PA0118443. Mining Permit No. 8074SM3. Harleysville Materials, LLC, P.O. Box 587, Berlin, NJ 08009, Lower Salford Township, **Montgomery County**. Application received: May 8, 2024.

Renew an NPDES permit affecting 43.8 acres. Receiving stream: East Branch Perkiomen Creek, classified for the following uses: TSF, MF.

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

The following treated wastewater outfalls discharge to East Branch Perkiomen Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Treatment Facility Outfall	0.3 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Oil and Grease (mg/L)			Monitor And Report	
Discharge (MGD)		0.3	0.6	

ⁱThis Parameter is applicable at all times.

NPDES Permit No. PA0009407. Mining Permit No. 7174SM1. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Steelton Borough, Swatara and Lower Swatara Townships, **Dauphin County**. Application received: August 19, 2024.

Renew NPDES permit affecting 213.3 acres. Receiving stream: UNT to Susquehanna River, classified for the following uses: WWF, MF in the Susquehanna River TMDL.

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

The following treated wastewater outfalls discharge to UNT to Susquehanna River.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Pitwater/Stormwater	1.6 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD)		1.6		
Total Dissolved Solids (mg/L)			Monitor And Report	
Sulfates (mg/L)			Monitor And Report	
Oil and Grease (mg/L)			Monitor And Report	

ⁱThis Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water

Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable

provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

Contact: Clarissa Alcorn, Aquatic Biologist 2, 570-321-6525, RA-EPWW-NCRO@pa.gov.

E1404224-005. Ferguson Township, 3147 Research Drive, State College, PA 16801, Ferguson Township, **Centre County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 11, 2024.

The applicant is proposing to restore approximately 350 linear feet of a tributary to Beaver Branch (HQ-CWF, MF) in Ferguson Township to reduce bank erosion, provide stabilization, increase flood capacity, and decrease nutrient and sediment loads through buffer plantings. The project involves channel modification, installation of ten toe boulder structures, creation of a plunge pool at the outlet of the culvert along Wyoming Avenue, a boulder grade control structure, and approximately eighteen riffle grade structures. As proposed, the project will permanently impact 0.034 acre (366' x 4') of stream channel and 0.021 acre (350' x 14') of the associated floodway. No impacts are proposed to wetlands. The PNDI for the project identified a recommended "Avoidance Measure" for U.S. Fish and Wildlife Service; the avoidance measure within the PNDI was acknowledged. Latitude: 40°, 13', 43", Longitude: -77°, 54', 5".

Contact: Stephen Kardoheley, Project Manager, 814-342-8216, RA-EPWW-NCRO@pa.gov.

E1704224-002. Clearfield Municipal Authority, Montgomery Run Water Treatment Facility, 1479 104th Calvary Road, Clearfield, PA 16830, Pike Township, **Clearfield County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 2, 2024.

Clearfield Municipal Authority has applied for a Chapter 105 Small Projects permit for the reconstruction of the aging conventional filtration system with a new membrane filtration system and all applicable appurtenances. Construction will include a new building to house the system and associated equipment. There are no anticipated adverse impacts to wetlands or waters of the U.S. or aquatic resources from this project. The proposed project is located within the floodway of Montgomery Run which is listed in the 25 Pa. Code Chapter 93 designation use of Cold Water Fishery (CWF). Latitude: 41°, 1', 29.92", Longitude: -78°, 30', 6.2".

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

Contact: RA-EP-WW-SERO-105@pa.gov.

E0901224-010. Chalfont Borough, 40 North Main Street, Chalfont, PA 18914, Chalfont Borough, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 10, 2024.

To construct and maintain about 1,000 feet long by 8 foot wide multi-purpose bituminous trail along the floodway/floodplain of the North Branch Neshaminy Creek (TSF-MF) associated with the trail connection with various existing trail connections within the Borough's Parks, residential areas, Chalfont Train Station along the SEPTA Lansdale/Doylestown Regional Rail line, etc. The project will include restoration of adjacent Swale as part of the Municipal Separate Storm Sewer System program and restored concurrently with trail construction. The Swale will be re-graded, banks stabilized, revegetated, and the dual 36-inch HDPE culvert crossing for the trail. The project is located about 280-feet east of the intersection of Linden Field Parkway trail with Michael Lane (Doylestown, PA USGS Quadrangle, Latitude: 40.296245; Longitude: -75.207962) in Chalfont Borough, Bucks County.

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

Contact: 717-705-4802.

E6703224-008. Escambia Properties, LLC, 18 Sagecrest Circle, Enola, PA 17025-1367, Fairview and Newberry Townships, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: May 16, 2024.

1.) To install and maintain a 43.0-inch by 68.0-inch elliptical pipe culvert, measuring 53.0-linear feet in length, permanently impacting 62.0-linear feet of an Unnamed Tributary (UNT) to Fishing Creek (TSF, MF) as well as 0.03-acre of the floodway of Fishing Creek (TSF, MF); 2.) To install and maintain six (6) utility line crossings accounting for 30.0-linear feet of permanent watercourse impacts (UNT's to Fishing Creek) (TSF, MF) and 0.06 acre of their accompanying floodways; and 3.) To construct and maintain an area of fill in the floodway of Fishing Creek (TSF, MF), accounting for 0.35 acre of permanent floodway impacts, all for the purpose of constructing a residential subdivision. No wetlands will be impacted as a result of the project. In addition to the activities mentioned, the applicant claims that multiple utility line crossings, various fill locations, and two (2) culvert crossings are eligible to be waived activities under 25 Pa. Code § 105.12(a)(2). The project is located at 674 Beinhower Road, Goldsboro, PA 17319-9774 in Fairview and Newberry Townships, York County (Latitude: 40.1640, Longitude: -76.8167).

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E6305124-013. PennDOT District 12-0, 825 N. Galatin Avenue Ext, Uniontown, PA 15401, North Strabane Township, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 29, 2024.

The applicant is proposing to:

1. Remove the existing 23.15-LF long, 12-LF wide, Steel I-Beam Bridge, which carries SR 1055 over an unnamed tributary (UNT) to Little Chartiers Creek (HQ-WWF), and to construct and maintain a replacement 50-LF long, 14' x 6' Precast Box Culvert, including scour protection, to convey the UNT, resulting in a net loss of approximately 26.85 LF of open channel, and having a combined permanent watercourse impact of 72 LF to the UNT to Little Chartiers Creek.

2. Construct and maintain stream bank stabilization to be placed along the UNT to Little Chartiers Creek, at a length of 128 LF upstream and 13 LF downstream of the proposed culvert, consisting of R-7 choked with R-4 stone, and having a combined permanent watercourse impact of 141 LF to the UNT to Little Chartiers Creek.

3. Construct and maintain temporary erosion and sedimentation control structures in and along the UNT to Little Chartiers Creek, having a total temporary watercourse impact of 257 LF to the UNT to Little Chartiers Creek.

For the purpose of replacing a structure along PA Route 1055, Section E10, including a full depth roadway reconstruction. The project will have a cumulative permanent impact of 213 LF to watercourses, and a cumulative temporary impact of 257 LF to watercourses.

The project site is located along SR 1055, approximately 2,000 LF due southwest from the route's intersection with Long Drive (Hackett, PA USGS topographic quadrangle; N: -40°, 13', 6.9575"; W: -80°, 6', 47.743"; Sub-basin 20F; USACE Pittsburgh District), in North Strabane Township, Washington County.

ENVIRONMENTAL ASSESSMENTS

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

Contact: 717-705-4802.

EA6703224-002. York County Conservation District, 2401 Pleasant Valley Rd, Suite 101, Rm 139, York, PA 17402, Codorus Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 19, 2024.

To construct and maintain a stream restoration project that includes stream realignment, channel fill, and floodplain excavation resulting in 1,665 linear feet (39,410 square feet) of permanent impact and 27 linear feet (975 square feet) of temporary impact to Codorus Creek (TSF, MF), all for the purpose providing nonpoint source pollutant load reductions to reduce TMDLs and creating ecological uplift. The project is located along Pentland Road in Codorus Township, York County. No wetlands will be impacted by this project. Latitude: 39.797448°, Longitude: -76.860042°.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (DEP) and is currently under review. Individuals wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, P.O. Box 8762, Harrisburg, PA 17105-8762, within 30-days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform DEP of the exact basis of the comment and the relevant facts upon which it based.

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).

Application(s) Received for Storage Tank Site-Specific Installation Permits Under the Authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and Under 25 Pa. Code Chapter 245, Subchapter C.

SSIP Application No.	24007
Applicant Name	Culpeper of Leola, LLC
Address	33 Glenola Drive
City, State, Zip	Leola, PA 17540
County	Lancaster County
Municipality	Upper Leacock Township
Tank Type	One AST storing highly hazardous substance
Tank Capacity	18,500 gallons
Application Received	September 25, 2024

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>
PA400004D	Chapter 102 Individual NPDES Permit	Issued	PA DOT Engineering District 4 0 55 Keystone Industrial Park Dunmore, PA 18512-1516	Dorrance Township 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>
PA450003D	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 827 Hausman Road Genn4 Allentown, PA 18104-9392	Smithfield Township Monroe County	NERO
PAD050018	Chapter 102 Individual NPDES Permit	Issued	Bedford Township Bedford County P.O. Box 148 Bedford, PA 15522-0148	Bedford Township Bedford County	SCRO
PAD060026	Chapter 102 Individual NPDES Permit	Issued	Berks County Ind Development Authority 633 Court Street Fl 14 Reading, PA 19601	Bern Township Berks County	SCRO
PAD110024	Chapter 102 Individual NPDES Permit	Issued	Peoples Natural Gas Co. LLC 375 N Shore Drive Pittsburgh, PA 15212-5866	Munster Township Cambria County	SWRO
PAD140113	Chapter 102 Individual NPDES Permit	Issued	Songer Thomas F II 366 Walker Drive Suite 201 State College, PA 16801-7019	Patton Township Centre County	NCRO
PAD150035	Chapter 102 Individual NPDES Permit	Issued	Brandywine Station LLC 707 Eagleview Boulevard Exton, PA 19341-1159	Downingtown Borough Chester County	SERO
PAD150138	Chapter 102 Individual NPDES Permit	Issued	Tredyffrin Easttown School District 940 West Valley Road Suite 1700 Wayne, PA 19087-1856	Tredyffrin Township Chester County	SERO
PAD210122	Chapter 102 Individual NPDES Permit	Issued	Nickel Drew W 4 White Oak Drive Carlisle, PA 17015-9169	Dickinson Township Cumberland County	SCRO
PAD210124	Chapter 102 Individual NPDES Permit	Issued	Costco Wholesale Corp 45940 Horseshoe Drive Sterling, VA 20166-8534	Silver Spring Township Cumberland County	SCRO
PAD230081	Chapter 102 Individual NPDES Permit	Issued	Energy Transfer Market & Terminal LP 100 Green Street Marcus Hook, PA 19061-4800	Marcus Hook Borough Delaware County	SERO
PAD460086	Chapter 102 Individual NPDES Permit	Issued	Penndot 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Lower Providence Township Montgomery County	SERO
PAD510243	Chapter 102 Individual NPDES Permit	Issued	Emerald Transfer PPM LLC 7850 Collin McKinney Parkway Suite 200 McKinney, TX 75070-2189	Philadelphia City Philadelphia County	SERO
PAD670110	Chapter 102 Individual NPDES Permit	Issued	York Land Development LLC 4732 Gettysburg Road Mechanicsburg, PA 17055-4325	Carroll Township York County	SCRO
PA0040835	Concentrated Aquatic Animal Production Facility Individual NPDES Permit	Issued	Pennsylvania Fish and Boat Commission 1735 Shiloh Road State College, PA 16801-8400	Benner Township Centre County	NCRO
PA0052906	Industrial Stormwater Individual NPDES Permit	Issued	Reworld Plymouth LLC 1155 Conshohocken Road Conshohocken, PA 19428-1028	Plymouth Township Montgomery County	SERO

NOTICES

7251

<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>
PA0245674	Industrial Stormwater Individual NPDES Permit	Issued	Penn Color Inc. 2801 Richmond Road Hatfield, PA 19440-1808	Hatfield Township Montgomery County	SERO
PA0294446	Industrial Stormwater Individual NPDES Permit	Issued	Gelest Inc. 281 Industrial Road Glen Rock, PA 17327-8601	Springfield Township York County	SCRO
PA0295710	Industrial Stormwater Individual NPDES Permit	Issued	AC Coach Operations Inc. 1 Anderson Plaza Greenville, PA 16125-9443	Summit Township Crawford County	NWRO
PAS503501	Industrial Stormwater Individual NPDES Permit	Issued	Reworld Harrisburg 1670 S 19th Street Harrisburg, PA 17104-3201	Harrisburg City Dauphin County	SCRO
0924817	Joint DEP/PFBC Pesticides Permit	Issued	Lehman John F 1054 Creamery Road Newtown, PA 18940-2816	Upper Makefield Township Bucks County	SERO
4624809	Joint DEP/PFBC Pesticides Permit	Issued	Paramount Realty 120 N Pointe Boulevard Lancaster, PA 17601-4100	Upper Dublin Township Montgomery County	SERO
6324803	Joint DEP/PFBC Pesticides Permit	Issued	Stroope Jason 103 Fairway Drive McMurray, PA 15317-3119	Peters Township Washington County	SWRO
1519407	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Franklin Township Chester County 20 Municipal Lane P.O. Box 118 Kemblesville, PA 19347	Franklin Township Chester County	SERO
PAI130088	MS4 Individual NPDES Permit	Issued	Oxford Borough Chester County P.O. Box 380 Oxford, PA 19363	Oxford Borough Chester County	SERO
4818402	Major Sewage Treatment Facility Individual WQM Permit	Issued	Bethlehem City Northampton County 10 East Church Street Bethlehem, PA 18018	Bethlehem City Northampton County	NERO
PA0031364	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Wallenpaupack Area School District 2552 Route 6 Hawley, PA 18428-7045	Palmyra Township Pike County	NERO
PA0087335	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Broad Top Township Bedford County 124 Hitchens Road P.O. Box 57 Defiance, PA 16633-0057	Broad Top Township Bedford County	SCRO
PA0087343	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Broad Top Township Bedford County 124 Hitchens Road P.O. Box 57 Defiance, PA 16633-9002	Broad Top Township Bedford County	SCRO
PA0260762	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	New Buffalo Borough Perry County P.O. Box 245 New Buffalo, PA 17069-0245	New Buffalo Borough Perry County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0058041	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Limerick Township Montgomery County	SERO
PA0062880	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Kidspace Corp 5300 Kidspace Drive Orefield, PA 18069	North Whitehall Township Lehigh County	NERO
1320401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Bowmanstown Borough Carbon County 490 Ore Street P.O. Box 127 Bowmanstown, PA 18030	Bowmanstown Borough Carbon County	NERO
1793407	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Kratzer Run Sewer Authority P.O. Box 253 Grampian, PA 16838-0253	Penn Township Clearfield County	NCRO
2574407	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Middleboro Municipal Authority Erie County P.O. Box 189 McKean, PA 16426-0189	McKean Borough Erie County	NWRO
NOEXSW203	No Exposure Certification	Issued	Kitron Tech Inc. 345 Pomroys Drive Windber, PA 15963-2425	Windber Borough Somerset County	SWRO
PAG030249	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	SEPTA 1234 Market Street 6th Floor Philadelphia, PA 19107	Upper Darby Township Delaware County	SERO
PAG032333	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Tforce Freight Inc. 1001 Moosic Road Old Forge, PA 18518-2085	Old Forge Borough Lackawanna County	NERO
PAG032381	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Intermetro Industries Corporation Ali Group NA Corporation 651 N Washington Street Wilkes-Barre, PA 18705-1707	Plains Township Luzerne County	NERO
PAG032435	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cornellcookson 24 Elmwood Road Mountaintop, PA 18707	Wright Township Luzerne County	NERO
PAG032440	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Estes Express Lines 3901 W Broad Street Richmond, VA 23230-3962	Lehighton Borough Carbon County	NERO
PAG036240	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	PA Department of Military & Veterans Affairs Air National Guard 171 Air Refueling Wing 300 Tanker Road Coraopolis, PA 15108-4805	Moon Township Allegheny County	SWRO
PAG038412	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mersen USA GS Corp— St. Marys 215 Stackpole Street Saint Marys, PA 15857-1401	Saint Marys City Elk County	NWRO

NOTICES

7253

<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>
PAG038501	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	M & B Redi Mix Inc. d/b/a Dubrook 15303 Route 322 Clarion, PA 16214-6265	Saint Marys City Elk County	NWRO
PAG038594	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Chemtrade Solutions LLC P.O. Box G Ridgway Road Johnsonburg, PA 15845-0196	Johnsonburg Borough Elk County	NWRO
PAG041351	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Liszka Todd 1318 W 9th Street Erie, PA 16502-1023	Delaware Township Mercer County	NWRO
PAG041352	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Dornbusch LLC 131 Watters Station Road Evans City, PA 16033-9323	Forward Township Butler County	NWRO
PAG041416	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Michael and Roxana Carpenter 9685 State Line Road Albion, PA 16401-9105	Conneaut Township Erie County	NWRO
PAG044006	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Nelson Kevin and Nelson Melissa 12 Chestnut Grove Lane Newville, PA 17241-8780	Upper Frankford Township Cumberland County	SCRO
PAG044874	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Steffans Erik L 200 Adams Avenue 603 Scranton, PA 18503-1607	Hepburn Township Lycoming County	NCRO
PAG046487	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Nicholson Bill 116 Dixon Drive Derry, PA 15627-2712	Derry Township Westmoreland County	SWRO
PAG123613	PAG-12 NPDES General Permit for CAFOs	Issued	Meadow Spring Acres LLC 1871 Smith Station Road Spring Grove, PA 17362-8977	Heidelberg Township York County	SCRO
PAG123630	PAG-12 NPDES General Permit for CAFOs	Issued	Springfield Manor Farm LLC 3241 Blue Rock Road Lancaster, PA 17603-9773	Manor Township Lancaster County	SCRO
PAG123772	PAG-12 NPDES General Permit for CAFOs	Issued	Shady Brae Farms Inc. 29 Engle Road Marietta, PA 17547-9322	Conoy Township Lancaster County	SCRO
PAG123784	PAG-12 NPDES General Permit for CAFOs	Issued	Todd Chestnut 50 Eberly Road Newville, PA 17241-8509	Upper Mifflin Township Cumberland County	SCRO
PAG123865	PAG-12 NPDES General Permit for CAFOs	Issued	Moyer Ben 775 Ono Road Annville, PA 17003-8403	East Hanover Township Lebanon County	SCRO
PAG124869	PAG-12 NPDES General Permit for CAFOs	Issued	Oak Spring Farms 272 Middle Road Centre Hall, PA 16828-8105	Harris Township Centre County	SCRO
PAG126106	PAG-12 NPDES General Permit for CAFOs	Issued	Washington Trotting Association LLC 210 Racetrack Road Washington, PA 15301-8966	North Strabane Township Washington County	SCRO
PA0295922	Single Residence STP Individual NPDES Permit	Issued	Vanfleet Mary Beth 1101 N Sheridan Avenue Pittsburgh, PA 15206-1755	Washington Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1024409	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Vanfleet Mary Beth 1101 N Sheridan Avenue Pittsburgh, PA 15206-1755	Washington Township Butler County	NWRO
4186402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Steffans Erik L 200 Adams Avenue 603 Scranton, PA 18503-1607	Hepburn Township Lycoming County	NCRO

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>
PAC090699	PAG-02 General Permit	Issued	Deluca Construction 640 White Ash Drive Langhorne, PA 19047	Newton Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090713	PAG-02 General Permit	Issued	Mechanicsville Road LLC 308 Easton Road Warrington, PA 18976-2418	Bensalem Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090038	PAG-02 General Permit	Issued	Doylestown Hospital 595 West State Street Doylestown, PA 18901-2554	Doylestown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090263	PAG-02 General Permit	Issued	Tague Family Limited Partnership VII 325 Media Station Media, PA 19063-4755	Plumstead Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090656 A1	PAG-02 General Permit	Issued	MBID of Delaware LLC c/o Ingerman Development Company LLC 5 Powell Lane Collingswood, NJ 08108-1945	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090690	PAG-02 General Permit	Issued	1018 Street Road LLC 260 Knowles Avenue Unit 330 Southampton, PA 18966-1556	Upper Southampton Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov

NOTICES

7255

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090547	PAG-02 General Permit	Issued	DeLuca Warrington LLC 370 E. Maple Avenue Suite 101 Langhorne, PA 19047	Warrington Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090694	PAG-02 General Permit	Issued	MSD Development 67 Buck Road Suite 100 Huntingdon Valley, PA 19006-1535	Warrington Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090716	PAG-02 General Permit	Issued	Lykon Invest Co LLC 615 Ford Avenue Hulmeville, PA 19047-5872	Falls Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC010131	PAG-02 General Permit	Issued	Lexington Land Developer Corp 336 West King Street Lancaster, PA 17603	Reading Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC010283	PAG-02 General Permit	Issued	Columbia Gas of PA 1600 Colony Road York, PA 17408	Biglerville Borough Butler Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC540038 Renewal	PAG-02 General Permit	Issued	611 Land Development, LLC & Highridge Ventures, LP 2227 Scranton-Carbondale Highway Scranton, PA 18508	Cass Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@ pa.gov
PAC220379	PAG-02 General Permit	Issued	Prologis LP 400 Boulder Dr Ste 200 Breinigsville, PA 18031	West Hanover Township Dauphin County	DEP SCRO 909 Elmerton Ave Harrisburg, PA 17110 717-705-4802 RA-EPNPDES_SCRO@ pa.gov
PAC670740	PAG-02 General Permit	Issued	Amos Fisher 2576 Robert Fulton Highway Peach Bottom, PA 17563	Peach Bottom Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670274	PAG-02 General Permit	Issued	Kinsley Equities II LP 6259 Reynolds Mill Rd Seven Valleys, PA 17360	Springettsbury Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430
PAC510201	PAG-02 General Permit	Issued	Work to Ride 98 Chamounix Drive Philadelphia, PA 19131	City of Philadelphia Philadelphia County	DEP SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC350032	PAG-02 General Permit	Issued	Blakely Ridge, LLC 1300 Old Plank Road Mayfield, PA 18433	Blakely Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Road South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@ pa.gov
PAC350010	PAG-02 General Permit	Issued	New Ventures Realty, LLC 911 Deer Run Drive Archbald, PA 18403	Archbald Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Road South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@ pa.gov
PAC210369	PAG-02 General Permit	Issued	Hidden Hollow Poultry LLC 350 Big Spring Road Newville, PA 17241	North Newton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210370	PAG-02 General Permit	Issued	Shippensburg Real Estate Group 2, LP 479 Old York Road Ste C Jenkintown, PA 19046	Shippensburg Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC280113	PAG-02 General Permit	Issued	Erik McDonald P.O. Box 2013 Chambersburg, PA 17201	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280182	PAG-02 General Permit	Issued	Darrin Rine 19 Independence Drive Shippensburg, PA 17257	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499

NOTICES

7257

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280357	PAG-02 General Permit	Issued	Darrin Rine 19 Independence Drive Shippensburg, PA 17257	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280300	PAG-02 General Permit	Issued	Darrin Rine 19 Independence Drive Shippensburg, PA 17257	Hamilton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280189	PAG-02 General Permit	Issued	Derek Martin 811 Progress Road Chambersburg, PA 17201-3257	Chambersburg Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280134	PAG-02 General Permit	Issued	Kelly Adams 2047 Loop Road Chambersburg, PA 17202-8842	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280216	PAG-02 General Permit	Issued	Kenneth Stake 6491G Chambersburg Road Fayetteville, PA 17222-8317	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280084	PAG-02 General Permit	Issued	Kevin Franzoni 1000 Potato Roll Lane Chambersburg, PA 17202-8897	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280083	PAG-02 General Permit	Issued	Dustin Rickabaugh 1174 Sollenberger Road Chambersburg, PA 17202-8634	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280184	PAG-02 General Permit	Issued	Shawn Corwell 1145 Garver Lane Chambersburg, PA 17202	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC360314	PAG-02 General Permit	Issued	KRM Ventures 1831 Auction Road Manheim, PA 17545	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361

NOTICES

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360982	PAG-02 General Permit	Issued	Millersville Apartments LLC 950 W. Valley Road Suite 2500 Wayne, PA 19087	Lancaster Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360229	PAG-02 General Permit	Issued	Charter Homes at Grandview Inc 322 North Arch Street Lancaster, PA 17601	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360957	PAG-02 General Permit	Issued	Ultimate Gift II, LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360639	PAG-02 General Permit	Issued	PennDOT Multimodal 400 North Street 7th Floor Harrisburg, PA 17105	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360996	PAG-02 General Permit	Issued	MP Lancaster 1, LLC 1 Kathleen Drive Suite 1 Jackson, NJ 08527	East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360958	PAG-02 General Permit	Issued	Intermediaries and Exchangers, LLC 363 West Roseville Road Lancaster, PA 17601	Sadsbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360931	PAG-02 General Permit	Issued	Hartman Bridge, LLC by KCH Holding, Inc. 227 Granite Run Drive Lancaster, PA 17601	Strasburg Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360975	PAG-02 General Permit	Issued	Jay Martin 190 Hillside Road Denver, PA 17517	West Cocalico Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360791	PAG-02 General Permit	Issued	WPE Partners P.O. Box 291 Lititz, PA 17543	West Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360458	PAG-02 General Permit	Issued	Dombach Builders 568 Kraybill Church Road Mount Joy, PA 17552	Mount Joy Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361

NOTICES

7259

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360938	PAG-02 General Permit	Issued	Forino Co., LP 555 Mountain Home Road Sinking Spring, PA 17608	Mount Joy Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360882	PAG-02 General Permit	Issued	Jura, Inc. 134 Shellyland Road Building 6A Manheim, PA 17545	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360778	PAG-02 General Permit	Issued	Esh Family Farm, LLC 58 Hatville Road Gordonville, PA 17529	Sadsbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PA610001C	PAG-02 General Permit	Issued	Franklin City 430 13th Street Franklin, PA 16323	City of Franklin Venango County	Venango County Conservation District 4871 US 322 Franklin, PA 16323 814-676-2832
PAC610033	PAG-02 General Permit	Issued	Adam Gilmore 3327 State Route 257 Seneca, PA 16346	Cranberry Township Venango County	Venango County Conservation District 4871 US 322 Franklin, PA 16323 814-676-2832
PAC370085	PAG-02 General Permit	Issued	Ellwood City Area School District 501 Crescent Avenue Ellwood City, PA 16117	Ellwood City Borough Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC350074 A-1	PAG-02 General Permit	Issued	1101 Northern Blvd., LLC 3 Becker Farm Road Suite 404 Roseland, NJ 07068	South Abington Township Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Road South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@ pa.gov
PAC370079	PAG-02 General Permit	Issued	Pathways Self Storage 9448 Babcock Boulevard Allison Park, PA 15101	City of New Castle Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC160054	PAG-02 General Permit	Issued	PADOT District 10 2550 Oakland Avenue Indiana, PA 15701	Clarion Township Monroe Township Clarion County	Clarion County Conservation District 249 S 2nd Avenue Clarion, PA 16214 814-297-8014
PAC010220	PAG-02 General Permit	Issued	Red Hill Enterprises, LLC 3023 Spooky Nook Road Manheim, PA 17545	Oxford Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC350156 A-1	PAG-02 General Permit	Issued	Eynon-Jermyn Solar, LLC 203 Crescent Street Suite 106 Waltham, MA 02453	Archbald Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Road South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@ pa.gov
PAC400317	PAG-02 General Permit	Issued	Wyoming Valley Sanitary Authority Jeff Colella P.O. Box 33A Wilkes-Barre, PA 18703-1333	Hanover Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov
PAC050075	PAG-02 General Permit	Issued	Bedford County Development Association One Corporate Drive Bedford, PA 15522	Bedford Township Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 3 Bedford, PA 15522 814-623-7900
PAC510235	PAG-02 General Permit	Issued	Philadelphia Parks and Recreation 1515 Arch Street 10th Floor Philadelphia, PA 19102	City of Philadelphia Philadelphia County	DEP SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC510327	PAG-02 General Permit	Issued	Checkmate Real Estate & Investments 173 Manor Court Holland, PA 18966	City of Philadelphia Philadelphia County	DEP SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC650415	PAG-02 General Permit	Issued	Ligonier Valley School District 339 West Main Street Ligonier, PA 15658	Ligonier Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650338A-1	PAG-02 General Permit	Issued	Saint Vincent College 300 Fraser Purchase Road Latrobe, PA 15650	Unity Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC630255	PAG-02 General Permit	Issued	Tomahawk 123 LLC 951 Cagni Drive Canonsburg, PA 15317	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC630141	PAG-02 General Permit	Issued	Peters Township Land Company P.O. Box 238 Presto, PA 15142	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510334	PAG-02 General Permit	Issued	NBPIII 11731 Caroline, LLC 401 Edgewater Place Wakefield, MA 01880-6201	City of Philadelphia Philadelphia County	DEP SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC110129	PAG-02 General Permit	Issued	Constance Dulashaw 100 Crestwood Drive Ebensburg, PA 15931	Jackson Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 240 Ebensburg, PA 15931 814-472-2120 SWRO
PAC040150	PAG-02 General Permit	Issued	72 Steel, LLC 220 42nd Street Brooklyn, NY 11232	City of Aliquippa Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701 SWRO
PAC110127	PAG-02 General Permit	Issued	Ebensburg PA Properties, LLC 1340 Parkway Ave Suite B Ewing, NJ 08618	Cambria Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 240 Ebensburg, PA 15931 814-472-2120 SWRO
PAC110082	PAG-02 General Permit	Issued	CPV Rogue's Wind, LLC 50 Braintree Hill Office Park Suite 300 Braintree, MA 02184	Chest Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 240 Ebensburg, PA 15931 814-472-2120 SWRO
PAC040056	PAG-02 General Permit	Issued	PennDOT Engineering District 11-0 45 Thoms Run Road Bridgeville, PA 15017	New Sewickley Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701 SWRO
PAC630334	PAG-02 General Permit	Issued	K&D Endeavors, LLC 1086 Woodlawn Drive Canonsburg, PA 15317	South Franklin Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC300056	PAG-02 General Permit	Issued	Thomas Ward 855 S. Bridge Street Prosperity, PA 15329	Franklin Township Greene County	Greene County Conservation District 22 West High Street Suite 204 Waynesburg, PA 15370 724-852-5278 SWRO

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>
Walton Farms, LLC 42 Walton Drive Cochranville, PA 19330	Chester County	981.5	2,004.11	Dairy	EV	Approved
Pleasant View Farms, Inc. 261 Pleasant View Farms Rd Martinsburg, PA 16662	Blair Bedford	4,247.4	7,281.75	Dairy	HQ	Approved
Ivan Newswanger 217 Ivy Glen Road Woodbury, PA 16695	Bedford County	8.2	41.65	Duck	HQ	Approved
Wide Awake Farm, LLC 488 Jay Road Clearville, PA 15535	Bedford County	154.9	691.16	Swine	EV	Approved
David Leinbach 105 Hoover Lane Loysville, PA 17047	Perry County	266	878.34	Swine	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).

Central Office: Safe Drinking Water Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Olivia Harris, Clerical Supervisor I, 570-327-0561.

Construction Permit No. 0824501, Major Amendment, Public Water Supply.

Applicant **Monroe Franklin Elementary School**
 Address 410 State Street
 Towanda, PA 18848
 Municipality Monroe Township
 County **Bradford County**
 Consulting Engineer Timothy K Steed
 1 Elizabeth Street
 Towanda, PA 18848
 Application Received May 29, 2024
 Permit Issued October 10, 2024
 Description Addition of Iron and Manganese
 removal to the existing
 permitted system.

*Northeast Region: Safe Drinking Water Program, 2
 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-
 2511, 717-772-4477.*

Contact: Jacob Fogarty, Environmental Engineer.

Construction Permit No. 2400461, Minor Amend-
 ment, Public Water Supply.

Applicant **ALS Quickstop**
 Address 547 N Hunter Highway
 Drums, PA 18222
 Municipality Drums
 County **Butler County**
 Application Received September 1, 2024
 Permit Issued October 8, 2024
 Description Issue a minor amendment

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

Operation Permit No. 2450092, Public Water Supply.

Applicant **Fox Glen Gardens, LLC**
 Address P.O. Box 849
 Olyphant, PA 18447
 Municipality Middle Smithfield Township
 County **Monroe County**
 Consulting Engineer Keystone Consulting Engineers,
 Inc.
 5012 Medical Center Circle
 Suite 1
 Allentown, PA 18106
 Application Received September 17, 2024
 Permit Issued October 18, 2024
 Description Operation Permit for updated
 4-Log Treatment of Viruses. New
 chlorine contact tanks installed.

Construction Permit No. 5424503, Major Amend-
 ment, Public Water Supply.

Applicant **Schuylkill County Municipal
 Authority Morea**
 Address 221 South Centre St.
 Pottsville, PA 17901
 Municipality Mahanoy Township
 County **Schuylkill County**

Consulting Engineer Gannett Fleming, Inc.
 10200 Grand Central Ave.
 Suite 310
 Orwings Mills, MD 21117
 Application Received April 5, 2024
 Permit Issued October 20, 2024
 Description Construction permit issued to
 SCMA Morea for Well No. 2
 improvements.

Construction/Operation Permit No. 3131001, Major
 Amendment, Public Water Supply.

Applicant **Carbon Plaza, LLC.**
 Address 1250 Route 28
 Suite 101
 Branchburg, NJ 08876
 Municipality Mahoning Township
 County **Carbon County**
 Consulting Engineer Van Cleef Engineering Associates
 1685 Valley Center Parkway
 Suite 100
 Bethlehem, PA 18017
 Application Received August 5, 2024
 Permit Issued October 7, 2024
 Description Carbon Plaza Starbucks New
 Public Water System
 Construction and Operation
 Permit.

Emergency Permit No. 2520110-EP, Public Water
 Supply.

Applicant **Aqua Pennsylvania, Inc.
 Deer Haven White Beauty
 View Estates**
 Address 762 W. Lancaster Ave.
 Bryn Mawr, PA 19010
 Municipality Palmyra Township
 County **Pike County**
 Consulting Engineer Aqua Pennsylvania, Inc.
 762 W. Lancaster Ave.
 Bryn Mawr, PA 19010
 Application Received September 25, 2024
 Permit Issued October 7, 2024
 Description Emergency permit issued to
 Aqua PA, Inc. for construction
 and operation of chlorine contact
 segment to meet 4-Log
 Treatment of Viruses.

Contact: Victoria Frederick, Clerical Assistant 2.

Construction Permit No. 5224502, Major Amend-
 ment, Public Water Supply.

Applicant **Xaly Vongchanh, Manager
 Mirabito Holdings, Inc.
 Mirabito Fuel Group**
 Address 49 Court Street
 Binghamton, NY 13902
 Municipality Blooming Grove Township
 County **Pike County**

Consulting Engineer Matthew D. Evans, P.E.
Keystone Consulting Engineers,
Inc.
P.O. Box 639
Kresgeville, PA 18333

Application Received April 24, 2024

Permit Issued October 15, 2024

Description The construction permit approved the construction of an oxidation/filtration water treatment system for manganese reduction for the 739 Well (Source 001), housed in an existing treatment building (Treatment Plant (TP) 301), including pretreatment with sodium hypochlorite (oxidant) (12—15%) ahead of the filters. The existing ultra-violet (UV) light for disinfection will be replaced with sodium hypochlorite feed with 4-log requirements established for the system. The applicant also proposes to replace the existing erosion feeder and brine solution for softening with pH adjustment via sodium hydroxide addition. Cartridge filtration for sedimentation removal will be retained by the system.

Operation Permit No. 2451203, Public Water Supply.

Applicant **109 Realty, LLC**

Address P.O. Box 164
Mt. Pocono, PA 18344

Municipality Tobyhanna Township

County **Monroe County**

Consulting Engineer Russell D. Scott IV, P.E.
Director Environmental
Engineering Services
RKR Hess
A Division of UTRS, Inc.
112 North Courtland Street
East Stroudsburg, PA 18301

Application Received March 4, 2024

Permit Issued October 15, 2024

Description This permit designates water quality performance (WQPs) requirements per Title 25 Chapter 109.1102 for the system.

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

Contact: Darin Horst, Environmental Engineer, 717-705-4948.

Operation Permit No. 7360465, Public Water Supply.

Applicant **Pop's Place Family
Restaurant LLC**

Address 135 Lindecamp Lane
Peach Bottom, PA 17563

Municipality Drumore Township

County **Lancaster County**

Consulting Engineer James R. Holley & Associates,
Inc.
18 South George Street
Suite 300
York, PA 17401

Application Received June 28, 2024

Permit Issued July 2, 2024

Description Transfer of all public water supply permits for PWS ID No. 7360465 from Melissa's Country Grille to Pop's Place Family Restaurant LLC, and operation of soda ash for pH adjustment and a UV unit for disinfection.

Construction Permit No. 3624512 MA, Public Water Supply.

Applicant **Northwestern Lancaster
County Authority**

Address 97 North Penryn Road
Manheim, PA 17545

Municipality Penn Township

County **Lancaster County**

Consulting Engineer Becker Engineering, LLC
525 Greenfield Road
Suite 201
Lancaster, PA 17601

Application Received April 25, 2024

Permit Issued July 15, 2024

Description Turbidimeter, chlorine analyzer, and CIP chemical feed pump replacements.

Construction Permit No. 3624510, Public Water Supply.

Applicant **Eastern Lancaster County
School District**

Address 669 East Main Street
P.O. Box 609
New Holland, PA 17557

Municipality Earl Township

County **Lancaster County**

Consulting Engineer James R. Holley & Associates,
Inc.
18 South George Street
Suite 300
York, PA 17401

Application Received April 3, 2024

Permit Issued July 17, 2024

Description Addition of Shannon SLI-DP blended phosphate solution for general corrosion control.

Operation Permit No. 3616506, Public Water Supply.

Applicant **Mount Joy Borough
Authority**

Address 21 East Main Street
P.O. Box 25
Mount Joy, PA 17552

Municipality Mount Joy Borough

County **Lancaster County**
 Consulting Engineer ARRO Consulting, Inc.
 108 West Airport Road
 Lititz, PA 17543

Application Received July 18, 2024
 Permit Issued July 23, 2024

Description Well No. 3 and South Jacob
 Street membrane filtration
 plant.

Construction Permit No. 3624504, Public Water
 Supply.

Applicant **Southland Hills Manor LLC**
 Address 360 Radcliff Road
 Willow Street, PA 17584

Municipality Providence Township
 County **Lancaster County**
 Consulting Engineer James R. Holley & Associates,
 Inc.
 18 South George Street
 Suite 300
 York, PA 17401

Application Received February 15, 2024
 Permit Issued August 7, 2024

Description Replacement of the nitrate
 treatment and finished water
 storage tanks, addition of
 chlorine contact tanks for 4-log
 treatment of viruses, and a flow
 switch for the caustic soda feed
 pump. Abandonment of Well
 No. 1.

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

*Contact: Olivia Harris, Clerical Supervisor I, 570-327-
 0561.*

Operation Permit 1423506MA. PWSID No. **4140087**.
**PA American Philipsburg WTP Filter Upgrades
 1423506MA**, 852 Wesley Drive, Mechanicsburg, PA
 17055, Rush Township, **Centre County**. Application re-
 ceived: October 21, 2024. Permit Issued: October 21, 2024.
 WTP Final upgrades: Pennsylvania-American Water Com-
 pany is currently planning upgrades to the existing filters
 and clarifiers, replacement of existing valves and other
 misc. improvements at the Philipsburg Water Treatment
 Facility.

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

*Contact: Daniel J. Cannistraci, Environmental Engi-
 neering Specialist, 717-705-4708.*

Operation Permit 7360183. PWSID No. **7360183**.
The York Water Company, 130 East Market Street,
 York, PA 17401, Salisbury Township, **York County**. Ap-
 plication received: October 2, 2024. Permit Issued: Octo-
 ber 18, 2024. This action transfers ownership of the
 Houston Run Community Water System from Houston
 Run Community Water System, LLC to The York Water
 Company.

*Contact: Thomas Filip, Environmental Engineer, 717-
 705-4708.*

Operation Permit 2222516. PWSID No. **7220059**.
GLP Capital, LP, P.O. Box 32, Grantville, PA 17028-
 0032, East Hanover Township, **Dauphin County**. Appli-
 cation received: October 8, 2024. Permit Issued: October
 21, 2024. Partial operation permit for the operation of a
 greensand filtration system for manganese removal at the
 Hollywood Casino and Penn National Racetrack.

NCWSA Construction Permit 3624524. PWSID No.
7360464. **Israel S. Beiler**, 339 Christiana Pike, Chris-
 tiana, PA 17509, Bart Township, **Lancaster County**.
 Application received: August 6, 2024. Permit Issued:
 October 15, 2024. Replacement of the existing treatment
 equipment.

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

Operation Permit 7500034. PWSID No. **7500034**.
**Fox Hollow/Windy Hill LLC—Countryside Mobile
 Home Park**, 100 Iron Furnace Court, Lewisberry, PA
 17339, Carroll Township, **Perry County**. Application
 received: August 5, 2024. Permit Issued: October 21,
 2024. Comprehensive operation permit for the entire
 system and transfer of ownership of the Countryside
 Mobile Home Park.

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

*Contact: Noah D. Niedererr, Sewage Planning Special-
 ist, 717-705-4768.*

Plan Location:

Municipality	Address	County
Newberry Township	1915 Old Trail Road Etters, PA 17319	York County

Plan Description:

Cly Road Sewer Extension, B3-67945-427-3m. Ap-
 proval of a revision to the official plan of Newberry
 Township, **York County**. The project is known as the Cly
 Road Sewer Extension Minor Update Revision proposal.
 The plan provides for extension of a public sewer to serve
 existing residential and commercial properties. Total esti-
 mated sewage flows are 53,500 gpd and they will be
 tributary to the Newberry Township collection and con-
 veyance system, and wastewater treatment plant. The
 proposed development is located along Cly Road, Railroad
 Avenue, York Haven Road, Reeser Hill Road, Pleasant
 Grove Road, and Grandview Drive in Newberry Town-
 ship, York County. The Department's review of the plan re-
 vision has not identified any significant impacts result-
 ing from this proposal. The DEP Code Number for this
 planning module is B3-67945-427-3m and the APS ID No.
 is 1120579. Any permits must be obtained in the name of
 the Newberry Township.

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.

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

*Contact: Cory Zimmerman, Sewage Planning Special-
 ist, 717-705-4793.*

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Strasburg Township	400 Bunker Hill Rd. Strasburg, PA 17579	Lancaster County

Plan Description:

Christ B. Stoltzfoos Subdivision, A3-36952-250-2. The revision to the official plan of Strasburg Township, **Lancaster County** for the Christ B. Stoltzfoos Subdivision (DEP Code No. A3-36952-250-2; APS ID No. 1119418) has been disapproved. The proposed development—to be located at 373 Sawmill Road in Strasburg—consists of a residential lot with a single-family dwelling using an individual on-lot disposal system. This plan revision has been disapproved because the background nitrate-nitrogen concentration reported in the preliminary hydrogeologic study submitted with the planning module is not consistent with water sample data contained in the Township's Act 537 Plan, nor is it consistent with the agricultural land use that is typical in the area of the proposed subdivision.

**BIOSOLIDS INDIVIDUAL PERMITS
(PABIG, SSN AND PABIS)**

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 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.

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

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 717-787-3483 for more information.

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

Contact: Eric Laur, Soil Scientist, 717-705-4773.

Site Suitability Notice for Land Application Under Approved PAG08 for Denali Water Solutions, 220 South Commerce Ave., Russellville, AR 72801, Upper Frankford Township, **Cumberland County**. Lebo Rock Run Rd. Farm Biosolids Site, Rock Run and Brick Church

Rds., Newville, PA 17241. Application received: July 12, 2024. Approved: October 21, 2024.

**HAZARDOUS SITES CLEANUP ACT OF
OCTOBER 18, 1988**

Public Notice of Proposed Consent Order And Agreement—Pennsylvania Department of Environmental Protection—Venango County Park Site—Sugar creek Borough/City of Franklin, Venango County.

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

Contact: Colin, 814-332-6837.

The Pennsylvania Department of Environmental Protection ("Department") under the authority of the Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, No. 108, 35 P.S. §§ 6020.101—6020.1305 ("HSCA"), has entered into a Consent Order and Agreement ("CO&A") with the County of Venango ("Venango County") concerning the Venango County Park Site which is located along the municipal boundary between the Borough of Sugar creek and City of Franklin, Venango County ("Site").

The Site is approximately 2-acres in size and contains an inactive, unlined landfill with remnants of two building foundations. The landfill waste consists mostly of construction and demolition debris and various deteriorated drum carcasses. These wastes contain "hazardous substances" and "contaminants" as those terms are defined in Section 103 of HSCA, 35 P.S. § 6020.103, including: various metals, polychlorinated biphenyls, volatile organic compounds, and pesticides.

Venango County owns the property where the Site is located. Between 2020 and 2021, the Department investigated the nature and extent of contamination at the Site pursuant to its authority under Section 501(a) of HSCA, 35 P.S. § 6020.501(a), and confirmed that hazardous substances and contaminants were disposed of there. The disposal of hazardous substances and contaminants at the Site, and the contamination of the environment with hazardous substances and contaminants at the Site constitute a "release" and a "threat of release" of a hazardous substance, as defined in Section 103 of HSCA, 35 P.S. § 6020.103. Beginning in Fall 2024, the Department and its contractor are conducting a response action at the Site which includes excavation and off-site disposal of wastes containing hazardous substances.

Venango County, as an owner of the Site, is a "responsible person" as defined in Sections 103 and 701 of HSCA, 35 P.S. §§ 6020.103 and 6020.701. The Department has determined that it is practicable and in the public interest to enter into a CO&A with Venango County, pursuant to Section 505(g) of HSCA, 35 P.S. § 6020.505(g). The CO&A sets forth the rights and obligations of Venango County pursuant to HSCA for the hazardous substances and the contaminants at the Site. The specific obligations are described in the CO&A between the Department and Venango County and include the following: provide fill soil sufficient to backfill any excavated areas, staging areas, and access routes to the Site; regrade any excavated areas, staging areas, and access routes at the Site; plant grass seed and mulch to promote revegetation in any excavated areas, staging areas, and access routes at the Site. The CO&A also provides Venango County with protections against certain future liabilities, which are more fully described in the CO&A.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. The Department will receive and consider comments relating to the CO&A for sixty (60) days from the date of this Public Notice. After the public comment period, the Department's CO&A shall be final on the date that the Department has filed a response to significant written comments to the CO&A, if comments are received.

The CO&A is available for inspection and copying at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Comments may be submitted, in writing, to 230 Chestnut Street, Meadville, PA 16335, attention Mr. Colin Kosinski, Project Manager. Mr. Kosinski can also be reached by telephone: 814-332-6837. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at 800-645-5984.

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.

Nichols A 1H Produced Fluid Cleanup, Primary Facility ID # **877552**, 1397 Locust Road, Milan, PA 18831, Smithfield Township, **Bradford County**. Moody and Associates, Inc., 101 N. Main Street, Suite 3, Athens, PA 18810, on behalf of Blackhill Energy LLC, 4600 J Barry Court, Suite 320, Canonsburg, PA 18831, submitted a Final Report concerning remediation of soil contaminated with produced water and Ethylene Glycol. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Cedar Mountain Road Diesel Release, Primary Facility ID # **877089**, Cedar Mountain Road, Gaines, PA 16921, Elk Township, **Tioga County**. Penn Environmental & Remediation Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Rockwell Vanemon, 957 River Mill Rd, Jersey Shore, PA 17740, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Sorg Inc. a/k/a Roto Rooter Motor Vehicle Accident, Primary Facility ID # **877221**, I-80 Westbound MM 221, Danville, PA 17821, Liberty Township, **Montour County**. Bressler's Environmental Service, 2884 East Valley Road, Loganton, PA 17747, on behalf of Sorg, Inc., 131 Cross Road, Bloomsburg, PA 17815, submitted a Final Report concerning remediation of soil contaminated with diesel fuel, used motor oil and antifreeze. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

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

Bay Street Community Garden, Primary Facility ID # **878657**, 722 Bay Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of City of Lancaster, 120 North Duke Street, Lancaster, PA 17608, submitted a Final Report concerning remediation of soil contaminated with Arsenic. 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: C. David Brown, Professional Geologist Manager, 484-250-5792.

2944 Samuel Drive, Primary Facility ID # **840740**, 2944 Samuel Drive, Bensalem, PA 19020, Bensalem Township, **Bucks County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Howard Weiss, 2944 Samuel Drive, Inc., 4250 Wissahickon Avenue, Philadelphia, PA 19129, submitted a Final Report concerning remediation of soil and groundwater contaminated with inorganics and PAH's. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Former Philadelphia Coke Plant, Primary Facility ID # **831308**, 4501 Richmond Street, Philadelphia, PA 19137, City of Philadelphia, **Philadelphia County**. Lisa Heffner, Arcadis U.S., Inc., 222 Delaware Avenue, Suite 1110, Wilmington, DE 19801, on behalf of Brian Stearns, National Grid, 300 Erie Boulevard West, Syracuse, NY 13202, submitted a Final Report concerning remediation of soil and groundwater contaminated with inorganics and PAH's. The 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.

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.

William Kovel # 1 Conventional Well, Primary Facility ID # **877659**, 400 Zion Road, Curwensville, PA 16833, Jordan Township, **Clearfield County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Diversified Production LLC, 126 Industry Road # 201, Waynesburg, PA 15301, submitted a Final Report concerning remediation of soil contaminated with production fluid. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 4, 2024.

EQT ARO LLC—Mallory Pad A 6-6-24 Produced Fluid Release, Primary Facility ID # **876745**, 2361 Hillbilly Hollow Lane, Trout Run, PA 17771, Plunketts Creek Township, **Lycoming County**. Penn Environmental & Remediation Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of EQT ARO LLC, 2462 Lycoming Creek Road, Williamsport, PA 17701, submitted a Final Report concerning remediation of soil contaminated with produced fluid. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 8, 2024.

Tammy Cree Property HHO Release, Primary Facility ID # **875894**, 300 Walnut Street, Smithmill, PA 16680, Gulich Township, **Clearfield County**. DMS Environmental Services, LLC, 312 Filbert Street, Curwensville, PA 16680, on behalf of Tammy Cree, 300 Walnut Street, Smithmill, PA 16680, submitted a Final Report concerning remediation of soil contaminated with home heating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 18, 2024.

Water Works Hoagland Run Road Cleanup, Primary Facility ID # **777001**, 1022 Hoagland Run Road, Cogan Station, PA 17728, **Lycoming County**. Weaver Consultants Group, LLC, 175 Maple Hill Drive, Etters, PA 17319, on behalf of Water Works Transport, LLC, 1912 John Brady Drive, Muncy, PA 17756, submitted a Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with production fluid. The Final Report demonstrated attainment of the Site-Specific, Statewide health, and background. Approved: October 18, 2024.

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

Contact: Eric Supey, Environmental Program Manager.

Nardone Brothers, Primary Facility ID # **875982**, 420 New Commerce Boulevard, Hanover Township, PA 18706, Hanover Township, **Luzerne County**. BL Companies, 1100 First Avenue, Suite 104, King of Prussia, PA 19406, on behalf of UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517, submitted a Final Report concerning remediation of soil contaminated with transformer oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 17, 2024.

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

Contact: Nick, 814-332-6978.

Sheetz 859, Primary Facility ID # **877725**, 5781 State Route 8, Harrisville, PA 16038, Barkeyville Borough,

Venango County. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 243 Sheetz Way, Claysburg, PA 16225, submitted a Final Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, Naphthalene, methyl-tert-butyl ether, and total xylenes. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 18, 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.

Bortz Chainsaw Shop, Primary Facility ID # **877631**, 45 Bortz Road, Oley, PA 19547, Oley Township, **Berks County**. Element Environmental Solutions, Inc., 61 Willow Street, P.O. Box 921, Adamstown, PA 19501, on behalf of Bortz Chainsaw Shop, 45 Bortz Road, Oley, PA 19547, submitted a Final Report concerning remediation of soil contaminated with chainsaw bar oil. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: October 15, 2024.

Tech Cast Holdings LLC, Primary Facility ID # **875062**, 640 and 720 South Cherry Street, Myerstown, PA 17067, Myerstown Borough, **Lebanon County**. Geosyntec Consultants, 5313 Campbells Run Road, Suite 150, Pittsburgh, PA 15205, on behalf of Tech Cast Holdings, LLC, 7201 Metro Blvd., Suite 850, Minneapolis, MN 55439, submitted a Remediation Investigation Report/Final Report concerning remediation of soil contaminated with Arsenic. The Report demonstrated attainment of the Statewide health and site-specific standards. Approved: October 15, 2024.

2460 New Holland Pike, Primary Facility ID # **869304**, 2460 New Holland Pike, Lancaster, PA 17601, Upper Leacock Township, **Lancaster County**. Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Leacock New Holland Real Estate, Inc., 2425 New Holland Pike, Mail Station G-200, Lancaster, PA 17601-5946, submitted a Final Report concerning remediation of soil and groundwater contaminated with petroleum products. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 17, 2024.

Norfolk Southern Railway Co., Primary Facility ID # **749114**, 3322 Industrial Road, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**. Arcadis U.S., Inc., 2100 Georgetown Drive, Suite 402, Sewickley, PA 15143, on behalf of Norfolk Southern Railway Co., 650 West Peachtree Street NW, Atlanta, GA 30308, submitted a Final Report concerning remediation of soil contaminated with Diesel Fuel. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: October 18, 2024.

Norfolk Southern Railway Co., Primary Facility ID # **749114**, 3322 Industrial Road, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**. Arcadis U.S., Inc., 2100 Georgetown Drive, Suite 402, Sewickley, PA 15143, on behalf of 3300 Industrial Road Associates LP, 3833 Pamay Drive, Mechanicsburg, PA 17050, submitted a Final Report concerning remediation of soil contaminated with Diesel Fuel. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: October 18, 2024.

ServPro, Primary Facility ID # **877507**, 218 Hershey Road, Elizabethtown, PA 17022, Mount Joy Township,

Lancaster County. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of ServPro, 218 Hershey Road, Elizabethtown, PA 17022, submitted a Final Report concerning remediation of soil contaminated with motor oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 21, 2024.

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

Contact: C. David Brown, Professional Geologist Manager, 484-250-5792.

Signature Cleaners, Primary Facility ID # **839851**, 1456 Ferry Road, Unit 10, Doylestown, PA 18901, New Britain Township, **Bucks County**. Montrose Environmental Solutions, Inc., 1140 Valley Forge Road, Valley Forge, PA 19460, on behalf of MAR & SAR, LLC, d/b/a Signature Cleaners, 1456 Ferry Road, Unit 10, Doylestown, PA 18901, submitted a Final Report concerning remediation of soil and groundwater contaminated with chlorinated volatile organic compounds. The Final Report demonstrated attainment of the site-specific standards. Approved: October 11, 2024.

1820 & 1900 W Allegheny Ave, Primary Facility ID # **865764**, 1820 and 1900 West Allegheny Avenue, Philadelphia, PA 19132, City of Philadelphia, **Philadelphia County**. Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of New Courtland, 6970 Germantown Avenue, Philadelphia, PA 19119, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of groundwater contaminated with chlorinated solvents, inorganics, lead, and PAH's. The Report Was not acceptable to meet site-specific standards. Issued an administrative deficiency letter: October 18, 2024.

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

Contact: Janelle Hromyak, Clerical Assistant 2, 412-442-4091.

Former LTV Hazelwood Coke Plant—Areas A&B, Primary Facility ID # **624437**, Second Avenue, Pittsburgh, PA 15207, City of Pittsburgh, **Allegheny County**. A. Edward Sciuilli, GAI Consultants, Inc., 385 East Waterfront Drive, Homestead, PA 15120, on behalf of Todd Stern, Almono LP, 210 Sixth Avenue, Suite 3620, Pittsburgh, PA 15222, submitted a Risk Assessment concerning remediation of soil contaminated with Metals, PCBs, PAHs. The Report was acceptable to meet site-specific standards. Issued a technical deficiency letter: October 1, 2024.

EQT Hoosker Doo Well Pad, Primary Facility ID # **871530**, 510 Bryan Ridge Road, New Freeport, PA 15352, Aleppo Township, **Greene County**. Jona Stoskey, Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Dave Crayne, CPG, EQT Corporation, 625 Liberty Ave., Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil contaminated with Aluminum, Barium, Boron Chloride, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, Zinc, Benzene, Naphthalene, Toluene, Total Xylenes, Trimethylbenzene, 1,2,4-, Trimethylbenzene, 1,3,5-, Acenaphthene, Anthracene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Biphenyl, Chrysene, Fluoranthene, Fluorene, Indeno(1,2,3-cd)pyrene, 2-Methylnaphthalene, Phenanthrene, Phenol, Pyrene. The Report Was not acceptable to

meet Statewide health standards. Issued a technical deficiency letter: October 22, 2024.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL 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 Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

Contact: Lisa D. Houser, P.E., Environmental Program Manager, 570-327-3752.

WMGM016NC001. Lycoming County Resource Management Service, P.O. Box 187, 447 Alexander Drive, Montgomery, PA 17752, Brady Township, Lycoming County. Determination of Applicability for a general permit to cover the mechanical processing of clean wood waste at the Lycoming County Resource Management Service. Application received: March 27, 2023. Permit issued: October 9, 2024.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Environmental Program Manager, 570-327-3752, 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.

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

Contact: Waste Management Program Manager.

WMGM043SW006. Wood Waste Recycling, LLC, 111 Kelso Road, McDonald, PA 15057, Collier Township, Allegheny County. A Determination of Applicability for coverage under Municipal Waste General Permit No. WMGM043SW006 was issued for the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials at the Wood Waste Recycling Prestley Road Facility, located at 43 Prestley Road, Bridgeville, PA 15017. Application received: August 13, 2019. GP coverage issued: October 11, 2024.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

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.

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

Contact: Lisa D. Houser, P.E., Environmental Program Manager, 570-327-3752.

WMGR123NC048. Beech Resources LLC—Delta Facility, 343 Pine Street, Ste 1, Williamsport, PA 17701, Lycoming Township, Lycoming County. Determination of Applicability for storage of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well at the Delta Facility. The Delta facility will consist of a 154-foot diameter above ground storage tank built inside a 166-foot storage tank for secondary containment. Application received: March 6, 2024. Permit issued: October 9, 2024.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Environmental Program Manager, 570-327-3752, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, ra-epnwrowasteprog@pa.gov.

301366. Bear Lake Properties, LLC, 5459 State Route 29, Springville, PA 18844, Columbus Township, Warren County. Bear Lake Properties, LLC currently owns and operates a residual waste transfer facility with five (5) permitted USEPA Class II UIC Saltwater Disposal Wells. Oil and gas liquid wastes are transported to the facility, offloaded, filtered, and disposed into the injection wells. BLP submitted a permit renewal for the transfer facility. Application received: May 10, 2024. Renewal issued: October 31, 2024. New expiration date: October 31, 2034.

Persons interested in reviewing the permit may contact Christina S. Wilhelm, Regional Solid Waste Program Manager, ra-epnwrowasteprog@pa.gov, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. 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.

GP3-08-314D: Marcus Cole Construction, Inc., P.O. Box 158, Nichols, NY 13812, Windham Township, **Bradford County**. The Department authorized the construction and operation of one (1) Eagle model 1000 15-CV crusher (Crusher # 3) rated at 250 tons per hour (tph), one (1) Eagle model 1200-25CC crusher (Crusher # 4) rated at 350 tph, one (1) Powerscreen model 1000-SR Max Trak crusher (Crusher # 5) rated at 350 tph, one (1) Powerscreen model Mark II vibratory screen (Screen # 2) rated at 125 tph, one (1) Fintec model 542 vibratory screen (Screen # 3) rated at 250 tph, one (1) Fintec model 640 vibratory screen (Screen # 4) rated at 250 tph, and eight (8) stacker-conveyors (stacker # 1, # 3—9)—each rated 500 tph pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)) at the Peck Hill Quarry. Application received: September 11, 2024. Authorized: October 16, 2024. Expiration date: October 15, 2029.

GP9-08-314D: Marcus Cole Construction, Inc., P.O. Box 158, Nichols, NY 13812, Windham Township, **Bradford County**. The Department authorized the construction and operation of one (1) 375 bhp Detroit model 6064-HV33 diesel-fired engine, one (1) 350 bhp Deere model RG6125H041906 diesel-fired engine, one (1) 350 bhp Caterpillar model C9 diesel-fired engine, one (1) 31 bhp Cummins model A1400 diesel-fired engine, two (2) Caterpillar model 3054C diesel-fired engines, each 99 bhp capacity, and three (3) Kubota diesel-fired engines, each 49 bhp capacity pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Peck Hill Quarry facility. Application received: September 11, 2024. Authorized: October 16, 2024. Expiration date: October 15, 2029.

AG5-41-00024C: EQT ARO, LLC, 400 Woodcliff Drive, Canonsburg, PA 15317, Mifflin Township, **Lycoming County**. The Department approved authorization for the construction and operation of new sources and continued operation of existing sources pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at the Larry's Creek Pad F Compressor Station. The authorized sources include one (1) 600 bhp Caterpillar G3412 four-stroke rich-burn natural gas-fired compressor engine equipped with a nonselective catalytic reduction (NSCR) catalyst, one (1) 40 MMscf/day J.W. Williams dehydration unit equipped with a 0.75 MMBtu/hour, natural gas-fired reboiler burner, and flash tank, two (2) 5,650 watt Qnergy thermoelectric Stirling engine generators, four (4) 16,800-gallon produced water tanks, one (1) 250-gallon engine coolant tank, one (1) 1,000-gallon waste oil tank, one (1) 2,100-gallon still vent condensate (BTEX) tank, one (1) 100-gallon compressor oil tank, one (1) 100-gallon engine oil tank, one (1) 10-gallon (Jatco) oil water tank, one (1) COMM Engineering Combustor Model 2 enclosed flare, three (3) 2.0 MMBtu/hr gas processing units, truck load-out operations for produced water, and emissions of minor significance from miscellaneous gas venting and fugitive emissions from component leaks. Application received: October 2, 2024. Authorized: October 21, 2024. New expiration date: October 20, 2029.

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

Contact: Shailesh Patel, P.E., Environmental Group Manager.

AG5-58-00014B: Williams Field Services Company, LLC, 310 State Route 29 North, Tunkhannock, PA 18657-6817, Harford Township, **Susquehanna County**. Renewal of their existing Miller compressor station GP5 permit. Application received: October 15, 2024. Issued: October 16, 2024.

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

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

GP5-62-00166E: Minard Run Oil Company—Zimmerman Hill Station, 1990 Zimmerman Hill Road, Clarendon, PA 16313, Pleasant Township, **Warren County**. The Department received a GP-5 application for several modifications to Minard Run Oil Company's Zimmerman Hill Compression Station. The Department reviewed the application and determined that it met necessary requirements and therefore, it was approved. Application received: September 6, 2024. Issued: October 7, 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.

GP14-04-00746B: Tri-County Crematory Inc., 117 Blackhawk Road, Beaver Falls, PA 15010, Chippewa Township, **Beaver County**. On October 18, 2024, GP14-04-00746B was authorized for five years for use to Tri-County Crematory Inc. for cremating human remains with a natural gas-fired Human Crematory Incinerator, manufactured by Cremation Systems/Armill CFS, Model No. CFS2300, Unit Capacity of 150 lbs/hr. The unit is equipped with a Primary Chamber Burner rated at 0.75 MMBtu/hr and a Secondary Chamber Burner rated at 1.6 MMBtu/hr operated at 1,800°F. Model No. of Primary and Secondary Chambers is Eclipse TJ0100. The facility located in Chippewa Township in Beaver County. Application received: August 20, 2024. Authorized: October 18, 2024.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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

Contact: Shailesh Patel, EEM, 570-826-2341.

48-00004C: Heidelberg Materials US Cement LLC, Route 248 and Easton Road, Nazareth, PA 18064, Lower Nazareth Township, **Northampton County**. 48-00004C: Heidelberg Materials US Cement LLC (Route 248 and Easton Road, Nazareth, PA 18064) on October 22, 2024, to allow the use of permitted amount of engineered fuel (EF) from 14,257 tons/yr to 36,000 tons/yr at the existing facility located in Lower Nazareth Twp., Northampton County. Application received: September 27, 2023. Issued: October 22, 2024.

40-00126C: Hazleton Hiller, LLC, 414 Stockton Mountain Road, Hazleton, PA 18201, Hazle Township, **Luzerne County**. 40-00126C: Hazleton Hiller, LLC (414 Stockton Mountain Road, Hazleton, PA 18201) extension issued on October 22, 2024 for the construction and operation of coal progressing equipment at the facility

located in Hazle Township, Luzerne County. Application received: October 8, 2024. Extension: October 22, 2024.

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

Contact: James Beach, New Source Review Chief, 484-250-5920.

09-0030B: Brightsmith LLC/Morrisville Facility, 120 Enterprise Ave, Morrisville, PA 19067-3703, Falls Township, **Bucks County**. This action is for a Plan Approval to remove two existing oxidizers and replace them with two new identical oxidizers at a Title V facility. Application received: June 14, 2024. Issued: October 16, 2024.

09-0009H: Quad Graphics Marketing LLC, 4371 County Line Rd, Chalfont, PA 18914-1825, New Britain Township, **Bucks County**. This action is for a plan approval for the reactivation of a Hantscho Mark VI heatset offset lithographic printing Press 30 (Source ID: 105A) equipped with a natural gas-fired dryer that vents to the B&W Megtec Regenerative Thermal Oxidizer (Source ID: C07). Application received: July 26, 2024. Issued: October 18, 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.

PA-65-00891E: Holcim Solutions and Products US, LLC, Building 102 Avenue A, Youngwood, PA 15697, Youngwood Borough, **Westmoreland County**. Notice is hereby given that the Pennsylvania Department of Environmental Protection has issued Air Quality Plan Approval PA-65-00891E to Holcim Solutions and Products US, LLC to incorporate Reasonably Available Control Technology (RACT) III requirements for the existing polyisocyanurate foam board insulation production at the Youngwood Plant in Youngwood Borough, Westmoreland County. In accordance with 25 Pa. Code §§ 129.111–129.115, the Department has made a determination to approve a RACT III plan and an amendment to the State Implementation Plan (SIP) for the aforementioned facility. The 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 amendments to the RACT III determination have been incorporated into PA-65-00891E for the facility. The relevant RACT III requirements will be submitted to the EPA as a revision to Pennsylvania's SIP 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 amendments to the RACT III determination for this operation that will be submitted to the EPA as a SIP revision: Case-by-Case Source ID 202, Warehouse VOC Fugitives, Section D, Condition # 003: The owner and operator of a source listed in this subsection shall install, maintain and operate the source in accordance with the manufacturer's specifications and with good operating practices. Public Comment: 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 November 2, 2024 is pro-

vided 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 Plan Approval including the permit number and a concise statement regarding the relevancy of the information or objections to the RACT III Plan. Public hearing. A public hearing will be held on December 10, 2024, at 10:00 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, please contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at the hearing will be December 3, 2024. If no requests are received by this date, the hearing will be cancelled. Oral testimony will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three 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. 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/RACT-III.aspx>. We ask that you contact Thomas Joseph at 412-442-4336 or monitor our website to determine if a hearing will be held. 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> or 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. Application received: December 30, 2023. Authorized: March 18, 2024.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

36-05014M: Arconic Lancaster Corporation, 1480 Manheim Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. For 1) the installation of a fourth rolling mill stand to the existing 3-stand 72" Hot Mill (Source ID 125), 2) the replacement of the 72" Hot Mill Rotoclone (Control ID C10) with a new Progressive Mist Elimination System, 3) the upgrade of the hot mill scalper's (Source ID GP118) crusher chip handling system and 4) the installation of a new 32 mmBtu/hr natural gas fired slab furnace (Source ID 149J) at their secondary aluminum production facility. The proposed installations and modifications are estimated to increase the 72" Hot

Mill's throughput capacity by 48%. Additionally, due to the increased production capacity on the 72" Hot Mill, Arconic expects an increase in production from the 80" Hot Mill (Source ID 147) since the 72" Hot Mill will be able to handle 2" slabs as opposed to the current 1" slabs being transferred. The plan approval was extended. Application received: October 8, 2024. Issued: October 17, 2024.

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

Contact: James Beach, New Source Review Chief, 484-250-5920.

15-0067K: Herr Foods, 273 Old Baltimore Pike, Nottingham, PA 19362-9102, West Nottingham Township, **Chester County**. This action is for a plan approval modification to revise the pressure drop ranges on Source ID 130 (Chip Line 3), Source ID 132 (Chip Line 4), Source ID 160 (Chip Line 2B) and Source ID 160A (Chip Line 2B Expansion). Application received: September 18, 2024. Issued: October 16, 2024.

15-0128B: Brandywine Green LLC, d/b/a Abbey Glenn, 126 Turner Ln, West Chester, PA 19380-4563, West Goshen Township, **Chester County**. This action is for the replacement of a Crawford crematory with a 450 lbs/hr ThermTec crematory. Application received: April 23, 2024. Issued: October 18, 2024.

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

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

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

46-00037: Global Advanced Metals USA Inc., 650 County Line Rd, Boyertown, PA 19512, Douglass Township, **Montgomery County**. This action is for the renewal of a Title V Operating Permit for their tantalum metal manufacturing facility. Application received: December 14, 2023. Issued: October 18, 2024.

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

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

65-00028: Lehigh Specialty Melting, Inc., 107 Gertrude Street, Latrobe, PA 15650, City of Latrobe, **Westmoreland County**. In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department issued a renewal Title V Operating Permit (TVOP) to authorize operation of the Lehigh Specialty Melting Latrobe Plant located in the city of Latrobe, Westmoreland County. Equipment at this facility includes an electric arc furnace controlled by a baghouse, teeming operations, torch cutting operations controlled by a baghouse, billet grinder operations controlled by a baghouse, four (4) natural gas-fired ladle preheat furnaces, six (6) natural gas-fired forge heating furnaces, two (2) natural gas-fired heat treat furnaces, three (3) natural gas-fired hood furnaces, small miscellaneous natural gas-fired combustion sources, a parts washer, a diesel fired emergency generator engine rated at 545 Bhp, four (4) cooling towers, and fugitive particulate matter emissions from plant roads. The emission restrictions and testing, monitoring, recordkeeping, reporting, and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 61, 63, and 70, and 25 Pa. Code Chapters

121—145. The renewal TVOP was issued final on October 17, 2024. Application received: May 24, 2023. Deemed administratively complete: July 19, 2023.

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

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

Contact: Norm Frederick, 570-826-2409.

13-00013: Ampal Inc., 2115 Little Gap Road, Palmetton, PA 18071-5109, Lower Towamensing Township, **Carbon County**. The Department issued a renewal State-Only (Synthetic Minor) Permit for the primary metal products facility located in Lower Towamensing Township, Carbon County. The primary sources consist of two (2) aluminum melting furnaces and process towers. The control devices consist of cartridge filters and bin vents. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: June 21, 2024. Renewal issued: October 17, 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.

62-00176: Lignetics of New England, 1055 Matthews Run Rd, Youngsville, PA 16371-3127, Brokenstraw Township, **Warren County**. The Department issued the renewal State Only Natural Minor Operating Permit for operation of the wooden pellet manufacturing facility. The facility's primary emission sources include the rotary dryer with a multi-cyclone, dry sawdust truck dumping controlled by a baghouse, green sawdust truck dumping, the metering bin, a hammermill, screening, (3) pellet mills, (3) storage silos, (2) 140,000 btu/hr wood pellet boilers, a 50,000 btu/hr wood pellet boiler, and a parts washer. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 30.49 TPY (tons per year) NO_x, 58.68 TPY CO, 37.06 TPY VOC, 66.50 TPY PM₁₀, 66.02 TPY PM_{2.5}, and 10.11 TPY SO_x; thus, the facility is a natural minor. The rotary dryer and multiclone are currently operating under plan approval 62-00176B. The parts washer is subject to 25 Pa. Code 129.63 for degreasing operations. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: September 18, 2023. Renewal issued: October 8, 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.

21-03029: Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, Dickinson Township, **Cumberland County**. For the Mt. Holly Springs Quarry. The State-Only permit was renewed. Application received: August 13, 2024. Issued: October 16, 2024.

67-03018: Penn Mar Castings, LLC, 500 Broadway, Hanover, PA 17331-2001, Hanover Borough, **York County**. For the gray and ductile iron foundry. The State-Only permit was renewed. Application received: December 15, 2023. Issued: October 15, 2024.

34-03007: Eastern Gas Transmission & Storage, Inc., 10700 Energy Way, Glen Allen, VA 23060, Lack Township, **Juniata County**. For the Perulack natural gas compressor station. The State-Only permit was renewed. Application received: July 15, 2024. Issued: October 16, 2024.

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

06-03025: Reading Plating & Polishing Works, Inc., 1833 Cotton Street, Reading, PA 19606-1712, City of Reading, **Berks County**. For the plating and polishing facility. The State-Only permit was renewed. Application received: July 17, 2024. Issued: October 15, 2024.

36-05159: Envigo Global Services, Inc., 310 Swamp Bridge Road, Denver, PA 17517-8723, West Cocalico Township, **Lancaster County**. For the animal crematory and emergency generators at the facility. The State-Only permit was renewed. Application received: May 2, 2024. Issued: October 15, 2024.

22-03112: Highline Auto Parts, 5320 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. For the operation of an aluminum sweat furnace at the automobile dismantling and parts sales center. Application received: April 9, 2024. Issued: October 17, 2024.

22-03099: The Hershey Company, 19 East Chocolate Avenue, Hershey, PA 17033, Derry Township, **Dauphin County**. For the industrial wastewater treatment plant. Application received: May 31, 2024. Issued: October 21, 2024.

38-05018: Lebanon VA Medical Center, 1700 South Lincoln Avenue, Lebanon, PA 17042-7529, South Lebanon Township, **Lebanon County**. For the boilers and generators at the hospital facility. The State-Only permit was renewed. Application received: September 29, 2023. Issued: October 18, 2024.

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

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

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

67-03178: Regen Aluminum, LLC, 150 South Orchard Street, Yoe, PA 17313-1010, York Township, **York County**. For the aluminum recycling facility. The State-Only permit was administratively amended in order to reflect a change of ownership, and to address electronic reporting. Application received: October 10, 2024. Issued: October 16, 2024.

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

36-05167: AHF Products, LLC, 1067 Dillerville Road, Lancaster, PA 17603-2613, City of Lancaster, **Lancaster County**. For the flooring manufacturing facility. The State-Only permit was administratively amended in order

to incorporate the provisions of Plan Approval No. 36-05167A. Application received: October 1, 2024. Issued: October 8, 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

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

Contact: *Cassie Stanton, Clerical Assistant 2.*

Mining Permit No. 17240101. NPDES No. PA0270067. Swisher Contracting, Inc., P.O. Box 1223, Clearfield, PA 16830, Lawrence Township, **Clearfield County**. Commencement, operation, and restoration of a new bituminous coal surface mine permit and associated NPDES permit affecting 44.6 acres. The surface mining operation proposes to conduct blasting. A variance is included to conduct mining and support activities within 100 feet of the southwestern right-of-way of SR 0080 (Interstate 80). The proposed activities within the variance include coal extraction, construction of erosion and sedimentation control structures and spoil and topsoil storage. Receiving stream(s): Unnamed tributaries to Lick Run, to Lick Run, to West Branch Susquehanna River classified for the following use(s): HQ-CWF, WWF. Application received: December 28, 2023. Accepted: January 3, 2024. Issued: October 16, 2024.

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

Contact: *RA-EPPottsvilleDMO@pa.gov.*

Mining Permit No. 13990201. Rossi Excavating Company, 10 Centtown Road, Beaver Meadows, PA 18216, Banks Township, **Carbon County**. Renewal of an anthracite coal refuse reprocessing operation affecting 493.0 acres. Receiving stream: Beaver Creek. Application received: January 2, 2024. Renewal issued: October 16, 2024.

Noncoal Permits

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

Contact: *Cassie Stanton, Clerical Assistant 2.*

Mining Permit No. 53170301. NPDES No. PA0269841. Duffy, Inc., P.O. Box 374, Smethport, PA 16749, Roulette Township, **Potter County**. Renewal of an NPDES permit associated with a Large Noncoal (industrial minerals) mining site affecting 175.0 acres. Receiving stream(s): Unnamed tributary to Fishing Creek and the Allegheny River classified for the following use(s): CWF. Application received: April 4, 2024. Issued: October 15, 2024.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 58222515. James W. Barber Trucking & Excavating, LLC, P.O. Box 157, Clifford, PA 18413, Hop Bottom Borough and Lenox Township, **Susquehanna County**. Commencement, operation and restoration of a GP105 quarry operation affecting 10.0 acres. Receiving stream: UNT to Martins Creek. Application received: June 30, 2022. Coverage issued: October 18, 2024.

Mining Permit No. 58222515. GP104 Permit No. PAM122035. James W. Barber Trucking & Excavating, LLC, P.O. Box 157, Clifford, PA 18413, Hop Bottom Borough and Lenox Township, **Susquehanna County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: UNT to Martins Creek. Application received: June 30, 2022. Coverage issued: October 18, 2024.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 38244115. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Cornwall Borough, **Lebanon County**. Construction blasting for PRL Industrial Warehouse. Application received: October 8, 2024. Permit issued: October 15, 2024. Expiration date: October 31, 2025.

Permit No. 48244107. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Bethlehem Township, **Northampton County**. Construction blasting for St. Luke's Hospital. Application received: October 2, 2024. Permit issued: October 15, 2024. Expiration date: October 2, 2025.

Permit No. 48244108. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Allen Township, **Northampton County**. Construction blasting for Stoneridge Meadows Phase 3. Application received: October 8, 2024. Permit issued: October 15, 2024. Expiration date: October 31, 2025.

Permit No. 64244106. Northeast Blasting, 403 Middle Creek Road, Honesdale, PA 18431, Conewago Township, **Wayne County**. Construction blasting for Cherry Ridge Township Building Project. Application received: October 10, 2024. Permit issued: October 15, 2024. Expiration date: October 10, 2025.

Permit No. 67244112. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Conewago Township, **York County**. Construction blasting for Fieldstone Crest. Application received: October 9, 2024. Permit issued: October 15, 2024. Expiration date: September 30, 2025.

Permit No. 46244111. Rock Work, Inc., 1257 Dekalb Pike, Blue Bell, PA 19422, Red Hill Borough, **Montgomery County**. Construction blasting for Creekside Village. Application received: October 10, 2024. Permit issued: October 18, 2024. Expiration date: November 1, 2025.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.

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

Contact: RA-EPREGIONALPERMIT@pa.gov.

E40283223-002. Pittsburgh Water and Sewer Authority, 1200 Penn Avenue, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

To construct and maintain a stream restoration project in a 1,512 linear foot reach of two unnamed tributaries (UNTs) to Sawmill Creek (WWF) for the purpose of improving channel stability, establishing a floodplain, and reducing overall sediment load in the watershed. Work consists of modifying the stream profile and cross section of the streambeds within a 1,384 linear foot reach of UNT-1 and 128 linear foot reach of UNT-2 to connect streams to an adjacent floodplain. The project also proposes the installation of a rain garden with two outfall structures with riprap outlet protection to discharge drainage from the raingarden to UNT-1. In-stream structures include grade control logs and rock step pool structures to reduce stream velocities and minimize erosion. The project is located north of Beechview and Vanucci Park, south of Crane Avenue and west of State Route 51 (Pittsburgh West, PA Quadrangle) in City of Pittsburgh, Allegheny County. Latitude: 40.416676°, Longitude: -80.018739°. Application received: June 9, 2023. Issued: October 15, 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.

E5402224-001. Schuylkill County Greenways Association, 140 College Drive, Pottstown, PA 19464, Blythe Township, New Castle Township, Saint Clair Borough, **Schuylkill County**. U.S. Army Corps of Engineers Philadelphia District.

The construct and maintain the following water obstructions and encroachments associated with the Schuylkill River Trail—Mill Creek Section Project: 1) A stream crossing of Mill Creek (CWF, MF) consisting of a 90-foot span, 10-foot long prefabricated steel pedestrian bridge having a 13-foot underclearance, concrete abutments, a streambank retaining device consisting of an R-8/R-4 riprap apron, and a chain link fence. 2) A fill within 0.06-acre of the floodway of Mill Creek (CWF, MF) consisting of portions of an at-grade 8-foot wide walking trail and parking lot. 3) An extension of an existing stream crossing of a UNT to Mill Creek (CWF, MF) consisting of an 11-ft long, 24-in diameter CMP culvert pipe and an R-3 riprap apron. 4) An extension of an existing stream crossing of a UNT to Mill Creek (CWF, MF) consisting of a 15-ft long, 12-in diameter CMP culvert pipe and an R-3 riprap apron. The riprap apron outfall is also located within the floodway of Mill Creek (CWF, MF). 5) A modification of an existing stream crossing of a UNT to Mill Creek (CWF, MF) consisting of grading within the existing roadway to create a 10-foot wide gravel trail. 6) A modification of an existing stream crossing of Wolf Creek (CWF, MF) consisting of grading within the existing roadway to create a 10-foot wide gravel trail. 7) A modification of an existing stream crossing of Mill Creek (CWF, MF) consisting of grading within the existing roadway to create a 10-foot wide gravel trail. 8) A modification of an existing stream crossing of Mill Creek (CWF, MF) consisting of grading

within the existing roadway to create a 10-foot wide gravel trail. The project begins in Blythe Township, approximately 0.5 mile east of the Kauffman Reservoir, and terminates directly south of Terry Rich Boulevard in Saint Clair Borough (Pottsville and Shenandoah, PA Quadrangle Latitude: 40°, 44', 3.79"; Longitude: -76°, 11', 54.46") in Blythe Township, New Castle Township, and Saint Clair Borough, Schuylkill County. Application received: June 4, 2024. Issued: October 15, 2024.

E4002224-007. Wyoming Valley Sanitary Authority, 1000 Wilkes-Barre Street, P.O. Box 33A, Hanover, PA 18706, Hanover Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

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 is 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. Application received: April 10, 2024. Issued: October 22, 2024.

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

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

E2406224-002. Jones Township, P.O. Box 25, Wilcox, PA 15870, Jones Township, **Elk County**. U.S. Army Corps of Engineers Pittsburgh District.

Remove an existing steel I-beam bridge and to construct and maintain a prefabricated structural plate box culvert with a length of 46', 5", a span of 12', 11", and a rise of 6' across Nearing Run (CWF) and to permanently impact 0.04 acre of wetland on Horner Road approximately 1.1 miles North of the intersection of Horner Road and T-631. Latitude: 41.593467°, Longitude: -78.686404°. Application received: July 24, 2024. Issued: October 15, 2024.

E4306124-006. PADOT Engineering District 1-0, 255 Elm Street, Oil City, PA 16301, Shenango Township, **Mercer County**. U.S. Army Corps of Engineers Pittsburgh District.

Conduct a highway improvement project along SR 0080 from Milepost 0 to Milepost 5 in Shenango Township, Mercer County, resulting in the following impacts: rehabilitation of the existing EB and WB bridges over the Shenango River to include deck replacement and superstructure concrete repairs (N: 41.18304°; W: 80.47031°); rehabilitation of the existing 10-ft x 7-ft arch culvert stream enclosure by applying a 3.5-in thick geopolymer to the inside face of the structure along UNT Hogback Run (N: 41.18457°; W: 80.45957°); various drainage pipe repairs, cleaning and placement of rock protection; and replacement of right-of-way fencing resulting in a total of 533-ft of permanent stream impacts, 4329-ft of temporary stream impacts, 0.02-ac of permanent wetland impacts and 0.85-ac of temporary wetland impacts. Application received: July 19, 2024. Issued: October 18, 2024.

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

Contact: 717-705-4802.

E0603223-020. John Zuchowski, 2734 Moselem Springs Road, Fleetwood, PA 19522, Fleetwood Borough and Richmond Township, **Berks County**. U.S. Army Corps of Engineers Philadelphia District.

To install and maintain an 80-foot long, 14-foot wide, permanent stone ford stream crossing to be used for agricultural equipment access and activities, resulting in 10 linear feet (140 square feet) of permanent impact to an Unnamed Tributary to Willow Creek (CWF, MF) and 0.02 acre of permanent impact and 0.002 acre of temporary impact to an emergent exceptional value wetland, all for the purpose of providing a stable crossing to reduce the sediment load to the stream and wetland and protect the stream banks from future erosion. The project is located to the east of Moselem Springs Road behind the Fleetwood Area Senior High School in Fleetwood Borough and Richmond Township, Berks County (Latitude: 40.462588, Longitude: -75.826647). Permanent wetland loss is less than 0.05 acre and replacement is not required. Application received: September 22, 2023. Issued: October 22, 2024.

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

Contact: RA-EP-WW-SERO-105@pa.gov.

E4601224-009. Independent Mortgage Company, 1250 Germantown Pike, Suite 305, Plymouth Meeting, PA 19462, Trappe Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Latitude: 40.190665°, Longitude: -75.480647°. Application received: March 12, 2024. Approved: October 18, 2024.

Permit Number: E4601224-009

Applicant Name: Independent Mortgage Company

Applicant Phone: 610-272-2064

Applicant Email: paulc@imc-loan.com

Applicant Address:

Line 1: 1250 Germantown Pike, Suite 305

Line 2: City: Plymouth Meeting

State: PA

Zip: 19462-2444

DEP Regional Office: Southeast

DEP Reviewer: Andy Flambert

Reviewer Phone: (484) 250-5129

Reviewer Email: andflamber@pa.gov

Project County: Montgomery

Project Municipality: Trappe Borough

Project Description:

Independent Mortgage Company is proposing to perform the following water obstruction and encroachment activities associated with the project in Bronson Circle listed as follows.

Activities associated with the construction/installation and maintenance of culvert, utilities and associated developments within the stream and floodway of Donny Brook:

1. To excavate/fill within the floodway of Donny Brook for construction of culvert crossing resulting in (3,300 sq ft, .08 acre) permanent, (1,950 sq ft, .04 acre) temporary watercourse impacts and (550 sq ft, .013 acre) of permanent floodway impacts.

2. To excavate/fill within the floodway of Donny Brook for installation of utilities resulting in (250 sq ft, .01 acre) of permanent watercourse impacts and (1,410 sq ft, .03 acre) of permanent floodway impacts.

3. To install cofferdams within the stream and floodway of Donny Brook resulting in (300 sq ft, .01 acre) of temporary watercourse impacts and (25 sq ft, .0001 acre) of temporary floodway impacts.

4. To excavate/fill within the floodway of Donny Brook for installation of 3 outfall structures resulting in (240 sq ft, .01 acre) of permanent watercourse impacts and (1,380 sq ft, .03 acre) of permanent floodway impacts.

This project is located at Bronson Circle, Trappe Borough PA 19426-2215, Montgomery County, (USGS PA Collegeville Quadrangle—Latitude 40.190665 N, Longitude -75.480647 W).

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E0205223-020. Bridgeville Borough, 425 Bower Hill Road, Bridgeville, PA 15017, Bridgeville Borough, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

Application received: December 12, 2023. Issued: October 8, 2024.

The applicant proposes to:

1. Remove an existing 20 foot wide by 10 foot high, double arch culverted road crossing which carries Commercial Street over McLaughlin Run (WWF) and to construct and maintain a replacement structure consisting of a single 85 foot long by 45 foot wide by 13.5 foot high CON/SPAN culverted road crossing, resulting in 86 linear feet (LF) of permanent watercourse impacts, 0.159 acre (ac) of permanent floodway impacts, 0.099 ac of permanent floodplain fringe impacts, 86 LF of temporary watercourse impacts, and 0.045 ac of temporary floodway impacts.

2. Remove an existing 8-inch diameter drinking water utility line crossing of McLaughlin Run as part of the aforementioned-culvert removal, and construct and maintain a replacement 8-inch diameter drinking water utility line crossing of the same watercourse approximately 35 feet upstream from the existing crossing location. The relocated line will be encased in concrete beneath the stream bed and will be embedded 3' below the proposed stream bed elevation. This activity will result in 12 LF of permanent watercourse impacts, 0.003 ac of permanent floodway impacts, and 0.002 ac of floodplain fringe impacts.

3. Construct and maintain an approximately 1,200 foot long soldier beam and lagging levee wall, which varies in height from approximately 8.5 to 12 feet, on the west (river left) side of McLaughlin Run and to excavate along 716 feet of McLaughlin Run and its west (river left) bank along the aforementioned levee wall, resulting in 716 LF of permanent watercourse impacts, 0.283 ac of permanent floodway impacts and 0.089 ac of permanent floodplain fringe impacts.

4. Install and maintain riparian vegetation plantings in the floodway, and along 1,092 LF, of McLaughlin Run on the riverward side of the aforementioned levee wall, resulting in 1,092 LF of permanent watercourse impacts and 0.627 ac of permanent floodway impacts. This permanent impact area overlaps with 716 LF of the watercourse impact and 0.247 ac of the floodway impact noted in the preceding item.

5. Construct, operate, and maintain screw pumps behind the aforementioned levee wall and construct and maintain associated 36-inch diameter corrugated plastic pipe (CPP) stormwater piping, endwall, and outfall structure with an R-6 riprap apron within the floodway of, and along, McLaughlin Run resulting in 10 LF of permanent watercourse impacts, 0.014 ac of permanent floodway impacts, and 0.075 ac of permanent floodplain fringe impacts. The watercourse impact length for this activity completely overlaps with the with watercourse impacts associated with the aforementioned levee wall construction and excavation.

6. Construct and maintain two 36-inch diameter CPP stormwater pipes, endwalls, and outfall structures with R-5 riprap aprons within the floodway of, and along, McLaughlin Run, resulting in 18 LF of permanent watercourse impacts, 0.002 ac of permanent floodway impacts, and 0.016 ac of permanent floodplain fringe impacts. These structures are associated with another set of screw pumps at the downstream end of the aforementioned levee wall.

7. Construct and maintain a temporary stream crossing for work site access, resulting in 10 LF of temporary watercourse impacts and 0.004 ac of temporary floodway impacts.

8. Construct and maintain temporary dewatering, erosion control, and sediment control facilities, resulting in 1,203 LF of temporary watercourse impacts, 0.414 ac of temporary floodway impacts, and 0.013 ac of floodplain fringe impacts. The temporary watercourse impact for this activity overlaps with the 10 LF of watercourse impacts associated with the aforementioned temporary stream crossing.

9. Remove 5 LF of existing 6" PVC Pipe and constructing and maintaining a new outfall structure with an R4 riprap apron within the floodway of McLaughlin Run, to integrate this outfall structure with the aforementioned floodwall.

10. Remove 5 LF existing 6" PVC Pipe and constructing and maintaining a new outfall structure within the floodway of McLaughlin Run, to integrate this outfall structure with the aforementioned floodwall.

11. Remove 4 LF existing 6" PVC Pipe and constructing and maintaining a new outfall structure within the floodway of McLaughlin Run, to integrate this outfall structure with the aforementioned Modify and maintain a third existing 6" PVC stormwater outfall by removing the final 6 LF of pipe and constructing an R4 riprap apron resulting in 0.001 ac of permanent impacts within the floodway of McLaughlin Run.

12. Remove 16 LF of existing 6" PVC Pipe and constructing and maintaining a new outfall structure with an R4 riprap apron within the floodway of McLaughlin Run, to integrate this outfall structure with the aforementioned floodwall.

13. Remove 7 LF existing 8" CMP Pipe and constructing and maintaining a new outfall structure within the floodway of McLaughlin Run, to integrate this outfall structure with the aforementioned floodwall.

14. Remove 11 LF existing 18" CMP Pipe and constructing and maintaining a new outfall structure within the floodway of McLaughlin Run, to integrate this outfall structure with the aforementioned floodwall.

For the purpose of controlling the frequent flooding that affects the residents and businesses along McLaughlin Run. Cumulatively, the project will permanently impact approximately 1,208 LF of watercourse, 0.841 ac of floodway, 0.281 ac of floodplain fringe and will temporarily impact approximately 1,299 LF of watercourse, 0.463 ac of floodway, and 0.013 ac of floodplain fringe.

The project is located under and to the north of Commercial Street starting near its intersection with Bower Hill Road (Bridgeville PA USGS topographic quadrangle map; Latitude: 40°, 21', 33.84"; Longitude: -80°, 6', 34.9095"; Sub-basin 20F; USACE Pittsburgh District), in Bridgeville Borough, Allegheny County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717 787-3411.

Contact: Niamh Hays, Water Program Specialist, 717-772-5959.

EA3615224-005. Little Conestoga Watershed Alliance, P.O. Box 6355, Lancaster, PA 17607, East Hempfield Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District.

The Division of Wetlands, Encroachments, and Training has approved the restoration plan to restore approximately 2.6 acres of integrated stream, wetland, and floodplain areas along Little Conestoga Creek, an unnamed tributary to Little Conestoga Creek, and Brubaker Run (WWF-MF); to realign approximately 2,100 linear feet of stream for the purpose of restoring watercourses; to place rock stream and valley grade control structures, woody debris, and other aquatic habitat structures within the restoration areas; to construct temporary stream crossings, rock construction entrances, and other erosion controls during restoration activities. The restoration project begins north of the Columbia Avenue bridge and continues upstream towards Southlawn Drive and Woodbine Drive in Lancaster, PA, Latitude: 40.040299°, Longitude: -76.342662°. Application received: May 9, 2024. Approved: October 21, 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 **ESG295924012-00**
Applicant Name **Seneca Resources Co LLC**
Contact Person Douglas Kepler
Address 51 Zents Boulevard
City, State, Zip Brookville, PA 15825
Township(s) Charleston Township
County **Tioga County**
Receiving Stream(s) and Classification(s) UNT to Hill Creek (WWF, MF), UNT to Norris Brook (TSF, MF)
Application received: August 28, 2024
Issued: October 16, 2024

ESCGP # 3 **ESG295924014-00**
Applicant Name **Repsol Oil & Gas USA LLC**
Contact Person Jonathan Fronk
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845-1008
Township(s) Liberty Township
County **Tioga County**
Receiving Stream(s) and Classification(s) Salt Spring Run (EV), UNT to Salt Spring Run (EV)
Application received: September 17, 2024
Issued: October 17, 2024

ESCGP # 3 **ESG294124007-00**
Applicant Name **Range Resources Appalachia LLC**
Contact Person Karl Matz
Address 3000 Town Center Blvd
City, State, Zip Canonsburg, PA 15317-5839
Township(s) Gamble Township
County **Lycoming County**
Receiving Stream(s) and Classification(s) UNTs to Mill Creek (WWF, MF) (EV)
Application received: October 1, 2024
Issued: October 18, 2024

Southwest District: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCGP # 3 **ESG070424006-00**
Applicant Name **Range Resources Appalachia LLC—SJ Exploration Well Site**
Contact Person Karl Matz, (724) 873-3090
kmatz@rangeresources.com

Address 0.75 mile north of Hookstown Grade Road and Park Road
City, State, Zip Clinton, PA 15026
Township(s) Independence Township
County **Beaver County**

Receiving Stream(s) and Classification(s) 001. Lat 40.53407, Long -80.34080, UNT to Raccoon Run, Ch. 93 class WWF 002. Lat 40.53748, Long -80.34006, UNT to Raccoon Run, Ch. 93 class WWF 003. Lat 40.53636, Long -80.34531, UNT to Raccoon Creek, Ch. 93 class WWF

Application received: September 23, 2024
Issued: October 21, 2024

ESCGP # 3 **ESG076324017-00**
Applicant Name **Equitrans Water SVC (PA) LLC—NIMCH006 Waterline**
Contact Person Kirsten Kiesel
Senior Environmental Coordinator, (412) 660-0979
kirsten.kiesel@eqt.com
Address .046 mile north of Patterson Road and Route 88
City, State, Zip Finleyville, PA 15332
Township(s) Union Township
County **Washington County**

Receiving Stream(s) and Classification(s) 001. Lat 40.24134, Long -79.97696, Huston Run, Ch 93 class WWF 002. Lat 40.23848, Long -79.97677, Huston Run, Ch 93 class WWF 003. Lat 40.23839, Long -79.97691, UNT to Huston Run, Ch 93 class WWF 004. Lat 40.23315, Long -79.98149, UNT to Huston Run, Ch 93 class WWF

Application received: October 1, 2024
Issued: October 22, 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.

Former Marsteller Grain (Sheetz 746, 39-98183), Storage Tank Facility ID # **39-20472**, 951 Route 100 South, Allentown, PA 18106, Upper Macungie Township, **Lehigh County**. EnviroTrac, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 243 Sheetz Way, Claysburg, PA 16225, 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.

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

Contact: Robin L. Yerger, LPG, 717-705-4705.

M & R Equipment, Storage Tank Facility ID # **67-13853**, 451 Marsteller Road, New Park, PA 17352, Fawn Township, **York County**. Nutshell Environmental, 15 Allegheny Avenue, Towson, MD 21204, on behalf of Mr. and Mrs. Chris Biernazki, 451 Marsteller Road, New Park, PA 17352, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

Rutters Farm Store 58, Storage Tank Facility ID # **67-61416**, 7680 Lincoln Highway, Abbottstown, PA 17301, Paradise Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, York, PA 17404, 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 residential 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.

Quakertown Sunoco, Storage Tank Facility ID # **09-46399**, 2099 Quaker Pointe Dr, Quakertown, PA 18951, Milford Township, **Bucks County**. Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Asingh Investments LLC, 2099 Quaker Pointe Drive, Quakertown, PA 18951, submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The combined plan and report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

Texaco 51 006 0000, Storage Tank Facility ID # **23-45357**, 1000 Calcon Hook Road, Sharon Hill, PA 19079, Darby Township, **Delaware County**. TRC Environmental, Inc., 1617 John F. Kennedy Blvd., Suite 510, Philadelphia, PA 19103, on behalf of Brigaloon, Inc., 112

Chesley Drive, Suite 200, Media, PA 19063, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

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

Contact: Janelle Hromyak, Clerical Assistant 2, 412-442-4091.

Former Tony's Auto Center, Storage Tank Facility ID # **02-81181**, 5607 Library Road, Bethel Park, PA 15102-3531, Bethel Park Borough, **Allegheny County**. Stephen A Zbur, CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Anthony Colavecchia, 5607 Library Road, Bethel Park, PA 15102, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline and used motor oil. The combined plan and report is intended to document the remedial actions for meeting nonresidential site-specific standards.

GetGo # 3051, Storage Tank Facility ID # **65-80084**, 4285 State Route 51, Belle Vernon, PA 15012-3804, Rostraver Township, **Westmoreland County**. Rob Sharrow, BJAAM Environmental, Inc., P.O. Box 523, Canal Fulton, OH 44614, on behalf of Matt Puntureri, Giant Eagle, Inc., 700 Cranberry Woods Drive, Cranberry Township, PA 16066, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline and diesel fuel. The report is intended to document the remedial actions for meeting residential Statewide health standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Raceway Truck Stop, Storage Tank Facility ID # **54-50984**, 10 Molleystown Road, Pine Grove, PA 17963, Tremont Township, **Schuylkill County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Raceway Management Co., Inc., 2227 Scranton-Carbonale Highway, Scranton, PA 18508, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel. The plan was acceptable to meet the Statewide health standards and was approved by DEP on October 16, 2024.

Wind Gap Citgo, Storage Tank Facility ID # **48-51489**, 1040 South Broadway, Wind Gap, PA 18091, Plainfield Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pipeline Petroleum, Inc., P.O. Box 159 Shippers Road, Macungie, PA 18062, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The plan was acceptable to meet the Statewide health standards and was approved by DEP on October 16, 2024.

Jamesville Express, Storage Tank Facility ID # **48-25085**, 6007 West Main Boulevard, Bath, PA 18014, East Allen Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Kearns Real Estate, LLC, 2858 Derhammer Road, Bath, PA 18014, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with gasoline. The report demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on October 22, 2024.

Old Dominion Freight Lines, Storage Tank Facility ID # **45-13152**, 2382 Route 715, Tannersville, PA 18372, Pocono Township, **Monroe County**. Burns & McDonnell Engineering Company, 1431 Opus Place, Suite 400, Downers Grove, IL 60515, on behalf of Old Dominion Freight Lines, Inc., 500 Old Dominion Way, Thomasville, NC 27360, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel. The plan was acceptable to meet the Statewide health standards and was approved by DEP on October 17, 2024.

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

Contact: Robin L. Yerger, LPG, 717-705-4705.

M & R Equipment, Storage Tank Facility ID # **67-13853**, 451 Marsteller Road, New Park, PA 17352, Fawn Township, **York County**. Nutshell Environmental, 15 Allegheny Avenue, Towson, MD 21204, on behalf of Mr. and Mrs. Chris Biernazki, 451 Marsteller Road, New Park, PA

17352, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report demonstrated attainment of the nonresidential Statewide health and site-specific standards and was approved by DEP on October 17, 2024.

Rutters Farm Store 58, Storage Tank Facility ID # **67-61416**, 7680 Lincoln Highway, Abbottstown, PA 17301, Paradise Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, York, PA 17404, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan was not acceptable to meet the residential site-specific standards and was disapproved by DEP on October 9, 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.

Speedway 6802, Storage Tank Facility ID # **51-14512**, 6395-99 Oxford Ave, Philadelphia, PA 19111, City of Philadelphia, **Philadelphia County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of Speedway LLC, P.O. Box 1500, Springfield, PA 44501, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report was acceptable to meet the nonresidential Statewide health and site-specific standards and was approved by DEP on October 17, 2024.

Sunoco 0374 6427, Storage Tank Facility ID # **09-02292**, A Turnpike Milepost 351.9 Westbound, Treose, PA 19047, Bensalem Township, **Bucks County**. GAI Consultants, 385 East Waterfront Drive, Homestead, PA 15130, on behalf of Pennsylvania Turnpike Commission, 2850 Turnpike Industrial Park, Middletown, PA 17057, submitted a Remedial Action Plan concerning remediation of soil contaminated with petroleum products. The plan was acceptable to meet the nonresidential Statewide health standards and was approved by DEP on October 8, 2024.

Hertz Rent a Car, Storage Tank Facility ID # **51-44283**, 1 Arrivals Rd, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. EnviroTrac Ltd, 2 Terri Lane, Suite # 110, Burlington, NJ 08016, on behalf of The Hertz Corporation, 8501 Williams Road, Estero, FL 33928, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report demonstrated attainment of the nonresidential Statewide health and site-specific standards and was approved by DEP on October 18, 2024.

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

Contact: Janelle Hromyak, Clerical Assistant 2, 412-442-4091.

GetGo # 3191, Storage Tank Facility ID # **02-30678**, 1675 Duncan Avenue, Allison Park, PA 15101, McCandless Township, **Allegheny County**. PVE, LLC, 2000 Georgetown Drive, Suite 101, Sewickley, PA 15143, on behalf of Giant Eagle, Inc., 700 Cranberry Woods Drive, Cranberry Township, PA 16066, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The combined

plan and report was acceptable to meet the nonresidential Statewide health and site-specific standards and was approved by DEP on October 16, 2024.

Monach's Service Station, Storage Tank Facility ID # **63-13119**, 9th and McKean Streets, Charleroi Borough, PA 15022, Charleroi Borough, **Washington County**. SE Technologies LLC, 500 Mosites Way, Pittsburgh, PA 15205, on behalf of Monack's Service Station, 9th and McKean Streets, Charleroi, PA 15022, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The combined plan and report was acceptable to meet the nonresidential Statewide health standards and was approved by DEP on October 17, 2024.

SPECIAL NOTICES

WATER PROGRAMS

WATER OBSTRUCTIONS AND ENCROACHMENTS

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Kevin White, P.E., Acting Director, 717-772-5987.

E5383224-005. Eastern Gas Transmission and Storage, Inc. (EGTS), 10700 Energy Way, Glen Allen, VA 23060. Sharon Township, **Potter County**, U.S. Army Corps of Engineers, Pittsburgh District.

To construct and maintain the following water obstructions and encroachments associated with the Sharon Drip LN-324 Project:

1. A drip line which will permanently impact approximately 19 square feet of the floodway of Plank Creek (CWF) and 10 square feet of a PEM wetland (Other).
2. A gravel access road and turnaround to allow safe access to the proposed drip line permanently impacting

2,385 square feet of a PEM wetland (Other) and 1,407 square feet of the floodway of Plank Creek.

3. Replace an existing undersized, crushed 17-foot long, 36-inch diameter culvert crossing of Plank Creek (CWF) with a 20-foot long, 64-inch by 43-inch arch culvert impacting approximately 224 sq ft of Plank Creek.

4. A rock cross vane to protect the existing LN-324 pipeline in Plank Creek impacting approximately 70 sq ft of Plank Creek (CWF).

5. To stabilize 40 linear feet of streambank of Plank Creek (CWF) with vegetative plantings.

To compensate for the permanent wetland impacts, the Applicant is proposing to pay into Pennsylvania's In Lieu Fee Program (PIESCES).

The project is located approximately 0.50 mile from the intersection of Dodge Road and Plank Road (Oswayo, PA Quadrangle, Latitude: 41.97040°; Longitude: -78.10474°) in Sharon Township, Potter County.

EROSION AND SEDIMENT CONTROL

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.

ESG830023002-01. The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

Line 4010 Replacement Project, Clover Township, Knox Township and Rose Township, **Jefferson County**. The original project is proposing to replace approximately 4.56 miles of existing Line 4010 natural gas pipeline. The Major Amendment is proposing to construct an M&R building, access road and turnaround.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG830023002-01	Columbia Gas Transmission, LLC P.O. Box 1273 1700 MacCorkle Ave SE Charleston, WV 25325	Jefferson County	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dept of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dept. of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dept. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dept. of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

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: 717-783-3594, RA-EPRadon@pa.gov.

In the month of September 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. §§ 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>
Jeffrey Biondo	443 2nd Street Blakely, PA 18447-1217	Testing Individual
J.L. Camp Inspection Services, Inc.	6006 Forest Drive Monaca, PA 15061-2246	Testing Firm
Sean McNamara	173 Green Street Emmaus, PA 18049-4004	Testing Individual
CDA Inspection Services, Inc.	173 Green Street Emmaus, PA 18049-4004	Testing Firm
Brian Allen	2288 Township Road Quakertown, PA 18951	Mitigation Individual
Kevin Kenny	47 Cook Road Duncannon, PA 17020-9723	Testing Individual
Gregory Newman	4364 Vista Drive Nazareth, PA 18064-9644	Testing Individual
Newman's Home, LLC	4364 Vista Drive Nazareth, PA 18064-9644	Testing Firm
Kimberly Baker	1564 Dry Hollow Road Warrior Mark, PA 16877-6315	Testing Individual
Melissa Gladstein	1335 Gateway Drive Suite 2004 Melbourne, FL 32901-2637	Laboratory Individual
Sun Radon, LLC	1335 Gateway Drive Suite 2004 Melbourne, FL 32901-2637	Laboratory Firm
Kenneth Whitt	8557 Smokey Hollow Drive Lewis Center, OH 43035-8787	Testing Individual
Kenneth Whitt	8557 Smokey Hollow Drive Lewis Center, OH 43035-8787	itigation Individual
Deborah Mancini	2839 Liberty Avenue Suite 2509 Pittsburgh, PA 15222-4772	Testing Individual
A Harmony Home Inspection, LLC	2839 Liberty Avenue Suite 2509 Pittsburgh, PA 15222-4772	Testing Firm
Dale Metzger	3450 Lurman Drive Macungie, PA 18062-2141	Mitigation Individual

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101.

Southcentral Region: Carrie Fleming, Waste Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

The Department of Environmental Protection (Department) approved the South Central Counties Solid Waste Agency (Bedford, Fulton and Huntingdon Counties) Municipal Solid Waste Management Plan 2024-2034 Revision on October 18, 2024.

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

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

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

The plan revision is a public document and may be viewed at the Southcentral Regional Office at the address previously noted.

Questions concerning this approval should be directed to Mark Vottero, Acting Program Manager Department of Environmental Protection, Bureau Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 or to Carrie Fleming, Environmental Program Manager, Waste Management at the Regional Office previously noted.

[Pa.B. Doc. No. 24-1578. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular

document should contact the person whose name and phone number are listed with each document.

Notice of Intent to Withdraw TGD

Title of TGD: Permit Transfers (563-2112-218). *Title of TGD:* Completeness Review for Acceptance of Coal Mining Activity Permit (563-2112-2113). *Title of TGD:* Fixing Water Samples (562-3200-203). *Description:* Mining Programs is rescinding these three TGDs as they are no longer needed for the reasons outlined. *Permit Transfers:* The pertinent information is now contained in the permit application form and instructions. *Completeness Review for Acceptance of Coal Mining Activity Permit:* This document contains mostly internal information that no longer matches the permit applications or processes and has been replaced by standard operating procedures. *Fixing Water Samples:* This document was replaced by an internal standard operating procedure.

Contact: Gregory G. Shuler, PG, (717) 783-1199, gshuler@pa.gov.

Effective Date: This notice of intent to withdraw these three guidance documents will take effect 10 working days upon publication in the *Pennsylvania Bulletin*.

JESSICA SHIRLEY,
Acting Secretary

[Pa.B. Doc. No. 24-1579. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection announces the following grants to municipalities for recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P.S. § 4000.902). An amount of \$18.9 million in grants was awarded to 126 municipalities outlined as follows.

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712), also known as the Financially Distressed Municipalities Act, are eligible for 100% of approved costs. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Acting Environmental Program Manager, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472.

Municipality/County		Project	Award
Southeast Region			
1	Caln Township Chester County	Yard Waste and Curbside Collection Programs	\$170,691
2	Chester County Solid Waste Authority Chester County	Yard Waste Processing Program	\$142,546
3	Phoenixville Borough Chester County	Yard Waste Collection Program	\$200,000

NOTICES

7285

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
4	Upper Uwchlan Township Chester County	Curbside Collection Program	\$30,606
5	Valley Township Chester County	Curbside Collection Program	\$200,000
6	West Chester Borough Chester County	Curbside Collection Program	\$200,000
7	Folcroft Borough Delaware County	Curbside Recycling and Yard Waste Collection Programs	\$104,853
8	Swarthmore Borough Delaware County	Curbside Yard Waste Collection Program	\$200,000
9	Upper Chichester Township Delaware County	Curbside Recycling Program	\$200,000
10	Abington Township Montgomery County	Recycling Collection Program	\$200,000
11	Bridgeport Borough Montgomery County	Yard Waste Collection Program	\$6,737
12	Douglass Township Montgomery County	Yard Waste Processing Program	\$161,500
13	Jenkintown Borough Montgomery County	Curbside Collection Program	\$12,973
14	Lower Merion Township Montgomery County	Curbside Collection Program	\$70,622
15	Lower Moreland Township Montgomery County	Yard Waste Collection Program	\$200,000
16	Whitemarsh Township Montgomery County	Yard Waste Collection Program	\$122,019
17	Philadelphia City Philadelphia County	Recycling Education Program	\$200,000
<i>Northeast Region</i>			
18	Palmerton Borough Carbon County	Yard Waste Processing Program	\$200,000
19	Moscow Borough Lackawanna County	Curbside Leaf Collection Program	\$200,000
20	Scranton City Lackawanna County	Yard Waste Composting Program	\$180,168
21	Allentown City Lehigh County	Recycling Center	\$200,000
22	Coplay Borough Lehigh County	Curbside Recycling and Recycling Education Programs	\$13,126
23	Emmaus Borough Lehigh County	Curbside Leaf Collection Program	\$200,000
24	Lower Macungie Township Lehigh County	Curbside Leaf Collection Program	\$200,000
25	Upper Macungie Township Lehigh County	Yard Waste Processing Program	\$200,000
26	Whitehall Township Lehigh County	Curbside Recycling and Yard Waste Processing Programs	\$34,110
27	Jenkins Township Luzerne County	Curbside Recycling Program	\$189,790
28	Newport Township Luzerne County	Curbside Recycling Program	\$158,197
29	Plains Township Luzerne County	Curbside Leaf Collection Program	\$200,000
30	Coolbaugh Township Monroe County	Compost Center	\$180,529

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
31	Oak Grove Multi-Municipal Compost Processing Board Monroe County	Yard Waste Composting Program	\$200,000
32	Bethlehem City Northampton County	Curbside Leaf Collection Program and Recycling Center	\$185,968
33	Nazareth Borough Northampton County	Recycling and Composting Center	\$200,000
34	Palmer Township Northampton County	Recycling Center	\$200,000
35	Tatamy Borough Northampton County	Curbside Leaf Collection Program	\$57,892
36	Schuylkill Haven Borough Schuylkill County	Compost Center	\$82,755
<i>Southcentral Region</i>			
37	Berks County Solid Waste Authority Berks County	Recycling Center	\$37,732
38	Bernville Borough Berks County	Leaf Waste Collection and Education Program	\$73,103
39	Colebrookdale Township Berks County	Curbside Recycling Collection and Education Program	\$41,901
40	Exeter Township Berks County	Curbside Leaf Collection and Processing, Recycling Collection and Education	\$197,660
41	Leesport Borough Berks County	Yard Waste Drop-off and Education Program	\$146,382
42	Lower Heidelberg Township Berks County	Curbside Leaf Collection Program	\$200,000
43	Mohnton Borough Berks County	Curbside Leaf Collection and Education Program	\$137,561
44	Muhlenberg Township Berks County	Yard Waste Drop-off and Education Program	\$190,574
45	Reading City Berks County	Curbside Leaf and Recycling Collection and Education Program	\$198,881
46	South Heidelberg Township Berks County	Curbside Recycling Collection and Education Program	\$135,539
47	Spring Township Berks County	Education, Yard Waste Drop-off and Curbside Collection Program	\$200,000
48	Wyomissing Borough Berks County	Recycling Collection and Education Program	\$117,788
49	Hollidaysburg Borough Blair County	Yard Waste Collection Program	\$200,000
50	Logan Township Blair County	Leaf Collection Program	\$181,620
51	Camp Hill Borough Cumberland County	Yard Waste Processing and Recycling Education Program	\$194,400
52	Carlisle Borough Cumberland County	Curbside Leaf Collection Program	\$200,000
53	East Pennsboro Township Cumberland County	Yard Waste Processing Program	\$191,758
54	Hampden Township Cumberland County	Yard Waste Collection Program	\$200,000
55	Lower Allen Township Cumberland County	Curbside Leaf Collection and Yard Waste Processing Program	\$197,646
56	New Cumberland Borough Cumberland County	Curbside Leaf Collection	\$149,614
57	South Middleton Township Cumberland County	Yard Waste Drop-off	\$200,000

NOTICES

7287

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
58	Upper Allen Township Cumberland County	Curbside Leaf Collection Program	\$200,000
59	Derry Township Dauphin County	Curbside Leaf Collection Program	\$101,478
60	Harrisburg City Dauphin County	Curbside Leaf Collection Program	\$200,000
61	Lower Paxton Township Dauphin County	Yard Waste Processing Program	\$127,545
62	Penbrook Borough Dauphin County	Yard Waste Drop-off and Processing Program	\$196,164
63	Swatara Township Dauphin County	Yard Waste Collection Program	\$153,818
64	East Cocalico Township Lancaster County	Yard Waste Processing Program	\$200,000
65	East Petersburg Borough Lancaster County	Recycling Education Program	\$2,313
66	Lancaster City Lancaster County	Recycling Education and Processing Program	\$149,916
67	Lancaster Township Lancaster County	Yard Waste Drop-off	\$200,000
68	Manheim Township Lancaster County	Yard Waste Processing Program	\$200,000
69	Mount Joy Borough Lancaster County	Yard Waste Drop-off and Education Program	\$200,000
70	Greater Lebanon Refuse Authority Lebanon County	Yard Waste Processing and Recycling Collection Program	\$199,995
71	Jonestown Borough Lebanon County	Curbside Leaf Collection and Education Program	\$64,800
72	North Lebanon Township Lebanon County	Yard Waste Collection Program	\$180,022
73	Richland Borough Lebanon County	Curbside Leaf Collection Program	\$200,000
74	South Londonderry Township Lebanon County	Curbside Leaf Collection Program	\$78,407
75	Union Township Lebanon County	Recycling Drop-off	\$57,618
76	Mifflin County Solid Waste Authority Mifflin County	Recycling Collection and Drop-off Program	\$111,699
77	Carroll Township York County	Curbside Recycling Collection and Education Program	\$16,275
78	Dillsburg Borough York County	Curbside Recycling Collection Program	\$18,625
79	Fairview Township York County	Curbside Leaf Collection and Processing and Education Program	\$137,942
80	Hanover Borough York County	Recycling Collection and Drop-off Program	\$200,000
81	Manchester Township York County	Leaf Collection Program	\$81,269
82	New Freedom Borough York County	Yard Waste Collection, Public Education and Drop-off Recycling Programs	\$138,330
83	Penn Township York County	Recycling Collection, Yard Waste Processing and Public Education	\$116,911
84	Spring Garden Township York County	Yard Waste Collection Program	\$10,890
85	York Township York County	Yard Waste Collection Program	\$200,000

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
<i>Northcentral Region</i>			
86	Sayre Borough Bradford County	Curbside Collection Program	\$200,000
87	Bellefonte Borough Centre County	Yard Waste Processing Program	\$200,000
88	Centre County Recycling and Refuse Authority Centre County	Curbside Collection Program	\$200,000
89	Philipsburg Borough Centre County	Curbside Collection Program	\$200,000
90	Snow Shoe Township Centre County	Yard Waste Processing Program	\$85,000
91	Spring Township Centre County	Leaf and Yard Waste Collection Program	\$200,000
92	State College Borough Centre County	Yard Waste Collection Program	\$200,000
93	Clinton County Solid Waste Authority Clinton County	Curbside Collection Program	\$200,000
94	Lycoming County Lycoming County	Curbside Collection Program	\$200,000
95	Montoursville Borough Lycoming County	Leaf and Yard Waste Collection Program	\$114,000
96	South Williamsport Borough Lycoming County	Leaf and Yard Waste Collection and Processing Program	\$158,427
97	Milton Borough Northumberland County	Leaf and Yard Waste Collection Program	\$111,013
98	Mount Carmel Township Northumberland County	Collection Program and Recycling Processing Building	\$192,390
99	Sunbury City Municipal Authority Northumberland County	Recycling Processing Program	\$178,002
100	Penn Township Snyder County	Leaf and Yard Waste Collection Program and Yard Waste Drop-off	\$167,500
101	East Buffalo Township Union County	Yard Waste Processing Program	\$200,000
102	Union County Union County	Collection and Processing Program and Yard Waste Drop-off	\$62,000
<i>Southwest Region</i>			
103	Forest Hills Borough Allegheny County	Yard Waste Curbside Collection Program	\$200,000
104	Fox Chapel Borough Allegheny County	Yard Waste Processing, Yard Waste and Recycling Collection and Education	\$117,234
105	Mount Lebanon Allegheny County	Yard Waste Processing Program	\$200,000
106	Pittsburgh City Allegheny County	Recycling Curbside Collection and Education Program	\$200,000
107	Plum Borough Allegheny County	Yard Waste Curbside Collection	\$116,820
108	Wilkins Township Allegheny County	Recycling Curbside Collection and Education Program	\$144,000
109	Chippewa Township Beaver County	Yard Waste Drop-off and Education Program	\$66,960
110	Cambria County Solid Waste Authority Cambria County	Recycling Drop-off Program	\$200,000
111	Fayette County Fayette County	Recycling Center and Education Program	\$200,000

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
112	Greene County Greene County	Recycling Center	\$54,000
113	East Washington Borough Washington County	Yard Waste Curbside Collection and Education Program	\$144,000
<i>Northwest Region</i>			
114	Armstrong County Armstrong County	Recycling Center Collection and Processing Programs	\$115,322
115	Butler County Butler County	Recycling Collection Program	\$159,759
116	Elk County Solid Waste Authority Elk County	Recycling Center and Processing Program	\$118,446
117	Erie City Erie County	Compost Center Processing Program	\$200,000
118	Millcreek Township Erie County	Yard Waste Processing, Curbside Recycling and Education Program	\$200,000
119	Indiana County Solid Waste Authority Indiana County	Compost Center Processing Program	\$200,000
120	Jefferson County Solid Waste Authority Jefferson County	Curbside and Drop-off Recycling and Education Program	\$78,574
121	New Castle City Lawrence County	Curbside Recycling Collection Program	\$22,950
122	Bradford City McKean County	Recycling Center Collection and Education Programs	\$31,019
123	Grove City Borough Mercer County	Yard Waste Processing Program	\$95,200
124	Mercer County Mercer County	Curbside and Drop-off Recycling Collection and Education Program	\$157,518
125	Franklin City Venango County	Yard Waste Collection Program	\$163,698
126	Warren City Warren County	Curbside Recycling and Yard Waste Collection and Education Program	\$200,000

JESSICA SHIRLEY,
Acting Secretary

[Pa.B. Doc. No. 24-1580. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.18(d.1) (relating to management):

HRH Transitional Care Unit
a d/b/a entity of HRH
1648 Huntingdon Pike
Meadowbrook, PA 19046
FAC ID # 083902

Saint Joseph's Manor
a d/b/a entity of HRHS
1616 Huntingdon Pike
Meadowbrook, PA 19046
FAC ID # 451002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 204.3(b) (relating to buildings and grounds; general):

Rittenhouse Post Acute
Penn Med Rittenhouse Campus
1800 Lombard Street
5th Floor
Philadelphia, PA 19146
FAC ID # 421102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 204.9(a) and (d) (relating to bathing facilities):

Rittenhouse Post Acute
Penn Med Rittenhouse Campus
1800 Lombard Street
5th Floor
Philadelphia, PA 19146
FAC ID # 421102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Human Services Building, Harrisburg, PA 17120, (717) 787-1816, 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 the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone number, 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,
Secretary

[Pa.B. Doc. No. 24-1581. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Spinal Cord Research Advisory Committee Meeting

The Department of Health's Spinal Cord Research Advisory Committee (Committee), established by section 903.1(b) of the Tobacco Settlement Act (35 P.S. § 5701.903A(b)), will hold a public meeting on Monday, November 18, 2024, from 10:30 a.m. to 11:30 a.m. The meeting will be held in person at Saint John's Evangelical Lutheran Church, 910 Allentown Road, Sellersville, PA 18960 and virtually by means of Microsoft Teams at (267) 332-8737. The conference ID is 366 019 677#.

The purpose of the meeting is to receive feedback from recipients of the Commonwealth Universal Research Enhancement Program (CURE) funding, review the timeline of 2023 grants and release of the 2024 request for application and to discuss the Committee feedback process and the Committee's recommended changes.

For additional information or for persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation, contact Will Cramer, Director, Health Research Office or Galen Graham, Public Health Program Administrator, Health Research Office at (717) 836-3623, ra-healthresearch@pa.gov. 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).

Check the Department of Health, Health Research Office CURE Spinal Cord Research Advisory Committee web site at <https://bit.ly/3NO2Kz3> for any changes to this public meeting.

This meeting is subject to cancellation without notice.

DR. DEBRA L. BOGEN,
Secretary

[Pa.B. Doc. No. 24-1582. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Corrected Fee Schedule Rates for Select Services Funded Through the Office of Developmental Programs' Consolidated, Community Living, Person/Family Directed Support and Adult Autism Waivers and the Community Intellectual Disability Base-Funded Program

The Department of Human Services (Department) published final notice of Fee Schedule Rates for services funded through the Consolidated, Community Living, Person/Family Directed Support (P/FDS) and Adult Autism Waivers and the Department-established fees for base-funded services at 54 Pa.B. 5541 (August 31, 2024). After the notice was issued, the Department realized that corrections were needed to several of the rates. The Department is providing final notice of the correct rates.

Discussion

Due to a calculation error, the Department has made corrections to the Fee Schedule Rates for the following services funded through the Consolidated, Community Living and P/FDS Waivers and base-funding:

- Community Participation Support, effective July 1, 2024
- Life Sharing Without Day 1-person needs group 3 and 4, effective October 1, 2024

Additionally, due to a mistake in aligning the procedure code with the correct Statewide fee, the Department is republishing the Fee Schedule Rates for the following services funded through the Adult Autism Waiver effective July 1, 2024:

- Residential Habilitation
- Specialized Skill Development
- Supported Employment
- Career Planning
- Therapies
- Day Unit Respite
- 15-minute unit Respite
- Supports Coordination
- Transportation—Trip

The final Fee Schedule Rates and Department-established fees for the previously listed services are included in the following tables and have been available online at <https://www.dhs.pa.gov/providers/Providers/Pages/ODP-Rates.aspx> since September 4, 2024. The Department notified interested persons of the correction in communication 24-087, published on the Office of Developmental Programs' ListServs on September 4, 2024.

COMMUNITY PARTICIPATION SUPPORT SERVICES FEE SCHEDULE RATES FOR THE CONSOLIDATED, COMMUNITY LIVING AND P/FDS WAIVERS EFFECTIVE JULY 1, 2024

Rates in the table are per 15-minute unit.

<i>Service Name</i>		<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
Community Participation Support	Community	1:2 or 1:3	W9351	\$7.54	\$8.66
		2:3	W9352	\$11.26	\$14.69
		1:1	W5996	\$13.83	\$16.17
		1:1 enhanced	W5997	\$19.26	\$23.09
		2:1	W5993	\$26.59	\$31.40
		2:1 enhanced	W5994	\$32.08	\$38.26
	Facility	1:11 to 1:15	W7222	\$3.20	\$3.53
		1:7 to 1:10	W7223	\$3.43	\$3.90
		1:4 to 1:6	W7226	\$5.65	\$6.49
		1:2 to 1:3	W7224	\$7.39	\$8.53
		1:1	W7244	\$13.39	\$15.66
		1:1 enhanced	W9353	\$18.65	\$22.31
		2:1	W7269	\$25.67	\$30.20
		2:1 enhanced	W9356	\$30.94	\$36.85

LIFE SHARING SERVICES FEE SCHEDULE RATES FOR THE CONSOLIDATED AND COMMUNITY LIVING WAIVERS EFFECTIVE OCTOBER 1, 2024

Rates in the table are per day unit.

<i>Service Group</i>	<i>Needs Group</i>	<i>Program Capacity</i>	<i>Procedure Code</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
Life Sharing—Over 30 Hours Per Week On Average Without Day	Needs Group 3	1 person	W8593	\$325.99	\$342.29
	Needs Group 4	1 person	W8593	\$414.65	\$435.38

FEE SCHEDULE RATES FOR SELECT ADULT AUTISM WAIVER SERVICES EFFECTIVE JULY 1, 2024

Rates in the table are per 15-minute unit unless otherwise noted.

<i>Service Name</i>		<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Statewide Fee</i>
Residential Habilitation	Community Home	Light	W7228	\$168.87 (per day)
		Limited	W7229	\$237.09 (per day)
		Extensive	W7230	\$309.47 (per day)
		Intensive	W7231	\$600.74 (per day)
		Intensive +	W7232	\$709.30 (per day)
	Life Sharing	Low	W7052	\$181.57 (per day)
		Medium	W7054	\$220.48 (per day)
		High	W7053	\$259.39 (per day)

<i>Service Name</i>		<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Statewide Fee</i>
Specialized Skill Development	Behavioral Specialist (Plan Development)	1:1	96156	\$1,890.66 (per unit)
	Behavioral Specialist (Consult)	1:1	96171	\$23.63
	Behavioral Specialist (Direct)	1:1	96159	\$23.63
	Systematic Skill Building (Plan Development)	1:1	W7214	\$659.69 (per unit)
	Systematic Skill Building (Consult)	1:1	W7216	\$19.02
	Systematic Skill Building (Direct)	1:1	W7215	\$19.02
	Community Support		1:1	W7201
		1:2	W7204	\$6.73
		1:3	W7205	\$4.82
Small Group Employment		< 1:6 to > 1:3.5	W0012	\$3.42
		< 1:3.5 to > 1:1	W0011	\$5.03
Supported Employment	Intensive Job Coaching (Direct)	1:1	W7200	\$20.13
	Intensive Job Coaching (Indirect)	1:1	W7207	\$20.13
	Extended Employment Supports (Direct)	1:1	W7206	\$20.13
	Extended Employment Supports (Indirect)	1:1	W7202	\$20.13
Career Planning	Vocational Assessment	1:1	W7071	\$20.13
	Job Finding	1:1	W7077	\$20.13
Therapies	Counseling	1:1	T2025	\$24.17
	Speech/Language	1:1	T2025	\$25.44
Day Unit Respite	Licensed Out-of-Home	All staffing levels	W7211	\$302.46 (per day)
	Unlicensed Out-of-Home	All staffing levels	W9495	\$231.81 (per day)
15-Minute Unit	Respite In-Home	1:1	W7213	\$10.37
	Licensed Out-of-Home	All staffing levels	W7212	\$7.56
	Unlicensed Out-of-Home	All staffing levels	W9596	\$5.80
Supports Coordination	Plan Development	1:1	W7199	\$1,196.28 (per unit)
	Ongoing	1:1	T2024	\$25.67
Transportation—Trip	Zone 1		W7274	\$36.54
	Zone 2		W7275	\$65.78
	Zone 3		W7276	\$74.73

Copies of this notice may be obtained by contacting the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Human Services Building, 625 Forster Street, Harrisburg, PA 17120, ra-ratesetting@pa.gov.

Fiscal Impact

It is anticipated that there will be no additional cost to the Commonwealth in Fiscal Year 2024-2025 as a result of publishing the correct rates.

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1660. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 24-1583. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Payments and Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds in Fiscal Year (FY) 2024-2025 for several classes of inpatient disproportionate share hospital (DSH) payments and supplemental payments to Medical Assistance (MA) enrolled, qualifying inpatient acute care general hospitals. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments. The qualifying criteria and payment methodology for each payment are described in Pennsylvania's Medicaid State Plan.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

The allocation of the funds for DSH payments described as follows is contingent on the availability of Federal financial participation for these payments.

Allocation of Funds

The Department intends to allocate \$16.281 million in total funds for DSH payments to qualifying acute care general hospitals that provide enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth, upon approval by Centers for Medicare & Medicaid Services (CMS).

The Department intends to allocate \$1.336 million in total funds for DSH payments to qualifying acute care general hospitals to promote access to acute care services for MA eligible persons in less urban areas of this Commonwealth, upon approval by CMS.

The Department intends to allocate \$19.276 million in total funds for DSH payments to MA enrolled acute general hospitals that qualify as a trauma center for the purpose of improving access to readily available and coordinated trauma care, upon approval by CMS.

The Department intends to allocate \$11.135 million in total funds for DSH payments to qualifying acute care hospitals to promote access to comprehensive inpatient services for MA eligible persons by assuring an adequate supply of health care professionals who have been trained in high volume MA enrolled hospital settings, upon approval by CMS.

The Department intends to allocate \$9.882 million in total funds for DSH payments to qualifying acute care general hospital burn centers, upon approval by CMS.

The Department intends to allocate \$30.465 million in total funds for DSH payments to qualifying acute care

general hospitals providing obstetrical and neonatal services, upon approval by CMS.

The Department intends to allocate \$0.500 million in total funds for DSH payments to qualifying teaching hospitals that provide psychiatric services to MA beneficiaries to help offset medical education costs of psychiatrists that are incurred by hospitals providing assistance to MA beneficiaries and uninsured persons, upon approval by CMS.

The Department intends to allocate \$21.250 million in total funds for DSH payments to critical access and qualifying rural hospitals, upon approval by CMS.

The Department intends to allocate \$0.902 million in total funds for DSH payments to qualifying acute care general hospitals that, in partnership with an independent facility listed as a Cleft and Craniofacial Team by the American Cleft Palate-Craniofacial Association, provide surgical services to patients with cleft palate and craniofacial abnormalities, upon approval by CMS.

The Department intends to allocate \$15.562 million in total funds for DSH payments to qualifying acute care general hospitals that serve the indigent population of cities with a per capita income significantly below the Statewide average for this Commonwealth, upon approval by CMS.

The Department intends to allocate \$0.776 million in total funds funding for DSH payments made to qualifying MA enrolled acute care general hospitals that provide a high volume of inpatient services to MA eligible and low-income populations, upon approval by CMS.

The Department intends to allocate \$5.678 million in total funds for DSH payments to qualifying acute care general hospitals that qualify as academic medical centers, upon approval by CMS.

The Department intends to allocate \$25.230 million in total funds for DSH payments to qualifying acute care general hospitals to provide additional support for the operation of academic medical programs through the medical education of health care professionals needed to treat the MA population, upon approval by CMS.

The Department intends to allocate \$7.793 million in total funds DSH payments to qualifying acute care general hospitals that participate in an academic medical program, upon approval by CMS.

The Department intends to allocate \$10.020 million in total funds for DSH payments to qualifying acute care general hospitals that provide a high volume of services to the MA population to promote continued access to inpatient and ancillary outpatient services in this Commonwealth and to support academic medical programs for integrated patient-centered medical services, upon approval by CMS.

The Department intends to allocate \$6.235 million in total funds for DSH payments to qualifying acute care general hospitals to promote the availability of professional medical services to MA populations in less urbanized areas of this Commonwealth by supporting medical education and academic medical programs, upon approval by CMS.

The Department intends to allocate \$9.281 million in total funds for supplemental payments to qualifying acute care general hospitals that provide medical and surgical ocular services to MA beneficiaries to ensure continued access to these critical eye related services, upon approval by CMS.

The Department intends to allocate \$108.777 million in total funds for supplemental payments to qualifying acute care general hospitals that treat a high volume of opioid use disorder patients in their emergency rooms, upon approval by CMS.

The Department intends to allocate \$59.030 million in total funds for supplemental payments to qualifying acute care general hospitals that treat a high percentage of MA patients under 18 years of age, upon approval by CMS.

The Department intends to allocate \$4.998 million in total funds for supplemental payments to qualifying acute care general hospitals located in a county with an estimated general population count of less than 1 million that serve a high percent of MA patients, upon approval by CMS.

The Department intends to allocate \$1.800 million in total funds for supplemental payments to qualifying acute care general hospitals that provide a substantial portion of their inpatient services to MA beneficiaries, upon approval by CMS.

Fiscal Impact

The FY 2024-2025 impact, as a result of the funding allocation for these payments, is \$366.207 million in total funds (State and Federal), upon approval by CMS.

Public Comment

Interested persons are invited to submit written comments regarding these DSH and supplemental payments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120, RA-PWMAProgComments@pa.gov. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania

Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1662. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund;

(7) MA—Fee for Service; (2) Implementing Year 2024-25 is \$68,566,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$697,354,000; 2022-23 Program—\$589,137,000; 2021-22 Program—\$644,059,000;

(7) MA—Academic Medical Centers; (2) Implementing Year 2024-25 is \$24,681,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$24,682,000; 2022-23 Program—\$22,111,000; 2021-22 Program—\$21,448,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2024-25 is \$4,000,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$10,071,000; 2022-23 Program—\$9,706,000; 2021-22 Program—\$9,613,000;

(7) Autism Intervention; (2) Implementing Year 2024-25 is \$600,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$31,679,000; 2022-23 Program—\$27,610,000; 2021-22 Program—\$27,493,000;

(7) MA—Hospital Based Burn Centers; (2) Implementing Year 2024-25 is \$4,438,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$4,438,000; 2022-23 Program—\$3,975,000; 2021-22 Program—\$3,856,000;

(7) MA—Obstetric and Neonatal Services; (2) Implementing Year 2024-25 is \$10,682,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$3,682,000; 2022-23 Program—\$2,986,000; 2021-22 Program—\$2,806,000;

(7) MA—Critical Access Hospitals; (2) Implementing Year 2024-25 is \$7,943,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$14,472,000; 2022-23 Program—\$11,364,000; 2021-22 Program—\$10,927,000;

(7) MA—Trauma Centers; (2) Implementing Year 2024-25 is \$8,657,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$8,657,000; 2022-23 Program—\$7,755,000; 2021-22 Program—\$7,522,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 24-1584. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Bureau of Occupational and Industrial Safety Fee Schedule Update

Under section 613-A(c) of the Administrative Code of 1929 (71 P.S. § 240.13A(c)), the Department of Labor and Industry is publishing the following fee increases, effective November 2, 2024.

Elevators and Other Lifting Devices

Service	Fees Effective October 30, 2017	CPI Adjustment											
		September 2018 Northeast Region 12-Month Average (2.2%)	September 2019 Northeast Region 12-Month Average (1.4%)	September 2020 Northeast Region 12-Month Average (1.2%)	September 2021 Northeast Region 12-Month Average (4.6%)	September 2022 Northeast Region 12-Month Average (7.2%)	September 2023 Northeast Region 12-Month Average (3.0%)	September 2024 Northeast Region 12-Month Average (3.4%)					
1 Plans/Permit Approval Application													
A. Passenger, freight and combination passenger/freight elevators (not hydraulic elevators) 1-7 floors	\$663.00	\$677.59	\$687.07	\$695.32	\$727.30	\$779.67	\$803.06	\$830.36					
Standard Fee													
Expedited plan review, approvals and inspections fee	\$1,663.00	\$1,699.59	\$1,723.38	\$1,744.06	\$1,824.29	\$1,955.64	\$2,014.31	\$2,082.79					
Flat Rate	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39					
Plus per hour for inspections that occur outside normal business hours	\$765.00	\$784.90	\$795.88	\$805.44	\$842.49	\$903.14	\$930.24	\$961.87					
B. Passenger, freight and combination passenger/freight elevators (not hydraulic elevators) 8-20 floors	\$1,600.00	\$1,635.52	\$1,658.81	\$1,678.00	\$1,758.52	\$1,888.16	\$1,938.80	\$2,000.39					
Standard Fee													
Expedited plan review, approvals and inspections fee	\$1,768.00	\$1,806.90	\$1,832.19	\$1,854.18	\$1,939.47	\$2,079.11	\$2,141.49	\$2,214.30					
Flat Rate	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39					
Plus per hour for inspections that occur outside normal business hours	\$950.00	\$970.90	\$984.49	\$996.31	\$1,042.14	\$1,117.17	\$1,150.69	\$1,189.81					
C. Passenger, freight and combination passenger/freight elevators (not hydraulic elevators) More than 20 floors	\$1,950.00	\$1,992.90	\$2,020.80	\$2,045.05	\$2,139.12	\$2,283.14	\$2,361.93	\$2,442.24					
Standard Fee													
Expedited plan review, approvals and inspections fee	\$1,600.00	\$1,635.52	\$1,658.81	\$1,678.00	\$1,758.52	\$1,888.16	\$1,938.80	\$2,000.39					
Flat Rate	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39					
Plus per hour for inspections that occur outside normal business hours	\$2,800.00	\$2,861.60	\$2,901.66	\$2,936.48	\$3,071.56	\$3,292.71	\$3,391.49	\$3,506.81					
D. Hydraulic passenger, freight combination passenger/freight elevators/vertical lifts, inclined platform lifts, inclined stairway chair lifts, belt malifits, orchestra lifts, stage lifts, organ lifts and other lifting devices	\$3,500.00	\$3,577.00	\$3,627.08	\$3,670.60	\$3,839.45	\$4,115.89	\$4,239.37	\$4,383.51					
Standard Fee													
Expedited plan review, approvals and inspections fee	\$320.00	\$327.04	\$331.62	\$335.60	\$351.04	\$376.31	\$387.60	\$400.78					
Flat Rate	\$600.00	\$613.20	\$621.78	\$629.25	\$658.19	\$705.58	\$726.75	\$751.46					
Plus per hour for inspections that occur outside normal business hours	\$1,600.00	\$1,635.20	\$1,658.09	\$1,677.99	\$1,755.18	\$1,881.55	\$1,938.00	\$2,003.89					
E. Ski Lifts (aerial passenger ropeways)	\$320.00	\$327.04	\$331.62	\$335.60	\$351.04	\$376.31	\$387.60	\$400.78					
Standard Fee													
Expedited plan review, approvals and inspections fee	\$558.00	\$570.28	\$578.26	\$585.20	\$612.12	\$656.19	\$675.88	\$698.86					
Flat Rate	\$1,558.00	\$1,592.28	\$1,614.57	\$1,633.94	\$1,709.10	\$1,832.16	\$1,887.12	\$1,951.29					
Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39					
F. Alterations and major repairs	\$696.00	\$711.31	\$721.27	\$729.93	\$763.50	\$818.47	\$843.03	\$871.69					
Standard Fee													
Expedited plan review, approvals and inspections fee	\$1,696.00	\$1,733.31	\$1,757.58	\$1,778.67	\$1,860.49	\$1,994.44	\$2,054.28	\$2,124.12					
Flat Rate	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39					
Plus per hour for inspections that occur outside normal business hours	\$72.00	\$73.58	\$74.61	\$75.51	\$78.98	\$84.67	\$87.21	\$90.17					
G. Certificate renewals	\$144.00	\$147.17	\$149.23	\$151.02	\$157.97	\$169.34	\$174.42	\$180.35					
Two-year renewals													
Four-year renewals													
H. Elevator inspections	\$200.00	\$204.40	\$207.26	\$209.75	\$219.40	\$235.19	\$242.25	\$250.49					
Standard Fee													
Expedited inspections fee	\$300.00	\$306.60	\$310.89	\$314.62	\$329.10	\$352.79	\$363.37	\$375.73					
Flat Rate	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39					
Plus per hour for inspections that occur outside normal business hours	\$236.00	\$241.19	\$244.57	\$247.50	\$258.89	\$277.53	\$285.85	\$295.57					
I. Standard Fee													
Expedited inspections fee	\$336.00	\$343.39	\$348.20	\$352.38	\$368.59	\$395.13	\$406.98	\$420.82					
Flat Rate	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39					
Plus per hour for inspections that occur outside normal business hours	\$250.00	\$255.50	\$259.08	\$262.19	\$274.25	\$293.99	\$302.81	\$313.11					
J. Passenger, freight and combination passenger/freight elevators except hydraulic elevators 1-7 floors	\$350.00	\$357.70	\$362.71	\$367.06	\$383.95	\$411.59	\$423.94	\$438.35					
Standard Fee													
Expedited inspections fee	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39					
Flat Rate													
Plus per hour for inspections that occur outside normal business hours													

J. Fixed grip aerial lifts										
Standard Fee	\$2,400.00	\$2,452.80	\$2,487.14	\$2,516.98	\$2,632.77	\$2,822.33	\$2,907.00	\$3,005.83		
Expedited action fee										
Flat Rate	\$2,600.00	\$2,657.20	\$2,694.40	\$2,726.73	\$2,852.16	\$3,057.52	\$3,149.24	\$3,256.32		
Plus per hour for inspections that occur outside normal business hours	\$320.00	\$327.04	\$331.62	\$335.60	\$351.04	\$376.31	\$387.60	\$400.78		
K. Other equipment										
Standard Fee	\$435.00	\$444.57	\$450.79	\$456.20	\$477.19	\$511.55	\$526.89	\$544.81		
Expedited action fee										
Flat Rate	\$635.00	\$648.97	\$658.06	\$665.95	\$696.59	\$746.74	\$769.14	\$795.29		
Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39		
6. Special Approval										
Standard Fee	\$1,000.00	\$1,022.00	\$1,036.31	\$1,048.74	\$1,096.99	\$1,175.97	\$1,211.25	\$1,252.43		
plus \$115 per hour		plus \$ 117.53 per hour	plus \$119.18 per hour	plus \$120.61 per hour	plus \$126.16 per hour	plus \$135.24 per hour	plus \$139.30 per hour	plus \$144.04 per hour		
Expedited special approval inspections fee										
Flat Rate	\$2,000.00	\$2,044.00	\$2,072.62	\$2,097.49	\$2,193.97	\$2,351.94	\$2,422.50	\$2,504.86		
Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39		
7. Reinspection following failed acceptance inspection										
Standard Fee	\$500.00	\$511.00	\$518.15	\$524.37	\$548.49	\$587.98	\$605.62	\$626.22		
Expedited special approval inspections fee										
Flat Rate	\$1,500.00	\$1,533.00	\$1,554.46	\$1,573.12	\$1,645.48	\$1,763.95	\$1,816.87	\$1,878.65		
Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39		
8. Reinspection following failure to correct violations within allotted time period										
Standard Fee	\$200.00	\$204.40	\$207.26	\$209.75	\$219.40	\$235.19	\$242.25	\$250.49		
Expedited special approval inspections fee										
Flat Rate	\$1,200.00	\$1,226.40	\$1,243.57	\$1,258.49	\$1,316.38	\$1,411.16	\$1,453.50	\$1,502.92		
Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39		
9. Copy of UCC Regulations for Elevators										
Duplicate certificate of operation	\$7.00	Not Applicable								
11. PA Industrial Board variances, appeals or requests for extensions of time										
Standard Fee	\$321.00	\$328.06	\$332.65	\$336.65	\$352.13	\$377.49	\$388.81	\$402.03		
Expedited action fee	\$1,321.00	\$1,350.06	\$1,368.96	\$1,385.39	\$1,449.12	\$1,553.45	\$1,600.06	\$1,654.46		
12. PA Accessibility Advisory Board variances, appeals or requests for extensions of time										
Standard Fee	\$321.00	\$328.06	\$332.65	\$336.65	\$352.13	\$377.49	\$388.81	\$402.03		
Expedited action fee	\$1,321.00	\$1,350.06	\$1,368.96	\$1,385.39	\$1,449.12	\$1,553.45	\$1,600.06	\$1,654.46		

Boilers and Unfired Pressure Vessels

			CPI Adjustment September 2018 Northeast Region 12-Month Average (2.2%)	CPI Adjustment September 2019 Northeast Region 12-Month Average (1.4%)	CPI Adjustment September 2020 Northeast Region 12- Month Average (1.2%)	CPI Adjustment September 2021 Northeast Region 12- Month Average (4.6%)	CPI Adjustment September 2022 Northeast Region 12- Month Average (7.2%)	CPI Adjustment September 2023 Northeast Region 12- Month Average (3.0%)	CPI Adjustment September 2024 Northeast Region 12- Month Average (3.4%)
1	Certificates of Operation-Annual								
	Unfired Pressure Vessel	\$72.00	\$73.58	\$74.61	\$75.51	\$78.98	\$84.67	\$87.21	\$90.17
	Boiler	\$44.00	\$44.97	\$45.60	\$46.14	\$48.27	\$51.74	\$53.29	\$55.11
2	Internal inspection of power boilers, high-pressure, high-temperature water boilers and miniature boilers								
	A. Boilers with heating surface of 50 sq. ft. or less								
	Standard Fee	\$65.00	\$66.43	\$67.36	\$68.17	\$71.30	\$76.44	\$78.73	\$81.41
	Expedited inspections								
	Flat Rate	\$165.00	\$168.63	\$170.99	\$173.04	\$181.00	\$194.03	\$199.86	\$206.65
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
	B. Boilers with heating surface of 51 to 3,999 sq. ft.								
	Standard Fee	\$125.00	\$127.75	\$129.54	\$131.09	\$137.12	\$147.00	\$151.41	\$156.55
	Expedited inspections								
	Flat Rate	\$225.00	\$229.95	\$233.17	\$235.97	\$246.82	\$264.59	\$272.53	\$281.80
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
	C. Boilers with heating surface of 4,000 to 9,999 sq. ft.								
	Standard Fee	\$175.00	\$178.85	\$181.35	\$183.53	\$191.97	\$205.79	\$211.97	\$219.18
	Expedited inspections								
	Flat Rate	\$275.00	\$281.05	\$284.98	\$288.40	\$301.67	\$323.39	\$333.09	\$344.42
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
	D. Boilers with heating surface to 10,000 sq. ft. or more								
	Standard Fee	\$210.00	\$214.62	\$217.62	\$220.24	\$230.37	\$246.95	\$254.36	\$263.01
	Expedited inspections								
	Flat Rate	\$310.00	\$316.82	\$321.26	\$325.11	\$340.07	\$364.55	\$375.49	\$388.25
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
	E. Miniature Boilers								
	Standard Fee	\$35.00	\$35.77	\$36.27	\$36.71	\$38.39	\$41.16	\$42.39	\$43.84
	Expedited inspections								
	Flat Rate	\$135.00	\$137.97	\$139.90	\$141.58	\$148.09	\$158.76	\$163.52	\$169.08
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
3	External inspection of power boilers, high-pressure, high-temperature water boilers								
	A. Boilers with heating surface of 50 sq. ft. or less								
	Standard Fee	\$55.00	\$56.21	\$57.00	\$57.68	\$60.33	\$64.68	\$66.62	\$68.88
	Expedited inspections								
	Flat Rate	\$155.00	\$158.41	\$160.63	\$162.56	\$170.03	\$182.28	\$187.74	\$194.13
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
	B. Boilers with more than 50 sq. ft. of heating surface								
	Standard Fee	\$80.00	\$81.76	\$82.90	\$83.90	\$87.76	\$94.08	\$96.90	\$100.19
	Expedited inspections								
	Flat Rate	\$180.00	\$183.96	\$186.54	\$188.77	\$197.46	\$211.67	\$218.02	\$225.44
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
	Internal or External inspection of low-pressure boilers								
	A. Heating boiler without a manhole								
	Standard Fee	\$55.00	\$56.21	\$57.00	\$57.68	\$60.33	\$64.68	\$66.62	\$68.88
	Expedited inspections								
	Flat Rate	\$155.00	\$158.41	\$160.63	\$162.56	\$170.03	\$182.28	\$187.74	\$194.13
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
	B. Heating boiler with a manhole								
	Standard Fee	\$100.00	\$102.20	\$103.63	\$104.87	\$109.70	\$117.60	\$121.12	\$125.24
	Expedited inspections								
	Flat Rate	\$200.00	\$204.40	\$207.26	\$209.75	\$219.40	\$235.19	\$242.25	\$250.49
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
	C. Hot water supply boiler/water heater								
	Standard Fee	\$55.00	\$56.21	\$57.00	\$57.68	\$60.33	\$64.68	\$66.62	\$68.88
	Expedited inspections								
	Flat Rate	\$155.00	\$158.41	\$160.63	\$162.56	\$170.03	\$182.28	\$187.74	\$194.13
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
5	Internal or External inspection of pressure vessels								
	A. Each pressure vessel subject to inspection having a cross-sectional area of 50 sq. ft. or less								
	Standard Fee	\$45.00	\$45.99	\$46.63	\$47.19	\$49.36	\$52.92	\$54.51	\$56.36
	Expedited inspections fee								
	Flat Rate	\$145.00	\$148.19	\$150.26	\$152.07	\$159.06	\$170.52	\$175.63	\$181.60
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39

B. Each additional 100 sq. ft. of area in excess of 50 sq. ft.									
	Standard Fee	\$45.00	\$45.99	\$46.63	\$47.19	\$49.36	\$52.92	\$54.51	\$56.36
	Expedited inspections fee (per each additional 100 sq. ft. in excess of 50 sq. ft.)								
	Flat Rate	\$145.00	\$148.19	\$150.26	\$152.07	\$159.06	\$170.52	\$175.63	\$181.60
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
6	"Intent to Install" approval								
	High-pressure boilers and Low-pressure boilers								
	Standard Fee	\$100.00	\$102.20	\$103.63	\$104.87	\$109.70	\$117.60	\$121.12	\$125.24
	Expedited action fee								
	Flat Rate	\$1,100.00	\$1,124.20	\$1,139.94	\$1,153.62	\$1,206.68	\$1,293.57	\$1,332.37	\$1,377.67
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
7	Boiler inspections								
	Inspector's examination fee	\$150.00	\$153.30	\$155.45	\$157.31	\$164.55	\$176.40	\$181.69	\$187.86
	New credential card (annual renewal)	\$25.00	\$25.55	\$25.91	\$26.22	\$27.42	\$29.40	\$30.28	\$31.31
8	Hydrostatic test (Witnessed)								
	Standard Fee	\$65.00	\$66.43	\$67.36	\$68.17	\$71.30	\$76.44	\$78.73	\$81.41
	Expedited action								
	Flat Rate	\$165.00	\$168.63	\$170.99	\$173.04	\$181.00	\$194.03	\$199.86	\$206.65
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
9	Inspection of repair fee								
	Standard Fee	\$65.00	\$66.43	\$67.36	\$68.17	\$71.30	\$76.44	\$78.73	\$81.41
	Expedited inspections								
	Flat Rate	\$165.00	\$168.63	\$170.99	\$173.04	\$181.00	\$194.03	\$199.86	\$206.65
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
10	Copy of department boiler regulations that occur outside normal business hours	\$7.00	\$7.15	\$7.25	\$7.34	\$7.68	\$8.23	\$8.48	\$8.77
11	Duplicate certificate of operation	\$5.00	Not Applicable						
12	Boiler registry CD	\$75.00	Not Applicable						
13	Acceptance of boilers and pressure vessels not originally destined for use within this Commonwealth								
	Standard Fee	\$1,500.00	\$1,533.00	\$1,554.46	\$1,573.12	\$1,645.48	\$1,763.95	\$1,816.87	\$1,878.65
	Expedited action								
	Flat Rate	\$2,500.00	\$2,555.00	\$2,590.77	\$2,621.86	\$2,742.46	\$2,939.92	\$3,028.12	\$3,131.08
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
14	Industrial Board variance, appeal and request for extension of time								
	Standard Fee	\$321.00	\$328.06	\$332.65	\$336.65	\$352.13	\$377.49	\$388.81	\$402.03
	Expedited request	\$1,321.00	\$1,350.06	\$1,368.96	\$1,385.39	\$1,449.12	\$1,553.45	\$1,600.06	\$1,654.46

Flammable and Combustible Liquids

Service	Fees Effective October 30, 2017	CPI Adjustment September 2018 Northeast Region 12-Month Average (2.2%)		CPI Adjustment September 2019 Northeast Region 12-Month Average (1.4%)		CPI Adjustment September 2020 Northeast Region 12-Month Average (1.2%)		CPI Adjustment September 2021 Northeast Region 12-Month Average (4.6%)		CPI Adjustment September 2022 Northeast Region 12-Month Average (7.2%)		CPI Adjustment September 2023 Northeast Region 12-Month Average (3.0%)		CPI Adjustment September 2024 Northeast Region 12-Month Average (3.4%)	
1. Permit for the installation or replacement of tanks and pumps or dispensers	Standard Fee	\$700.00	\$715.40	\$725.42	\$734.12	\$767.89	\$823.18	\$847.87	\$876.70						
	Expedited Permits and Inspections														
	Flat Rate	\$1,700.00	\$1,737.40	\$1,761.72	\$1,782.86	\$1,864.88	\$1,999.15	\$2,059.12	\$2,129.13						
		\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39						
2. Permit for the installation or replacement of tanks	Standard Fee	\$500.00	\$511.00	\$518.15	\$524.37	\$548.49	\$587.98	\$605.62	\$626.22						
	Expedited Permits and Inspections														
	Flat Rate	\$1,500.00	\$1,533.00	\$1,554.46	\$1,573.12	\$1,645.48	\$1,763.95	\$1,816.87	\$1,878.65						
		\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39						
3. Permit for the installation or replacement of pumps or dispensers	Standard Fee	\$200.00	\$204.40	\$207.26	\$209.75	\$219.40	\$235.19	\$242.25	\$250.49						
	Expedited Permits and Inspections														
	Flat Rate	\$1,200.00	\$1,226.40	\$1,243.57	\$1,258.49	\$1,316.38	\$1,411.16	\$1,453.50	\$1,502.92						
		\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39						
4. Permit for the installation and rebuild of containers for compressed natural gas	Standard Fee	\$500.00	\$511.00	\$518.15	\$524.37	\$548.49	\$587.98	\$605.62	\$626.22						
	Expedited Permits and Inspections														
	Flat Rate	\$1,500.00	\$1,533.00	\$1,554.46	\$1,573.12	\$1,645.48	\$1,763.95	\$1,816.87	\$1,878.65						
		\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39						
5. Permit for the installation or replacement of compressed natural gas pumps and dispensers	Standard Fee	\$200.00	\$204.40	\$207.26	\$209.75	\$219.40	\$235.19	\$242.25	\$250.49						
	Expedited Permits and Inspections														
	Flat Rate	\$1,200.00	\$1,226.40	\$1,243.57	\$1,258.49	\$1,316.38	\$1,411.16	\$1,453.50	\$1,502.92						
		\$160.00	\$163.52	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39						
6. Duplicate Permit															
7. Industrial board variance, appeal and requests for extension of time															
		\$75.00	Not Applicable												
		\$321.00	\$328.06	\$332.65	\$336.65	\$352.13	\$377.49	\$388.81	\$402.03						
		\$1,321.00	\$1,350.06	\$1,368.96	\$1,385.39	\$1,449.12	\$1,553.45	\$1,600.06	\$1,654.46						

Liquefied Petroleum Gas

		CPI Adjustment September 2018 Northeast Region 12-Month Average (2.2%)	CPI Adjustment September 2019 Northeast Region 12-Month Average (1.4%)	CPI Adjustment September 2020 Northeast Region 12- Month Average (1.2%)	CPI Adjustment September 2021 Northeast Region 12- Month Average (4.6%)	CPI Adjustment September 2022 Northeast Region 12- Month Average (7.2%)	CPI Adjustment September 2023 Northeast Region 12- Month Average (3.0%)	CPI Adjustment September 2024 Northeast Region 12- Month Average (3.4%)
1	New registration and plan approval for bulk plants of 30,000 gallons or less Standard Fee	\$360.00	\$373.07	\$377.55	\$394.91	\$423.35	\$436.05	\$450.87
	Expedited Permits and Inspections							
	Fiat Rate	\$1,360.00	\$1,409.38	\$1,426.29	\$1,491.90	\$1,599.32	\$1,647.30	\$1,703.31
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
2	New registration and plan approval for bulk plants of 30,001-90,000 gallons Standard Fee	\$430.00	\$445.61	\$450.96	\$471.70	\$505.67	\$520.84	\$558.55
	Expedited Permits and Inspections							
	Fiat Rate	\$1,430.00	\$1,481.92	\$1,499.70	\$1,568.69	\$1,681.64	\$1,732.08	\$1,790.98
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
3	New registration and plan approval for bulk plants of 90,001 gallons or more Standard Fee	\$475.00	\$492.25	\$498.15	\$521.07	\$558.59	\$575.34	\$594.90
	Expedited Permits and Inspections							
	Fiat Rate	\$1,475.00	\$1,528.55	\$1,546.90	\$1,618.05	\$1,734.55	\$1,786.59	\$1,847.33
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
4	New registration and plan approval for industrial or utility users of 2,001-30,000 gallons Standard Fee	\$250.00	\$259.08	\$262.19	\$274.25	\$293.99	\$302.81	\$313.11
	Expedited Permits and Inspections							
	Fiat Rate	\$1,250.00	\$1,277.50	\$1,310.93	\$1,371.23	\$1,469.96	\$1,514.06	\$1,565.54
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
5	New registration and plan approval for industrial or utility users of 30,001-180,000 gallons Standard Fee	\$360.00	\$373.07	\$377.55	\$394.91	\$423.35	\$436.05	\$450.87
	Expedited Permits and Inspections							
	Fiat Rate	\$1,360.00	\$1,409.38	\$1,426.29	\$1,491.90	\$1,599.32	\$1,647.30	\$1,703.31
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
6	Registration and plan approval for industrial or utility users of 180,001 gallons or more Standard Fee	\$475.00	\$492.25	\$498.15	\$521.07	\$558.59	\$575.34	\$594.90
	Expedited Permits and Inspections							
	Fiat Rate	\$1,475.00	\$1,528.55	\$1,546.90	\$1,618.05	\$1,734.55	\$1,786.59	\$1,847.33
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
7	Plan approval of dispensing stations (please include applicable distributor registration fee with application) Standard Fee	\$50.00	Not Applicable					
	Expedited Permits and Inspections							
	Fiat Rate	\$1,050.00	\$1,088.12	\$1,101.18	\$1,151.84	\$1,234.77	\$1,271.81	\$1,315.05
	Plus per hour for inspections that occur outside normal business hours	\$160.00	\$165.81	\$167.80	\$175.52	\$188.16	\$193.80	\$200.39
8	Registration and plan approval for retail cylinder or exchange cabinets Standard Fee	\$150.00	\$155.45	\$157.31	\$164.55	\$176.40	\$181.69	\$187.86
	Expedited Permits and Inspections							
	Fiat Rate	\$1,150.00	\$1,191.75	\$1,206.06	\$1,261.53	\$1,352.36	\$1,392.94	\$1,440.29
9	Initial and annual registration renewal for distributors that occur outside normal business hours	\$175.00	\$181.35	\$183.53	\$191.97	\$205.79	\$211.97	\$219.18
10	Initial and annual registration renewal for distributors having less than 1,000 customers	\$300.00	\$310.89	\$314.62	\$329.10	\$352.79	\$363.37	\$375.73
11	Initial and annual registration renewal for distributors having 1,000-2,999 customers	\$375.00	\$388.25	\$393.28	\$411.37	\$440.99	\$454.22	\$469.66
12	Initial and annual registration renewal for distributors having 3,000-5,999 customers	\$500.00	\$518.15	\$524.37	\$548.49	\$587.98	\$605.62	\$626.22
13	Copy of department LP gas regulations	\$5.00	\$5.18	\$5.24	\$5.48	\$5.88	\$6.06	\$6.26
14	Annual registration renewal for bulk plants and industrial users	\$135.00	\$139.90	\$141.58	\$148.09	\$158.76	\$163.52	\$169.08
15	Annual registration renewal for cylinder or exchange cabinets	\$75.00	\$77.72	\$78.66	\$82.27	\$88.20	\$90.84	\$93.93
16	Industrial board variance, appeal and request for extension of time Standard Fee	\$321.00	\$332.65	\$336.65	\$352.13	\$377.49	\$388.81	\$402.03
	Expedited request	\$1,321.00	\$1,368.96	\$1,385.39	\$1,449.12	\$1,553.45	\$1,600.06	\$1,654.46

Certification, Accreditation and Licensing

Service	Fees Effective October 30, 2017	CPI Adjustment September 2018 Northeast Region 12-Month Average (2.2%)		CPI Adjustment September 2019 Northeast Region 12-Month Average (1.4%)		CPI Adjustment September 2020 Northeast Region 12-Month Average (1.2%)		CPI Adjustment September 2021 Northeast Region 12-Month Average (4.6%)		CPI Adjustment September 2022 Northeast Region 12-Month Average (7.2%)		CPI Adjustment September 2023 Northeast Region 12-Month Average (3.0%)		CPI Adjustment September 2024 Northeast Region 12-Month Average (3.4%)	
Boiler inspectors															
Inspector's examination fee	\$150.00	\$153.30	\$155.45	\$157.31	\$164.55	\$176.40	\$181.69	\$187.86	\$194.03	\$200.20	\$206.37	\$212.54	\$218.71	\$224.88	\$231.05
New credential card (annual renewal)	\$25.00	\$25.55	\$26.10	\$26.65	\$27.20	\$27.75	\$28.30	\$28.85	\$29.40	\$29.95	\$30.50	\$31.05	\$31.60	\$32.15	\$32.70
Fees for Bedding and Upholstery															
Manufacturer's license	\$150.00	\$153.30	\$155.45	\$157.31	\$164.55	\$176.40	\$181.69	\$187.86	\$194.03	\$200.20	\$206.37	\$212.54	\$218.71	\$224.88	\$231.05
Sterilization permit	\$75.00	\$76.65	\$77.72	\$78.66	\$82.27	\$86.20	\$89.84	\$93.93	\$98.39	\$102.70	\$106.86	\$110.77	\$114.44	\$117.88	\$121.11
Sterilization renewal	\$75.00	\$75.77	\$76.27	\$76.66	\$77.27	\$77.72	\$78.27	\$78.84	\$79.44	\$80.06	\$80.70	\$81.36	\$82.04	\$82.74	\$83.44
Auctioneer permit	\$75.00	\$76.65	\$77.72	\$78.66	\$82.27	\$86.20	\$89.84	\$93.93	\$98.39	\$102.70	\$106.86	\$110.77	\$114.44	\$117.88	\$121.11
Auctioneer renewal	\$35.00	\$35.77	\$36.27	\$36.71	\$37.39	\$38.39	\$39.39	\$40.39	\$41.39	\$42.39	\$43.39	\$44.39	\$45.39	\$46.39	\$47.39
Quarterly reports	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05
Duplicate license or permit	\$25.00	\$25.55	\$26.10	\$26.65	\$27.20	\$27.75	\$28.30	\$28.85	\$29.40	\$29.95	\$30.50	\$31.05	\$31.60	\$32.15	\$32.70
Secondhand initial application	\$100.00	\$102.20	\$103.63	\$104.87	\$107.70	\$111.24	\$115.54	\$119.60	\$124.42	\$128.99	\$133.36	\$137.54	\$141.53	\$145.33	\$148.94
Secondhand renewal	\$50.00	\$51.10	\$51.82	\$52.44	\$54.85	\$58.80	\$63.34	\$67.56	\$71.46	\$75.06	\$78.36	\$81.46	\$84.36	\$87.06	\$89.56
Fees for Asbestos Occupations															
Worker certification of less than six months	\$30.00	\$30.66	\$31.09	\$31.46	\$32.91	\$35.28	\$36.94	\$37.57	\$39.40	\$41.59	\$43.14	\$44.04	\$45.28	\$46.86	\$48.35
Worker certification of six months or more	\$60.00	\$61.32	\$62.18	\$62.92	\$65.82	\$70.56	\$74.62	\$78.00	\$82.62	\$87.32	\$92.09	\$96.94	\$101.86	\$106.84	\$111.88
Supervisor certification of less than six months	\$58.00	\$59.28	\$60.11	\$60.83	\$63.63	\$68.21	\$72.64	\$76.41	\$81.59	\$86.86	\$92.22	\$97.67	\$103.20	\$108.81	\$114.48
Supervisor certification of six months or more	\$116.00	\$118.55	\$120.21	\$121.65	\$127.25	\$136.41	\$145.28	\$153.78	\$162.74	\$171.29	\$180.44	\$189.18	\$197.61	\$205.74	\$213.56
Project designer certification of less than six months	\$175.00	\$178.85	\$181.35	\$184.53	\$191.97	\$205.79	\$219.18	\$232.18	\$244.79	\$257.01	\$268.84	\$280.28	\$291.33	\$302.00	\$312.28
Project designer certification of six months or more	\$350.00	\$357.70	\$362.71	\$367.06	\$383.95	\$411.59	\$443.94	\$480.35	\$519.79	\$562.20	\$608.59	\$658.96	\$713.31	\$771.66	\$833.01
Inspector certification of less than six months	\$175.00	\$178.85	\$181.35	\$184.53	\$191.97	\$205.79	\$219.18	\$232.18	\$244.79	\$257.01	\$268.84	\$280.28	\$291.33	\$302.00	\$312.28
Inspector certification of six months or more	\$350.00	\$357.70	\$362.71	\$367.06	\$383.95	\$411.59	\$443.94	\$480.35	\$519.79	\$562.20	\$608.59	\$658.96	\$713.31	\$771.66	\$833.01
Management planner certification of less than six months	\$175.00	\$178.85	\$181.35	\$184.53	\$191.97	\$205.79	\$219.18	\$232.18	\$244.79	\$257.01	\$268.84	\$280.28	\$291.33	\$302.00	\$312.28
Management planner certification of six months or more	\$350.00	\$357.70	\$362.71	\$367.06	\$383.95	\$411.59	\$443.94	\$480.35	\$519.79	\$562.20	\$608.59	\$658.96	\$713.31	\$771.66	\$833.01
Dual inspector or management planner of less than six months	\$175.00	\$178.85	\$181.35	\$184.53	\$191.97	\$205.79	\$219.18	\$232.18	\$244.79	\$257.01	\$268.84	\$280.28	\$291.33	\$302.00	\$312.28
Dual inspector or management planner of six months or more	\$350.00	\$357.70	\$362.71	\$367.06	\$383.95	\$411.59	\$443.94	\$480.35	\$519.79	\$562.20	\$608.59	\$658.96	\$713.31	\$771.66	\$833.01
Individual contractor certification of less than six months	\$290.00	\$296.38	\$304.14	\$304.14	\$318.13	\$341.00	\$367.25	\$396.00	\$427.25	\$461.00	\$497.25	\$536.00	\$577.25	\$620.50	\$666.25
Individual contractor certification of six months or more	\$580.00	\$592.76	\$601.06	\$608.27	\$636.25	\$682.00	\$736.50	\$794.50	\$856.50	\$922.50	\$992.50	\$1066.50	\$1144.50	\$1226.50	\$1312.50
Company certification	\$150.00	\$153.30	\$155.45	\$157.31	\$164.55	\$176.40	\$181.69	\$187.86	\$194.03	\$200.20	\$206.37	\$212.54	\$218.71	\$224.88	\$231.05
Training course accreditation	\$2,000.00	\$2,044.00	\$2,072.62	\$2,097.49	\$2,193.97	\$2,351.94	\$2,422.50	\$2,504.86	\$2,642.50	\$2,792.50	\$2,955.00	\$3,132.50	\$3,325.00	\$3,532.50	\$3,755.00
Duplicate certification	\$25.00	\$25.55	\$26.10	\$26.65	\$27.20	\$27.75	\$28.30	\$28.85	\$29.40	\$29.95	\$30.50	\$31.05	\$31.60	\$32.15	\$32.70
Fees for Lead-based Paint Occupations															
Worker certification of less than six months	\$30.00	\$30.66	\$31.09	\$31.46	\$32.91	\$35.28	\$36.94	\$37.57	\$39.40	\$41.59	\$43.14	\$44.04	\$45.28	\$46.86	\$48.35
Worker certification of six months or more	\$60.00	\$61.32	\$62.18	\$62.92	\$65.82	\$70.56	\$74.62	\$78.00	\$82.62	\$87.32	\$92.09	\$96.94	\$101.86	\$106.84	\$111.88
Supervisor certification of less than six months	\$58.00	\$59.28	\$60.11	\$60.83	\$63.63	\$68.21	\$72.64	\$76.41	\$81.59	\$86.86	\$92.22	\$97.67	\$103.20	\$108.81	\$114.48
Supervisor certification of six months or more	\$116.00	\$118.55	\$120.21	\$121.65	\$127.25	\$136.41	\$145.28	\$153.78	\$162.74	\$171.29	\$180.44	\$189.18	\$197.61	\$205.74	\$213.56
Project designer certification of less than six months	\$175.00	\$178.85	\$181.35	\$184.53	\$191.97	\$205.79	\$219.18	\$232.18	\$244.79	\$257.01	\$268.84	\$280.28	\$291.33	\$302.00	\$312.28
Project designer certification of six months or more	\$350.00	\$357.70	\$362.71	\$367.06	\$383.95	\$411.59	\$443.94	\$480.35	\$519.79	\$562.20	\$608.59	\$658.96	\$713.31	\$771.66	\$833.01
Inspector certification of less than six months	\$175.00	\$178.85	\$181.35	\$184.53	\$191.97	\$205.79	\$219.18	\$232.18	\$244.79	\$257.01	\$268.84	\$280.28	\$291.33	\$302.00	\$312.28
Inspector certification of six months or more	\$350.00	\$357.70	\$362.71	\$367.06	\$383.95	\$411.59	\$443.94	\$480.35	\$519.79	\$562.20	\$608.59	\$658.96	\$713.31	\$771.66	\$833.01
Risk assessor certification of less than six months	\$175.00	\$178.85	\$181.35	\$184.53	\$191.97	\$205.79	\$219.18	\$232.18	\$244.79	\$257.01	\$268.84	\$280.28	\$291.33	\$302.00	\$312.28
Risk assessor certification of six months or more	\$350.00	\$357.70	\$362.71	\$367.06	\$383.95	\$411.59	\$443.94	\$480.35	\$519.79	\$562.20	\$608.59	\$658.96	\$713.31	\$771.66	\$833.01
Dual inspector and risk assessor of less than six months	\$175.00	\$178.85	\$181.35	\$184.53	\$191.97	\$205.79	\$219.18	\$232.18	\$244.79	\$257.01	\$268.84	\$280.28	\$291.33	\$302.00	\$312.28
Dual inspector and risk assessor of six months or more	\$350.00	\$357.70	\$362.71	\$367.06	\$383.95	\$411.59	\$443.94	\$480.35	\$519.79	\$562.20	\$608.59	\$658.96	\$713.31	\$771.66	\$833.01
Third-party examination	\$50.00	\$51.10	\$51.82	\$52.44	\$54.85	\$58.80	\$63.34	\$67.56	\$71.46	\$75.06	\$78.36	\$81.46	\$84.36	\$87.06	\$89.56
Initial training course accreditation	\$2,000.00	\$2,044.00	\$2,072.62	\$2,097.49	\$2,193.97	\$2,351.94	\$2,422.50	\$2,504.86	\$2,642.50	\$2,792.50	\$2,955.00	\$3,132.50	\$3,325.00	\$3,532.50	\$3,755.00
Renewal training course accreditation	\$1,500.00	\$1,533.00	\$1,554.46	\$1,573.12	\$1,645.48	\$1,763.95	\$1,816.87	\$1,878.65	\$1,955.00	\$2,037.50	\$2,126.25	\$2,221.25	\$2,322.50	\$2,430.00	\$2,543.75
Refresher of initial or renewal training course accreditation	\$1,500.00	\$1,533.00	\$1,554.46	\$1,573.12	\$1,645.48	\$1,763.95	\$1,816.87	\$1,878.65	\$1,955.00	\$2,037.50	\$2,126.25	\$2,221.25	\$2,322.50	\$2,430.00	\$2,543.75
Duplicate certification	\$25.00	\$25.55	\$26.10	\$26.65	\$27.20	\$27.75	\$28.30	\$28.85	\$29.40	\$29.95	\$30.50	\$31.05	\$31.60	\$32.15	\$32.70
Lead companies	\$400.00	\$511.00	\$518.15	\$524.37	\$548.49	\$587.98	\$636.62	\$684.41	\$741.35	\$807.45	\$883.70	\$970.20	\$1068.05	\$1174.35	\$1291.10
Fees for Stuffed Toys															
Initial registration and renewals	\$75.00	\$76.65	\$77.72	\$78.66	\$82.27	\$86.20	\$89.84	\$93.93	\$98.39	\$102.70	\$106.86	\$110.77	\$114.44	\$117.88	\$121.11
Duplicate	\$25.00	\$25.55	\$26.10	\$26.65	\$27.20	\$27.75	\$28.30	\$28.85	\$29.40	\$29.95	\$30.50	\$31.05	\$31.60	\$32.15	\$32.70
Fees for Uniform Construction Code Certifications															
Initial code official certification and renewal	\$100.00	\$102.20	\$103.63	\$104.87	\$107.70	\$111.24	\$115.54	\$119.60	\$124.42	\$128.99	\$133.36	\$137.54	\$141.53	\$145.33	\$148.94
Initial third-party agency certification and renewal	\$300.00	\$306.60	\$310.89	\$314.62	\$329.10	\$352.79	\$382.00	\$416.86	\$457.25	\$503.25	\$556.50	\$617.00	\$685.75	\$762.75	\$849.25
Duplicate	\$25.00	\$25.55	\$26.10	\$26.65	\$27.20	\$27.75	\$28.30	\$28.85	\$29.40	\$29.95	\$30.50	\$31.05	\$31.60	\$32.15	\$32.70

NANCY WALKER,
Secretary

[Pa.B. Doc. No. 24-1585. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Gingerbread Dough Doubler Fast Play Game 5262

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the Fast Play lottery game is Pennsylvania Gingerbread Dough Doubler (“Gingerbread Dough Doubler”). The game number is PA-5262.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *GINGERBREAD ROAD DOUBLER*: The area in the middle of a Gingerbread Dough Doubler ticket containing two play symbols. A player wins two times the prize amount shown below a GINGERBREAD ROAD DOUBLER play symbol when either of the GINGERBREAD ROAD DOUBLER play symbols match any of the “WINNING NUMBERS” play symbols.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING NUMBERS*: The play symbols found in the play area that determine whether a player wins a prize when matched against the play symbols in the “YOUR NUMBERS” area.

(l) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The play symbols found in the play area that determine whether a player wins a prize when matched against the play symbols in the “WINNING NUMBERS” area.

3. *Price*: The price of a Gingerbread Dough Doubler ticket is \$2.

4. *Description of the Gingerbread Dough Doubler Fast Play lottery game*:

(a) The Gingerbread Dough Doubler lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Gingerbread Dough Doubler tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Gingerbread Dough Doubler is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player correctly matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) Gingerbread Dough Doubler is also played by matching either of the play symbols in the “GINGERBREAD ROAD DOUBLER” area. Players matching any of the “WINNING NUMBERS” play symbols to either of the “GINGERBREAD ROAD DOUBLER” play symbols will win two times the prize shown under the corresponding “GINGERBREAD ROAD DOUBLER” play symbol.

(d) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(e) Gingerbread Dough Doubler tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Gingerbread Dough Doubler ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Gingerbread Dough Doubler ticket and select the Gingerbread Dough Doubler option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Gingerbread Dough Doubler ticket characteristics*:

(a) Gingerbread Dough Doubler tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Gingerbread Dough Doubler tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “GINGERBREAD ROAD DOUBLER” area. The play symbols and their captions located in the “WINNING NUMBERS” area, the “YOUR NUMBERS” area and the “GINGERBREAD ROAD DOUBLER” 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).

(c) *Prize Symbols*: The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰

(TEN DOL), \$15⁰⁰ (FIFTEEN), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$1,000 (ONE THO) and \$12,000 (TWELVTHO). The prize symbols and their captions located in the “GINGERBREAD ROAD DOUBLER” area are: \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and \$250 (TWOHUNFTY).

(d) *Prizes:* The prizes that can be won in this game are: \$2, \$3, \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$1,000 and \$12,000. The prizes that can be won in the “GINGERBREAD ROAD DOUBLER” area are: \$4, \$6, \$10, \$30, \$50, \$100, \$200 and \$500. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate chances of winning). A player can win up to nine times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 720,000 tickets will be available for sale for the Gingerbread Dough Doubler lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery (“Lottery”) will conduct a HO HO WHOa Second-Chance Drawing (“Drawing”) for which non-winning Merry and Bright lottery game tickets may be eligible as provided for in section 9 (relating to second-chance drawing).

7. *Prizes available to be won and determination of prize winners:*

(a) All Gingerbread Dough Doubler prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$12,000 (TWELVTHO) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$12,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which either of the “GINGERBREAD ROAD DOUBLER” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the Prize area under the matching “GINGERBREAD ROAD DOUBLER” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which either of the “GINGERBREAD ROAD DOUBLER” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area under the matching “GINGERBREAD ROAD DOUBLER” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area under the match-

ing “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which either of the “GINGERBREAD ROAD DOUBLER” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under the matching “GINGERBREAD ROAD DOUBLER” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which either of the “GINGERBREAD ROAD DOUBLER” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the Prize area under the matching “GINGERBREAD ROAD DOUBLER” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which either of the “GINGERBREAD ROAD DOUBLER” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the Prize area under the matching “GINGERBREAD ROAD DOUBLER” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(m) Holders of tickets upon which either of the “GINGERBREAD ROAD DOUBLER” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching “GINGERBREAD ROAD DOUBLER” play symbol, 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 any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(p) Holders of tickets upon which either of the “GINGERBREAD ROAD DOUBLER” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the Prize area under the matching “GINGERBREAD ROAD DOUBLER” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which either of the “GINGERBREAD ROAD DOUBLER” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$3⁰⁰ (THR DOL) appears in the Prize

area under the matching “GINGERBREAD ROAD DOUBLER” play symbol, on a single ticket, shall be entitled to a prize of \$6.

(r) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which either of the “GINGERBREAD ROAD DOUBLER” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the Prize area under the matching “GINGERBREAD ROAD DOUBLER” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$3⁰⁰ (THR DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>Match Any Of “YOUR NUMBERS” To Any Of The “WINNING NUMBERS,” To Win Prize Shown Under That Match. Win With:</i>	<i>“GINGERBREAD ROAD DOUBLER”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
\$2		\$2	8.33	86,400
\$3		\$3	20	36,000
\$5		\$5	71.43	10,080
(\$3 × 2) + (\$2 × 2)		\$10	1,000	720
\$2	(\$2 w/ DOUBLER NUMBER MATCH) × 2	\$10	100	7,200
\$2 × 2	\$3 w/ DOUBLER NUMBER MATCH	\$10	100	7,200
	\$5 w/ DOUBLER NUMBER MATCH	\$10	100	7,200
\$10		\$10	1,000	720
(\$5 × 2) + \$3 + \$2		\$15	2,000	360
\$3 + \$2	(\$3 w/ DOUBLER NUMBER MATCH) + (\$2 w/ DOUBLER NUMBER MATCH)	\$15	714.29	1,008
\$5	\$5 w/ DOUBLER NUMBER MATCH	\$15	500	1,440
\$15		\$15	2,000	360
(\$5 × 3) + (\$3 × 2) + (\$2 × 2)		\$25	1,667	432
(\$2 × 3) + \$3	(\$5 w/ DOUBLER NUMBER MATCH) + (\$3 w/ DOUBLER NUMBER MATCH)	\$25	500	1,440
(\$3 × 2) + (\$2 × 2) + \$5	(\$3 w/ DOUBLER NUMBER MATCH) + (\$2 w/ DOUBLER NUMBER MATCH)	\$25	500	1,440
(\$3 × 2) + \$5	(\$5 w/ DOUBLER NUMBER MATCH) + (\$2 w/ DOUBLER NUMBER MATCH)	\$25	500	1,440
\$5	\$10 w/ DOUBLER NUMBER MATCH	\$25	500	1,440
\$25		\$25	1,000	720
\$25 × 2		\$50	12,000	60

NOTICES

7307

<i>Match Any Of "YOUR NUMBERS" To Any Of The "WINNING NUMBERS," To Win Prize Shown Under That Match. Win With:</i>	<i>"GINGERBREAD ROAD DOUBLER":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
(\$15 × 2) + (\$10 × 2)		\$50	12,000	60
\$5 + \$3 + \$2	(\$10 w/ DOUBLER NUMBER MATCH) × 2	\$50	6,000	120
(\$5 × 2) + (\$3 × 2) + (\$2 × 2)	(\$10 w/ DOUBLER NUMBER MATCH) + (\$5 w/ DOUBLER NUMBER MATCH)	\$50	6,000	120
(\$10 × 2) + \$5 + \$3 + \$2	(\$5 w/ DOUBLER NUMBER MATCH) × 2	\$50	6,000	120
\$15 + \$5	\$15 w/ DOUBLER NUMBER MATCH	\$50	6,000	120
	\$25 w/ DOUBLER NUMBER MATCH	\$50	6,000	120
\$50		\$50	15,000	48
\$25 × 4		\$100	24,000	30
\$50 × 2		\$100	24,000	30
\$15 + \$5	(\$25 w/ DOUBLER NUMBER MATCH) + (\$15 w/ DOUBLER NUMBER MATCH)	\$100	12,000	60
(\$25 × 2) + (\$10 × 2)	(\$10 w/ DOUBLER NUMBER MATCH) + (\$5 w/ DOUBLER NUMBER MATCH)	\$100	12,000	60
\$50 + \$25 + \$5	(\$5 w/ DOUBLER NUMBER MATCH) × 2	\$100	12,000	60
	(\$25 w/ DOUBLER NUMBER MATCH) × 2	\$100	8,571	84
	\$50 w/ DOUBLER NUMBER MATCH	\$100	8,000	90
\$100		\$100	24,000	30
(\$100 × 2) + \$50		\$250	60,000	12
(\$25 × 2) + (\$15 × 2) + (\$5 × 2) + \$10	(\$50 w/ DOUBLER NUMBER MATCH) + (\$25 w/ DOUBLER NUMBER MATCH)	\$250	60,000	12
\$50	(\$50 w/ DOUBLER NUMBER MATCH) × 2	\$250	60,000	12
	(\$100 w/ DOUBLER NUMBER MATCH) + (\$25 w/ DOUBLER NUMBER MATCH)	\$250	60,000	12
\$250		\$250	60,000	12
\$250 × 4		\$1,000	180,000	4
	(\$250 w/ DOUBLER NUMBER MATCH) × 2	\$1,000	180,000	4
\$1,000		\$1,000	180,000	4
\$12,000		\$12,000	180,000	4

GINGERBREAD ROAD DOUBLER: Match either "GINGERBREAD ROAD DOUBLER" number to any of the "WINNING NUMBERS" to DOUBLE the prize shown under that match!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing*: The Pennsylvania Lottery's HO HO wHOa Second-Chance Drawing for qualifying Fast Play tickets:

(a) *Qualifying Tickets*: Non-winning PA-5260 Merry Money Tree (\$10), PA-5261 NATIONAL LAMPOON'S CHRISTMAS VACATION (\$5), PA-5262 Gingerbread Dough Doubler (\$2) and PA-5263 Merry and Bright (\$1) Fast Play lottery game tickets ("Qualifying 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.PALottery.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.palottery.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. Entries submitted using any other method, including entries mailed or hand-delivered to the 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 HO HO wHOa Second-Chance Drawing from among all Fast Play lottery game Qualifying Tickets entered into the Drawing. All time references are Eastern Prevailing Time.

(2) The entry period for Fast Play lottery game Qualifying Tickets will begin after 4:59:59 a.m. November 5, 2024 and will end at 11:59:59 p.m. January 2, 2025. All entries received during the entry period will be entered into the Drawing tentatively scheduled to be held between January 3, 2025 and January 17, 2025.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Tickets are as follows: PA-5260 Merry Money Tree (\$10) = ten entries, PA-5261 NATIONAL LAMPOON'S CHRISTMAS VACATION (\$5) = five entries, PA-5262 Gingerbread Dough Doubler (\$2) = two entries and PA-5263 Merry and Bright (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning*:

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second through the fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$50,000, less required income tax withholding.

(iii) The fifth through the twenty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,500.

(iv) The twenty-sixth through the seventy-fifth 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 cash prizes will be paid as a lump-sum cash payment.

(4) Winners of iLottery Bonus Money are not required to claim a prize. All winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning a prize 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 Lottery, 9Rooftops Marketing, LLC, 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 Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 30 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Gingerbread Dough Doubler lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Gingerbread Dough Doubler lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Gingerbread Dough Doubler or through normal communications methods.

21. *Applicability:* This notice applies only to the Gingerbread Dough Doubler lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 24-1586. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Merry and Bright Fast Play Game 5263

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the Fast Play lottery game is Pennsylvania Merry and Bright ("Merry and Bright"). The game number is PA-5263.

2. Definitions:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *HOLLY ADDS A DOLLY*: A feature of the Merry and Bright game where the player adds \$1 to the prize won when a Holly symbol appears to the right of a "YOUR NUMBERS" play symbol that matches any of the "WINNING NUMBERS" play symbols.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING NUMBERS*: The play symbols found in the play area that determine whether a player wins a prize when matched against the play symbols in the "YOUR NUMBERS" area.

(l) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The play symbols found in the play area that determine whether a player wins a prize when matched against the play symbols in the "WINNING NUMBERS" area.

3. *Price*: The price of a Merry and Bright ticket is \$1.

4. *Description of the Merry and Bright Fast Play lottery game*:

(a) The Merry and Bright lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Merry and Bright tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Merry and Bright is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING

NUMBERS" area. A player correctly matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. Whenever a Holly symbol appears to the right of a matching "YOUR NUMBERS" play symbol, the player increases the prize won by \$1 and wins that amount. A bet slip is not used to play this game.

(c) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) Merry and Bright tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Merry and Bright ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Merry and Bright ticket and select the Merry and Bright option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. Merry and Bright ticket characteristics:

(a) Merry and Bright tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Merry and Bright tickets will contain 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 Holly symbol.

(c) *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and \$2,500 (TWYFIVHUN).

(d) *Prizes*: The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$15, \$20, \$40, \$50, \$100 and \$2,500. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate chances of winning). A player can win up to eight times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 1,200,000 tickets will be available for sale for the Merry and Bright lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery ("Lottery") will conduct a HO HO WHOa Second-Chance Drawing ("Drawing") for which non-winning Merry and Bright lottery game tickets may be eligible as provided for in section 9 (relating to second-chance drawing).

ing “YOUR NUMBERS” play symbol, and upon which a Holly symbol appears to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of FREE (TICKET) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Merry and Bright Fast Play Game Ticket.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>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 Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
FREE	FREE \$1 TICKET	10	120,000
\$1	\$1	21.74	55,200
\$1 × 2	\$2	100	12,000
\$1 w/ HOLLY	\$2	41.67	28,800
\$2	\$2	100	12,000
\$2 × 2	\$4	500	2,400
(\$2 w/ HOLLY) + \$1	\$4	200	6,000
\$4	\$4	500	2,400
(\$2 × 2) + \$1	\$5	1,000	1,200
(((\$1 w/ HOLLY) × 2) + \$1	\$5	200	6,000
(\$2 w/ HOLLY) + (\$1 w/ HOLLY)	\$5	200	6,000
\$4 w/ HOLLY	\$5	166.67	7,200
\$5	\$5	1,000	1,200
\$5 × 2	\$10	5,000	240
(((\$2 w/ HOLLY) × 2) + (\$1 × 2) + \$2	\$10	1,429	840
(\$4 w/ HOLLY) + (\$2 × 2) + \$1	\$10	1,429	840
(\$5 w/ HOLLY) + ((\$1 w/ HOLLY) × 2)	\$10	1,429	840
\$10	\$10	5,000	240
\$5 × 3	\$15	2,000	600
(\$4 w/ HOLLY) × 3	\$15	555.56	2,160
(\$5 w/ HOLLY) + (\$4 w/ HOLLY) + (\$1 × 4)	\$15	666.67	1,800
(\$10 w/ HOLLY) + (\$2 w/ HOLLY) + \$1	\$15	666.67	1,800
\$15	\$15	2,000	600
\$10 × 2	\$20	2,667	450
(\$5 w/ HOLLY) + (\$2 × 2) + \$5 + \$4 + \$1	\$20	1,200	1,000
(\$10 w/ HOLLY) + (\$5 w/ HOLLY) + (\$1 × 3)	\$20	1,200	1,000
(\$15 w/ HOLLY) + (\$2 w/ HOLLY) + \$1	\$20	1,200	1,000
\$20	\$20	3,000	400
\$20 × 2	\$40	12,000	100
(((\$10 w/ HOLLY) × 2) + \$10 + \$5 + \$2 + \$1	\$40	2,400	500
(\$20 w/ HOLLY) + (\$15 w/ HOLLY) + \$2 + \$1	\$40	2,400	500
\$40	\$40	12,000	100
(\$15 × 2) + (\$10 × 2)	\$50	12,000	100
(((\$15 w/ HOLLY) × 3) + (\$1 × 2)	\$50	6,000	200
(((\$20 w/ HOLLY) × 2) + (\$2 × 4)	\$50	6,000	200

<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 Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
(\$40 w/ HOLLY) + \$5 + \$4	\$50	6,000	200
\$50	\$50	12,000	100
\$50 × 2	\$100	120,000	10
(\$40 × 2) + (\$5 × 4)	\$100	120,000	10
(((\$40 w/ HOLLY) × 2) + \$10 + \$5 + \$2 + \$1	\$100	12,000	100
(\$50 w/ HOLLY) + (\$40 w/ HOLLY) + (\$1 × 2) + \$4 + \$2	\$100	12,000	100
\$100	\$100	120,000	10
\$2,500	\$2,500	240,000	5

HOLLY ADDS A DOLLY: Find a "Holly" symbol to the right of a winning match to ADD \$1 to the prize shown under that match and win that amount!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's HO HO wHOa Second-Chance Drawing for qualifying Fast Play tickets:

(a) *Qualifying Tickets:* Non-winning PA-5260 Merry Money Tree (\$10), PA-5261 NATIONAL LAMPOON'S CHRISTMAS VACATION (\$5), PA-5262 Gingerbread Dough Doubler (\$2) and PA-5263 Merry and Bright (\$1) Fast Play lottery game tickets ("Qualifying 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. Entries submitted using any other method, including entries mailed or hand-delivered to the 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 HO HO wHOa Second-Chance Drawing from among all Fast Play lottery game Qualifying Tickets entered into the Drawing. All time references are Eastern Prevailing Time.

(2) The entry period for Fast Play lottery game Qualifying Tickets will begin after 4:59:59 a.m. November 5, 2024 and will end at 11:59:59 p.m. January 2, 2025. All entries received during the entry period will be entered into the Drawing tentatively scheduled to be held between January 3, 2025 and January 17, 2025.

(3) The entry period for the Drawing will be posted to the 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 Tickets are as follows: PA-5260 Merry Money Tree (\$10) = ten entries, PA-5261 NATIONAL LAMPOON'S CHRISTMAS VACA-

TION (\$5) = five entries, PA-5262 Gingerbread Dough Doubler (\$2) = two entries and PA-5263 Merry and Bright (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site at <https://www.palottery.com>.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second through the fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$50,000, less required income tax withholding.

(iii) The fifth through the twenty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,500.

(iv) The twenty-sixth through the seventy-fifth 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 cash prizes will be paid as a lump-sum cash payment.

(4) Winners of iLottery Bonus Money are not required to claim a prize. All winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning a prize 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 Lottery, 9Rooftops Marketing, LLC, 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 Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 30 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Merry and Bright lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Merry and Bright lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in

a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Merry and Bright or through normal communications methods.

21. *Applicability:* This notice applies only to the Merry and Bright lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 24-1587. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Merry Money Tree Fast Play Game 5260

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the Fast Play lottery game is Pennsylvania Merry Money Tree (“Merry Money Tree”). The game number is PA-5260.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing

plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(f) *MERRY MONEY MULTIPLIER:* The area at the bottom of a Merry Money Tree ticket containing one play symbol. The player multiplies the total won in the “YOUR NUMBERS” area by the multiplier shown in the MERRY MONEY MULTIPLIER area.

(g) *MONEY TREE:* A feature of the Merry Money Tree game where the player increases any prize by \$25 and wins that amount when any “YOUR NUMBERS” play symbol matches a “WINNING NUMBERS” play symbol and the matching “YOUR NUMBERS” symbol appears printed on a Money Tree symbol.

(h) *Play:* A chance to participate in a particular Fast Play lottery game.

(i) *Play Area:* The area on a ticket which contains one or more play symbols.

(j) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize:* A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WINNING NUMBERS:* The play symbols found in the play area that determine whether a player wins a prize when matched against the play symbols in the “YOUR NUMBERS” area.

(m) *Winning ticket:* A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS:* The play symbols found in the play area that determine whether a player wins a prize when matched against the play symbols in the “WINNING NUMBERS” area.

3. *Price:* The price of a Merry Money Tree ticket is \$10.

4. *Description of the Merry Money Tree Fast Play lottery game:*

(a) The Merry Money Tree lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Merry Money Tree tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Merry Money Tree is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown above or under the matching “YOUR NUMBERS” play symbol. Whenever the matching “YOUR NUMBERS” play symbol appears printed on a “MONEY TREE” symbol, the player increases the prize won by \$25 and wins that amount. The player will multiply the total prize amount won in the “YOUR NUMBERS” area by the multiplier shown in the “MERRY MONEY MULTIPLIER” area and win that amount. A bet slip is not used to play this game.

(c) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) Merry Money Tree tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Merry Money Tree ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Merry Money Tree ticket and select the Merry Money Tree option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. Merry Money Tree ticket characteristics:

(a) Merry Money Tree tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* Merry Money Tree tickets will contain one play area, consisting of a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "MERRY MONEY MULTIPLIER" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 3 (THREE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 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 (TWININ) and 30 (THIRT). The play symbols and their captions located in the "YOUR NUMBERS" area, and which are not printed on a "MONEY TREE" symbol, are: 3 (THREE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 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 (TWININ) and 30 (THIRT). The play symbols and their captions, located in the "YOUR NUMBERS" area, and which are printed on a "MONEY TREE" symbol, are: 3 (THREE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 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 (TWININ) and 30 (THIRT). The play symbols located in the "MERRY MONEY MULTIPLIER" area are: 1X (NOMULT) symbol, 2X (2TIMES) symbol, 4X (4TIMES) symbol, 5X (5TIMES) symbol and a 10X (10TIMES) symbol.

(c) *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area, are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$400 (FOR HUN), \$500 (FIV HUN), \$2,500 (TWYFIVHUN) and \$75,000 (SVYFIVTHO).

(d) *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$25, \$40, \$50, \$100, \$250, \$400, \$500, \$2,500 and \$75,000. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate chances of winning). A player can win up to 14 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 480,000 tickets will be available for sale for the Merry Money Tree lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery ("Lottery") will conduct a HO HO WHOa Second-Chance Drawing ("Drawing") for which non-winning Merry Money Tree lottery game tickets may be eligible as provided for in section 9 (relating to second-chance drawing).

7. *Prizes available to be won and determination of prize winners:*

(a) All Merry Money Tree prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$75,000 (SVYFIVTHO) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 1X (NOMULT) play symbol appears in the "MERRY MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$75,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 1X (NOMULT) play symbol appears in the "MERRY MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 5X (5TIMES) play symbol appears in the "MERRY MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$2,500.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 10X (10TIMES) play symbol appears in the "MERRY MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$2,500.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the Prize area above the matching "YOUR NUMBERS" play symbol, and upon which a 1X (NOMULT) play symbol appears in the "MERRY MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$525.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a 1X (NOMULT) play symbol appears in the "MERRY MONEY MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon

(10TIMES) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols printed on a “MONEY TREE” symbol match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the Prize area above the matching “YOUR NUMBERS” play symbol, and upon which a 2X (2TIMES) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$100.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols printed on a “MONEY TREE” symbol match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area above the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$75.

(aa) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols printed on a “MONEY TREE” symbol match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the Prize area above the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 2X (2TIMES) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$50.

(dd) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 5X (5TIMES) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$50.

(ee) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$40.

(ff) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols printed on a “MONEY TREE” symbol match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$40.

(gg) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 4X (4TIMES) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$40.

(hh) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols printed on a “MONEY TREE” symbol match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$35.

(ii) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$25.

(jj) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 2X (2TIMES) symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$20.

(kk) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$15.

(ll) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) play symbol appears in the “MERRY MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

NOTICES

7321

<i>Match Any Of "YOUR NUMBERS" To Any Of The "WINNING NUMBERS" To Win Prize Shown Under That Match. Win With:</i>	<i>"MERRY MONEY MULTIPLIER":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 480,000 Tickets:</i>
\$10		\$10	8.7	55,200
\$15		\$15	20	24,000
\$15 + \$10		\$25	41.67	11,520
\$25		\$25	33.33	14,400
\$10 × 4		\$40	3,333	144
\$25 + \$15		\$40	2,000	240
\$10 × 2	2X	\$40	142.86	3,360
\$10	4X	\$40	333.33	1,440
\$15 w/ MONEY TREE		\$40	90.91	5,280
\$40		\$40	1,429	336
\$25 + \$15 + \$10		\$50	10,000	48
(\$10 w/ MONEY TREE) + \$15		\$50	2,000	240
(\$15 w/ MONEY TREE) + \$10		\$50	2,000	240
\$10	5X	\$50	500	960
\$25	2X	\$50	416.67	1,152
\$25 w/ MONEY TREE		\$50	333.33	1,440
\$50		\$50	2,000	240
(\$15 × 4) + (\$10 × 4)		\$100	2,400	200
(((\$15 w/ MONEY TREE) × 2) + (\$10 × 2))		\$100	600	800
\$25 w/ MONEY TREE	2X	\$100	400	1,200
\$10	10X	\$100	363.64	1,320
\$25	4X	\$100	300	1,600
\$50	2X	\$100	1,000	480
\$100		\$100	2,400	200
(\$40 × 2) + (\$25 × 4) + (\$15 × 4) + \$10		\$250	24,000	20
(((\$25 w/ MONEY TREE) × 2) + \$25)	2X	\$250	6,000	80
(\$50 w/ MONEY TREE) + (\$25 w/ MONEY TREE) + (\$40 × 2) + (\$10 × 2) + \$25		\$250	6,000	80
\$100 w/ MONEY TREE	2X	\$250	6,000	80
\$25	10X	\$250	6,000	80
\$50	5X	\$250	2,400	200
\$250		\$250	24,000	20
(\$40 × 4) + (\$25 × 4) + (\$15 × 2) + \$100 + \$10		\$400	24,000	20
(\$15 w/ MONEY TREE) × 2	5X	\$400	12,000	40
(\$25 w/ MONEY TREE) × 4	2X	\$400	12,000	40
(\$250 w/ MONEY TREE) + (\$100 w/ MONEY TREE)		\$400	12,000	40
\$40	10X	\$400	12,000	40
\$100	4X	\$400	12,000	40
\$400		\$400	24,000	20
\$100 × 5		\$500	24,000	20
(\$100 w/ MONEY TREE) × 4		\$500	12,000	40

Match Any Of "YOUR NUMBERS" To Any Of The "WINNING NUMBERS" To Win Prize Shown Under That Match. Win With:	"MERRY MONEY MULTIPLIER":	Win:	Approximate Chances Of Winning Are 1 In:	Approximate No. Of Winners Per 480,000 Tickets:
\$50	10X	\$500	12,000	40
\$100	5X	\$500	12,000	40
\$250	2X	\$500	12,000	40
\$500		\$500	24,000	20
\$500 × 5		\$2,500	24,000	20
(((\$500 w/ MONEY TREE) × 4) + (\$40 × 5) + (\$25 × 4) + \$100		\$2,500	24,000	20
\$250	10X	\$2,500	120,000	4
\$500	5X	\$2,500	120,000	4
\$2,500		\$2,500	120,000	4
\$75,000		\$75,000	160,000	3

MONEY TREE: Match any of YOUR NUMBERS on a "MONEY TREE" symbol to any of the "WINNING NUMBERS" to ADD \$25 to the prize shown above that match and win that amount!

MERRY MONEY MULTIPLIER: Multiply the TOTAL WON in the YOUR NUMBERS area by the multiplier shown in the MERRY MONEY MULTIPLIER area!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's HO HO wHOa Second-Chance Drawing for qualifying Fast Play tickets:

(a) *Qualifying Tickets:* Non-winning PA-5260 Merry Money Tree (\$10), PA-5261 NATIONAL LAMPOON'S CHRISTMAS VACATION (\$5), PA-5262 Gingerbread Dough Doubler (\$2) and PA-5263 Merry and Bright (\$1) Fast Play lottery game tickets ("Qualifying 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. Entries submitted using any other method, including entries mailed or hand-delivered to the 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 HO HO wHOa Second-Chance Drawing from among all Fast Play lottery game Qualifying Tickets entered into the Drawing. All time references are Eastern Prevailing Time.

(2) The entry period for Fast Play lottery game Qualifying Tickets will begin after 4:59:59 a.m. November 5, 2024 and will end at 11:59:59 p.m. January 2, 2025. All entries received during the entry period will be entered

into the Drawing tentatively scheduled to be held between January 3, 2025 and January 17, 2025.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Tickets are as follows: PA-5260 Merry Money Tree (\$10) = ten entries, PA-5261 NATIONAL LAMPOON'S CHRISTMAS VACATION (\$5) = five entries, PA-5262 Gingerbread Dough Doubler (\$2) = two entries and PA-5263 Merry and Bright (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second through the fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$50,000, less required income tax withholding.

(iii) The fifth through the twenty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,500.

(iv) The twenty-sixth through the seventy-fifth 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 cash prizes will be paid as a lump-sum cash payment.

(4) Winners of iLottery Bonus Money are not required to claim a prize. All winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning a prize 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 Lottery, 9Rooftops Marketing, LLC, 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 Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 30 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play

through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Merry Money Tree lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Merry Money Tree lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Merry Money Tree or through normal communications methods.

21. *Applicability:* This notice applies only to the Merry Money Tree lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 24-1588. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania NATIONAL LAMPOON'S CHRISTMAS VACATION Fast Play Game 5261

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the Fast Play lottery game is Pennsylvania NATIONAL LAMPOON'S CHRISTMAS VACATION ("NATIONAL LAMPOON'S CHRISTMAS VACATION"). The game number is PA-5261.

2. *Definitions:*

(a) *A LOT OF SAP WINALL:* The area located at the bottom of a NATIONAL LAMPOON'S CHRISTMAS VACATION ticket where the player wins all 12 prizes shown in the "YOUR NUMBERS" area when a Squirrel (WINALL) symbol appears in the A LOT OF SAP WINALL area.

(b) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(c) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(d) *FLIP THE SWITCH:* The area at the center of a NATIONAL LAMPOON'S CHRISTMAS VACATION ticket containing either an ON or OFF "FLIP THE SWITCH" play symbol. When the "FLIP THE SWITCH" play symbol is an ON symbol, the player wins the prize amount shown in the "SWITCH PRIZE" area. FLIP THE SWITCH is played separately.

(e) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(f) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(g) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(h) *Play:* A chance to participate in a particular Fast Play lottery game.

(i) *Play Area:* The area on a ticket which contains one or more play symbols.

(j) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize:* A non-monetary item, money or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *SWITCH PRIZE:* The area on a NATIONAL LAMPOON'S CHRISTMAS VACATION ticket containing the prize amount that is won when the play symbol in the "FLIP THE SWITCH" area is an ON symbol.

(m) *WINNING NUMBERS:* The play symbols found in the play area that determine whether a player wins a prize when matched against the play symbols in the "YOUR NUMBERS" area.

(n) *Winning ticket:* A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS:* The play symbols found in the play area that determine whether a player wins a prize when matched against the play symbols in the "WINNING NUMBERS" area.

3. *Price:* The price of a NATIONAL LAMPOON'S CHRISTMAS VACATION ticket is \$5.

4. *Description of the NATIONAL LAMPOON'S CHRISTMAS VACATION Fast Play lottery game:*

(a) The NATIONAL LAMPOON'S CHRISTMAS VACATION lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. NATIONAL LAMPOON'S CHRISTMAS VACATION tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells

terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) NATIONAL LAMPOON'S CHRISTMAS VACATION is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player correctly matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. Whenever a Squirrel (WINALL) play symbol appears in the "A LOT OF SAP WINALL" area, the player wins all 12 prizes shown in the "YOUR NUMBERS" area. A bet slip is not used to play this game.

(c) NATIONAL LAMPOON'S CHRISTMAS VACATION tickets also contain a "FLIP THE SWITCH" area. When the "FLIP THE SWITCH" is an ON symbol, the player wins the prize amount shown in the "SWITCH PRIZE" area. "FLIP THE SWITCH" is played separately.

(d) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(e) NATIONAL LAMPOON'S CHRISTMAS VACATION tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a NATIONAL LAMPOON'S CHRISTMAS VACATION ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a NATIONAL LAMPOON'S CHRISTMAS VACATION ticket and select the NATIONAL LAMPOON'S CHRISTMAS VACATION option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. NATIONAL LAMPOON'S CHRISTMAS VACATION ticket characteristics:

(a) NATIONAL LAMPOON'S CHRISTMAS VACATION tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* NATIONAL LAMPOON'S CHRISTMAS VACATION tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, a "FLIP THE SWITCH" area, a "SWITCH PRIZE" area and an "A LOT OF SAP WINALL" area. The play symbols and their captions, located in the "WINNING NUMBERS" area and the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE) and 30 (THIRTY). The play symbols and their captions located in the "FLIP THE SWITCH" area are: OFF symbol and an ON symbol. The play symbols and their captions located in the "A LOT OF SAP WINALL" area are: Wreath (NOBONUS) symbol, Lights (TRYAGAIN) symbol, AND TO ALL A GOOD NIGHT (NOBONUS) symbol, RV (TRYAGAIN) symbol, Jelly of the Month Club (NOBONUS) symbol, Moose Mug

(TRYAGAIN) symbol, Snots the Dog (NOBONUS) symbol and a Squirrel (WINALL) symbol.

(c) *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$2,500 (TWYFIVHUN) and \$25,000 (TWNTFVTHO). The prize amounts and their captions located in the "SWITCH PRIZE" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$400 (FOR HUN).

(d) *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$100, \$200, \$400, \$2,500 and \$25,000. The prizes that can be won in the "FLIP THE SWITCH" area are: \$5, \$10, \$15, \$20, \$40, \$100, \$200 and \$400. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate chances of winning). A player can win up to 13 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 720,000 tickets will be available for sale for the NATIONAL LAMPOON'S CHRISTMAS VACATION lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery ("Lottery") will conduct a HO HO WHOa Second-Chance Drawing ("Drawing") for which non-winning NATIONAL LAMPOON'S CHRISTMAS VACATION Fast Play lottery game tickets may be eligible as provided for in section 9 (relating to second-chance drawing).

7. Prizes available to be won and determination of prize winners:

(a) All NATIONAL LAMPOON'S CHRISTMAS VACATION prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWNTFVTHO) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which a Squirrel (WINALL) symbol appears in the "A LOT OF SAP WINALL" area and a prize symbol of \$400 (FOR HUN) appears in five of the Prize areas, a prize symbol of \$100 (ONE HUN) appears in four of the Prize areas, a prize symbol of \$40⁰⁰ (FORTY) appears in two 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 \$2,500.

(e) Holders of tickets upon which a Squirrel (WINALL) symbol appears in the "A LOT OF SAP WINALL" area and a prize symbol of \$400 (FOR HUN) appears in four of the Prize areas, a prize symbol of \$200 (TWO HUN) appears in two of the Prize areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in four 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 \$2,100.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which the “FLIP THE SWITCH” play symbol is an ON symbol and a prize amount of \$400 (FOR HUN) appears in the “SWITCH PRIZE” area, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which a Squirrel (WINALL) symbol appears in the “A LOT OF SAP WINALL” area and a prize symbol of \$100 (ONE HUN) appears in two of the Prize areas, a prize symbol of \$40⁰⁰ (FORTY) appears in four of the Prize areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the Prize areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the Prize areas, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which a Squirrel (WINALL) symbol appears in the “A LOT OF SAP WINALL” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in six of the Prize areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in four of the Prize areas, a prize symbol of \$100 (ONE HUN) appears in one of the Prize areas and a prize symbol of \$40⁰⁰ (FORTY) appears in one of the Prize areas, on a single ticket, shall be entitled to a prize of \$300.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO 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.

(k) Holders of tickets upon which the “FLIP THE SWITCH” play symbol is an ON symbol and a prize amount of \$200 (TWO HUN) appears in the “SWITCH PRIZE” area, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which a Squirrel (WINALL) symbol appears in the “A LOT OF SAP WINALL” area and a prize symbol of \$40⁰⁰ (FORTY) appears in two of the Prize areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the Prize areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in two of the Prize areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in four of the Prize areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the Prize areas, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which a Squirrel (WINALL) symbol appears in the “A LOT OF SAP WINALL” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the Prize areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the Prize areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the Prize areas, on a single ticket, shall be entitled to a prize of \$160.

(n) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(o) Holders of tickets upon which the “FLIP THE SWITCH” play symbol is an ON symbol and a prize

amount of \$100 (ONE HUN) appears in the “SWITCH PRIZE” area, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which a Squirrel (WINALL) symbol appears in the “A LOT OF SAP WINALL” area and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in two of the Prize areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in four of the Prize areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in six of the Prize areas, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which a Squirrel (WINALL) symbol appears in the “A LOT OF SAP WINALL” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the Prize areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in six of the Prize areas and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in one of the Prize areas, on a single ticket, shall be entitled to a prize of \$95.

(r) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(s) Holders of tickets upon which the “FLIP THE SWITCH” play symbol is an ON symbol and a prize amount of \$40⁰⁰ (FORTY) appears in the “SWITCH PRIZE” area, on a single ticket, shall be entitled to a prize of \$40.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(u) Holders of tickets upon which the “FLIP THE SWITCH” play symbol is an ON symbol and a prize amount of \$20⁰⁰ (TWENTY) appears in the “SWITCH PRIZE” area, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(w) Holders of tickets upon which the “FLIP THE SWITCH” play symbol is an ON symbol and a prize amount of \$15⁰⁰ (FIFTEEN) appears in the “SWITCH PRIZE” area, on a single ticket, shall be entitled to a prize of \$15.

(x) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which the “FLIP THE SWITCH” play symbol is an ON symbol and a prize amount of \$10⁰⁰ (TEN DOL) appears in the “SWITCH PRIZE” area, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰

(FIV DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets upon which the “FLIP THE SWITCH” play symbol is an ON symbol and a prize amount of \$5⁰⁰ (FIV DOL) appears in the “SWITCH

PRIZE” area, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>Match Any Of “YOUR NUMBERS” To Any Of The “WINNING NUMBERS” To Win Prize Shown Under That Match. Win With:</i>	<i>FLIP THE SWITCH:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
	\$5 w/ ON SWITCH	\$5	15.38	46,800
\$5		\$5	25	28,800
\$5 × 2		\$10	200	3,600
\$5	\$5 w/ ON SWITCH	\$10	45.45	15,840
	\$10 w/ ON SWITCH	\$10	45.45	15,840
\$10		\$10	200	3,600
\$5 × 3		\$15	250	2,880
\$5	\$10 w/ ON SWITCH	\$15	76.92	9,360
\$10	\$5 w/ ON SWITCH	\$15	76.92	9,360
	\$15 w/ ON SWITCH	\$15	76.92	9,360
\$15		\$15	250	2,880
\$5 × 4		\$20	1,000	720
\$5	\$15 w/ ON SWITCH	\$20	333.33	2,160
\$5 × 2	\$10 w/ ON SWITCH	\$20	250	2,880
	\$20 w/ ON SWITCH	\$20	250	2,880
\$20		\$20	1,000	720
\$10 × 4		\$40	2,000	360
\$20 × 2		\$40	2,000	360
(\$15 × 2) + (\$5 × 2)		\$40	2,000	360
\$5 × 4	\$20 w/ ON SWITCH	\$40	500	1,440
\$15 + \$10 + \$5	\$10 w/ ON SWITCH	\$40	500	1,440
	\$40 w/ ON SWITCH	\$40	500	1,440
\$40		\$40	2,000	360
SQUIRREL w/ ((\$10 × 5) + (\$5 × 6) + \$15)	\$5 w/ ON SWITCH	\$100	226.42	3,180
SQUIRREL w/ ((\$15 × 2) + (\$10 × 4) + (\$5 × 6))		\$100	1,200	600
\$20 × 5		\$100	24,000	30
\$15 × 4	\$40 w/ ON SWITCH	\$100	3,000	240
(\$20 × 2) + (\$10 × 2) + (\$5 × 4)	\$20 w/ ON SWITCH	\$100	3,000	240

<i>Match Any Of "YOUR NUMBERS" To Any Of The "WINNING NUMBERS" To Win Prize Shown Under That Match. Win With:</i>	<i>FLIP THE SWITCH:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
	\$100 w/ ON SWITCH	\$100	3,000	240
\$100		\$100	20,000	36
SQUIRREL w/ (($\$15 \times 2$) + ($\10×4) + ($\$5 \times 6$))	\$100 w/ ON SWITCH	\$200	6,000	120
SQUIRREL w/ (($\$20 \times 5$) + ($\10×5) + ($\$5 \times 2$))	\$40 w/ ON SWITCH	\$200	6,000	120
SQUIRREL w/ (($\$40 \times 2$) + ($\20×2) + ($\$15 \times 2$) + ($\10×4) + ($\$5 \times 2$))		\$200	6,000	120
\$40 \times 5		\$200	24,000	30
($\$20 \times 5$) + ($\15×3) + $\$10$ + $\$5$	\$40 w/ ON SWITCH	\$200	12,000	60
($\$40 \times 2$) + ($\5×4)	\$100 w/ ON SWITCH	\$200	12,000	60
	\$200 w/ ON SWITCH	\$200	12,000	60
\$200		\$200	24,000	30
SQUIRREL w/ (($\$20 \times 6$) + ($\10×4) + $\$100$ + $\$40$)	\$100 w/ ON SWITCH	\$400	12,000	60
SQUIRREL w/ (($\$40 \times 2$) + ($\20×2) + ($\$15 \times 2$) + ($\10×4) + ($\$5 \times 2$))	\$200 w/ ON SWITCH	\$400	12,000	60
SQUIRREL w/ (($\$100 \times 2$) + ($\40×4) + ($\$10 \times 2$) + ($\5×4))		\$400	12,000	60
\$100 \times 4		\$400	120,000	6
\$40 \times 5	\$200 w/ ON SWITCH	\$400	40,000	18
($\$100 \times 2$) + ($\20×5)	\$100 w/ ON SWITCH	\$400	40,000	18
	\$400 w/ ON SWITCH	\$400	60,000	12
\$400		\$400	120,000	6
SQUIRREL w/ (($\$400 \times 4$) + ($\200×2) + ($\$20 \times 4$) + ($\10×2))	\$400 w/ ON SWITCH	\$2,500	120,000	6
SQUIRREL w/ (($\$400 \times 5$) + ($\100×4) + ($\$40 \times 2$) + $\$20$)		\$2,500	120,000	6
\$2,500		\$2,500	120,000	6
\$25,000		\$25,000	144,000	5

FLIP THE SWITCH: Win the SWITCH PRIZE shown when the SWITCH is ON. FLIP THE SWITCH is played separately.

A LOT OF SAP WINALL: Find a "SQUIRREL" (WINALL) symbol to win ALL 12 PRIZES shown in the YOUR NUMBERS area.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's HO HO wHOa Second-Chance Drawing for qualifying Fast Play tickets:

(a) *Qualifying Tickets:* Non-winning PA-5260 Merry Money Tree (\$10), PA-5261 NATIONAL LAMPOON'S CHRISTMAS VACATION (\$5), PA-5262 Gingerbread

Dough Doubler (\$2) and PA-5263 Merry and Bright (\$1) Fast Play lottery game tickets ("Qualifying 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.palottery.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. Entries submitted using any other method, including entries mailed or hand-delivered to the 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 HO HO wHOa Second-Chance Drawing from among all Fast Play lottery game Qualifying Tickets entered into the Drawing. All time references are Eastern Prevailing Time.

(2) The entry period for Fast Play lottery game Qualifying Tickets will begin after 4:59:59 a.m. November 5, 2024 and will end at 11:59:59 p.m. January 2, 2025. All entries received during the entry period will be entered into the Drawing tentatively scheduled to be held between January 3, 2025 and January 17, 2025.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the

Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Tickets are as follows: PA-5260 Merry Money Tree (\$10) = ten entries, PA-5261 NATIONAL LAMPOON'S CHRISTMAS VACATION (\$5) = five entries, PA-5262 Gingerbread Dough Doubler (\$2) = two entries and PA-5263 Merry and Bright (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second through the fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$50,000, less required income tax withholding.

(iii) The fifth through the twenty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,500.

(iv) The twenty-sixth through the seventy-fifth 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 cash prizes will be paid as a lump-sum cash payment.

(4) Winners of iLottery Bonus Money are not required to claim a prize. All winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning a prize 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 Lottery, 9Rooftops Marketing, LLC, 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 Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 30 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play NATIONAL LAMPOON'S CHRISTMAS VACATION lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play NATIONAL LAMPOON'S CHRISTMAS VACATION lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote NATIONAL LAMPOON'S CHRISTMAS VACATION or through normal communications methods.

21. *Applicability:* This notice applies only to the NATIONAL LAMPOON'S CHRISTMAS VACATION lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 24-1589. Filed for public inspection November 1, 2024, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

State Route 4016, Parcel No. 41, Tax ID (33)040-129.0-010.00, Millcreek Township, Erie County. This is an uneconomic remnant and contains 19,753 square feet of unimproved land situated on the eastern side of Millfair Road, Erie, PA 16505. Access to the property is over a private access easement off the cul-de-sac at the end of Woodside Drive.

The estimated fair market value is \$29,700. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the property within 30 calendar

days from the date of publication of this notice to the Department of Transportation, Engineering District 1-0, Attn: Deborah Knapp, Right-of-Way Unit, 255 Elm Street, Oil City, PA 16301.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 24-1590. Filed for public inspection November 1, 2024, 9:00 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

Inspection Advisory Board Meeting

The Inspection Advisory Board (Board) will meet on Wednesday, November 6, 2024. The meeting will begin at 11 a.m. at the Riverfront Office Center, Transportation University, Room 411, 1101 South Front Street, Harrisburg, PA. Chairperson Stephen J. Madrak will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to inspection regulations must contact Tim Langletz at (717) 787-2895 by 12 p.m. on Monday, November 4, 2024. These concerns will be discussed during “Items from the Floor” on the agenda. The agenda will be posted a minimum of 24 hours prior to the start of the meeting at www.dmv.pa.gov on the Inspection Information page under the Vehicle Services tab.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Tim Langletz at (717) 787-2895 prior to the meeting so that disability needs may be accommodated.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 24-1591. Filed for public inspection November 1, 2024, 9:00 a.m.]

FISH AND BOAT COMMISSION

**Additions to List of Class A Wild Trout Waters;
October 2024**

The Fish and Boat Commission (Commission) approved the addition of 20 stream sections to its list of Class A wild trout streams as set forth at 54 Pa.B. 5197 (August 10, 2024). 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 and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth’s naturally reproducing trout fisheries.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 24-1592. Filed for public inspection November 1, 2024, 9:00 a.m.]

FISH AND BOAT COMMISSION

**Classification of Wild Trout Streams; Additions;
October 2024**

The Fish and Boat Commission (Commission) approved the addition of 24 streams sections as set forth at 54 Pa.B. 5196 (August 10, 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. 24-1593. Filed for public inspection November 1, 2024, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Designations

The Fish and Boat Commission (Commission) took the following actions with respect to waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.5. Catch and release artificial lures only

The Commission added the following water to its list of “catch and release artificial lures only” regulated and managed under 58 Pa. Code § 65.5 (relating to catch and release artificial lures only):

County	Water
Clinton	Fishing Creek, Sections 07 and 09

58 Pa. Code § 65.6. Delayed harvest artificial lures only areas

The Commission added a portion of the following water to its list of “delayed harvest artificial lures only areas” regulated and managed under 58 Pa. Code § 65.6 (relating to delayed harvest artificial lures only areas):

County	Water
Lycoming	Muncy Creek, Section 06

58 Pa. Code § 65.7. Trophy trout artificial lures only

The Commission removed the following water from its list of “trophy trout artificial lures only” waters regulated and managed under 58 Pa. Code § 65.7 (relating to trophy trout artificial lures only):

County	Water
Clinton	Fishing Creek, Sections 07 and 09

58 Pa. Code § 65.9. Big bass

The Commission added the following water to its list of “big bass” waters regulated and managed under 58 Pa. Code § 65.9 (relating to big bass):

County	Water
Crawford	Tamarack Lake

58 Pa. Code § 65.11. Panfish enhancement

The Commission added the following water to its list of “panfish enhancement” waters regulated and managed under 58 Pa. Code § 65.11 (relating to panfish enhancement):

County	Water	Species
Crawford	Tamarack Lake	Crappie and sunfish

58 Pa. Code § 65.17. Catch and release lakes

The Commission removed the following waters from its list of “catch and release lakes” regulated and managed under 58 Pa. Code § 65.17 (relating to catch and release lakes):

County	Water
Pike	Pecks Pond
Crawford	Tamarack Lake

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 24-1594. Filed for public inspection November 1, 2024, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled a Council meeting at 10 a.m. on November 7, 2024. An agenda will be available 24 hours in advance at <https://www.phc4.org/about-the-council/council-meetings/>.

The public is invited to participate. Contact rgreenawalt@phc4.org at least 24 hours in advance for participation instructions.

BARRY BUCKINGHAM,
Executive Director

[Pa.B. Doc. No. 24-1595. Filed for public inspection November 1, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by Agents National Title Insurance Company

Agents National Title Insurance Company, a stock title insurance company, has submitted an application for redomestication, whereby it proposes to redomesticate from the State of Missouri to the Commonwealth of Pennsylvania. The filing was made under section 357 of The Insurance Company Law of 1921 (40 P.S. § 477e).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone

number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Lori Rumpf, lrumpf@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-1596. Filed for public inspection November 1, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Bankers Life and Casualty Company; Rate Increase Filing for Several Individual LTC Forms (BNLB-134268170); Rate Filing

Bankers Life and Casualty Company is requesting approval to increase the premium 82.7% on 308 Pennsylvania policyholders of individual LTC forms GR-N340, GR-N380, GR-N370 and GR-N350.

Unless formal administrative action is taken prior to January 7, 2025, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written comments, suggestions or objections to David Kelly, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, djkelly@pa.gov within 20 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-1597. Filed for public inspection November 1, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured’s automobile insurance policy. The proceedings will be governed in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); §§ 561—588 (relating to administrative proceeding interpreters for persons with limited English proficiency; and administrative proceeding interpreters for persons who are deaf); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in Harrisburg, PA at the following address. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for November 26, 2024, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 22, 2024.

The hearing will be held at the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Lindsay K. Drew; Penn National Mutual Casualty Insurance Company; File No. 24-119-300584; Doc. No. P24-09-024; December 12, 2024, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-1598. Filed for public inspection November 1, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The proceedings will be governed in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); §§ 561—588 (relating to administrative proceeding interpreters for persons with limited English proficiency; and administrative proceeding interpreters for persons who are deaf); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held virtually by means of Zoom. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for November 20, 2024, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 18, 2024.

The video hearing will be held on December 3, 2024, at 10 a.m. The parties and their representatives and witnesses shall join the Zoom hearing through the link supplied in the invitation. The Administrative Hearings Office may be contacted at (717) 783-2126 or ra-hearings@pa.gov.

Appeal of Kelli D. Taylor; Erie Insurance Exchange; File No. 24-115-300797; Doc. No. P24-08-030.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial

action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-1599. Filed for public inspection November 1, 2024, 9:00 a.m.]

MUNICIPAL POLICE OFFICER'S EDUCATION AND TRAINING COMMISSION

Certification Examination Minimum Passing Score

Effective September 26, 2024, the Municipal Police Officers' Education and Training Commission has established a minimum passing score of 70% for the Act 120 certification examination, which is required for certification as a municipal police officer. Individuals who are to be employed as police officers by police departments within this Commonwealth are required to pass the Act 120 certification examination, along with other requirements, in accordance with 37 Pa. Code § 203.11 (relating to qualifications). An applicant for a waiver of training must also pass the Act 120 certification examination in accordance with 37 Pa. Code § 203.12 (relating to waiver of training).

COLONEL CHRISTOPHER L. PARIS,
Commissioner

[Pa.B. Doc. No. 24-1600. Filed for public inspection November 1, 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 November 18, 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 November 18, 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 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-2024-3050531. MPR Ambulance, LLC (125 West Street Road, Feasterville, Bucks County, PA 19053) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks and Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2024-3051207. One Call Ambulance, LLC (2643 North 3rd Street, Suite 2-225, Harrisburg, Dauphin County, PA 17110) in paratransit service, between points in the Counties of Berks, Cumberland, Dauphin, Lancaster, Lebanon, Perry and York. *Attorney:* Kenneth Stark, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166.

A-2024-3051447. G5 Taxi, Inc. (100 North Wilkes-Barre Boulevard, Wilkes-Barre, Luzerne County, PA 18702) for the right to begin to transport, as a common carrier, by motor vehicle, persons in call or demand service, from points in the Counties of Lackawanna and Luzerne, to points in Pennsylvania, and return.

A-2024-3051543. Ivy Lines, LLC, t/a Titos Express (100 North Wilkes-Barre Boulevard, Wilkes-Barre, Luzerne County, PA 18702) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Lackawanna and Luzerne.

A-2024-3051547. Ivy Lines, LLC, t/a Titos Express (100 North Wilkes-Barre Boulevard, Wilkes-Barre, Luzerne County, PA 18702) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in the Counties of Lackawanna and Luzerne to Lehigh Valley International Airport and Wilkes-Barre Scranton International Airport, and vice versa.

Applications of the following for the approval of the transfer of stock as described under each application.

A-2024-3051647. Medical Transport Systems, LLC (2427 Susquehanna Avenue, Roslyn, Montgomery County, PA 19001) for the approval of the transfer of ownership, from Michael J. King (60%) and Lee I. Schwartz (40%) to Van Pool Transportation, LLC. *Attorney:* David Temple, 111 Buck Road, Building 500, Suite 1, Huntingdon Valley, PA 19006.

A-2024-3051649. Serene Transport Services, LLC (152 East High Street, Suite 440, Pottstown, Montgomery County, PA 19464) a corporation of the Commonwealth—for the approval of a change in the membership of the limited liability corporation from Donald Mugomba and Tsitsi Mugomba to Bhim P. Dulal. Upon completion of the change of membership, Bhim P. Dulal will be the sole member of the limited liability corporation. *Attorney:* Seth A. Mendelsohn, Esquire, Saxton & Stump, 4250 Crums Mill Road, Suite 201, Harrisburg, PA 17112.

A-2024-3051700. 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.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2024-3051666. Anantee Non Medical Transportation, LLC (2100 North Line Street, Apartment C101, Lansdale, Montgomery County, PA 19446) for the discontinuance of service and cancellation of its certificate, to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Delaware and Lehigh, and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2024-3051723. Warren Taxi Service, LLC, t/a Warren Taxi Service (111 Walnut Street, Warren, Warren County, PA 16365) for the discontinuance and cancellation of its right, to transport as a common carrier, by motor vehicle, persons upon call or demand service in the County of Warren, as more thoroughly described in the original docket at A-2008-2036851.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-1601. Filed for public inspection November 1, 2024, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than November 18, 2024. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Heidi Robb at (215) 683-9799 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-24-10-04. Arianna Trans, Inc. (1276 Appalachian Road, Ambler, PA 19002): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Shintia Zaman Riva, Esq., 1914 Chandler Street, Philadelphia, PA 19111.

Doc. No. A-24-10-05. Elayna Trans, Inc. (1276 Appalachian Road, Ambler, PA 19002): An application for a

medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant*: Shintia Zaman Riva, Esq., 1914 Chandler Street, Philadelphia, PA 19111.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 24-1602. Filed for public inspection November 1, 2024, 9:00 a.m.]

**PHILADELPHIA
PARKING AUTHORITY**

Service of Reminder Notice of Citation Complaint

The Philadelphia Parking Authority, Taxicab and Limousine Division v. Bobur Abdirasulov; Doc. No.: C-24-09-042

Attention Bobur Abdirasulov, last known address of 1845 Riverside Drive, Philadelphia, PA 19154, this is a reminder notice that on September 16, 2024, Citation Complaint T-33092 (Citation) was issued against you by the Taxicab and Limousine Division’s (TLD) Enforcement Department via US mail, citing a violation of 53 Pa.C.S. § 57A09(a) for “PA DOT Inspection Stickers Expired” which carries a recommended penalty of \$100.00. Pursuant to 52 Pa. Code § 1005.13(b) (relating to answers to citations), an answer to the Citation was due no later than October 4, 2024.

Respondents must either request a hearing on a citation or pay the penalty identified in a citation within fifteen (15) days of issuance. See 52 Pa. Code § 1005.13(b). If you fail to take immediate action by either requesting a hearing or paying the penalty identified above, it may result in the entry of a default order as to the Citations and the penalties; along with imposing any suspension or revocation identified in the Citations.

Please take the necessary actions to satisfy the above referenced Citation immediately. Payments made payable to the Philadelphia Parking Authority or requests for a hearing may be submitted to:

Office of the Clerk
Philadelphia Parking Authority
Taxicab and Limousine Division
2415 South Swanson Street
Philadelphia, PA 19148

If you have any questions concerning this notice, please do not hesitate to contact the TLD’s Office of the Clerk, Sherry Rudzinski, Clerk at (215) 683-9498 or at TLDCLerk@philapark.org.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 24-1603. Filed for public inspection November 1, 2024, 9:00 a.m.]

**PUBLIC SCHOOL EMPLOYEES’
RETIREMENT BOARD**

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees’ Retirement Code), in connection with the Public School Employees’ Retirement System’s (System) denial of claimants’ requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees’ Retirement System, 5 North Fifth Street, Harrisburg, PA 17101.

January 15, 2025	Account of Nabeelah Bey (Effective Date of Retirement)	10 a.m.
February 12, 2025	Account of Mark Vallozzi (Premium Assistance)	10 a.m.

Persons with a disability who wish to attend a previously listed hearing and require an auxiliary aid, service or other accommodation to attend the proceeding should contact the Appeal Docket Clerk at (717) 720-4913 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501–508 and 701–704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,
Executive Director

[Pa.B. Doc. No. 24-1604. Filed for public inspection November 1, 2024, 9:00 a.m.]

END OF ISSUE

