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Department of Conservation and Natural
Resources

Department of Environmental Protection

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Department of Health

Department of Revenue

Department of Transportation

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Executive Board

Fish and Boat Commission

Game Commission

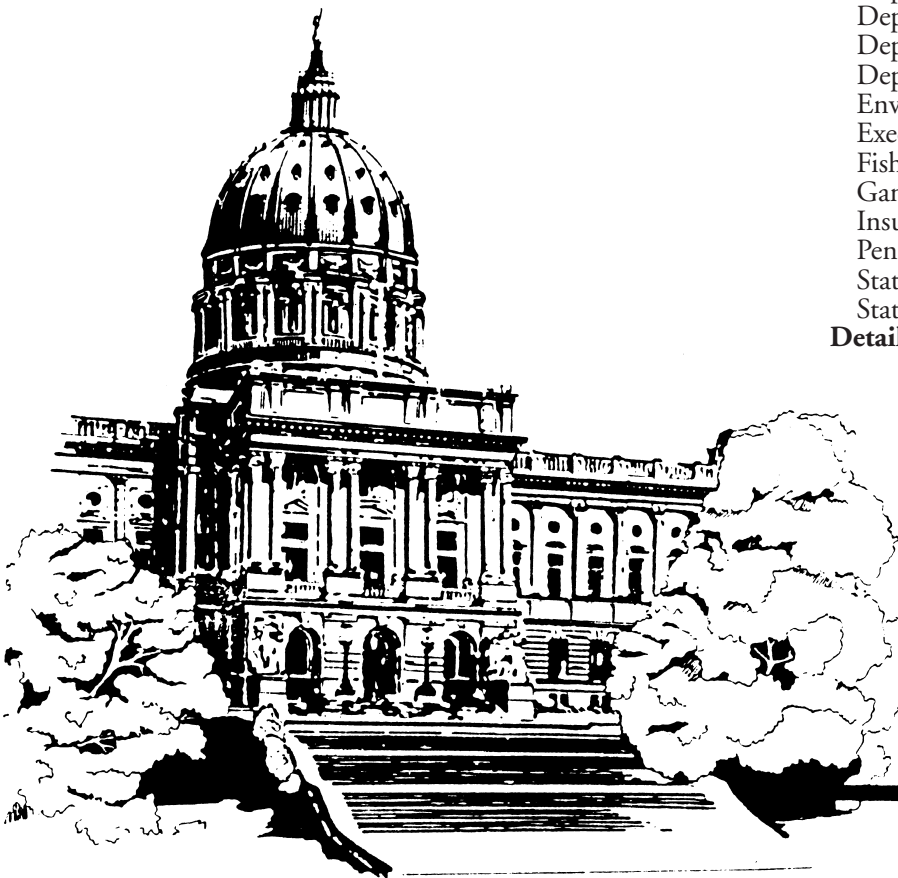
Insurance Department

Pennsylvania Public Utility Commission

State Board of Certified Real Estate Appraisers

State Board of Nursing

Detailed list of contents appears inside.



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

No. 522, May 2018

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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.pabulletin.com.

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2018.

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THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing (Commission) announces the following meetings to be held at the Harrisburg Hilton and Towers Hotel, One North Second Street, Harrisburg, PA and at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA:

Wednesday, June 13, 2018	3 p.m.	Public Hearing Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA
	6:30 p.m.	Dinner Meeting Harrisburg Hilton and Towers Hotel One North Second Street Harrisburg, PA
Thursday, June 14, 2018	9 a.m.	Policy Committee Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA
	11 a.m.	Quarterly Commission Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 18-719. Filed for public inspection May 11, 2018, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2018 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2018 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2018 General Acts of Regular Session Enacted—Act 011 through 016					
011	Mar 26	SB0135	PN0116	Immediately	Game and Wildlife Code (34 Pa.C.S.)—dogs pursuing, injuring or killing big game
012	Apr 16	HB1845	PN2584	60 days	First Lieutenant Theodore P. Pytash Bridge—designation
013	Apr 16	HB1854	PN2585	60 days	Staff Sgt. Stanley R. Saylor Memorial Highway—designation
014	Apr 16	SB0449	PN1424	60 days*	Crimes Code (18 Pa.C.S.)—probable cause arrests in domestic violence cases
015	Apr 18	HB1486	PN1893	60 days	Storm Water Management Act—effect of watershed storm water plans
016	Apr 23	HB1341	PN2065	60 days	Bituminous Coal Mine Safety Act—emergency medical personnel, regulations, continuing training, certification and liability
2018 Vetoes of Regular Session of Bills—Veto 001					
001	Apr 27	SB0936	PN1281		Workers' Compensation Act—prescription drugs and treatment of work-related injuries and peer review

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 18-720. Filed for public inspection May 11, 2018, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendment of Rule 1.15 of the Rules of Professional Conduct; No. 158 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 30th day of April, 2018, upon the recommendation of the Pennsylvania Interest on Lawyers Trust Account Board; the proposal having been submitted for public comment in the *Pennsylvania Bulletin*, 47 Pa.B. 1122 (February 25, 2017) and 47 Pa.B. 2181 (April 15, 2017):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.15 of the Pennsylvania Rules of Professional Conduct is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective in 60 days.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.15. Safekeeping Property.

* * * * *

(u) Every attorney who is required to pay an active annual assessment under Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement (relating to annual registration of attorneys) shall pay an additional annual fee of \$30.00 for use by the IOLTA Board. Such additional assessment shall be added to, and collected with and in the same manner as, the basic annual assessment. All amounts received pursuant to this subdivision shall be credited to the IOLTA Board.

(v) Unclaimed or Unidentifiable IOLTA Funds.

(1) When a lawyer or law firm cannot, using reasonable efforts for a minimum of two (2) years, identify or locate the owner of funds in either its Pennsylvania IOLTA account or the Pennsylvania IOLTA account of a deceased lawyer whose estate is represented by the lawyer or law firm, it shall pay the funds to the Pennsylvania IOLTA Board. At the time such funds are remitted, the lawyer or law firm shall submit to the IOLTA Board the name and last known address of each person appearing from

the lawyer's or law firm's records to be entitled to the funds, and the amount of unclaimed funds to which each owner is entitled, if known; the amount of any unidentifiable funds; and a description of the efforts undertaken to identify and locate the owner(s).

(2) If, after making a payment of unclaimed or unidentifiable funds to the Pennsylvania IOLTA Board, the lawyer or law firm identifies and locates the owner of funds paid, the IOLTA Board shall refund the sum to the lawyer or law firm. The lawyer or law firm shall submit to the IOLTA Board a verification attesting that the funds have been returned to the owner. The IOLTA Board shall review claims submitted by purported owners of funds when the lawyer or law firm that originally remitted the funds to the IOLTA Board is no longer available. The IOLTA Board shall maintain a sufficient reserve to pay all claims for such funds.

(3) Should the Pennsylvania Lawyers Fund for Client Security pay an award to a former client of a lawyer, law firm, or deceased lawyer who has remitted funds under this Rule to the IOLTA Board, the Pennsylvania Lawyers Fund for Client Security may pursue a reimbursement of such award from unclaimed funds remitted by the lawyer, law firm, or deceased lawyer to the IOLTA Board in which the former client held an ownership interest. In no event would a reimbursement to the Pennsylvania Lawyers Fund for Client Security exceed the amount of funds remitted to the IOLTA Board by the subject lawyer, law firm, or deceased lawyer.

(4) A lawyer shall not be liable in damages or held to have breached any fiduciary duty or responsibility as a result of his or her good faith adherence to the unclaimed or unidentifiable IOLTA fund requirements in this subsection.

Comment:

* * * * *

(11) Paragraphs (q) through (t) provide for the Interest on Lawyer Trust Account (IOLTA) program. There are further instructions relating to the IOLTA program in Rules 219 and 221 of the Pennsylvania Rules of Disciplinary Enforcement and in the Regulations of the Interest On Lawyers Trust Account Board, 204 Pa. Code, § 81.1 et seq., which are referred to as the IOLTA Regulations.

(12) For purposes of subsection (v), unidentifiable funds refers to funds accumulated in an IOLTA account that cannot be reasonably documented as belonging to a client, former client, third party, or the lawyer or law firm. Unclaimed funds refers to funds for which a client, former client, or third party appear to have an interest, but have not responded to the lawyer or law firm's reasonable efforts to encourage the client, former client, or third party to claim their rightful funds. A lawyer or law firm's reasonable efforts to identify the owner of funds include a review of transaction records, client ledgers, case files, and any other relevant fee records. Reasonable efforts to locate the owner of funds include periodic correspondence of the type contemplated by the lawyer or law firm's relationship with the client, former client, or third party. Should such correspondence

prove unsuccessful, a lawyer or law firm's reasonable efforts include efforts similar to those that would be undertaken when attempting to locate a person for service of process, such as examinations of local telephone directories, courthouse records, voter registration records, local tax records, motor vehicle records, or the use of consolidated online search services that access such records. Lawyers must maintain records of the disposition of unclaimed or unidentifiable funds and make such records available for production to the Pennsylvania Lawyers Fund for Client Security or the Office of Disciplinary Counsel in accordance with Pa.R.P.C. 1.15(c). The IOLTA Board shall make a standardized form with instructions available on the IOLTA Board's website or by request for use by lawyers submitting unclaimed or unidentifiable funds to the IOLTA Board. Conservators appointed pursuant to Pa.R.D.E. 321 should follow the procedure in Pa.R.D.E. 324(c)(1) for distributing unclaimed and unidentifiable funds.

[Pa.B. Doc. No. 18-721. Filed for public inspection May 11, 2018, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 33]

Amendment of Rules 3.1 and 3.6 of the Code of Judicial Conduct; No. 497 Judicial Administration Doc.

Order

Per Curiam

And Now, this 25th day of April, 2018, it is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Rules 3.1 and 3.6 of the Code of Judicial Conduct are amended in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the amendments is found to be in the interests of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective July 1, 2018.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 33. CODE OF JUDICIAL CONDUCT

Subchapter A. CANONS

Canon 3. A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

Rule 3.1. Extrajudicial Activities in General.

* * * * *

Comment

* * * * *

(3) Discriminatory actions and expressions of bias or prejudice by a judge, even outside the judge's official or

judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality.

Examples include jokes or other remarks that demean individuals based upon their race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status. For the same reason, a judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination. See Rule 3.6.

* * * * *

Rule 3.6. Affiliation with Discriminatory Organizations.

(A) A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender identity or expression, religion, national origin, ethnicity, disability or sexual orientation.

* * * * *

Comment

* * * * *

(2) An organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, sex, gender identity or expression, religion, national origin, ethnicity, disability or sexual orientation persons who would otherwise be eligible for admission. Whether an organization practices invidious discrimination is a complex question to which judges should be attentive. The answer cannot be determined from a mere examination of an organization's current membership rolls, but rather, depends upon how the organization selects members, as well as other relevant factors, such as whether the organization is dedicated to the preservation of religious, ethnic, or cultural values of legitimate common interest to its members, or whether it is an intimate, purely private organization whose membership limitations could not constitutionally be prohibited.

* * * * *

[Pa.B. Doc. No. 18-722. Filed for public inspection May 11, 2018, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 51]

Order Amending Rules 2.3 and 3.6 and the Comment to Rule 3.1 of the Rules Governing Standards of Conduct of Magisterial District Judges; No. 421 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 25th day of April, 2018, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 2.3 and 3.6 and the Comment to Rule 3.1 of the Rules Governing Stan-

dards of Conduct of Magisterial District Judges are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2018.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

**CHAPTER 51. STANDARDS OF CONDUCT OF
MAGISTERIAL DISTRICT JUDGES**

**PENNSYLVANIA RULES FOR MAGISTERIAL
DISTRICT JUDGES**

Canon 2. A magisterial district judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.3. Bias, Prejudice, and Harassment.

* * * * *

(B) A magisterial district judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender **identity or expression**, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the magisterial district judge's direction and control to do so.

(C) A magisterial district judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender **identity or expression**, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

* * * * *

Comment:

* * * * *

(3) Harassment, as referred to in paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender **identity or expression**, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

* * * * *

Canon 3. A magisterial district judge shall conduct the magisterial district judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

Rule 3.1. Extrajudicial Activities in General.

* * * * *

Comment:

* * * * *

(3) Discriminatory actions and expressions of bias or prejudice by a magisterial district judge, even outside the magisterial district judge's official or judicial actions, are likely to appear to a reasonable person to call into question the magisterial district judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their race, sex, gender **identity or expression**, religion, national origin,

ethnicity, disability, age, sexual orientation, or socioeconomic status. For the same reason, a magisterial district judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination. See Rule 3.6.

* * * * *

Rule 3.6. Affiliation with Discriminatory Organizations.

(A) A magisterial district judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender **identity or expression**, religion, national origin, ethnicity, disability or sexual orientation.

* * * * *

Comment:

* * * * *

(2) An organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, sex, gender **identity or expression**, religion, national origin, ethnicity, disability or sexual orientation persons who would otherwise be eligible for admission. Whether an organization practices invidious discrimination is a complex question to which magisterial district judges should be attentive. The answer cannot be determined from a mere examination of an organization's current membership rolls, but rather, depends upon how the organization selects members, as well as other relevant factors, such as whether the organization is dedicated to the preservation of religious, ethnic, or cultural values of legitimate common interest to its members, or whether it is an intimate, purely private organization whose membership limitations could not constitutionally be prohibited.

* * * * *

FINAL REPORT¹

**Recommendation 2-2017, Minor Court Rules
Committee**

***Amendment of Rules 2.3 and 3.6, and of the
Comment to Rule 3.1 of the Rules Governing
Standards of Conduct of Magisterial District Judges***

**Prohibiting Discrimination on the Basis of Gender
Identity or Expression**

I. Introduction

The Minor Court Rules Committee ("Committee") recommended amendments to Rules 2.3 and 3.6, and to the Comment to Rule 3.1 of the Rules Governing Standards of Conduct of Magisterial District Judges ("MDJ Conduct Rules"). The amendments prohibit discrimination on the basis of gender identity or expression.

II. Background and Discussion

In 2014, the Supreme Court approved new MDJ Conduct Rules. See Order of September 18, 2014, No. 376, Magisterial Rules Docket. MDJ Conduct Rules 2.3 and 3.6, and the Comment to MDJ Conduct Rule 3.1 address bias and discrimination based on enumerated categories, such as race or disability.

In July 2016, the Supreme Court approved amendments to the Unified Judicial System's Policy on Non-discrimination and Equal Opportunity to prohibit discrimination on the basis of gender identity or expression.

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

On March 28, 2017, the Court made a correlative amendment to Rule 2.3 of the Code of Judicial Conduct adding gender identity or expression as additional categories of persons protected from discrimination. *See* Order of March 28, 2017, No. 483 Judicial Administration Docket. In light of these changes, the Court requested that the Committee review the MDJ Conduct Rules and submit a recommendation as to the advisability of adding gender identity or expression as additional protected categories under MDJ Conduct Rule 2.3. Upon review of other MDJ Conduct Rules, the Committee identified Rule 3.6 and the Comment to Rule 3.1 as rules that provide protection from discrimination for enumerated categories of persons.

III. *Rule Changes*

The Committee recommended the amendment of MDJ Conduct Rules 2.3(B) and 3.6(A) to add gender identity or expression as bases upon which persons cannot be subject to bias and discrimination. The Committee also recommended this change to Comment (3) of MDJ Conduct Rule 3.1.

[Pa.B. Doc. No. 18-723. Filed for public inspection May 11, 2018, 9:00 a.m.]

**Title 234—RULES OF
CRIMINAL PROCEDURE**

[234 PA. CODE CHS. 1 AND 5]

Amended Order Adopting New Rule 576.1 and Amending Rules 113, 114 and 576 of the Rules of Criminal Procedure; No. 502 Criminal Procedural Rules Doc.

Amended Order

Per Curiam

And Now, this 25th day of January, 2018, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 46 Pa.B. 1643 (April 2, 2016), and a Final Report to be published with this Order:

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Criminal Procedure 576.1 is adopted and Pennsylvania Rules of Criminal Procedure 113, 114, and 576 are amended, in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 1, 2018.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 113. Criminal Case File and Docket Entries.

* * * * *

(C) The docket entries shall include at a minimum the following information:

* * * * *

(8) all other information required by Rules 114 and 576.

(D) If a judicial district has provided for electronic filing pursuant to Rule 576.1, the criminal case file in which electronic filing has been utilized may be maintained solely in an electronic format as long as copies of the documents maintained in the criminal case file may be produced in a physical paper format.

Comment

This rule sets forth the mandatory contents of the list of docket entries and the criminal case files. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information be recorded in a case or in all cases.

* * * * *

Official Note: Former Rule 9024 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 June 2, 1994, effective September 1, 1994. New Rule 9024 adopted June 2, 1994, effective September 1, 1994; renumbered Rule 113 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004 and replaced by Rule 114(C), effective July 1, 2004. New Rule 113 adopted March 3, 2004, effective July 1, 2004; amended July 31, 2012, effective November 1, 2012; Comment revised October 22, 2013; effective January 1, 2014; **amended January 25, 2018, effective May 1, 2018.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 22, 2013 revisions to the Comment regarding the unexecuted search warrants published with the Court's Order at 43 Pa.B. 6652 (November 9, 2013).

Final Report explaining January 25, 2018 amendment providing for maintenance of electronically filed documents published with the Court's Order at 48 Pa.B. 861 (February 10, 2018).

Rule 114. Orders and Court Notices: Filing; Service; and Docket Entries.

* * * * *

(B) Service

(1) A copy of any order or court notice promptly shall be served on each party's attorney, or the party if unrepresented.

(2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or court administrator.

(3) Methods of Service

Except as otherwise provided in Chapter 5 concerning notice of the preliminary hearing, service shall be:

* * * * *

(c) A party's attorney, or the party if unrepresented, may request to receive service of court orders or notices pursuant to this rule by facsimile transmission or other electronic means by

(i) filing a written request for this method of service in the case or including a facsimile number or an electronic address on a prior legal paper filed in the case; or

(ii) filing a written request for this method of service to be performed in all cases, specifying a facsimile number or an electronic address to which these orders and notices may be sent.

The request for electronic service in all cases filed pursuant to paragraph (ii) may be rescinded at any time by the party's attorney, or the party if unrepresented, by filing a written notice that service of orders and notices shall be accomplished as otherwise provided in this rule.

(d) In a judicial district that permits electronic filing pursuant to Rule 576.1, service of court orders or notices shall be made as provided in Rule 576.1(D)(2) and (H)(1).

(C) Docket Entries

* * * * *

Comment

This rule was amended in 2004 to provide in one rule the procedures for the filing and service of all orders and court notices, and for making docket entries of the date of receipt, date appearing on the order or notice, and the date of service. This rule incorporates the provisions of former Rule 113 (Notice of Court Proceedings Requiring Defendant's Presence). *But see* Rules 511, [540(F)(2)] 540(G)(2), and 542(G) for the procedures for service of notice of a preliminary hearing, which are different from the procedures in this rule.

Historically, some orders or court notices have been served by the court administrator or by the court. Paragraph (B)(2) permits the president judge to continue this practice by designating either the court or the court administrator to serve orders and court notices. When the president judge makes such a designation, the designation must be in the form of a local rule promulgated in compliance with Rule 105 (Local Rules) **and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules).**

* * * * *

Paragraph (D), titled "Unified Practice," emphasizes that local rules must not conflict with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all Criminal Rules through Rule 105 (Local Rules) **and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules)**, the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. *See* the first paragraph of the [**Rule 105 Comment**] **Note to Pa.R.J.A. No. 103**. The term "local rule" includes every rule, regulation, directive, policy, custom, usage, form or order of general application. *See* [**Rule 105(A)**] **Pa.R.J.A. No. 103(d)(1)**.

For the definition of "carrier service," see Rule 103.

See Rule 103 for the definitions of "clerk of courts" and "court administrator."

See Rule 113 (Criminal Case File and Docket Entries) for the requirements concerning the contents of the criminal case file and the minimum information to be included in the docket entries.

Official Note: Formerly Rule 9024, adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule

9025 and Comment revised June 2, 1994, effective September 1, 1994; renumbered Rule 114 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended July 20, 2006, effective September 1, 2006; Comment revised September 18, 2008, effective February 1, 2009; amended December 6, 2010, effective February 1, 2011; **amended January 25, 2018, effective May 1, 2018.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the December 6, 2010 amendment concerning consent to electronic service published with the Court's Order at 40 Pa.B. 7336 (December 25, 2010).

Final Report explaining January 25, 2018 amendments for service where a court has adopted electronic filing published with the Court's Order at 48 Pa.B. 861 (February 10, 2018).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART G(1). Motion Procedures

Rule 576. Filing and Service by Parties.

(A) FILING

(1) All written motions and any written answers, and any notices or documents for which filing is required, shall be filed with the clerk of courts.

(2) Filing shall be [**by**]:

(a) **by** personal delivery to the clerk of courts; [**or**]

(b) **by** mail addressed to the clerk of courts. Except as provided by law, filing by mail shall be timely only when actually received by the clerk of courts within the time fixed for filing[.] **or,**

(c) in a judicial district that permits electronic filing pursuant to Rule 576.1, as provided in Rule 576.1(E).

(3) The clerk of courts shall accept all written motions, answers, notices, or documents presented for filing. When a document, which is filed pursuant to paragraph (A)(1), is received by the clerk of courts, the clerk shall time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and promptly shall place the document in the criminal case file.

* * * * *

(B) SERVICE

* * * * *

(4) Certificate of Service

(a) All documents that are filed and served pursuant to this rule shall include a certificate of service.

(b) The certificate of service shall be in substantially the form set forth in the Comment, signed by the party's attorney, or the party if unrepresented, and shall include the date and manner of service, and the names, addresses, and phone numbers of the persons served.

(5) In a judicial district that permits electronic filing pursuant to Rule 576.1, service shall be made as provided in Rule 576.1(D)(2) and (H)(1).

(C) Any non-party requesting relief from the court in a case shall file the motion with the clerk of courts as provided in paragraph (A), and serve the defendant's

attorney, or the defendant if unrepresented, the attorney for the Commonwealth, and the court administrator as provided in paragraph (B).

Comment

For the procedures for electronic filing and service as a local option, see Rule 576.1.

Paragraph (A)(1) requires the filing of all written motions and answers. The provision also applies to notices and other documents only if filing is required by some other rule or provision of law. *See, e.g.*, the notice of withdrawal of charges provisions in Rule 561 (Withdrawal of Charges by Attorney for the Commonwealth), the notice of alibi defense and notice of insanity defense or mental infirmity defense provisions in Rule 573 (Pretrial Discovery and Inspection), the notice that offenses or defendants will be tried together provisions in Rule 582 (Joinder—Trial of Separate Indictments or Informations), the notice of aggravating circumstances provisions in Rule 802 (Notice of Aggravating Circumstances), and the notice of challenge to a guilty plea provisions in Municipal Court cases in Rule 1007 (Challenge to Guilty Plea).

When a motion, notice, document, or answer is presented for filing pursuant to paragraph (A)(1), the clerk of courts must accept it for filing even if the motion, notice, document, or answer does not comply with a rule or statute or appears to be untimely filed. It is suggested that the judicial district implement procedures to inform the filing party when a document is not in compliance with these rules or a local rule so the party may correct the problem.

See Commonwealth v. Jones, [549 Pa. 58,] 700 A.2d 423 (Pa. 1997); and *Commonwealth v. Little*, 716 A.2d 1287 (Pa. Super. 1998) concerning the timeliness of filings by prisoners proceeding *pro se* (the “prisoner mailbox rule”).

The 2004 amendments to paragraph (A)(4) modified the procedure by which the clerks of courts handle filings by represented defendants when the defendant’s attorney has not signed the document being filed by the defendant. As amended, paragraph (A)(4) requires, in all cases in which a represented defendant files a document, that the clerk of courts make a docket entry of the defendant’s filing and place the document in the criminal case file, and then forward a copy of the document to both the attorney of record and the attorney for the Commonwealth. *See Commonwealth v. Castro*, 766 A.2d 1283 (Pa. Super. 2001). *Compare* Pa.R.A.P. 3304 (Hybrid Representation). The requirement that the clerk time stamp and make docket entries of the filings in these cases only serves to provide a record of the filing, and does not trigger any deadline nor require any response. *See* Rules 120 (Attorneys—Appearance and Withdrawals) and 122 (Assignment of Counsel) concerning the duration of counsel’s obligation under the rules.

Paragraph (A)(4) only applies to cases in which the defendant is represented by counsel, not cases in which the defendant is proceeding *pro se*.

The purpose of paragraph (A)(5) is to ensure documents raising cognizable legal issues submitted to the judge are transmitted to the clerk of courts, and does not relieve the defendant from complying with the other requirements of the rules. When a document is forwarded to the clerk from a judge, if the defendant is unrepresented, the clerk is to proceed as provided in paragraph (A)(3) and the defendant is to be treated like any other party. If the defendant is represented, the clerk is to proceed pursuant to paragraph (A)(4).

Paragraph (A)(6), titled “Unified Practice,” was added in 2004 to emphasize that local rules must not conflict with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all Criminal Rules through Rule 105 (Local Rules) and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. *See* the first paragraph of the [**Rule 105 Comment**] **Note to Pa.R.J.A. No. 103**. The term “local rule” includes every rule, regulation, directive, policy, custom, usage, form or order of general application. *See* [**Rule 105(A)**] **Pa.R.J.A. No. 103(d)(1)**.

* * * * *

See Rule 103 (Definitions) for the definitions of court administrator, clerk of courts, and [**motions**] **motion**.

Official Note: Former Rule 9022 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective January 1, 1994; amended July 9, 1996, effective September 1, 1996; renumbered Rule 576 and amended March 1, 2000, effective April 1, 2001. Former Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Rules 576 and 577 combined and amended March 3, 2004, effective July 1, 2004, Comment revised June 4, 2004, effective November 1, 2004; Comment revised September 18, 2008, effective February 1, 2009; Comment revised September 21, 2012, effective November 1, 2012; **amended January 25, 2018, effective _____, 2018**.

Committee Explanatory Reports:

* * * * *

Final Report explaining the September 21, 2012 revision of the Comment correcting a typographical error in the thirteenth paragraph published with the Court’s Order at 42 Pa.B. 6251 (October 6, 2012).

Final Report explaining the January 25, 2018 amendment regarding electronic filing and service pursuant to Rule 576.1 published with the Court’s Order at 48 Pa.B. 861 (February 10, 2018).

(Editor’s Note: The following rule is added and printed in regular type to enhance readability.)

Rule 576.1. Electronic Filing and Service of Legal Papers.

(A) The president judge of a judicial district by local rule promulgated pursuant to Rule 105 and Rule of Judicial Administration 103 may authorize electronic filing of legal papers with the clerk of courts in cases in the courts of common pleas and in the Philadelphia Municipal Court through the statewide electronic filing system as provided in this rule.

(B) Local Rule

(1) The local rule required under this rule shall include the following provisions:

(a) subject to the provisions in paragraph (B)(2), a statement that the electronic filing system is permissive and specify the legal papers subject to the rule, but in no

case shall legal papers prohibited from being filed electronically by this rule be permitted to be filed electronically;

(b) a provision for the procedures to ensure that any party who declines to participate in the system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the system, at a minimum, shall be able to file legal papers in a physical paper format and be served legal papers in a physical format which were electronically filed;

(c) any additional provisions as the court may deem necessary to provide a full and complete procedure for the use of the system within the judicial district; and

(d) a notation that the Administrative Office of Pennsylvania Courts and the judicial district have agreed upon an implementation plan for PACFile in the judicial district.

(2) Any judicial district that authorized electronic filing for a period of two years thereafter may amend their local rule, subject to the requirements of Rule 105 and Rule of Judicial Administration 103, to make participation in electronic filing mandatory.

(C) As used in this rule, the following words shall have the following meanings:

“electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

“filing party,” an attorney, defendant, or other person who files a legal paper by means of electronic filing;

“legal paper,” a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, exhibits, and attachments, but excluding

- (1) applications for search warrants,
- (2) applications for arrest warrants,
- (3) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
- (4) submissions filed *ex parte* as authorized by law, and
- (5) submissions filed or authorized to be filed under seal;

“original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

“the system,” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

(D) Participation

(1) The system shall permit attorneys and defendants proceeding without counsel to file electronically.

(a) In order to participate in the system, an attorney shall establish an account in the system by procedures established by the Administrative Office of Pennsylvania Courts.

(b) A defendant who is proceeding without counsel shall be permitted to utilize the system through an authorization process established by the Administrative Office of Pennsylvania Courts.

(2) Establishment of an account by an attorney or authorization by a defendant proceeding without counsel in the system shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed on the system in any judicial district that permits electronic filing.

(3) An attorney or defendant participating in the system is permitted to file a legal paper either in an electronic format or in a physical paper format. Service upon an attorney or defendant participating in the system shall be done electronically.

(E) Filing

(1) When a legal paper is to be electronically filed, it shall be submitted to the system at the Unified Judicial System web portal at <http://ujportal.pacourts.us>, in accordance with this rule, any local rule adopted pursuant to this rule, and any filing instructions as may be otherwise provided at the web portal site.

(2) Electronic filings may be submitted at any time, except during times of periodic maintenance. The electronic submission must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day.

(3) The time and date on which a legal paper is submitted to the system shall be recorded by the system. The system shall provide an acknowledgement to the filing party that the legal paper has been submitted.

(4) The time and date on which the legal paper is accepted by the clerk of courts office also shall be recorded by the system. The system shall provide an acknowledgement to the filing party that the legal paper has been accepted.

(5) A legal paper shall be considered filed upon submission of the legal paper to the system and acceptance of the filing by the clerk of courts. If the clerk of courts determines that the requirements for filing have been met, the time and date of filing shall be the time and date that the legal paper was submitted to the system. If the clerk of courts finds that the requirements for filing are not met, the clerk may reject the filing.

(6) A filing party shall be responsible for any delay, disruption, and interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the system’s website.

(7) The system shall attribute the filing of an electronic legal paper to the party whose account is used to log onto the system and file the legal paper.

(8) Legal papers shall be presented for filing in portable document format (“.pdf”).

(9) All legal papers electronically filed shall be maintained and retained by the clerk of courts in an electronic format. Neither the clerk of courts nor the court is required to maintain in a physical paper format any legal paper filed electronically as provided in this rule.

(10) Any legal paper submitted for filing to the clerk of courts in a physical paper format shall be accepted by the clerk of courts in that format and shall be retained by the clerk of courts as may be required by applicable rules of court and record retention policies. The clerk of courts shall convert such legal paper in a physical paper format to .pdf and add it to the system. However, those submissions that are excluded from the definition of “legal paper” under paragraph (C) shall not be converted and added to the system.

(11) No legal paper that complies with the Pennsylvania Rules of Criminal Procedure shall be refused for filing

by the clerk of courts or the electronic filing system based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

(F) Signature

(1) Except as provided in paragraph (F)(3), an electronic signature of the filer as provided for in the system is permitted on electronic filings in the following form: /s/ *John L. Doe*.

(2) The electronic filing of a motion or answer that includes an electronic signature constitutes a certification pursuant to Pa.R.Crim.P. 575 that the filing party or attorney has read the legal paper, that to the best of the filing party's or attorney's knowledge, information and belief there is good ground to support the motion or answer, and that it is not interposed for delay.

(3) Any motion that, pursuant to Rule 575(A)(2)(g), avers facts not of record and requiring a sworn affidavit must be created in a physical paper form, have a physical signature placed on it, and then be converted into a .pdf before it may be electronically filed.

(4) The original of a sworn or verified legal paper that is an electronic filing or is contained within an electronic filing shall be maintained by the electronic filer in either electronic or paper format and made available upon direction of the court or reasonable request of the signatory or opposing party.

(G) The court by local rule shall provide for the maintenance by the clerk of courts of an electronic file only, or of such electronic and physical paper format files as set forth in the local rule. Those legal papers that are not permitted to be electronically filed pursuant to paragraph (C) shall be maintained in a physical paper format only.

(H) Service

(1) Upon the submission of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. This notification upon submission shall satisfy the service requirements of Rules 114(B) and 576(B) on any attorney or party who has established a system account.

(2) Upon the acceptance by the clerk of courts office of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been accepted.

(3) Service of electronic filings on any attorney or party who has not established a UJS web portal account or who is unable to file or receive legal papers electronically or otherwise unable to access the system shall be made by the procedures provided under Rules 114(B) and 576(B).

Comment

This rule, adopted in 2018, permits as a local practice the electronic filing of legal papers. This rule does not require the implementation of electronic filing by a local court. To provide a uniform system for electronic filing, the Administrative Office of Pennsylvania Courts has developed the PACFile electronic filing system. This is the only authorized system for electronic filing of legal documents in criminal court cases in the courts of common pleas and Philadelphia Municipal Court.

Paragraph (B) requires that a judicial district that desires to participate in the electronic filing system must

adopt a local rule to that effect. As part of the initial "opting into" electronic filing, this local rule must provide that participation is voluntary. Once a judicial district has allowed electronic filing for two years, participation may be made mandatory. Paragraph (B)(1)(b) requires that all judicial districts in which electronic filing is allowed must make accommodations for those parties who are unable to participate. In no event shall access to the court filing be precluded solely on the basis of participation in the electronic filing system.

This rule is applicable to cases in courts of record. *See* Rule 103 for the definition of a "court."

The UJS Portal contains other automated services beside PACFile. There may be circumstances when an attorney, who has registered as a user on another service of the UJS Portal, may have an established account that would be usable for PACFile. Any questions about the requirements of registration or accessibility to PACFile should be referred to the Administrative Office of Pennsylvania Courts.

The system permits a user to designate other users as proxies on individual cases. These proxies all receive notice of any filing in the case. It is anticipated that offices such as those of a district attorney or public defender would be able to establish general user accounts with particular attorneys assigned and their supervisors or back-ups listed as proxies in individual cases.

An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney's account.

The local rule required by this rule must conform to the requirements of Rule 105 (Local Rules) and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules).

A file in physical paper format is not required by this rule. If the local rule requires a file in physical paper format, the requirement may extend to all cases or only to certain specified cases. For example, the court may require files in physical paper format for cases listed for trial or scheduled for argument while maintaining only electronic files for all other cases.

Upon submission of the electronic filing of a legal paper, the electronic filing system shall automatically send notice of the filing to all parties who have agreed to service by electronic transmission or whose e-mail address is included on an appearance or prior legal paper filed in connection with the case. If the electronic filing system sends notice of such filing, the party filing the legal paper only need serve those parties who are not served by the electronic filing system. An electronic mail address set forth on letterhead is not a sufficient basis under this rule to permit electronic service of legal papers.

Nothing in this rule is intended to prohibit the use of advanced communication technology to submit an application for search warrant as provided in Rule 203(A) or to submit an application for an arrest warrant using advanced communications technology as provided in Rule 513(B)(1).

In addition to the filing fees now applicable, an online payment convenience fee for use of the PACFile system may be imposed. *See* 204 Pa. Code § 207.3.

See Rule 114(B) providing for the clerk of courts to serve orders and court notices by facsimile transmission or other means.

Legal papers filed electronically should be consistent with the formatting requirements of Rule 575(C).

See Rule 576(B) governing service of motions and any written answers, and any notices or documents for which filing is required by facsimile transmission or other means.

See Rule 1002, for the applicability of this rule to summary cases filed in the Philadelphia Municipal Court.

Official Note: New Rule 576.1 adopted January 25, 2018, effective May 1, 2018.

Committee Explanatory Reports:

Final Report explaining new Rule 576.1 providing for electronic filing published with the Court's Order at 48 Pa.B. 861 (February 10, 2018).

FINAL REPORT¹

Adoption of New Pa.R.Crim.P. 576.1; Amendment of Pa.Rs.Crim.P. 113, 114, and 576

Electronic Filing

On January 25, 2018, effective May 1, 2018, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rule 576.1 (Electronic Filing and Service of Legal Papers) and the amendment of Rules 113 (Criminal Case File and Docket Entries), 114 (Orders and Court Notices; Service; and Docket Entries), and 576 (Filing and Service by Parties) to provide procedures for the use of the statewide electronic filing system as a local option.

The Committee has been working on procedures for electronic filing for several years. This began in 2012 when representatives of the First Judicial District (FJD) approached the Committee requesting rule changes that would require the electronic filing of pleadings in criminal cases as a local option. This was part of an initiative to implement an electronic filing system in criminal cases similar to the electronic filing system already in place in Philadelphia for civil and orphans' court cases.

While the Committee believed that the goal of implementing electronic filing was a good one, the Committee had a number of concerns with the specifics of such a proposal that would have made a statewide rule change problematic. The Committee concluded that the best approach was to seek the Court's permission for the FJD to conduct a pilot project during which the electronic filing system could be implemented on a trial basis. The parameters of this experimental electronic filing system would be spelled out in a local rule. In February 2013, upon the Committee's recommendation, the Court issued an Order permitting the Criminal Section of the Trial Division of the First Judicial District to implement a pilot project for the electronic filing of documents by the parties.

One of the Committee's goals for the pilot project was to obtain information as to whether statewide rule changes should be made to accommodate those judicial districts that may wish to implement electronic filing programs. In late 2014, after reviewing data indicating the success of the FJD pilot project and the interest in electronic filing in other judicial districts throughout the Commonwealth, the Committee concluded that it was appropriate to develop statewide rule changes to accommodate this practice.

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also, note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

While working to develop these statewide procedures in cooperation with the Administrative Office of the Pennsylvania Courts Information Technology Department ("AOPC IT"), it was learned that AOPC was working on a statewide electronic filing system for criminal and juvenile cases based on the electronic filing system used in the Appellate Courts, the PACFile system. It was therefore decided that the electronic filing rules should be based on this statewide system rather than on any locally developed systems.

New Rule 576.1

The main provisions for electronic filing are contained in new Criminal Rule 576.1. The basic statement of authority for establishing local e-filing is contained in paragraph (A). Paragraph (B) lists the contents of the local rule required to establish electronic filing locally. Paragraph (C) is a definitional section. Paragraph (D) provides the procedures for establishing participation in the system. Paragraph (E) discusses the filing and receipt of documents. Paragraph (F) contains provisions regarding electronic signatures. Paragraph (G) permits, with some exceptions, paperless files. Paragraph (H) contains service provisions.

Paragraph (A) of new Rule 576.1 provides the general scope of the procedures. The Committee agreed that electronic filing should not be required in every judicial district but rather available as a local option. Therefore, the rule provides that a judicial district's use of electronic filing is voluntary. The Committee also concluded that those judicial districts that wish to participate in electronic filing should be required to create a local rule permitting electronic filing within the judicial district as was done in the Philadelphia pilot project. This latter provision will permit the Committee to retain some oversight of the process by the local rule review process contained in Rule of Judicial Administration 103 and Criminal Rule 105. The rule also mandates the PACFile system as the only system that is permitted to be used for electronic filing. This is consistent with uniformity of practice and judicial economy.² Additionally, any judicial district desiring to "opt-into" electronic filing must consult with AOPC and agree upon an implementation plan to ensure that AOPC resources are not overtaxed should a large number of judicial districts decide to opt-in at one time.

One of the issues debated at length by the Committee was the question of whether the statewide rules should provide that use of the system was strictly voluntary or should permit a local court to make it mandatory if desired. Ultimately, the Committee agreed to a provision that would provide that a judicial district that opts into electronic filing must initially allow it on a voluntary basis only. After two years from the date of opting into electronic filing, the judicial district would have the option to make it mandatory. Allowing a time period during which it was voluntary with a judicial district-based sunset provision when it could become mandatory would put all practitioners on notice that the change would be upcoming. This coupled with provisions that allow filing by those who were unable to be part of the system, such as *pro se* defendants without computer access, provides sufficient protection in those counties that opted to make it mandatory. This provision is contained in paragraph (B)(2) and language expanding on

² The PACFile system will include Philadelphia Municipal Court non-summary and summary cases. Therefore, cases in the Municipal Court are included under paragraph (A). Electronic filing capabilities for magisterial district judge offices currently are not intended to be part of the extension of the PACFile system but may be incorporated into the Magisterial District Judge System at a later date.

this concept has been added to the Comment, including a statement that electronic filing should not deny access to court filing.

Legal Papers

Paragraph (C) of Rule 576.1 contains definitions of various terms used in the rule. One of these is a definition of “original document” that includes the electronically filed version of the document as the original. However, the definition makes it clear that electronic copies of exhibits would not be considered originals. This is consistent with Rule of Evidence 1002 (Requirement of the Original).

Also included in paragraph (C) is a definition of “legal paper” that broadly defines the types of documents that may be filed electronically. The Committee discussed how to handle those documents that are physically filed because the party does not have the ability or willingness to file electronically even though the documents are permitted to be filed electronically and other parties to the case may have agreed to electronic filing. Using a practice similar to that used in the Philadelphia pilot project, the rule provides that such physical documents must be accepted and then scanned into the system by the Clerk of Courts Office staff. Even after uploading these converted documents into the system, the physical documents would be retained. These provisions are contained in paragraph (E)(10).

The definition of “legal paper” also lists the types of documents that are excluded from electronic filing. If a document is excluded from being filed electronically, it has to be physically filed and the physical document maintained in the case file. While the new rule does contemplate that most legal papers that are filed in a physical paper format may be scanned into the system for the convenience of the user, those documents excluded from the definition of legal papers may not be scanned into the system.

Participation

Paragraph (D) describes how individual participation in electronic filing is initiated. Participation requires that a user establish an account in the PACFile system. The establishment of an account constitutes consent to participate in electronic filing including receipt of service of filed documents. This is a blanket consent for all cases in which that party was participating, including cases in any jurisdiction in which electronic filing is permitted. For *pro se* defendants, there is a requirement for an authorization process based on a similar provision contained in the Court Order for electronic filing in the appellate courts.

There was a question of whether the rules should allow participation that can be initiated for an office, such as the district attorney’s office or public defender, as a whole. The concern was that there may be turn-over or reassignment and, if only the individual attorney was listed on the case, it could fall through the cracks. It was noted that the PACFile system currently permits in appellate cases filing by a named office with specific individuals associated with the office listed as the main filer as well as others being able to be listed as proxies. The Committee concluded that this capability should be utilized in trial court cases, especially since it permits an office to have multiple proxies listed who all would receive notice of a filing and could serve as back-up. However, the Committee concluded that this was more of an administrative matter rather than a rule provision so a reference to this capability is included in the Comment to Rule 576.1.

While the rules generally provide that participation in electronic filing is voluntary (except in those counties that choose to make it mandatory), the Committee discussed whether a party who has agreed to participate in electronic filing should be permitted to file legal papers in a physical paper format. The Committee concluded that this should be permitted since this is a new practice and a filing should not be refused solely because it is not done electronically. However, any party that agrees to participate in electronic filing must accept service electronically. Paragraph (D)(3) therefore includes a statement regarding participation that permits a participating party to file either in a physical paper format or electronically.

Filing and Receipt

Paragraph (E) contains the provisions related to the filing and receipt of legal papers. The Committee struggled with the question of what constitutes the actual “filing” of a document submitted electronically. This arose in the context of how a filing that is incorrect for some reason, such as improper docket number, would be handled. The main problem arises from the way documents are placed into the PACFile system. A user will submit a document by uploading it onto the system website. The filing office will receive notice that this has occurred. The filing office must then affirmatively accept the document to be considered filed on the PACFile system. Depending on how busy the filing office is, there may be some delay between having the document uploaded onto the system and then accepted as filed. In addition, there may be occasions when a filing might be rejected or sent back to the filer for correction, for example, when it is uploaded to an incorrect docket or the required filing fees have not been paid by a non-indigent defendant.

The Committee noted that even in traditional paper filings, there may be occasions when a document is not accepted immediately for filing for similar reasons. In current practice, this is not a large problem because the document is date-stamped upon presentation at the clerk of courts’ office, problems can be corrected quickly or, if not, the time and date of presentation can be used as the time of filing once any dispute regarding the document has been resolved.

The Committee concluded that a similar process could be applied to electronic filing. The electronic filing system will record the time that a document is submitted as well as the time when the document is accepted by the filing office. Notice may be sent to parties selected by the filer when the document is submitted. Notice also may be served on selected parties when the document has been accepted. Therefore, the definition for “filing,” contained in paragraph (E)(5), states that filing occurs when the acceptance is made but that once accepted, the time and date of filing shall relate back to the time of submission. However, if the legal paper does not meet the requirements for filing, such as not having the correct docket number or not having paid the applicable filing fee, the filing may be rejected in the same manner in which a physical paper filing may be rejected. In this situation, the time and date of original submission still would be recorded in case there is a dispute regarding whether the document should have been accepted upon submission.

Signatures

The Committee generally agreed with the allowance of electronic signatures as being sufficient for the filing of most legal papers. Included in paragraph (F)(2) is a

provision for motions and answers that specifically states that an electronic filing containing an electronic signature constitutes the certification required under Rule 576 that the filer “has read the document and to the best of their knowledge, information and belief, there is good ground to support the motion or answer, and that it is not interposed for delay.”

A concern was raised regarding motions filed pursuant to Rule 575(A)(2)(g) that aver facts not of record. These motions must be supported by a sworn affidavit averring the facts presented. Given potential consequences for the fraudulent filing of such documents, the Committee concluded that the best way for them to be handled would be by requiring the physical document to be prepared and signed and then scanned into the system for filing. The provision was included in paragraph (F)(3) and is intended to apply only to the motions filed pursuant to Rule 575(A)(2)(g).

Service

Paragraph (H) describes how service of electronically filed documents is achieved. The PACFile system provides notice to other parties to a case both when a document is submitted to the system and when the document is accepted. The document will be visible to the other parties to the case upon submission. Since the time of filing of a document, once accepted, will be from the time and date of submission, the notice that the document has been submitted will constitute service as required under Rules 114(B) and 576(B). Those parties or attorneys who are not participating in the system would be served in the traditional manner pursuant to Rules 114 and 576.

Other Rule Changes

Finally, several correlative changes have been made to other criminal rules. Rule 113 (Criminal Case File and Docket Entries) has been amended to permit a “paperless” case file in those counties that permit electronic filing. Additionally, Rule 114 (Orders and Court Notices: Filing; Service; and Docket Entries) has been amended to recognize electronic service of court orders and notices for those parties who are participating in the electronic filing system. Rule 576 (Filing and Service by Parties) recognizes electronic filing pursuant to Rule 576.1.

[Pa.B. Doc. No. 18-724. Filed for public inspection May 11, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated April 24, 2018, Franchot A. S. Golub (# 14245) who resides in Haddonfield, NJ, is Suspended from the Bar of this Commonwealth for a period of one year and one day. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-725. Filed for public inspection May 11, 2018, 9:00 a.m.]

RULES AND REGULATIONS

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 1141 AND 1151]

Medical Marijuana; General Provisions; Growers/Processors; Amended Temporary Regulations

The Department of Health (Department) is publishing amended temporary regulations in Chapters 1141 and 1151 (relating to general provisions—temporary regulations; and growers/processors—temporary regulations) to read as set forth in Annex A. These amended temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

To implement the Medical Marijuana Program, the Department periodically published temporary regulations regarding various sections of the act. Chapter 1141 sets forth the general requirements for the Medical Marijuana Program. Chapter 1151 sets forth the requirements for an entity to become permitted and operate as a grower/processor under the act.

The Department is amending the existing temporary regulations in Chapters 1141 and 1151 for the sake of consistency, and to take into account the need for changes that have arisen as each new set of temporary regulations has been implemented by the Department. Under section 1202 of the act (35 P.S. § 10231.1202), the Department is also amending the existing temporary regulations to effectuate the recommendations made by the Medical Marijuana Advisory Board (Board). After consideration of the Board's report, the Secretary of Health decided to implement the Board's recommendations through the promulgation of temporary regulations.

These amended temporary regulations in Chapters 1141 and 1151 will become effective May 17, 2018, and will expire on May 12, 2020.

Interested persons are invited to submit written comments, suggestions or objections regarding these amended temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding these amended temporary regulations or who require an alternative format of these amended temporary regulations (for example, large print, audiotape, Braille) may do so by using the previous contact information, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

(Editor's Note: Title 28 of the *Pennsylvania Code* is amended by adding temporary regulations in §§ 1141.52

and 1151.45 and amending the temporary regulations in §§ 1141.21—1141.51 and 1151.21—1151.44 to read as set forth in Annex A.)

Fiscal Note: 10-210. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IX. MEDICAL MARIJUANA

CHAPTER 1141. GENERAL PROVISIONS— TEMPORARY REGULATIONS

§ 1141.21. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Act—The Medical Marijuana Act (35 P.S. §§ 10231.101—10231.2110).

Adverse event—An injury resulting from the use of medical marijuana dispensed at a dispensary. An injury includes physical harm, mental harm or loss of function.

Adverse loss—A loss, discrepancy in inventory, diversion or theft of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, medical marijuana products, funds or other property of a medical marijuana organization.

Advertising—The publication, dissemination, solicitation or circulation, for a fee, that is visual, oral, written or electronic to induce directly or indirectly an individual to patronize a particular dispensary, laboratory or practitioner, or to purchase particular medical marijuana products.

Applicant—

(i) Depending on the context the term may mean either of the following:

(A) A person who wishes to submit or submits an application to the Department for a permit to operate as a grower/processor or dispensary, or both, under the act and this part.

(B) A patient or a caregiver who submits an identification card application to the Department.

(ii) The term includes a legal guardian or a parent who submits an application on behalf of a patient.

(iii) The term does not include an individual under 21 years of age unless the Department has determined under section 507(a) of the act (35 P.S. § 10231.507(a)) that the individual should be permitted to serve as a caregiver.

CBD—Cannabidiol.

Caregiver—One of the following:

(i) An individual designated by a patient to obtain on behalf of a patient, and provide to a patient, a medical marijuana product.

(ii) For a minor patient, an individual who meets the requirements in section 506(2) of the act (35 P.S. § 10231.506(2)).

Certified medical use—The acquisition, possession, use or transportation of medical marijuana products by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana products by a caregiver, for use as part of the treatment of the

patient's serious medical condition, as authorized in a patient certification issued under the act, including enabling the patient to tolerate treatment for the serious medical condition.

Change in control—The acquisition by a person or group of persons acting in concert of a controlling interest in an applicant or permittee either all at one time or over the span of a 12-consecutive-month period.

Change in ownership—The addition or removal of a principal, operator or financial backer or a change in control of a medical marijuana organization after the Department approves an initial permit application or a permit renewal application.

Clinical registrant—An entity that:

(i) Holds a permit as both a grower/processor and a dispensary.

(ii) Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

Controlled substance—A drug, substance or immediate precursor included in Schedules I—V as listed in section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-104).

Controlling interest—

(i) For a publicly traded company, voting rights that entitle a person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of 5% or more of the securities of the publicly traded company.

(ii) For a privately held entity, the ownership of any security in the entity.

Department—The Department of Health of the Commonwealth.

Disadvantaged business—The term as defined in 74 Pa.C.S. § 303(b) (relating to diverse business participation).

Dispensary—

(i) A person who holds a permit issued by the Department to dispense medical marijuana products.

(ii) The term does not include a health care medical marijuana organization as defined under sections 1901—1908 of the act (35 P.S. §§ 10231.1901—10231.1908).

Diverse group—A disadvantaged business, minority-owned business, women-owned business, service-disabled veteran-owned small business or veteran-owned small business that has been certified by a third-party certifying organization.

Diverse participants—The term includes the following:

(i) Individuals from diverse racial, ethnic and cultural backgrounds and communities.

(ii) Women.

(iii) Veterans.

(iv) Individuals with disabilities.

Diversity plan—A strategy that promotes or ensures participation by diverse groups in the management and operation of a medical marijuana organization through contracting and employment opportunities.

Electronic tracking system—An electronic seed-to-sale system approved by the Department that is utilized by:

(i) A grower/processor to log, verify and monitor the receipt, use and sale of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products, the funds received by a grower/processor for the sale of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products to another medical marijuana organization, the disposal of medical marijuana waste and the recall of defective seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(ii) A dispensary to log, verify and monitor the receipt of medical marijuana product from a grower/processor, the verification of the validity of an identification card presented by a patient or caregiver, the dispensing of medical marijuana product to a patient or caregiver, the disposal of medical marijuana waste and the recall of defective medical marijuana products.

(iii) An approved laboratory to log, verify and monitor the receipt of samples and test samples for testing, the results of tests performed by the approved laboratory, and the disposal of tested and untested samples and test samples.

Employee—An individual who is hired for a wage, salary, fee or payment to perform work for an applicant or permittee.

Excipients—Solvents, chemicals or materials reported by a medical marijuana organization and approved by the Department for use in the processing of medical marijuana.

Facility—A structure and other appurtenances or improvements where a medical marijuana organization grows and processes or dispenses medical marijuana.

Family or household member—The term as defined in 23 Pa.C.S. § 6102 (relating to definitions).

Financial backer—An investor, mortgagee, bondholder, note holder, or other source of equity, capital or other assets other than a financial institution.

Financial institution—A bank, a National banking association, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a mutual savings bank, a credit union or a savings bank.

Form of medical marijuana—The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

Fund—The Medical Marijuana Program Fund established in section 902 of the act (35 P.S. § 10231.902).

Grower/processor—

(i) A person who holds a permit from the Department under the act to grow and process medical marijuana.

(ii) The term does not include a health care medical marijuana organization as defined under sections 1901—1908 of the act.

Health care medical marijuana organization—A vertically integrated health system approved by the Department to dispense medical marijuana or grow and process medical marijuana, or both, in accordance with a research study under sections 1901—1908 of the act.

Hydroponic nutrient solution—A mixture of water, minerals and essential nutrients without soil used to grow medical marijuana plants.

Identification card—A document issued under section 501 of the act (35 P.S. § 10231.501) that authorizes a patient or caregiver to have access to medical marijuana products under the act.

Immature medical marijuana plant—A rootless, non-flowering part of a medical marijuana plant that is no longer than 12 inches and no wider than 12 inches produced from a cutting, clipping or seedling and that is in a growing container that is no larger than 2 inches wide and 2 inches tall that is sealed on the sides and bottom.

Immediate family—The term as defined in 4 Pa.C.S. § 1512(b) (relating to financial and employment interests).

Industrial hemp—The plant *Cannabis sativa* L., and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry-weight basis.

Initial permit application—The document submitted to the Department by an applicant that, if approved, grants a permit to an applicant.

Laboratory—A place, establishment or institution within this Commonwealth that has been issued a certificate of accreditation.

Limited access area—Any area on a site or within a facility where:

(i) Immature medical marijuana plants or medical marijuana plants are growing or being processed into medical marijuana.

(ii) Immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products are being loaded into or out of transport vehicles.

(iii) Seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products are packaged for sale or stored.

(iv) Medical marijuana waste is processed, stored or destroyed.

(v) Surveillance system devices are stored or maintained.

Marijuana—

(i) All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds of that plant and resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

(ii) The term does not include industrial hemp.

(iii) The term does not include the mature stalks of *Cannabis sativa* L., fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt or derivative, mixture or preparation of the mature stalks.

Medical marijuana—Marijuana for certified medical use, limited to the following forms:

(i) Pill.

(ii) Oil.

(iii) Topical forms, including gels, creams or ointments.

(iv) A form medically appropriate for administration by vaporization or nebulization, including dry leaf or plant form for administration by vaporization.

(v) Tincture.

(vi) Liquid.

Medical marijuana container—A sealed, traceable, food compliant, tamper resistant, tamper evident container used for the purpose of containment of packaged medical marijuana products being transported from a grower/processor to a medical marijuana organization or an approved laboratory.

Medical marijuana organization—

(i) A dispensary or a grower/processor.

(ii) The term does not include a health care medical marijuana organization under sections 1901—1908 of the act or a clinical registrant under sections 2001—2003 of the act (35 P.S. §§ 10231.2001—10231.2003)

Medical marijuana plant—A plant which is greater than 12 vertical inches in height from where the base of the stalk emerges from the growth medium to the tallest point of the plant, or greater than 12 horizontal inches in width from the end of one branch to the end of another branch.

Medical marijuana product—The final form and dosage of medical marijuana that is grown, processed, produced, sealed, labeled and tested by a grower/processor and sold to a dispensary.

Medical Marijuana Program—The program authorized under the act and implemented by the Department.

Medical marijuana waste—

(i) Solid, liquid, semi-solid or contained gaseous materials that are generated by a grower/processor or an approved laboratory.

(ii) The term includes:

(A) Unused, surplus, returned, recalled, contaminated or expired medical marijuana.

(B) Any medical marijuana plant material that is not used in the growing, harvesting or processing of medical marijuana, including flowers, stems, trim, leaves, seeds, dead medical marijuana plants, dead immature medical marijuana plants, unused medical marijuana plant parts, unused immature medical marijuana plant parts or roots.

(C) Spent hydroponic nutrient solution.

(D) Unused containers for growing immature medical marijuana plants or medical marijuana plants or for use in the growing and processing of medical marijuana.

(E) Unused fertilizers and pesticides.

(F) Unused excipients.

(G) Wastewater.

Minority-owned business—The term as defined in 74 Pa.C.S. § 303(b).

Municipal waste—The term as defined in section 103 of the Solid Waste Management Act (35 P.S. § 6018.103).

Municipality—A city, borough, incorporated town or township.

Nebulization—The generation of medical marijuana products in the form of fine spray for medicinal inhalation.

Nutrient—The essential elements and compounds necessary for the growth, metabolism and development of medical marijuana plants.

Nutrient practice—The use by a grower/processor of essential elements and compounds necessary for the growth, metabolism and development of seeds, immature medical marijuana plants or medical marijuana plants.

Operational—The time at which the Department determines that a medical marijuana organization is ready, willing and able to properly carry on the activity for which a permit has been issued under this part, including the implementation of an electronic tracking system.

Operator—An individual who directly oversees or manages the day-to-day business functions for an applicant or permittee and has the ability to direct employee activities onsite and offsite or within a facility for which a permit is sought or has been issued under this part.

Patient—An individual who:

- (i) Has a serious medical condition.
- (ii) Has met the requirements for certification under the act.
- (iii) Is a resident of this Commonwealth.

Permit—An authorization issued by the Department to an applicant to conduct activities authorized under the act.

Permittee—A person who has been issued an authorization to operate as a medical marijuana organization under the act and this part.

Person—A natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association or other form of legal business entity.

Practitioner—A physician who is registered with the Department under section 401 of the act (35 P.S. § 10231.401).

Principal—An officer, director or person who directly or beneficially owns securities of an applicant or permittee, or a person who has a controlling interest in an applicant or permittee or who has the ability to elect the majority of the board of directors of an applicant or permittee or otherwise control an applicant or permittee, other than a financial institution.

Publicly traded company—A person other than an individual who:

- (i) Has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78pp) or on a foreign stock exchange determined by the Department to have similar listing and reporting requirements to exchanges that are regulated under the Securities Exchange Act of 1934.
- (ii) Is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).
- (iii) Is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

Security—The term as defined in section 102(t) of the Pennsylvania Securities Act of 1972 (70 P.S. § 1-102(t)).

Serious medical condition—Any of the following conditions:

- (i) Cancer, including remission therapy.
- (ii) Positive status for Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome.
- (iii) Amyotrophic lateral sclerosis.
- (iv) Parkinson's disease.
- (v) Multiple sclerosis.
- (vi) Damage to the nervous tissue of the central nervous system (brain-spinal cord) with objective neurological indication of intractable spasticity, and other associated neuropathies.
- (vii) Epilepsy.
- (viii) Inflammatory bowel disease.
- (ix) Neuropathies.
- (x) Huntington's disease.
- (xi) Crohn's disease.
- (xii) Post-traumatic stress disorder.
- (xiii) Intractable seizures.
- (xiv) Glaucoma.
- (xv) Sickle cell anemia.
- (xvi) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain.
- (xvii) Autism.
- (xviii) Neurodegenerative diseases.
- (ixx) Terminal illness.
- (xx) Dyskinetic and spastic movement disorders.
- (xxi) Opioid use disorder for which conventional therapeutic interventions are contraindicated or ineffective, or for which adjunctive therapy is indicated in combination with primary therapeutic interventions.

Service-disabled—The term as defined in 51 Pa.C.S. § 9601 (relating to definitions).

Service-disabled veteran-owned small business—The term as defined in 51 Pa.C.S. § 9601.

Site—The total area contained within the property line boundaries in which a facility is operated by a medical marijuana organization.

Spent hydroponic nutrient solution—Hydroponic nutrient solution that has been used and can no longer serve the purpose for which it was produced.

THC—Tetrahydrocannabinol.

Terminal illness—A condition or disease for which the medical prognosis of life expectancy is approximately 1 year or less if the condition or disease runs its normal course.

Third-party certifying organization—The term as defined in 74 Pa.C.S. § 303(b).

Transport vehicle—A vehicle that meets the requirements of the act and is used to transport seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products between medical marijuana organizations or between medical marijuana organizations and an approved laboratory.

Unit—The weight or volume of total usable medical marijuana products, calculated in metric units.

Vaporization—The generation of medical marijuana products in the form of vapor for medicinal inhalation.

Veteran—The term as defined in 51 Pa.C.S. § 9601.

Veteran-owned small business—The term as defined in 51 Pa.C.S. § 9601.

Women-owned business—The term as defined in 74 Pa.C.S. § 303(b).

§ 1141.22. Records subject to disclosure; confidentiality.

(a) The following records are public records and are subject to disclosure under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104):

(1) An application submitted under the act, except to the extent that the application contains any of the information listed in subsection (b).

(2) The name, business address and medical credentials of a practitioner.

(3) Information regarding penalties or other disciplinary actions taken against a permittee by the Department for a violation of the act.

(b) The following information is considered confidential, is not subject to the Right-to-Know Law and will not otherwise be released to a person unless pursuant to court order:

(1) Information in the possession of the Department or any of its contractors regarding a practitioner's registration information that is not listed as a public record under subsection (a).

(2) The name or other personal identifying information of a patient or caregiver who applies for or is issued an identification card.

(3) Individual identifying information concerning a patient or caregiver, or both.

(4) A patient certification issued by a practitioner.

(5) Any information on an identification card.

(6) Information provided by the Pennsylvania State Police regarding a caregiver, including criminal history record information, as set forth in § 1141.31 (relating to background checks).

(7) Information regarding a patient's serious medical condition.

(8) Other information regarding a patient, caregiver, practitioner or medical marijuana organization not listed in subsection (a) that falls within an exception to the Right-to-Know Law, or is otherwise considered to be confidential proprietary information by other law.

(9) Information regarding the physical features of, and security measures installed in, a facility.

(10) Information maintained in the electronic tracking system of a grower/processor, an approved laboratory and a dispensary.

(11) The names and any other information relating to persons reviewing permit applications, including a reviewer's individual permit application reviews and notes.

(12) Information relating to an applicant's diversity plan that is marked confidential proprietary or trade secret.

(c) An applicant shall mark confidential proprietary information as confidential proprietary or trade secret information, as defined in section 102 of the Right-to-

Know Law (65 P.S. § 67.102), prior to submission of a permit application to the Department.

(d) An applicant's failure to redact confidential proprietary or trade secret information in its submitted permit application will result in disclosure to the public of the confidential proprietary or trade secret information in response to a Right-to-Know Law request.

(e) An applicant is responsible for defending its own redactions in any administrative or court proceeding, including any appeals. Any information not adequately defended by the applicant may result in full disclosure of the information in un-redacted form.

§ 1141.23. Limitation on number of permits.

Notwithstanding section 2002 of the act (35 P.S. § 10231.2002), the following limitations apply regarding the number of permits to be issued under this part:

(1) The Department will not initially issue permits to more than 25 applicants for grower/processor permits. The following apply:

(i) The Department will not issue more than one individual grower/processor permit to one person.

(ii) The Department will not issue an individual dispensary permit to more than five individual grower/processors.

(2) The Department will not initially issue permits to more than 50 applicants for dispensary permits. The following apply:

(i) The Department will not issue more than five individual dispensary permits to one person.

(ii) A dispensary permit may be used to provide medical marijuana at no more than three separate locations as approved by the Department.

(3) In accordance with section 1202(j)(5)(iv) of the act (35 P.S. § 10231.1202(j)(5)(iv)), the Department may issue permits in addition to those in paragraphs (1) and (2) if necessary as the Medical Marijuana Program expands, including to comply with an order of court. No more than 20% of the total number of growers/processors may also be issued permits as dispensaries.

§ 1141.24. Medical marijuana regions.

(a) The Department will issue permits to applicants in each of six medical marijuana regions. The six medical marijuana regions are as follows:

(1) *Region 1*—The geographical region comprised of the counties of the Department's Southeast District, which includes Berks, Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia and Schuylkill.

(2) *Region 2*—The geographical region comprised of the counties of the Department's Northeast District, which includes Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Susquehanna, Wayne and Wyoming.

(3) *Region 3*—The geographical region comprised of the counties of the Department's Southcentral District, which includes Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Perry and York.

(4) *Region 4*—The geographical region comprised of the counties of the Department's Northcentral District, which includes Bradford, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union.

(5) *Region 5*—The geographical region comprised of the counties of the Department's Southwest District, which includes Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland.

(6) *Region 6*—The geographical region comprised of the counties of the Department's Northwest District, which includes Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren.

(b) The Department will consider the following factors about each region in its determination to grant or deny an initial permit to an applicant:

- (1) Regional population.
- (2) The number of patients suffering from a serious medical condition.
- (3) The types of serious medical conditions in the region.
- (4) Access to public transportation.
- (5) The health care needs of rural and urban areas.
- (6) Areas with recognized need for economic development.

(c) The publication of this section in the *Pennsylvania Bulletin* is deemed to be the notice of the establishment of the regions required under section 604 of the act (35 P.S. § 10231.604). The Department may change the number or boundaries of the regions every 2 years upon publication of notice of the adjustment in the *Pennsylvania Bulletin*.

§ 1141.25. General requirements for permits.

(a) The Department may issue a permit to an applicant only for the specific location identified in the applicant's application, by name and address. A permit will specify that the applicant is authorized to begin the process necessary to become operational. A permit is only valid for the person named in the permit and only for the location specified in the permit.

(b) The medical marijuana organization shall conspicuously post its permit in a location within its facility that is visible to the Department or its authorized agents and law enforcement.

(c) A permit will not be issued to a medical marijuana organization for use in a personal residence or any other location where the Department or its authorized agents or law enforcement would have limited access.

(d) A permit will not be issued to a medical marijuana organization for a site or facility located on lands owned by the United States or the Commonwealth.

(e) A permit is valid for 1 year from the date of issuance.

§ 1141.26. Privilege and nontransferability.

(a) The issuance or renewal of a permit to a medical marijuana organization is a revocable privilege.

(b) A permit issued under this part is not transferable to any person or any location.

§ 1141.27. General requirements for application.

(a) The types of applications to be submitted to the Department under this part include:

- (1) An initial permit application.
- (2) A permit renewal application.

(3) An application for approval of a change in ownership of a medical marijuana organization authorized by a permit.

(4) An application for approval of a change of location of a facility authorized by a permit.

(5) An application for approval of alteration of a facility authorized by a permit.

(6) An application for additional dispensary locations.

(7) An application for approval of a laboratory.

(b) By submitting an application to the Department, an applicant consents to any investigation, to the extent deemed appropriate by the Department, of the applicant's ability to meet the requirements under the act applicable to the application.

(c) An application is not complete and will be rejected by the Department unless:

(1) The payment of the applicable application fee in § 1141.28 (relating to fees) is submitted with the application.

(2) The applicant and its principals and other persons affiliated with the applicant identified by the Department are current in all tax obligations due and owing to the Commonwealth. An applicant, as part of the application, shall provide tax clearance certificates issued by the Department of Revenue and the Department of Labor and Industry for the applicant and its principals and other persons affiliated with the applicant identified by the Department verifying that the applicant does not have outstanding tax obligations to the Commonwealth. The Department may consider the application to be complete if the applicant states on a form prescribed by the Department of Revenue or the Department of Labor and Industry that tax clearance certificates have been requested at the time the application was submitted to the Department.

(3) All required information for each section of the application, including attachments and any supplemental information required by the Department, is submitted to the Department.

(4) Nothing in this subsection requires the Department to request additional or supplemental information from an applicant.

(d) An application that is rejected by the Department as incomplete will be returned to the applicant without further consideration by the Department and the initial permit fee will be refunded.

(e) An application submitted under this part must contain the following statement signed by the applicant:

A false statement made in this application is punishable under the applicable provisions of 18 Pa.C.S. Ch. 49 (relating to falsification and intimidation).

§ 1141.28. Fees.

(a) An applicant for an initial grower/processor permit or renewal permit shall pay the following fees by certified check or money order to the Department:

(1) Initial permit application fee—\$10,000. The initial permit application fee shall be submitted with the initial permit application and is nonrefundable, except as provided in § 1141.29(a)(3) (relating to initial permit application).

(2) Initial permit fee—\$200,000. The initial permit fee shall be submitted with the initial permit application and will be refunded if the initial permit is not granted.

(3) Permit renewal fee—\$10,000. The permit renewal fee shall be submitted with a renewal application and will be refunded if the renewal permit is not granted.

(4) An initial permit fee refund will be issued to the business named by the applicant in the permit application, in care of the primary contact provided by the applicant, and mailed to the primary contact's mailing address provided by the applicant.

(b) An applicant for an initial dispensary permit or renewal permit shall pay the following fees by certified check or money order to the Department:

(1) Initial permit application fee—\$5,000. The initial permit application fee shall be submitted with the initial permit application and is nonrefundable, except as otherwise provided in this part.

(2) Initial permit fee—\$30,000 for each dispensary location. The initial permit fee shall be submitted with the initial permit application and will be refunded if the initial permit is not granted.

(3) Permit renewal fee—\$5,000. The permit renewal fee shall be submitted with a renewal application and will be refunded if the renewal permit is not granted.

(4) An initial permit fee refund will be issued to the business named by the applicant in the permit application, in care of the primary contact provided by the applicant, and mailed to the primary contact's mailing address provided by the applicant.

(c) A medical marijuana organization shall pay a fee of \$250 by certified check or money order to the Department with the submission of the following:

(1) An application for approval of a change in ownership of a medical marijuana organization.

(2) An application for approval of a change of location of a facility authorized by a permit.

(3) An application for approval of alteration of a facility authorized by a permit.

§ 1141.29. Initial permit application.

(a) The Department will publish in the *Pennsylvania Bulletin* notice of initial permit application availability and the time frame during which initial permit applications will be accepted.

(1) An applicant shall only use the initial permit application form prescribed by the Department on its web site.

(2) An applicant shall submit an initial permit application using the form posted on the Department's web site together with a version that is redacted in accordance with the Right-to-Know Law (65 P.S. §§ 67.101—67.3104), as set out in § 1141.22 (relating to records subject to disclosure; confidentiality), by mail in an electronic format that is prescribed by the Department in the initial permit application instructions.

(3) An initial permit application received from an applicant after the time frame during which the Department is accepting applications will be rejected by the Department and returned to the applicant without further consideration along with the initial permit application fee and initial permit fee submitted by the applicant with the permit application.

(b) In addition to the requirements in § 1141.27 (relating to general requirements for application), the applicant shall provide the Department with the following information in the initial permit application:

(1) The legal name of the applicant.

(2) Certified copies of the applicant's organizational documents, if applicable, and, if the applicant was not organized in this Commonwealth, evidence that it is authorized to conduct business in this Commonwealth.

(3) The physical address of the applicant's proposed site and facility, including the following, as applicable:

(i) Evidence of the applicant's clear legal title to or option to purchase the proposed site and the facility.

(ii) A fully-executed copy of the applicant's unexpired lease for the proposed site and facility that includes the consent by the property owner to the use by the applicant of that site and facility on the proposed site for, at a minimum, the term of the initial permit.

(iii) Other evidence satisfactory to the Department that shows the applicant has the authority to use the proposed site and facility as a site and facility for, at a minimum, the term of the permit.

(4) Evidence that the applicant is or will be in compliance with the municipality's zoning requirements.

(5) The following apply to the proposed facility:

(i) If the facility is in existence at the time the initial permit application is submitted to the Department, the applicant shall submit plans and specifications drawn to scale for the interior of the facility.

(ii) If the facility is in existence at the time the initial permit application is submitted to the Department, and the applicant intends to make alterations to the facility, the applicant shall submit renovation plans and specifications for the interior and exterior of the facility to be altered.

(iii) If the facility is not in existence at the time the initial permit application is submitted to the Department, the applicant shall submit a plot plan that shows the proposed location of the facility and an architect's drawing of the facility, including a detailed drawing, to scale, of the interior of the facility.

(6) The name, residential address, date of birth, title and short version of a curriculum vitae of each principal, operator, financial backer and employee of the applicant, or of any person holding an interest in the applicant's proposed site or facility, including:

(i) A verification of identity that is satisfactory to the Department.

(ii) Evidence of good moral character and reputation of each principal, operator, financial backer or employee.

(iii) A copy of a criminal history records check for each individual performed in accordance with § 1141.31 (relating to background checks). This subparagraph does not apply to an applicant who is an owner of securities in a publicly traded company if the Department determines that the owner of the securities is not substantially involved in the activities of the applicant.

(iv) An affidavit from each principal or operator of the applicant setting forth the following:

(A) Any position of management or ownership held during the 10 years preceding the filing date of the initial permit application of a controlling interest in any other business in this Commonwealth or any other jurisdiction involving the manufacturing or distribution of medical marijuana, medical marijuana products or a controlled substance.

(B) Whether the principal, operator or financial backer has been convicted of a criminal offense graded higher than a summary offense.

(7) If a principal, operator or financial backer is a corporation or limited liability company:

(i) The names, residential addresses, titles and short version of a curricula vitae of each principal of the corporation or limited liability company.

(ii) A certified copy of the filed articles of incorporation of the corporation or filed certificate of organization of the limited liability company.

(iii) Unless the corporation or limited liability company is a publicly traded company, the names and mailing addresses of all persons owning securities in the corporation or membership interests in the limited liability company.

(8) If a principal, operator or financial backer is a general partnership, limited partnership, limited liability partnership or limited liability limited partnership:

(i) The names, residential addresses, titles and short version of a curricula vitae of each partner and general partner of a general partnership, limited partnership, limited liability partnership or limited liability limited partnership, and if any of the partners is a corporation or a limited liability company, the names, residential addresses, titles and short version of a curricula vitae of each principal of that corporation or limited liability company.

(ii) A certified copy of its filed certificate of limited partnership or other formation document, if applicable.

(iii) A certified copy of its partnership agreement.

(iv) Unless the entity is a publicly traded company, the names and mailing addresses of each of its partners.

(9) Evidence that the applicant is responsible and capable of successfully establishing and operating a facility, including the following:

(i) Demonstrated experience, if any, running a for-profit or nonprofit organization or other business within this Commonwealth or any other jurisdiction and the nature of the business conducted by the organization.

(ii) History relating to a similar license, permit or other authorization in other jurisdictions, including provisional licenses, suspensions, revocations or disciplinary actions, including civil monetary penalties or warnings.

(iii) History of response to sanctions, disciplinary actions or civil monetary penalties imposed relating to any similar license, permit or other authorization in another jurisdiction, and the plans of correction or other responses made to those actions.

(iv) Evidence that the applicant and its principals and other persons affiliated with the applicant identified by the Department is in compliance with all the laws of the Commonwealth regarding the payment of State taxes as shown on the tax clearance certificates issued by the Department of Revenue and the Department of Labor and Industry under § 1141.27.

(v) Evidence of any criminal action under the laws of the Commonwealth or any other state, the United States or a military, territorial or tribal authority, graded higher than a summary offense, against a principal, operator, financial backer or employee, or which involved the possession, transportation or sale of illegal drugs, or which related to the provision of marijuana for medical purposes, including any action against an organization

providing marijuana for medical purposes in which those individuals either owned shares of stock or served as executives, and which resulted in a conviction, guilty plea or plea of nolo contendere, or an admission of sufficient facts.

(vi) Evidence of any civil or administrative action under the laws of the Commonwealth or any other state, the United States or a military, territorial or tribal authority relating to a principal, operator, financial backer or employee of the applicant's profession, or occupation or fraudulent practices, including fraudulent billing practices.

(vii) Evidence of any attempt by the applicant to obtain a registration, license, permit or other authorization to operate a medical marijuana organization in any jurisdiction by fraud, misrepresentation or the submission of false information.

(viii) A statement that the applicant shall provide evidence of workers' compensation insurance if the applicant is issued a permit and the facility is determined to be operational by the Department.

(10) A description of the duties, responsibilities and roles of each principal, operator, financial backer and employee.

(11) A timetable outlining the steps the applicant will take to become operational.

(12) A summary of the intended plan of operation that describes, at a minimum, how the applicant's proposed business operations will comply with the act and this part relating to:

(i) Security.

(ii) Employee qualifications and training.

(iii) Transportation of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(iv) Storage of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(v) With respect to an application for a grower/processor permit, labeling of medical marijuana products.

(vi) Inventory management.

(vii) With respect to a grower/processor's facility, nutrient practice.

(viii) With respect to a grower/processor's facility, quality control and testing of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products for potential contamination.

(ix) Recordkeeping.

(x) Preventing unlawful diversion of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(xi) With respect to a grower/processor's facility, growing of medical marijuana, including a detailed summary of policies and procedures for its growth.

(xii) Establishment, implementation and monitoring of diversity goals under § 1141.32 (relating to diversity goals).

(13) The relevant financial information in § 1141.30 (relating to capital requirements).

(14) Statements that:

(i) The applicant and each principal, operator, financial backer and employee are of good moral character.

(ii) The applicant possesses the ability to obtain in an expeditious manner the right to use the proposed site and facility, including equipment, to properly perform the activity described in the initial permit application.

(iii) The grower/processor permit applicant is able to continuously maintain effective security, surveillance and accounting control measures to prevent diversion, abuse and other illegal conduct regarding seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products. The dispensary permit applicant is able to continuously maintain effective security, surveillance and accounting control measures to prevent diversion, abuse and other illegal conduct regarding medical marijuana products.

(iv) The applicant is able to continuously comply with all applicable laws of the Commonwealth, the act, this part, and the terms and conditions of the initial permit.

(15) The applicant shall provide the Department with releases sufficient to obtain information from a governmental agency, financial institutions, an employer or any other person. Failure to provide these releases will result in the rejection of the initial permit application.

(16) Other information required by the Department.

(c) If the Department determines that an initial permit application is complete but lacking sufficient information upon which to make a determination, the Department may notify the applicant in writing of the factors that require additional information and documentation. An applicant has 30 days from the mailing date of the notice to provide the requested information and documentation to the Department. An applicant's failure to provide the requested information to the Department by the deadline may be grounds for denial of the issuance of a permit. Nothing in this subsection requires the Department to request additional or supplemental information from an applicant.

(d) At the discretion of the Department, the Department may extend the deadline in subsection (c) for up to an additional 15 days.

(e) The Department may conduct an inspection to determine the appropriateness of a proposed site and facility, the applicant's operational status, the applicant's compliance with the laws and regulations of the Commonwealth, the municipality's zoning requirements relating to the applicant's proposed site and facility, if applicable, and its use as outlined in the permit application. The Department may do the following:

(1) Interview principals, operators, financial backers and employees, including physicians, pharmacists, physician assistants and certified registered nurse practitioners, engaged and to be engaged in the applicant's operations for the purpose of verifying the information contained in the initial permit application.

(2) Inspect transport vehicles that are or will be utilized in the transportation of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products to a facility or an approved laboratory.

§ 1141.30. Capital requirements.

(a) An applicant for a grower/processor permit shall provide an affidavit that the applicant has at least \$2 million in capital, \$500,000 of which is on deposit with one or more financial institutions.

(b) An applicant for a dispensary permit shall provide an affidavit that the applicant has at least \$150,000 on deposit with one or more financial institutions.

(c) The affidavit will be in a form prescribed by the Department.

(d) An applicant shall submit with the initial permit application a signed release allowing the Department to contact each financial institution listed in the application to verify the requirements of subsection (a) or (b).

§ 1141.31. Background checks.

(a) To provide the criminal history record check required under § 1141.29 (relating to initial permit application), an applicant shall submit fingerprints of its principals, financial backers, operators and employees to the Pennsylvania State Police. The Pennsylvania State Police or its authorized agent will submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the individuals whose fingerprints have been submitted and obtaining a current record of criminal arrests and convictions.

(b) The Department may only use criminal history background check information obtained under this section to determine the character, fitness and suitability to serve in the designated capacity of the principal, financial backer, operator and employee.

(c) This section does not apply to an owner of securities in a publicly traded company if the Department determines that the owner is not substantially involved in the activities of the medical marijuana organization.

(d) A financial backer, principal or employee may not hold a volunteer position, position for remuneration or otherwise be affiliated with a medical marijuana organization or a clinical registrant if the individual has been convicted of a criminal offense relating to the sale or possession of illegal drugs, narcotics or controlled substances.

§ 1141.32. Diversity goals.

(a) In accordance with section 615 of the act (35 P.S. § 10231.615), this section establishes the procedures for promoting and ensuring the involvement of diverse participants and diverse groups in the activities permitted by the act and this part.

(b) In furtherance of the policy in section 615 of the act, the Department will:

(1) Allocate appropriate staff of the Department to assist medical marijuana organizations in fostering the involvement of diverse participants and diverse groups in their operations.

(2) Provide enhanced publicity of permitting opportunities and information to assist diverse participants and diverse groups in learning how to apply for permits to be issued under the act and this part.

(3) Compile, maintain and make available to medical marijuana organizations lists of diverse participants and diverse groups for the purpose of encouraging medical marijuana organizations to provide employment and contracting opportunities consistent with the act.

(c) Each medical marijuana organization shall include in its permit application a diversity plan that establishes a goal of equal opportunity and access in employment and contracting by the medical marijuana organization. The Department will determine whether the stated goals in

the diversity plan are reasonable and represent a good faith effort to meet the diversity goals of section 615(a) of the act.

(d) A medical marijuana organization may demonstrate achievement of its diversity goals by employing diverse participants and transacting business with diverse groups.

(e) The list of diverse groups that are verified by the Department of General Services, Bureau of Diversity, Inclusion and Small Business Opportunities may be used by a medical marijuana organization to establish the eligibility of a diverse group for purposes of this section.

(f) As part of each application to renew a permit submitted to the Department, a medical marijuana organization shall include information of its efforts to meet the diversity goals of the act and the effectiveness of its diversity plan. The report must include information regarding the following, as applicable:

(1) Representation of diverse participants in the medical marijuana organization's workforce.

(2) Efforts to reach out to and recruit diverse participants for employment, including for executive and managerial positions.

(3) Employee retention efforts.

(4) A list of all contracts entered into or transactions conducted by the medical marijuana organization for goods or services with diverse groups.

(g) A medical marijuana organization may request that any proprietary information submitted to the Department under this section be treated as confidential proprietary information and shall clearly mark this information as confidential proprietary information or trade secret under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104) as set forth in § 1141.22 (relating to records subject to disclosure; confidentiality).

(h) The Department will review the diversity plan and provide the medical marijuana organization with advice regarding activities that should be undertaken by the medical marijuana organization to improve its efforts to encourage and promote participation by diverse participants and diverse groups to comply with the diversity goals of the act. The Department may consult with the Department of General Services, Bureau of Diversity, Inclusion and Small Business Opportunities in the review of diversity plans and the reports submitted by medical marijuana organizations under this section.

§ 1141.33. Review of initial permit applications.

(a) The Department will review initial permit applications submitted by applicants according to the criteria in section 603(a.1) of the act (35 P.S. § 10231.603(a.1)) and the factors in § 1141.24(b) (relating to medical marijuana regions).

(b) The Department will publish the number of permits to be issued and the location of each permit in the *Pennsylvania Bulletin* before to the time the initial permit applications are made available for submission.

§ 1141.34. Denial of a permit.

The Department may deny the issuance of a permit for any of the following reasons:

(1) Failure or refusal to submit information or documentation requested by the Department during the review process. Nothing in this paragraph requires the Department to request additional or supplemental information from an applicant.

(2) Misrepresentation by an applicant of fact, or failure to disclose a material fact to the Department during the review process.

(3) The results of the criminal history record check received by the Department under § 1141.31 (relating to background checks) for a principal, financial backer, operator or employee of the applicant indicates that the individual has been convicted of a criminal offense relating to the sale or possession of illegal drugs, narcotics or controlled substances and, following notification by the Department, the applicant fails or refuses to provide the Department with evidence satisfactory to the Department that the individual is no longer associated with the applicant in this capacity.

(4) Failure to meet the capital funding requirements identified in an affidavit by the applicant or a determination by the Department that the capital funding identified by the applicant is unverifiable.

(5) The applicant denies the Department or its authorized agents access to any place where a permitted activity is proposed to take place or fails to produce any book, paper, record, document, data or other information when requested by the Department.

(6) The applicant's medical marijuana license, permit or other authorization in another state or jurisdiction was, is or has been suspended or revoked or the applicant was otherwise disciplined.

(7) The applicant's plan of operation does not demonstrate, to the satisfaction of the Department, that the applicant is qualified for a permit.

(8) The Department determines, in its sole discretion, that the applicant has not met the criteria under § 1141.33 (relating to review of initial permit applications).

(9) The Department determines, in its sole discretion, that the issuance of the permit will not be in the best interest of the welfare, health or safety of the citizens of this Commonwealth.

§ 1141.35. Notice of denial.

(a) The Department will provide written notice of denial to an applicant.

(b) The applicant may appeal a notice of denial under 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies) and its accompanying regulations, as modified by Chapter 1230 (relating to practice and procedure—temporary regulations).

§ 1141.36. Permit renewal applications.

(a) A medical marijuana organization wishing to renew its permit shall submit to the Department a permit renewal application not more than 6 months, nor less than 4 months, prior to the current permit's expiration.

(b) A medical marijuana organization shall submit the applicable fee in § 1141.28 (relating to fees) with the permit renewal application.

(c) A medical marijuana organization shall include the following in the permit renewal application:

(1) Information regarding any charge, or any initiated, pending or concluded investigation, during the period of the initial permit or prior renewal period, by any governmental or administrative agency with respect to:

(i) Any incident involving the theft, loss or possible diversion of medical marijuana by the medical marijuana organization or from the medical marijuana organization's facility.

(ii) Compliance by the medical marijuana organization with the laws of the Commonwealth with respect to any substance in section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-104).

(2) Information concerning the medical marijuana organization's ability to carry on the activity for which the permit was issued, including medical marijuana product shortages or wait lists occurring during the 12 months prior to the date the renewal permit application was submitted.

(3) The medical marijuana organization's history of compliance with the act and this part.

(d) If the Department determines that a permit renewal application is complete but lacking sufficient information upon which to make a determination, the Department will notify the medical marijuana organization in writing of the factors that require additional information and documentation. The medical marijuana organization shall have 30 days from the mailing date of the notice to provide the requested information and documentation to the Department. A medical marijuana organization's failure to provide the requested information to the Department by the deadline may be grounds for denial of the permit renewal application. Nothing in this subsection requires the Department to request additional or supplemental information from an applicant.

(e) The Department may conduct an onsite inspection of the medical marijuana organization's site and facility to determine an applicant's continuing compliance with the act and this part.

§ 1141.37. Denial of renewal of a permit.

(a) The Department will deny the renewal of a permit if the Department determines:

(1) The medical marijuana organization has not or is unlikely to be able to continuously maintain effective control against diversion of medical marijuana at its facility.

(2) The medical marijuana organization falsified any part of the permit renewal application or any other application submitted to the Department under this part.

(3) The medical marijuana organization is unlikely to comply with all Commonwealth and local laws applicable to the activities in which it may engage under the permit, if renewed.

(b) An existing permit is immediately invalid upon expiration if the medical marijuana organization has not filed a permit renewal application in accordance with § 1141.36 (relating to permit renewal applications) and remitted the required fees in accordance with § 1141.28 (relating to fees).

(c) Except as provided in subsection (e), a medical marijuana organization may not operate if its permit is not renewed prior to expiration.

(d) If the Department denies renewal of the permit or if the medical marijuana organization fails to submit a permit renewal application and permit renewal fee as required under § 1141.28, the medical marijuana organization shall do the following upon the expiration of the permit:

(1) Cease all operations authorized by the permit.

(2) In the case of a grower/processor, dispose of any remaining seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, medical marijuana products, plant matter or any growing equip-

ment as set forth in § 1151.40 (relating to management and disposal of medical marijuana waste).

(3) In the case of a dispensary, return the medical marijuana products to the grower/processor where the medical marijuana products originated.

(e) If a medical marijuana organization submits a permit renewal application and permit renewal fee to the Department as required under § 1141.28, the Department may administratively extend the existing permit from the date the existing permit expires until the Department can complete its permit renewal application review.

§ 1141.38. Duty to report.

(a) During the application process, or at any time during the permit period if a permit is issued, an applicant or medical marijuana organization shall notify the Department:

(1) In writing of any change in facts or circumstances reflected in the initial permit application or any permit renewal application submitted to the Department, or any newly discovered or occurring fact or circumstance which would have been included in the application if known at the time the application was submitted.

(2) In writing of any proposed modification of its plan of operation at least 30 days prior to the proposed modification.

(3) Immediately upon becoming aware, and State and local law enforcement immediately upon becoming aware, of any adverse loss from a facility operated by the medical marijuana organization or any vehicle transporting seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products to or from a facility operated by the medical marijuana organization.

(b) If the change in information involves a change in control of the medical marijuana organization, the medical marijuana organization shall surrender its existing permit to the Department, unless the medical marijuana organization submits an application for approval of a change in ownership of a medical marijuana organization in accordance with § 1141.39 (relating to application for approval of a change in ownership of a medical marijuana organization).

(c) If the change in information involves a change in any of the activities on the medical marijuana organization site, including any of the following, the medical marijuana organization shall surrender its existing permit to the Department and take action as required under § 1141.43 (relating to closure of a facility):

(1) Discontinuance of operations.

(2) Removal of all seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products from the sites and locations by State or Federal authority.

§ 1141.39. Application for approval of a change in ownership of a medical marijuana organization.

(a) In the event of an impending change in ownership involving a change in control of a medical marijuana organization from the ownership listed in the initial permit application or a permit renewal application, the medical marijuana organization shall submit an application for approval of a change in ownership, on a form prescribed by the Department, to the Department together with the fee required under § 1141.28 (relating to fees).

(b) The Department, in its sole discretion, may permit the medical marijuana organization to incorporate by reference all of the information in the medical marijuana organization's initial permit application, and any previously submitted permit renewal application, into the application for approval of a change in ownership.

(c) A medical marijuana organization's application for approval of a change in ownership will not be considered complete by the Department until all portions of the application are completed and the appropriate application fee under § 1141.28 is submitted. The Department may reject an incomplete application.

(d) For each individual that is part of the proposed change in ownership, the medical marijuana organization shall include all of the information required under § 1141.29 (relating to initial permit application) for the individuals listed in those capacities in the medical marijuana organization's initial permit application or any previously submitted permit renewal application.

(e) If the Department determines that an application for approval of a change in ownership is lacking sufficient information upon which to make a determination, the Department will notify the medical marijuana organization in writing of the factors that require additional information and documentation. The medical marijuana organization shall have 30 days from the mailing date of the notice to provide the requested information and documentation to the Department. A medical marijuana organization's failure to provide the requested information to the Department by the deadline may be grounds for denial of approval for the requested change in ownership. Nothing in this subsection requires the Department to request additional or supplemental information from a medical marijuana organization.

(f) A change in ownership of a medical marijuana organization that occurs without the Department's prior written approval of the change as provided in this section is a violation of the act and this part.

§ 1141.40. Application for approval of a change in location of a facility.

(a) A medical marijuana organization wishing to change the location of a site or facility authorized under a permit issued to the medical marijuana organization shall submit an application for approval of a change in location to the Department together with the fee required under § 1141.28 (relating to fees).

(b) A change in location of a facility authorized under a permit may not occur until the Department approves the change, in writing, under this section.

(c) The medical marijuana organization shall submit an application for approval of a change in location on a form prescribed by the Department.

(d) An application for approval of a change in location must include the reason for requesting the change and other information about the new location as the Department may require.

(e) The Department will issue a new permit to the medical marijuana organization for the new location if the request is approved.

(f) Within 180 days of the issuance by the Department of a new permit under subsection (e), the medical marijuana organization shall change the location of its operation to the new location designated in the new permit. Simultaneously with the completion of the move, the medical marijuana organization shall cease to operate at

the former location and surrender its existing permit to the Department. The following apply:

(1) At no time may a medical marijuana organization operate or exercise any of the privileges granted under the permit in both locations.

(2) At the discretion of the Department, the Department may extend the 180-day deadline for relocation for up to an additional 90 days.

(3) Once the new facility is determined to be operational by the Department, the medical marijuana organization may resume operations under the new permit at the new location.

(g) The Department will not approve a change of location that is outside the boundaries of the region for which the initial permit was issued.

§ 1141.41. Application for approval of alteration of a facility.

(a) Except as provided in subsection (b), after the issuance of a permit, a medical marijuana organization may not make a physical change, alteration or modification to the facility that materially or substantially alters the facility or its usage as listed in the plot plans originally approved by the Department.

(b) A medical marijuana organization wishing to make any of the following alterations to the facility for which its permit was issued shall submit an application for approval of alteration of a facility, on a form prescribed by the Department, to the Department together with the fee required under § 1141.28 (relating to fees):

(1) An increase or decrease in the total square footage of the facility.

(2) The sealing off, creation of or relocation of a common entryway, doorway, passage or other means of public ingress or egress when the common entryway, doorway or passage alters or changes limited access areas.

(3) Any of the following made to enhance activities authorized under the permit:

(i) Additional electric fixtures or lighting equipment.

(ii) The lowering of a ceiling.

(iii) Electrical modifications that require inspection by the local municipality.

§ 1141.42. Failure to be operational.

(a) Within 6 months from the date of issuance of a permit, a medical marijuana organization shall notify the Department, on a form prescribed by the Department, that it is operational.

(b) After the Department receives the notification in subsection (a), the Department will inspect the facility to determine if the medical marijuana organization is operational to the satisfaction of the Department.

(c) If the medical marijuana organization has not met the operational timetable in the initial permit application to the satisfaction of the Department at the time of the inspection conducted under subsection (b), the Department will notify the medical marijuana organization of the deficiencies. Within 30 days of receiving the Department's notice, the medical marijuana organization shall submit to the Department for approval a plan of correction that sets forth the medical marijuana organization's timeline and a date certain, which may not extend beyond 90 days following the date the Department approves the plan of correction, for correcting the deficiencies.

(d) If the medical marijuana organization does not comply with its plan of correction as approved by the Department within 90 days following the Department's approval, the Department may revoke or suspend the medical marijuana organization's permit under § 1141.47 (relating to general penalties and sanctions).

§ 1141.43. Closure of a facility.

(a) A medical marijuana organization shall notify the Department in writing immediately, but in no event less than 60 days prior to the projected date of closure, upon making a determination that it intends to close a facility.

(b) A medical marijuana organization may not accept or purchase seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, other plant matter, medical marijuana products, equipment, or medical devices or instruments as of the date of notice.

(c) The notice must be accompanied by the medical marijuana organization's written plan for the facility being closed that must include the following information:

- (1) The projected date of closure.
- (2) How it intends to notify in writing, prior to the projected date for closure, any person to which the medical marijuana organization provides seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, medical marijuana products or medical marijuana services prior to closure.
- (3) How it intends to dispose of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, medical marijuana products or other plant matter projected to still be in the facility at the time of the projected closure in accordance with § 1151.40 (relating to management and disposal of medical marijuana waste).

(4) How it intends to dispose of equipment or medical devices or instruments used by the medical marijuana organization in its operations at the facility.

(d) A medical marijuana organization may not remove or destroy any seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, other plant matter, medical marijuana products, equipment, or medical devices or instruments until the Department has approved its plan for closure submitted under subsection (c) and shall comply with all requirements regarding disposal of medical marijuana in § 1151.40.

(e) The Department may enter and inspect the site and facility and the medical marijuana organization's vehicles following receipt of a medical marijuana organization's plan of closure to determine whether to approve the medical marijuana organization's closure plan.

(f) If the Department approves the medical marijuana organization's plan to close a facility submitted under this section, the medical marijuana organization shall surrender its permit to the Department on or before the date for closure provided in the plan.

§ 1141.44. Insurance requirements.

(a) A medical marijuana organization shall obtain and maintain an appropriate amount of insurance coverage that insures the site and facility and equipment used in the operation of the facility. An adequate amount of comprehensive liability insurance covering the medical marijuana organization's activities authorized by the permit shall begin on the date the initial permit is issued by the Department and continuing for as long as the medical marijuana organization is operating under the permit.

(b) A medical marijuana organization shall obtain and maintain workers' compensation insurance coverage for employees at the time the medical marijuana organization is determined to be operational by the Department.

§ 1141.45. Inspection and investigation.

(a) The Department may conduct announced or unannounced inspections or investigations to determine the medical marijuana organization's compliance with its permit, the act or this part.

(b) An investigation or inspection may include:

- (1) Inspection of a medical marijuana organization's site, facility, vehicles, books, records, papers, documents, data, and other physical or electronic information.
- (2) Questioning of employees, principals, operators, financial backers, authorized agents of, and any other person or entity providing services to the medical marijuana organization.
- (3) Inspection of a grower/processor facility's equipment, instruments, tools and machinery that are used to grow, process and package medical marijuana, including containers and labels.

(c) The Department and its authorized agents will have free access to review and, if necessary, make copies of books, records, papers, documents, data, or other physical or electronic information that relates to the business of the medical marijuana organization, including financial data, sales data, shipping data, pricing data and employee data.

(d) Failure of a medical marijuana organization to provide the Department and its authorized agents immediate access to any part of a medical marijuana organization's site or facility, requested material, physical or electronic information, or individual as part of an inspection or investigation may result in the imposition of a civil monetary penalty, suspension or revocation of its permit, or an immediate cessation of operations pursuant to a cease and desist order issued by the Department.

(e) The Department and its authorized agents will have free access to any area within a site or facility that is being used to store seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products for testing purposes and are permitted to collect test samples for testing at an approved laboratory.

§ 1141.46. Reports.

(a) A medical marijuana organization shall submit the following reports to the Department, on forms prescribed by the Department, at the end of the first 12-month period following the issuance of a permit, and as of the end of each 3-month period thereafter:

- (1) In the case of a grower/processor:
 - (i) The number of medical marijuana products sold by the grower/processor to dispensaries during the period for which the report is being submitted.
 - (ii) The per-dose price of an amount of medical marijuana products sold by the grower/processor to a medical marijuana organization in a unit of measurement as determined by the Department.
 - (iii) The number or amount of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products sold by a grower/processor to other growers/processors during the period for which the report is being submitted.

(2) In the case of a dispensary:

(i) The number of medical marijuana products purchased by the dispensary during the period for which the report is being submitted.

(ii) The per-dose price of medical marijuana products purchased by a dispensary in a unit of measurement as determined by the Department.

(iii) The per-dose price of an amount of medical marijuana products dispensed to a patient or caregiver by a dispensary and in a unit of measurement as determined by the Department.

(b) The Department will aggregate the information in the reports submitted by medical marijuana organizations under subsection (a) and post the information on the Department's web site.

(c) The Department may require ongoing reporting of operational and financial information in a form and manner prescribed by the Department.

(d) The Department may require any reports necessary to carry out its responsibilities under the act and this part.

§ 1141.47. General penalties and sanctions.

(a) In addition to any other penalty imposed by law for violations of the act or this part, the Department may take one or more of the following actions:

(1) Suspend or revoke a permit if any of the following occur:

(i) The medical marijuana organization fails to maintain effective control against diversion of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products from a facility operated by it or under its control.

(ii) The medical marijuana organization violates a provision of the act or this part, or an order issued under the act or this part.

(iii) The medical marijuana organization violates a provision of other State or local laws regarding the operation of its facility.

(iv) The medical marijuana organization engages in conduct, or an event occurs, that would have disqualified the medical marijuana organization from being issued a permit or having its permit renewed.

(2) Impose a civil penalty of not more than \$10,000 for each violation and an additional penalty of not more than \$1,000 for each day of a continuing violation. In determining the amount of each penalty, the Department will take the following into consideration:

(i) The gravity of the violation.

(ii) The potential harm resulting from the violation to patients, caregivers or the general public.

(iii) The willfulness of the violation.

(iv) Previous violations, if any, by the medical marijuana organization being assessed.

(v) The economic benefit to the medical marijuana organization being assessed resulting from the violation.

(3) Suspend or revoke a permit pending the outcome of a hearing if the Department determines that the health, safety or welfare of the public, a patient or a caregiver is at risk.

(4) Order the restitution of funds or property unlawfully obtained or retained by a medical marijuana organization.

(5) Issue a cease and desist order to immediately restrict the operations of a medical marijuana organization conducted under the permit to protect the public's health, safety and welfare. The following requirements apply:

(i) An order may include a requirement that a medical marijuana organization cease or restrict some or all of its operations. In addition, the order may prohibit the use of some or all of the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products grown, processed or to be sold by the medical marijuana organization.

(ii) An order may be issued by an authorized agent of the Department immediately upon completion of an inspection or investigation if the agent observes or suspects an operational failure or determines that the conditions will likely create a diversion or contamination of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, medical marijuana products, or a risk to patients or the public.

(iii) An order may include:

(A) An immediate evacuation of the site and facility and the sealing of the entrances to the facility.

(B) A quarantine of some or all of the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products found at the facility.

(C) The suspension of the sale or shipment of some or all of the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products found at the facility.

(6) Issue a written warning if the Department determines that either:

(i) The public interest will be adequately served under the circumstances by the issuance of the warning.

(ii) The violation does not threaten the safety or health of a patient, caregiver or the general public, and the medical marijuana organization took immediate action to remedy the violation.

(b) A person who aids, abets, counsels, induces, procures or causes another person to violate the act or this part, or an order issued under the act or this part, shall also be subject to the civil penalties provided under this section.

(c) For violations of the act or this part, the Department may require a medical marijuana organization to develop and adhere to a plan of correction approved by the Department. The Department will monitor compliance with the plan of correction. Failure to comply with the plan of correction may result in the Department's taking action under applicable provisions of this section as it deems appropriate.

(d) The Department's actions under subsections (a) and (b) are subject to 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies) and its accompanying regulations, as modified by Chapter 1230 (relating to practice and procedure—temporary regulations).

§ 1141.48. Training.

(a) As required under the act, the following individuals shall complete a 2-hour training course developed by the Department within the times specified:

(1) Each principal of a medical marijuana organization, prior to starting initial operation of a facility.

(2) Each employee of a medical marijuana organization who has direct contact with patients or caregivers or who physically handles seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products, within 90 days after starting employment at the facility.

(b) The training course required under subsection (a) must provide the following information:

(1) The provisions of the act and this part relevant to the responsibilities of principals and employees of medical marijuana organizations.

(2) Proper handling of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(3) Proper recordkeeping.

(4) How to prevent and detect the diversion of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(5) Best practice security procedures.

(6) Best practice safety procedures, including responding to the following:

(i) A medical emergency.

(ii) A fire.

(iii) A chemical spill.

(iv) A threatening event including:

(A) An armed robbery.

(B) A burglary.

(C) A criminal incident.

(c) A medical marijuana organization shall retain the attendance records of its principals and employees and make them available for inspection by the Department and its authorized agents upon request.

(d) The Department will make the 2-hour training course available at no cost to the medical marijuana organization, its principals or employees.

§ 1141.49. Zoning.

(a) A grower/processor shall meet the identical municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district.

(b) A dispensary shall meet the identical municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district.

§ 1141.50. Advertising by a medical marijuana organization.

(a) In the advertising and marketing of medical marijuana and medical marijuana products, a medical marijuana organization shall be consistent with the Federal regulations governing prescription drug advertising and marketing in 21 CFR 202.1 (relating to prescription-drug advertisements).

(b) Promotional, advertising and marketing materials shall be approved by the Department prior to their use.

(c) This part does not apply to information provided by a grower/processor to a dispensary listing various medical marijuana products, instruments and devices that the grower/processor is offering for sale to the dispensary.

§ 1141.51. Technical advisories.

The Department may issue technical advisories to assist permittees in complying with the act and this part. Technical advisories do not have the force of law or regulation. Technical advisories provide guidance on the Department's interpretation of, and how a permittee may maintain compliance with, the act and this part. Notice of the availability of a technical advisory will be published in the *Pennsylvania Bulletin*.

§ 1141.52. Effective date and applicability.

(a) The amended temporary regulations in this chapter take effect on May 17, 2018.

(b) The amended temporary regulations in this chapter do not apply to the evaluation or scoring of a Medical Marijuana Organization Permit Application submitted to the Department from April 5, 2018, through May 17, 2018, as part of the implementation of Phase II of the Medical Marijuana Program.

**CHAPTER 1151. GROWERS/PROCESSORS—
TEMPORARY REGULATIONS**

§ 1151.21. Growers/processors generally.

(a) The qualifications that a grower/processor shall meet to receive a permit are continuing qualifications to maintain the permit.

(b) In addition to any other requirements in the act or this part, a grower/processor shall comply with the following:

(1) A grower/processor may not engage in the business of growing, processing, possessing, selling or offering to sell seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products to another medical marijuana organization without first being issued a permit by the Department and without first being determined operational by the Department as required under § 1141.42 (relating to failure to be operational).

(2) A grower/processor may not employ an individual at its facility who is under 18 years of age.

§ 1151.22. Plans of operation.

(a) At the time the Department determines a grower/processor to be operational, the grower/processor shall provide the Department with a full and complete plan of operation for review that includes the following:

(1) Employment policies and procedures.

(2) Security policies and protocols including:

(i) Staff identification measures.

(ii) Monitoring of attendance of staff and visitors.

(iii) Alarm systems.

(iv) Video surveillance.

(v) Monitoring and tracking inventory.

(vi) Personal security.

(3) A process for growing, receiving, processing, packaging, labeling, handling, tracking, transporting, storing, disposing and recalling of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products, and a process for handling, tracking, transporting, storing and disposing of medical marijuana waste in accordance with applicable laws, rules and regulations.

(4) Workplace safety, including conducting necessary safety checks prior to starting the growing and processing

of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products.

- (5) Contamination protocols.
- (6) Maintenance, cleaning and sanitation of equipment in the facility or on the site, or both.
- (7) Maintenance and sanitation of the site or the facility, or both.
- (8) Proper handling and storage of any solvent, gas or other chemical used in growing or processing seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products in accordance with this part and other applicable laws, rules and regulations.
- (9) Quality control, including regulation of the amount of THC in each process lot, proper labeling and minimization of contamination of medical marijuana or medical marijuana products.
- (10) Inventory maintenance and reporting procedures.
- (11) The investigation of complaints and potential adverse events from other medical marijuana organizations, patients, caregivers or practitioners regarding the operation of the grower/processor.
- (12) A recall plan meeting the requirements of § 1151.42(d) (relating to complaints about or recall of medical marijuana products).

(b) A grower/processor shall make the full and complete plan of operation available to the Department upon request and during any inspection of a site or a facility, or both.

§ 1151.23. Grower/processor facilities.

(a) A grower/processor may only grow, store, harvest or process seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products in an indoor, enclosed, secure facility as approved by the Department.

(b) The following areas of a facility must be clearly marked with proper signage:

- (1) Growing and processing areas. These areas shall be easily observed by the Department and its authorized agents and by law enforcement.
- (2) Nongrowing and nonprocessing areas.
- (3) Limited access areas. All areas of ingress and egress to a limited access area must be clearly identified by the posting of a sign which must be not less than 12 inches wide and 12 inches long, composed of letters not less than 1/2 inch in height, which must state:

Do Not Enter—Limited Access Area—Access Limited to Authorized Personnel and Escorted Visitors.

(4) Areas that include business offices and reception rooms.

(c) A facility must have an enclosed secure area out of public sight for the loading and unloading of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products into and from a transport vehicle.

§ 1151.24. Start-up inventory.

(a) A grower/processor may obtain seeds or immature medical marijuana plants from outside of this Commonwealth for the purpose of securing its start-up inventory. Seeds or immature medical marijuana plants obtained from outside of this Commonwealth shall be obtained

within 30 days from the date that the Department determines that the grower/processor is operational.

(b) A grower/processor may not obtain medical marijuana plants from outside of this Commonwealth at any time.

(c) Within 24 hours of receipt, a grower/processor shall, record in the electronic tracking system each seed and immature medical marijuana plant that enters the site during the 30-day period under subsection (a).

(d) After the 30-day period in subsection (a), a grower/processor shall only grow medical marijuana plants from seeds or immature medical marijuana plants located physically in its facility, or purchase seeds, immature medical marijuana plants or medical marijuana plants from another grower/processor.

§ 1151.25. Visitor access to grower/processor facilities.

(a) A grower/processor facility may not be open to the general public. A grower/processor shall require visitors, including vendors, contractors and other individuals requiring access to the facility, for purposes regarding the growing, processing or testing of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products, to sign a visitor log and wear a visitor identification badge that is visible to others at all times while on the site and in the facility.

(b) A grower/processor shall require visitors to present government-issued identification that contains a photo to gain access to the site and facility.

(c) No one under 18 years of age is permitted to enter a grower/processor site or facility.

(d) A grower/processor shall post a sign in a conspicuous location at each entrance of a site and a facility that states:

THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE. NO ONE UNDER THE AGE OF 18 IS PERMITTED TO ENTER.

(e) A grower/processor shall do the following when admitting a visitor to a site or facility:

- (1) Require the visitor to sign a visitor log upon entering and leaving the facility.
- (2) Check the visitor's government-issued identification to verify that the name on the identification provided matches the name in the visitor log. A photocopy of the identification must be retained with the log.
- (3) Issue a visitor identification badge with the visitor's name and company, if applicable, and a badge number.
- (4) Escort the visitor while the visitor remains in the facility or on the site.
- (5) Ensure that the visitor does not touch any seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products located in a limited access area.

(f) The following apply to the visitor log required under subsections (a) and (e):

(1) The grower/processor shall maintain the log for 4 years and make the log available to the Department, State or local law enforcement, and other State or local government officials upon request if necessary to perform the government officials' functions and duties.

(2) The log must include the full name of each visitor, the visitor identification badge number, the time of arrival, the time of departure and the purpose of the visit, including the areas of the site and the facility visited and the name of each employee visited.

(g) This section does not limit the right of the Department or its authorized agents, or other Federal, State or local government officials, from entering any area of a grower/processor site or facility if necessary to perform the governmental officials' functions and duties.

(h) A principal, financial backer, operator or an employee of a grower/processor may not receive any type of consideration or compensation for allowing a visitor to enter a limited access area.

§ 1151.26. Security and surveillance.

(a) A grower/processor shall have security and surveillance systems, utilizing commercial-grade equipment, to prevent unauthorized entry and to prevent and detect an adverse loss. The security and surveillance systems must include the following:

(1) A professionally-monitored security alarm system that includes the following:

(i) Coverage of all facility entrances and exits; rooms with exterior windows, exterior walls, roof hatches or skylights; storage rooms, including those that contain seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products and safes; and the perimeter of the facility.

(ii) A silent security alarm system signal, known as a duress alarm, generated by the entry of a designated code into an arming station to signal that the alarm user is being forced to turn off the system.

(iii) An audible security alarm system signal, known as a panic alarm, generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response.

(iv) A silent alarm signal, known as a holdup alarm, generated by the manual activation of a device intended to signal a robbery in progress.

(v) An electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message requesting dispatch, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency.

(vi) A failure notification system that provides an audible, text or visual notification of any failure in the systems. The failure notification system must provide by telephone, e-mail or text message an alert to a designated security person within the facility within 5 minutes after the failure.

(vii) Smoke and fire alarms.

(viii) Auxiliary power sufficient to maintain operation of specified growing and processing areas identified in the grower/processor's plan of operation for at least 48 hours following a power outage.

(ix) The ability to ensure all access doors are not solely controlled by an electronic access panel to prevent locks from becoming released during a power outage.

(x) Motion detectors.

(2) A professionally-monitored security and surveillance system that is operational 24 hours per day, 7 days per week and records all activity in images capable of clearly

revealing facial detail. The security and surveillance system must include the following:

(i) Fixed camera placement that allows for a clear image of all individuals and activities in and around the following:

(A) All limited access areas.

(B) A room or area containing a security and surveillance system storage device or equipment.

(C) Entrances to and exits from a facility. Entrances and exits must be recorded from both indoor and outdoor vantage points.

(D) Rooms with exterior windows, exterior walls, roof hatches, or skylights and storage rooms, including those that may contain seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products, and safes.

(E) Twenty feet from the exterior of the perimeter of the facility.

(ii) Auxiliary power sufficient to maintain operation for at least 48 hours following a power outage.

(iii) The ability to operate under the normal lighting conditions of each area under surveillance.

(iv) The ability to immediately produce a clear, color, still photograph in a digital format that meets the requirements of this subsection.

(3) The ability to clearly and accurately display the date and time. The date and time must be synchronized and set correctly and may not significantly obscure the picture.

(4) The ability to record and store all images captured by each surveillance camera for a minimum of 2 years in a format that may be easily accessed for investigative purposes. The recordings must be kept:

(i) At the facility:

(A) In a locked cabinet, closet or other secure place to protect it from tampering or theft.

(B) In a limited access area or other room to which access is limited to authorized individuals.

(ii) At a secure location other than the location of the facility if approved in writing by the Department.

(5) A security alarm system separate from the facility's primary security system covering the limited access area or other room where the recordings under paragraph (4) are stored. The separate security alarm system must meet the same requirements as the facility's primary security alarm system.

(b) The following requirements regarding the inspection, servicing or alteration of, and the upgrade to, the site's and facility's security and surveillance systems apply:

(1) The systems shall be inspected and all devices tested once every year by a qualified alarm system vendor and a qualified surveillance system vendor, as approved by the Department.

(2) The grower/processor shall conduct maintenance inspections once every month to ensure that any repairs, alterations or upgrades to the security and surveillance systems are made for the proper operation of the systems.

(3) The grower/processor shall retain at the facility, for at least 4 years, records of all inspections, servicing, alterations and upgrades performed on the systems and shall make the records available to the Department and

its authorized agents within 2 business days following the Department's request or the request of the Department's authorized agents.

(4) In the event of a mechanical malfunction of the security or surveillance system that a grower/processor anticipates will exceed an 8-hour period, the grower/processor shall notify the Department immediately and, with Department approval, provide alternative security measures that may include closure of the facility.

(5) The grower/processor shall designate an employee to continuously monitor the security and surveillance systems at the facility.

(6) The following apply regarding records retention:

(i) Within 2 business days following a request, a grower/processor shall provide up to four screen captures of an unaltered copy of a video surveillance recording to the Department or its authorized agents, law enforcement or other Federal, State or local government officials if necessary to perform the governmental officials' functions and duties.

(ii) If a grower/processor has been notified in writing by the Department or its authorized agents, law enforcement or other Federal, State or local government officials of a pending criminal or administrative investigation for which a recording may contain relevant information, the grower/processor shall retain an unaltered copy of the recording for 4 years or until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the grower/processor that it is not necessary to retain the recording, whichever is longer.

(c) The grower/processor shall install commercial-grade, nonresidential steel doors and door locks on each room where seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products are stored, and on each external door of the facility. Keys or key codes for all doors shall remain in the possession of designated authorized individuals.

(d) During all nonworking hours, all entrances to and exits from a site and a facility must be securely locked.

(e) The grower/processor shall have an electronic back-up system for all electronic records.

(f) The grower/processor shall install lighting to ensure proper surveillance inside and outside of a facility.

(g) A grower/processor shall limit access to a room in a facility containing security and surveillance monitoring equipment to persons who are essential to maintaining security and surveillance operations; Federal, State and local law enforcement; security and surveillance system service employees; the Department or its authorized agents; and other persons with the prior written approval of the Department. The following requirements apply:

(1) A grower/processor shall make available to the Department or the Department's authorized agents, upon request, a current list of authorized employees and service employees or contractors who have access to any security and surveillance areas.

(2) A grower/processor facility shall keep security and surveillance rooms locked at all times and may not use these rooms for any other purpose or function.

§ 1151.27. Requirements for growing and processing medical marijuana.

(a) A grower/processor shall use only a pesticide, fungicide or herbicide that is approved by the Department of Agriculture for use on medical marijuana plants and

listed in Appendix A (relating to acceptable pesticide active ingredients for use). The Department will periodically publish a notice in the *Pennsylvania Bulletin* updating the list of approved pesticides, fungicides and herbicides.

(b) A grower/processor shall use a pesticide, fungicide or herbicide listed in Appendix A in a manner that is approved by the Department of Agriculture on the basis of Federal law and regulations.

(c) A grower/processor shall maintain a log of all actions taken to detect pests or pathogens, and the measures taken for control.

(d) A grower/processor shall:

(1) Use appropriate nutrient practices.

(2) Use a fertilizer or hydroponic solution of a type, formulation and at a rate to support healthy growth of plants.

(3) Maintain records of the type and amounts of fertilizer and any growth additives used.

(e) A grower/processor shall perform visual inspections of growing plants and harvested plant material to ensure there is no visible mold, mildew, pests, rot, or grey or black plant material that is greater than an acceptable level as determined by the Department.

(f) A grower/processor may not add any additional active ingredients or materials to medical marijuana that alters the dosage level, color, appearance, smell, taste, effect or weight of the medical marijuana unless the grower/processor has first obtained the prior written approval of the Department. Excipients must be pharmaceutical grade, unless otherwise approved by the Department.

(g) A grower/processor shall have a separate and secure area for temporary storage of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products that are awaiting disposal by the grower/processor.

(h) A grower/processor shall only process the parts of the medical marijuana plant that:

(1) Are free of seeds and stems.

(2) Are free of dirt, sand, debris or other foreign matter.

(3) Contain a level of mold, rot or other fungus or bacterial diseases acceptable to the Department.

(i) A grower/processor shall process the medical marijuana plants in a safe and sanitary manner. The following requirements apply:

(1) Medical marijuana plants, raw material and other product used in the processing of medical marijuana shall be handled on food-grade stainless steel benches or tables.

(2) Proper sanitation shall be maintained.

(3) Proper rodent, bird and pest exclusion practices shall be employed.

(j) A grower/processor shall install a system to monitor, record and regulate:

(1) Temperature.

(2) Humidity.

(3) Ventilation.

- (4) Lighting.
- (5) Water supply.

§ 1151.28. Forms of medical marijuana.

(a) A grower/processor may only process medical marijuana for dispensing to a patient or caregiver in the following forms:

- (1) Pill.
- (2) Oil.
- (3) Topical forms, including gel, creams or ointments.
- (4) A form medically appropriate for administration by vaporization or nebulization, including dry leaf or plant form for administration by vaporization.

- (5) Tincture.
- (6) Liquid.

(b) A grower/processor may not manufacture, produce or assemble any medical marijuana product, instrument or device without the prior written approval of the Department.

§ 1151.29. Limit on medical marijuana processing.

(a) In the form intended to be sold to another medical marijuana organization, medical marijuana or a medical marijuana product must have a specific concentration of total THC and total CBD and must have a consistent cannabinoid profile. The concentration of the following cannabinoids, at a minimum, shall be reported to the Department by an approved laboratory and include the following on the label:

- (1) Tetrahydrocannabinol (THC).
- (2) Tetrahydrocannabinol acid (THCA).
- (3) Tetrahydrocannabivarin (THCV).
- (4) Cannabidiol (CBD).
- (5) Cannabinadiolic acid (CBDA).
- (6) Cannabidivarin (CBDV).
- (7) Cannabinol (CBN).
- (8) Cannabigerol (CBG).
- (9) Cannabichromene (CBC).
- (10) Any other cannabinoid component at > 0.1%.

(b) Within the first 6 months after the Department determines the grower/processor to be operational, the grower/processor shall provide the Department with a forecast of the amount of medical marijuana products it projects it will produce and in what form. The grower/processor shall notify the Department in writing immediately upon becoming aware of a potential increase or decrease in the forecasted amount occurring within any subsequent 6-month period.

§ 1151.30. Inventory data.

(a) A grower/processor shall maintain the following inventory data in its electronic tracking system which must include an accounting of and an identifying tracking number for:

- (1) The number, weight and type of seeds.
- (2) The number of immature medical marijuana plants.
- (3) The number of medical marijuana plants.
- (4) The number of medical marijuana products ready for sale.

(5) The number of damaged, defective, expired or contaminated seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products awaiting disposal.

(b) A grower/processor shall establish inventory controls and procedures to conduct inventory reviews and comprehensive inventories at its facility. The following requirements apply:

(1) Inventory reviews of medical marijuana plants in the process of growing, and medical marijuana and medical marijuana products that are being stored for future sale shall be conducted monthly.

(2) Comprehensive inventories of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products shall be conducted at least annually.

(c) A written or electronic record shall be created and maintained of each inventory conducted under subsection (b) that includes the date of the inventory, a summary of the inventory findings, and the employee identification numbers and titles or positions of the individuals who conducted the inventory.

§ 1151.31. Storage requirements.

(a) A grower/processor shall ensure that a facility has separate and locked limited access areas for storage of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products that are expired, damaged, deteriorated, mislabeled, contaminated, recalled or whose containers or packaging have been opened or breached until the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products are destroyed or otherwise disposed of as required under § 1151.40 (relating to management and disposal of medical marijuana waste).

(b) A grower/processor facility shall maintain all storage areas in a clean and orderly condition and free from infestation by insects, rodents, birds and pests.

§ 1151.32. Equipment, operation and maintenance.

(a) A grower/processor shall ensure that a facility has a written process in place to maintain the sanitation and operation of equipment that comes into contact with seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products to prevent contamination. The grower/processor shall provide a copy of the written process to the Department upon request.

(b) As part of the written process required under subsection (a), a grower/processor shall:

- (1) Routinely calibrate, check and inspect the following to ensure accuracy:
 - (i) Automatic, mechanical or electronic equipment.
 - (ii) Scales, balances or other measurement devices used in the grower/processor's operations.
- (2) Maintain an accurate log recording the following:
 - (i) Maintenance of equipment.
 - (ii) Cleaning of equipment.
 - (iii) Calibration of equipment.

§ 1151.33. Sanitation and safety in a facility.

(a) A grower/processor shall maintain a facility in a sanitary condition to limit the potential for contamination or adulteration of the seeds, immature medical marijuana

plants, medical marijuana plants, medical marijuana or medical marijuana products grown and processed in the facility and any medical marijuana product produced at a facility. The following requirements apply:

(1) Equipment and surfaces, including floors, counters, walls and ceilings, shall be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the United States Environmental Protection Agency, in accordance with the instructions printed on the label. Equipment and utensils shall be so designed and of such material and workmanship as to be capable of being adequately cleaned.

(2) Trash shall be properly removed.

(3) Floors, walls and ceilings shall be kept in good repair.

(4) Equipment, counters and surfaces for processing must be food grade quality and may not react adversely with any solvent being used.

(5) Adequate protection against pests shall be provided through the use of integrated pest management practices and techniques that identify and manage plant pathogens and pest problems, and the regular disposal of trash to prevent infestation.

(6) Toxic cleaning compounds, sanitizing agents, solvents used in the growing and processing of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products, and pesticide chemicals must be labeled and stored in a manner that prevents contamination and that otherwise complies with other applicable laws and regulations.

(b) An employee working in direct contact with medical marijuana is subject to the restrictions on food handlers in § 27.153 (relating to restrictions on food handlers). An employee shall otherwise conform to sanitary practices while on duty, including the following:

(1) Maintaining adequate personal hygiene.

(2) Wearing proper clothing, including gloves.

(3) Washing hands thoroughly in an adequate hand-washing area before starting work and at any other time when hands may have become soiled or contaminated.

(c) A grower/processor shall provide its employees and visitors with adequate and convenient hand-washing facilities furnished with running water at a temperature suitable for sanitizing hands. The following requirements apply:

(1) A grower/processor shall locate hand-washing facilities in processing areas and where good sanitary practices require employees to wash and sanitize their hands.

(2) A grower/processor shall provide its employees and visitors with effective nontoxic sanitizing cleansers and sanitary towel service or suitable drying devices.

(d) A grower/processor shall provide its employees and visitors with adequate, readily accessible lavatories that are maintained in a sanitary condition and in good repair.

(e) A grower/processor shall provide a facility with a water supply sufficient for the facility's operations, which shall be derived from a source that is a public water system, or a nonpublic system that is capable of providing a safe, potable and adequate supply of water to meet the operational needs of the facility.

(f) A grower/processor shall comply with all other applicable State and local building code requirements.

§ 1151.34. Packaging and labeling of medical marijuana products.

(a) A grower/processor shall package and label at its facility each form of medical marijuana products prepared for sale. The original seal of a package may not be broken, except for quality control testing at an approved laboratory, for adverse loss investigations conducted by the Department or by a dispensary that purchased the medical marijuana products.

(b) A grower/processor shall package the medical marijuana products in a package that minimizes exposure to oxygen and that is:

(1) Child-resistant.

(2) Tamper-proof or tamper-evident.

(3) Light-resistant or opaque, or both.

(4) Resealable.

(c) A grower/processor shall identify each process lot of medical marijuana with a unique identifier.

(d) A grower/processor shall obtain the prior written approval of the Department of the content of any label to be affixed to a medical marijuana product package. Each label must meet the following requirements:

(1) Be easily readable.

(2) Made of weather-resistant and tamper-resistant materials.

(3) Be conspicuously placed on the package.

(4) Include the name, address and permit number of the grower/processor.

(5) List the form, quantity and weight of medical marijuana included in the package.

(6) List the number of individual doses contained within the package, and the species and percentage of THC and CBD.

(7) Contain an identifier that is unique to a particular harvest batch of medical marijuana, including the number assigned to each harvest lot or process lot in the harvest batch.

(8) Include the date the medical marijuana product was packaged.

(9) State the employee identification number of the employee preparing the package and packaging the medical marijuana product.

(10) State the employee identification number of the employee shipping the package, if different than the employee described in paragraph (9).

(11) Contain the name and address of the dispensary to which the package is to be sold.

(12) List the date of expiration of the medical marijuana product.

(13) Include instructions for proper storage of the medical marijuana product in the package.

(14) Contain the following warning stating:

This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant's pediatrician. This product might impair the ability to drive or operate heavy machinery. Keep out of reach of children.

(15) Contain a warning that the medical marijuana product must be kept in the original container in which it was dispensed.

(16) Contain a warning that unauthorized use is unlawful and will subject the purchaser to criminal penalties.

(e) Labeling by a grower/processor of any medical marijuana product may not bear:

(1) Any resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available food or beverage product.

(2) Any statement, artwork or design that could reasonably lead an individual to believe that the package contains anything other than medical marijuana.

(3) Any seal, flag, crest, coat of arms or other insignia that could reasonably mislead an individual to believe that the product has been endorsed, manufactured or approved for use by any state, county or municipality or any agency thereof.

(4) Any cartoon, color scheme, image, graphic or feature that might make the package attractive to children.

§ 1151.35. Transportation of medical marijuana.

(a) A grower/processor may transport and deliver seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products to a medical marijuana organization or an approved laboratory in this Commonwealth in accordance with this section. The following requirements apply:

(1) Unless otherwise approved by the Department, a grower/processor may deliver seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products to a medical marijuana organization or an approved laboratory only between 7 a.m. and 9 p.m.

(2) A grower/processor may contract with a third-party contractor for delivery so long as the contractor complies with this section.

(3) A grower/processor may not transport seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products to any location outside of this Commonwealth.

(4) A grower/processor shall use a global positioning system to ensure safe, efficient delivery of the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products to a medical marijuana organization or an approved laboratory.

(b) Vehicles permitted to transport seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products must:

(1) Be equipped with a secure lockbox or locking cargo area.

(2) Have no markings that would either identify or indicate that the vehicle is being used to transport seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(3) Be capable of being temperature-controlled for perishable seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products, as appropriate.

(4) Display current State inspection stickers and maintain a current State vehicle registration.

(5) Be insured in an amount that is commercially reasonable and appropriate.

(c) A transport vehicle must be staffed with a delivery team consisting of at least two individuals and comply with the following:

(1) At least one delivery team member shall remain with the vehicle at all times that the vehicle contains seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(2) Each delivery team member shall have access to a secure form of communication with the grower/processor, such as a cellular telephone, at all times that the vehicle contains seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(3) Each delivery team member shall carry an identification badge or card at all times and shall, upon demand, produce it to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

(4) Each delivery team member shall have a valid driver's license.

(5) While on duty, a delivery team member may not wear any clothing or symbols that may indicate ownership or possession of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(d) Seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products stored inside the transport vehicle may not be visible from the outside of the transport vehicle.

(e) Except as provided in subsection (h), a delivery team shall proceed in a transport vehicle from a grower/processor facility, where the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products are loaded, directly to a medical marijuana organization facility or approved laboratory, where the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products are unloaded, without unnecessary delays. Notwithstanding the foregoing, a transport vehicle may make stops at multiple medical marijuana organization facilities or approved laboratories, as appropriate, to deliver seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(f) A grower/processor shall immediately report to the Department, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, vehicle accidents, diversions, losses or other reportable events that occur during transport of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products.

(g) A grower/processor shall notify the Department daily of its delivery schedule, including routes and delivery times, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department.

(h) A transport vehicle is subject to inspection by the Department or its authorized agents, law enforcement, or

other Federal, State or local government officials if necessary to perform the government officials' functions and duties. A transport vehicle may be stopped and inspected along its delivery route or at any medical marijuana organization or approved laboratory.

§ 1151.36. Transport manifest.

(a) A grower/processor shall generate a printed or electronic transport manifest that accompanies every transport vehicle and contains the following information:

(1) The name, address and permit number of the grower/processor and the name of and contact information for a representative of the grower/processor who has direct knowledge of the transport.

(2) The name, address and permit number of the medical marijuana organization facility or approved laboratory receiving the delivery and the name of and contact information for a representative of the medical marijuana organization facility or approved laboratory.

(3) The quantity, by weight or unit, of each seed, immature medical marijuana plant, medical marijuana plant, medical marijuana harvest batch, harvest lot or process lot, medical marijuana and medical marijuana product contained in the transport, along with the identification number for each batch or lot.

(4) The date and approximate time of departure.

(5) The date and approximate time of arrival.

(6) The transport vehicle's make and model and license plate number.

(7) The identification number of each member of the delivery team accompanying the transport.

(b) When a delivery team delivers seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products to multiple medical marijuana organizations or approved laboratories, the transport manifest must correctly reflect the specific seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products in transit. Each recipient shall provide the grower/processor with a printed receipt for the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products received.

(c) All seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products being transported shall be packaged in shipping containers and labeled in accordance with § 1151.34 (relating to packaging and labeling of medical marijuana products).

(d) A grower/processor shall provide a copy of the transport manifest to the recipient receiving the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products described in the transport manifest. To maintain confidentiality, a grower/processor may prepare separate manifests for each recipient.

(e) A grower/processor shall, if requested, provide a copy of the printed transport manifest, and any printed receipts for seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products being transported, to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

§ 1151.37. Transportation of seeds, immature medical marijuana plants and medical marijuana plants.

(a) A grower/processor may transport seeds, immature medical marijuana plants and medical marijuana plants within this Commonwealth for the growing and processing of medical marijuana.

(b) A grower/processor may not transport seeds, immature medical marijuana plants or medical marijuana plants to a location outside of this Commonwealth.

(c) A grower/processor's authorization to transport seeds, immature medical marijuana plants or medical marijuana plants shall be subject to §§ 1151.35, 1151.36 and 1151.38 (relating to transportation of medical marijuana; transport manifest; and evidence of adverse loss during transport).

§ 1151.38. Evidence of adverse loss during transport.

(a) If a grower/processor receiving a delivery of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products from a medical marijuana organization discovers a discrepancy in the transport manifest upon delivery, the grower/processor shall refuse acceptance of the delivery and immediately report the discrepancy to the Department either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, and to the appropriate law enforcement authorities.

(b) If a grower/processor discovers evidence of, or reasonably suspects, a theft or diversion of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products during transport, the grower/processor shall immediately report its findings or suspicions to the Department either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department and to law enforcement.

(c) If a grower/processor discovers a discrepancy in the transport manifest, the grower/processor shall:

(1) Conduct an investigation.

(2) Amend the grower/processor's standard plan of operation, if necessary, to prevent future discrepancies between the quantity or description of inventory listed in the transport manifest and the quantity or description of inventory delivered.

(3) Submit a report of the investigation to the Department. The following requirements apply:

(i) The grower/processor shall submit a written preliminary report of the investigation to the Department within 7 days of discovering the discrepancy.

(ii) The grower/processor shall submit a final written report of the investigation to the Department within 30 days of discovering the discrepancy.

§ 1151.39. Electronic tracking system.

A grower/processor shall use the electronic tracking system prescribed by the Department containing the requirements in section 701 of the act (35 P.S. § 10231.701). The Department will publish notice of the electronic tracking system to be utilized by a grower/processor in the *Pennsylvania Bulletin* 60 days before the implementation date of the system.

§ 1151.40. Management and disposal of medical marijuana waste.

(a) Medical marijuana waste generated by a grower/processor or an approved laboratory shall be stored, collected and transported in accordance with 25 Pa. Code Chapter 285 (relating to storage, collection and transportation of municipal waste), provided the medical marijuana waste is not hazardous.

(b) The following types of medical marijuana waste shall be rendered unusable and unrecognizable prior to being transported from a grower/processor or an approved laboratory:

(1) Unused, surplus, returned, recalled, contaminated or expired medical marijuana.

(2) Any medical marijuana plant material that is not used in the growing, harvesting or processing of medical marijuana, including flowers, stems, trim, leaves, seeds, dead medical marijuana plants, dead immature medical marijuana plants, unused medical marijuana plant parts, unused immature medical marijuana plant parts or roots.

(c) Medical marijuana waste is unusable and unrecognizable if all components of the waste are indistinguishable and incapable of being ingested, inhaled, injected, swallowed or otherwise used for certified medical use. Acceptable methods of rendering the waste unusable and unrecognizable include thermal treatment or melting; shredding, grinding or tearing; and incorporating the medical marijuana waste with other municipal waste.

(d) Unusable and unrecognizable medical marijuana waste identified in subsection (b) and other solid or semi-solid medical marijuana waste that is not hazardous shall be disposed of at a permitted municipal waste landfill or processed at a permitted resource recovery facility or incinerator.

(e) Wastewater or spent hydroponic nutrient solution generated or produced from the growing, harvesting or processing of immature medical marijuana plants or medical marijuana plants shall be managed in accordance with one of the following:

(1) Discharged into a permitted sewage treatment system in accordance with local, Federal and State requirements, including The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance).

(2) Treated and discharged into waters of the Commonwealth under a National Pollutant Discharge Elimination System permit or water quality management permit in accordance with the requirements of The Clean Streams Law, including 25 Pa. Code Chapter 91 (relating to general provisions) and 25 Pa. Code Chapter 92a.

(3) Disposed in a municipal waste landfill if placed in a container that is less than 1 gallon in size.

(f) Hazardous waste shall be managed in accordance with Federal and State law, rules and regulations related to hazardous waste, including sections 3001—3024 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6921—6939g), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations promulgated thereunder.

(g) The type of medical marijuana waste identified in subsection (b)(2) may be composted and beneficially used at the grower/processor facility through a permit-by-rule provided the requirements of 25 Pa. Code § 271.103(d)(1)—(3) and (5) (relating to permit-by-rule for municipal waste

processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements) are satisfied, and the compost is beneficially used at the grower/processor facility as a soil substitute, soil conditioner, soil amendment, fertilizer or mulch. The notice required under 25 Pa. Code § 271.103(d)(5) shall be submitted to the Solid Waste Manager of the Department of Environmental Protection's regional office having jurisdiction over the grower/processor facility within 15 days of initiating the composting activity.

§ 1151.42. Complaints about or recall of medical marijuana products.

(a) A dispensary shall notify the Department and the grower/processor from which it obtained the medical marijuana product in question immediately upon becoming aware of any complaint made to the dispensary by a patient, caregiver or practitioner who reports an adverse event from using medical marijuana products purchased by the dispensary from the grower/processor. A grower/processor shall investigate the report. The following requirements apply:

(1) A grower/processor shall investigate a complaint to determine if a voluntary or mandatory recall of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products is necessary or if any further action is required.

(2) If a grower/processor determines that further action is not required, the grower/processor shall notify the Department of its decision and, within 24 hours, submit a written report to the Department stating its rationale for not taking further action.

(b) The following requirements apply to voluntary recalls:

(1) A grower/processor may voluntarily recall seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products from the market at its discretion for reasons that do not pose a risk to public health and safety.

(2) If a grower/processor initiates a recall for a reason that does not pose a risk to public health and safety, the grower/processor shall notify the Department at the time the grower/processor begins the recall.

(c) The following requirements apply to mandatory recalls:

(1) If a grower/processor discovers that a condition relating to the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products grown or processed at its facility poses a risk to public health and safety, the grower/processor shall:

(i) Immediately notify the Department by phone.

(ii) Secure, isolate and prevent the distribution of the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products that may have been affected by the condition and remains in its possession. The grower/processor may not dispose of affected seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products prior to notifying the Department and coordinating the disposal with the Department.

(2) If a grower/processor fails to cooperate with the Department in a recall, or fails to immediately notify the Department of a need for a recall under paragraph (1), the Department may seek a cease and desist order under

§ 1141.47 (relating to general penalties and sanctions) and the grower/processor may be subject to any other penalties or sanctions provided for in the act or this part.

(d) A grower/processor's recall plan must include the following:

(1) Designation of one or more employees to serve as the recall coordinators. A recall coordinator shall be responsible for, among other duties, accepting the recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products.

(2) Procedures for identifying and isolating the affected seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products to prevent or minimize its distribution to patients, caregivers and other medical marijuana organizations and approved laboratories.

(3) Procedures to retrieve and dispose of the affected seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products.

(4) A communications plan to notify those affected by the recall, including:

(i) The manner in which the grower/processor will notify other medical marijuana organizations or approved laboratories in possession of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products subject to the recall.

(ii) The use of press releases and other appropriate notifications to ensure that patients and caregivers are notified of the recall if affected medical marijuana products were dispensed to patients and caregivers.

(5) Procedures for notifying the Department.

(6) Procedures for entering information relating to the recall into the grower/processor's electronic tracking system.

(e) A grower/processor shall follow the procedures outlined in its recall plan, unless the grower/processor obtains the prior written approval of the Department. The grower/processor shall conduct recall procedures in a manner that maximizes the recall of affected seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products and minimizes risks to public health and safety.

(f) A grower/processor shall coordinate the disposal of recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products with the Department. The Department or its authorized agents may oversee the disposal to ensure that the recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products are disposed of in a manner that will not pose a risk to public health and safety.

(g) The grower/processor shall enter information relevant to the recall into the electronic tracking system as part of the daily inventory, including:

(1) The total amount of recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products, including types, forms, harvest batches, harvest lots and process lots, if applicable.

(2) The amount of recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products received by the grower/processor, including types, forms, harvest batches, harvest lots and process lots, if applicable, by date and time.

(3) The total amount of recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products returned to the grower/processor, including types, forms, harvest batches, harvest lots and process lots, if applicable.

(4) The names of the recall coordinators.

(5) From whom the recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products were received.

(6) The means of transport of the recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products.

(7) The reason for the recall.

(8) The number of recalled samples or test samples, types, forms, harvest batches, harvest lots and process lots, if applicable, sent to approved laboratories, the names and addresses of the approved laboratories, the dates of testing and the results by sample or test sample.

(9) The manner of disposal of the recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products, including:

(i) The name of the individual overseeing the disposal of the recalled seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products.

(ii) The name of the disposal company, if applicable.

(iii) The method of disposal.

(iv) The date of disposal.

(v) The amount disposed of by types, forms, harvest batches, harvest lots and process lots, if applicable.

(10) Any other information required by the Department.

§ 1151.43. Pesticides.

(a) The use of a pesticide by a grower/processor in the growing or processing of seeds, immature medical marijuana plants, medical marijuana plants or medical marijuana shall be in accordance with the Pennsylvania Pesticide Control Act of 1973 (Pesticide Control Act) (3 P.S. §§ 111.21—112) and this part.

(b) The Department and the Department of Agriculture will cooperate to inspect for and enforce the requirements of this section.

(c) The following apply regarding recordkeeping requirements for pesticide applications:

(1) The grower/processor shall maintain a record of each application of a pesticide. The record must include the following information:

(i) The date of application. For a pesticide requiring a re-entry time, the date of application must include the hour completed.

(ii) The place of application, including the specific block, section, or immature medical marijuana plants or medical marijuana plants treated.

(iii) The size of the area treated.

(iv) The product name of every pesticide used.

(v) The United States Environmental Protection Agency product registration number. This requirement is unnecessary for products exempted under section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.A. § 136w).

(vi) The total amount of every pesticide used in pounds, ounces, gallons or liters applied to a treated area.

(vii) The dosage or rate of application of every pesticide used.

(viii) If applicable, the employee identification numbers of the individuals involved in making the pesticide and the permit or certification numbers of the individuals making or supervising the application.

(ix) Copies of pesticide labels and Safety Data Sheets for the pesticides used at the facility.

(2) A record required to be kept under this section shall be completed within 24 hours of the completion of the application and maintained for at least 4 years. A record shall be made immediately available to the Department or its authorized agents and medical personnel or first responders in an emergency. A record shall be made available to the Department of Agriculture upon request.

(d) For purposes of enforcement, the Pesticide Control Act and 7 Pa. Code Chapter 128 (relating to pesticides) are incorporated by reference and adopted as standards for use by the Department in enforcing this section.

(e) A grower/processor shall only use the pesticide active ingredients in Appendix A in the growing and processing of seeds, immature medical marijuana plants, medical marijuana plants or medical marijuana.

(f) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Defoliant—A substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

Desiccant—A substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

Pesticide—A substance or mixture of substances intended for preventing, destroying, repelling or mitigating a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

Plant regulator—

(i) A substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but may not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.

(ii) The term does not include any of the nutrient mixtures or soil amendments commonly known as vitamin-hormone horticultural products, which are intended for improvement, maintenance, survival, health and propagation of plants, and are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

§ 1151.44. Treatment and quarantine orders.

(a) If a grower/processor fails or refuses to eradicate a plant pest that is found at its facility, the Department, in cooperation with the Department of Agriculture, may issue and enforce a treatment order against the grower/processor, including an order to eradicate, for any immature medical marijuana plants or medical marijuana plants that may carry or harbor the plant pest. The order will be issued in writing and set forth the necessary treatment, control or eradication measures required. If the grower/processor fails or refuses to comply with the order, the Department, acting in cooperation with the Department of Agriculture, may carry out the control measures established in the treatment order with all expenses associated with the measures accruing to the grower/processor.

(b) The Department of Agriculture, acting with the cooperation of the Department, may establish a quarantine to prevent the dissemination of plant pests within this Commonwealth or to prevent or delay the introduction of a plant pest into this Commonwealth from any country, state or territory. The following requirements apply:

(1) Upon finding a plant pest in a facility that has the potential to cause serious damage to other grower/processors or to agriculture in general, the geographic area in which the plant pest was found and any adjacent areas as the Department of Agriculture deems necessary may be quarantined.

(2) The quarantine order will establish conditions and restrictions determined by the Department of Agriculture to be necessary to prevent or reduce the movement of the plant pest from the quarantined area. Vehicles or any means of conveyance suspected of carrying the plant pest may also be subject to quarantine and a treatment order under subsection (a) may be issued as necessary to eradicate the plant pest.

(3) The quarantine order may regulate the planting, growing or harvesting of any immature medical marijuana plants or medical marijuana plants that serve as a host or reservoir for the plant pest within the quarantined area and may include prohibiting the processing of a specific harvest batch or harvest lot of medical marijuana within a specific geographic area or during a specified time period. An immature medical marijuana plant or medical marijuana plant suspected of harboring the plant pest may be ordered to be treated or destroyed.

§ 1151.45. Effective date and applicability.

(a) The amended temporary regulations in this chapter take effect on May 17, 2018.

(b) The amended temporary regulations in this chapter do not apply to the evaluation or scoring of a Medical Marijuana Organization Permit Application submitted to the Department from April 5, 2018, through May 17, 2018, as part of the implementation of Phase II of the Medical Marijuana Program.

Appendix A. Acceptable Pesticide Active Ingredients for Use

The following pesticides can be used legally in the growing and processing of seeds, immature medical marijuana plants, medical marijuana plants or medical marijuana and in accordance with the Pennsylvania Pesticide Control Act of 1973 (3 P.S. §§ 111.21—112). Products containing the following active ingredients must also be labeled for use in greenhouses on food crops to qualify.

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
25(b)	Insecticide		Castor Oil
25(b)	Insecticide		Cedar Oil
25(b)	Insecticide		Cinnamon
25(b)	Fungicide, Insecticide		Cinnamon Oil
25(b)	Fungicide, Insecticide		Citric Acid
25(b)	Bactericide, Fungicide		Clove
25(b)	Insecticide		Clove Oil
25(b)	Fungicide		Corn Oil
25(b)	Insecticide		Cottonseed Oil
25(b)	Insecticide		Garlic
25(b)	Insect Repellent		Garlic Oil
25(b)	Fungicide		Geraniol
25(b)	Insecticide		Geranium Oil
25(b)	Fungicide, Insecticide		Lemon Grass Oil
25(b)	Insecticide		Peppermint Oil
25(b)	Insecticide		Peroxyacetic Acid
25(b)	Fungicide		Potassium Sorbate
25(b)	Insecticide		Rosemary
25(b)	Insecticide		Rosemary Oil
25(b)	Fungicide, Insecticide, Miticide		Sesame Oil
25(b)	Fungicide, Insecticide		Sodium Lauryl Sulfate
25(b)	Insecticide		Soybean Oil
25(b)	Fungicide		Thyme
25(b)	Fungicide, Insecticide, Miticide		Thyme Oil
25(b)	Insecticide		White Pepper
Sec 3 Products	Insecticide		Azadirachtin
Sec 3 Products	Fungicide		Bacillus Amyloliquefaciens Strain D747
Sec 3 Products	Fungicide	For use in protected growing environments only (for example, greenhouses).	Bacillus Pumilus Strain GHA 180
Sec 3 Products	Fungicide		Bacillus Subtilis QST713 Strain
Sec 3 Products	Insecticide		Bacillus Thuringiensis SSP. Aizawai
Sec 3 Products	Insecticide		Canola Oil
Sec 3 Products	Insect Repellent		Capsicum Oleoresin Extract
Sec 3 Products	Insecticide	Ground application only to nonblooming plants.	Chromobacterium Sub Strain PRAA4-1 Cells
Sec 3 Products	Fungicide, Insecticide		Clarified Hydrophobic Extract of Neem Oil
Sec 3 Products	Fungicide		Copper Octanoate
Sec 3 Products	PGR		Cytokinin (Kinetin)
Sec 3 Products	Insecticide		Diatomaceous Earth
Sec 3 Products	PGR		Gibberellins (Gibberellic Acid)
Sec 3 Products	PGR		Harpin Alpha Beta
Sec 3 Products	Antimicrobial, Fungicide	No foliar applications allowed.	Hydrogen Peroxide

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
Sec 3 Products	PGR	Applications allowed in furrow at planting or in hydroponics only.	IBA (Indole-3-Butyric Acid)
Sec 3 Products	Insecticide, PGR		Kaolin
Sec 3 Products	Insecticide		Mineral Oil
Sec 3 Products	Fungicide	Use only allowed prior to final transplant, unless grown in recirculating hydroponics systems.	Mono-Potassium and Di-Potassium Salts of Phosphorous Acid
Sec 3 Products	Insecticide		Monopotassium Phosphate
Sec 3 Products	Nematicide		Myrothecium Verrucaria
Sec 3 Products	Fungicide, Insecticide		Neem Oil, Cold Pressed
Sec 3 Products	Insecticide	Use allowed prior to final transplant.	Potassium Laurate
Sec 3 Products	Fungicide, Insecticide		Potassium Salts of Fatty Acids
Sec 3 Products	Insecticide		Pyrethrins
Sec 3 Products	Insecticide		Pyrethrins
Sec 3 Products	Molluscicide		Sodium Ferric EDTA
Sec 3 Products	Fungicide		Trichoderma Asperellum Strain ICC 012

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Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 1161]

Medical Marijuana; Dispensaries; Amended Temporary Regulations

The Department of Health (Department) is publishing amended temporary regulations in Chapter 1161 (relating to dispensaries—temporary regulations) to read as set forth in Annex A. These amended temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

To implement the Medical Marijuana Program, the Department periodically published temporary regulations regarding various sections of the act. Chapter 1161 sets forth the requirements for an entity to become permitted and operate as a dispensary under the act.

The Department is amending the existing temporary regulations in Chapter 1161 for the sake of consistency, and to take into account the need for changes that have arisen as each new set of temporary regulations has been implemented by the Department. Under section 1202 of the act (35 P.S. § 10231.1202), the Department is also

amending the existing temporary regulations to effectuate the recommendations made by the Medical Marijuana Advisory Board (Board). After consideration of the Board's Report, the Secretary of Health decided to implement the Board's recommendations through the promulgation of temporary regulations.

These amended temporary regulations in Chapter 1161 will become effective May 17, 2018, and will expire on May 12, 2020.

Interested persons are invited to submit written comments, suggestions or objections regarding these amended temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding these amended temporary regulations or who require an alternative format of these amended temporary regulations (for example, large print, audiotape, Braille) may do so by using the previous contact information, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

(Editor's Note: Title 28 of the Pennsylvania Code is amended by adding a temporary regulation in § 1161.41 and amending the temporary regulations in §§ 1161.21—1161.40 to read as set forth in Annex A.)

Fiscal Note: 10-212. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 28. HEALTH AND SAFETY
PART IX. MEDICAL MARIJUANA
CHAPTER 1161. DISPENSARIES—
TEMPORARY REGULATIONS**

§ 1161.21. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Certified registered nurse practitioner—The term as defined in section 2 of The Professional Nursing Law (63 P.S. § 212).

Device—An object used, intended for use or designed for use in preparing, storing, ingesting, inhaling or otherwise introducing medical marijuana into the human body.

Dispense—The activity of lawfully providing to a patient or caregiver medical marijuana products in a suitable container that is appropriately labeled for subsequent administration or use pursuant to a patient certification issued by a practitioner.

Medical marijuana product—The final form and dosage of medical marijuana that is grown, processed, produced, sealed, labeled and tested by a grower/processor and sold to a dispensary.

Pharmacist—The term as defined in section 2 of the Pharmacy Act (63 P.S. § 390-2).

Physician—The term as defined in section 2 of the Medical Practice Act of 1985 (63 P.S. § 422.2) and section 2 of the Osteopathic Medical Practice Act (63 P.S. § 271.2).

Physician assistant—The term as defined in section 2 of the Medical Practice Act of 1985 and section 2 of the Osteopathic Medical Practice Act.

§ 1161.22. Dispensaries generally.

(a) The qualifications that a dispensary shall meet to receive a permit are continuing qualifications to maintain the permit.

(b) In addition to any other requirements in the act or this part, a dispensary shall comply with the following:

(1) A dispensary may not engage in the business of possessing, dispensing, selling or offering to dispense or sell medical marijuana products to a patient or caregiver in this Commonwealth without first being issued a permit by the Department and without first being determined operational by the Department as required under § 1141.42 (relating to failure to be operational).

(2) A dispensary may not employ an individual at a facility who is under 18 years of age.

(3) A dispensary may not permit a patient to self-administer medical marijuana products at the facility unless the patient is also an employee of the dispensary, and the dispensary permits self-administration of medical marijuana products at the facility by the employees.

§ 1161.23. Dispensing medical marijuana products.

(a) A dispensary may only dispense medical marijuana products to a patient or caregiver who presents a valid identification card to an employee at the facility who is authorized to dispense medical marijuana products at the facility.

(b) Prior to dispensing medical marijuana products to a patient or caregiver, the dispensary shall:

(1) Verify the validity of the patient or caregiver identification card using the electronic tracking system.

(2) Review the information on the patient's most recent certification by using the electronic tracking system to access the Department's database. The following requirements apply:

(i) If a practitioner sets forth recommendations, requirements or limitations as to the form or dosage of a medical marijuana product on the patient certification, the medical marijuana product dispensed to a patient or a caregiver by a dispensary must conform to those recommendations, requirements or limitations.

(ii) If a practitioner does not set forth recommendations, requirements or limitations as to the form or dosage of a medical marijuana product on the patient certification, the physician, pharmacist, physician assistant or certified registered nurse practitioner employed by the dispensary and working at the facility shall consult with the patient or the caregiver regarding the appropriate form and dosage of the medical marijuana product to be dispensed.

(iii) The dispensary shall update the patient certification in the electronic tracking system by entering any recommendation as to the form or dosage of medical marijuana product that is dispensed to the patient.

(c) Prior to the completion of the transaction, the employee conducting the transaction at the dispensary shall prepare a receipt of the transaction, and file the receipt information with the Department utilizing the electronic tracking system. A dispensary shall provide a copy of the receipt to the patient or the caregiver, unless the patient or the caregiver declines the receipt. The receipt must include all of the following information:

(1) The name, address and any permit number assigned to the dispensary by the Department.

(2) The name and address of the patient and, if applicable, the patient's caregiver.

(3) The date the medical marijuana product was dispensed.

(4) Any requirement or limitation noted by the practitioner on the patient's certification as to the form of medical marijuana product that the patient should use.

(5) The form and the quantity of medical marijuana product dispensed.

(d) Except as provided in sections 2001—2003 of the act (35 P.S. §§ 10231.2001—10231.2003) and this part, a dispensary shall destroy any paper copy of the patient certification or delete any electronically recorded patient certification stored on the dispensary's network, server or computer system as the result of a transaction after the receipt relating to that transaction has been filed under subsection (c).

§ 1161.24. Limitations on dispensing.

(a) A dispensary may not dispense to a patient or caregiver:

(1) A quantity of medical marijuana product that is greater than the amount indicated on the patient's certification.

(2) A form or dosage of medical marijuana product that is listed as a restriction or limitation on the patient certification.

(3) A form of medical marijuana products not permitted by the act or this part, unless otherwise provided in

regulations adopted by the Department under section 1202 of the act (35 P.S. § 10231.1202).

(b) A dispensary may not dispense an amount of medical marijuana product greater than a 30-day supply to a patient or caregiver until the patient has exhausted all but a 7-day supply provided pursuant to the patient certification currently on file with the Department.

§ 1161.25. Licensed medical professionals at facility.

(a) Except as provided in subsection (b), a dispensary shall ensure that a physician or a pharmacist is present at the facility at all times during the hours the facility is open to dispense or to offer to dispense medical marijuana products to patients and caregivers.

(b) If a dispensary is authorized to operate more than one facility under its permit, a physician assistant or a certified registered nurse practitioner may be present onsite at each of the other locations instead of a physician or pharmacist.

(c) As required under the act, a physician, a pharmacist, a physician assistant or a certified registered nurse practitioner shall, prior to assuming any duties at a facility, successfully complete a 4-hour training course developed by the Department. The course must provide instruction in the latest scientific research on medical marijuana, including the risks and benefits of medical marijuana, and other information deemed necessary by the Department.

(d) Successful completion of the course required under subsection (c) shall be approved as continuing education credits as determined by:

- (1) The State Board of Medicine and the State Board of Osteopathic Medicine.
- (2) The State Board of Pharmacy.
- (3) The State Board of Nursing.

(e) A practitioner or a physician, while at the facility, may not issue a patient certification to a patient.

§ 1161.26. Dispensary facilities.

(a) A dispensary may only dispense medical marijuana products to a patient or caregiver in an indoor, enclosed, secure facility as approved by the Department.

(b) A dispensary may not be located:

- (1) Within 1,000 feet of the property line of a public, private or parochial school, or a day-care center.
- (2) At the same site used for growing and processing medical marijuana.
- (3) In the same office space as a practitioner or other physician.

(c) The Department may waive or amend the prohibition under subsection (b)(1) if it is shown by clear and convincing evidence that the waiver or amendment is necessary to provide patients with adequate access to medical marijuana. A waiver or amendment by the Department under this subsection may require additional security measures, changes to the physical plant of a facility or other conditions necessary to protect individuals under 18 years of age and to prevent unauthorized access to medical marijuana.

(d) No one under 18 years of age is permitted to enter a dispensary unless the individual is a patient or accompanied by a parent, guardian or caregiver. If a dispensary facility is located adjacent to a commercial operation, the facility shall provide additional means of security satis-

factory to the Department to prevent individuals under 18 years of age from entering the facility from the commercial operation unless the individual is accompanied by an adult.

(e) The following areas of a dispensary facility must be clearly marked with proper signage:

(1) Limited access areas. All areas of ingress and egress to a limited access area must be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than 1/2 inch in height, which must state:

Do Not Enter—Limited Access Area—Access Limited to Authorized Personnel and Escorted Visitors.

(2) Areas that are open to patients and caregivers.

(f) A dispensary shall ensure that a facility has an enclosed, secure area out of public sight for the loading and unloading of medical marijuana products into and from a transport vehicle.

§ 1161.27. Items and services provided at a dispensary.

(a) A dispensary shall dispense the form of medical marijuana products under § 1161.23(b)(2) (relating to dispensing medical marijuana products).

(b) A dispensary shall purchase medical marijuana products only from a grower/processor.

(c) A dispensary may sell, offer for sale or provide at a facility, with the prior written approval of the Department, instruments, devices and services related to the use of medical marijuana products.

(d) A dispensary may dispense a medical marijuana product with a THC concentration of 0.3% or less so long as the dispensary purchases it from a grower/processor and the grower/processor obtained Department approval under § 1151.28(b) (relating to forms of medical marijuana).

(e) A dispensary may not:

- (1) Advertise medical marijuana products:
 - (i) As a promotional item.
 - (ii) As part of a giveaway.
 - (iii) As part of a coupon program.

(2) Provide medical marijuana products at no cost or free, unless the patient is approved for financial assistance by the Department.

(3) Make the dispensing of medical marijuana products to a patient or caregiver conditional upon:

- (i) The purchase of a medical device, instrument or service provided at a dispensary facility.
- (ii) The purchase of a medical device, instrument or service provided at a location other than a dispensary facility.

(4) The offer for the delivery of or to deliver medical marijuana products to a patient or caregiver at the patient's or caregiver's home or any other location.

§ 1161.28. Labels and safety inserts.

(a) Medical marijuana products dispensed by a dispensary must only be identified by the name of the grower/processor, the name of the dispensary, the form and species of medical marijuana, the percentage of THC and CBD contained in the medical marijuana product, and any other labeling required by the Department.

(b) A dispensary shall dispense medical marijuana products to a patient or caregiver in a sealed and properly labeled package.

(c) The dispensary shall inspect the label to ensure that the label:

- (1) Is easily readable.
- (2) Is conspicuously placed on the package.
- (3) Includes the name, address and permit number of the grower/processor.
- (4) Lists the form and quantity of medical marijuana.
- (5) Contains the following warning stating:

This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant's pediatrician. This product might impair the ability to drive or operate heavy machinery. Keep out of reach of children.

(6) Lists the number of individual doses contained within the package and the species and percentage of THC and CBD.

(7) Contains a warning that the medical marijuana product must be kept in the original container in which it was dispensed.

(8) Contains a warning that unauthorized use is unlawful and will subject the purchaser or user to criminal penalties.

(9) Includes the name and address of the dispensary.

(10) Includes the identification number of the sales clerk dispensing the medical marijuana products to the patient or caregiver and the patient identification number.

(11) Lists a use by or expiration date.

(12) Lists the packaging date.

(13) Includes instructions for proper storage of the medical marijuana product in the package.

(14) Contains any other information required by the Department.

(d) The dispensary shall inspect the label to ensure that the label does not bear:

(1) Any resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available food or beverage product.

(2) Any statement, artwork or design that could reasonably lead an individual to believe that the package contains anything other than medical marijuana.

(3) Any seal, flag, crest, coat of arms or other insignia that could reasonably mislead an individual to believe that the product has been endorsed, manufactured or approved for use by any state, county or municipality or any agency thereof.

(4) Any cartoon, color scheme, image, graphic or feature that might make the package attractive to children.

(e) When a dispensary dispenses medical marijuana products to a patient or caregiver, the dispensary shall also provide the patient or caregiver with a safety insert developed and approved by the Department that includes the following information:

(1) The method or methods for administering individual doses of medical marijuana products.

(2) Any potential dangers stemming from the use of medical marijuana products.

(3) How to recognize what may be problematic usage of medical marijuana products and how to obtain appropriate services or treatment for problematic usage.

(4) The side effects and contraindications associated with medical marijuana products, if any, which may cause harm to the patient.

(5) How to prevent or deter the misuse of medical marijuana products by an individual under 18 years of age or others.

(6) Any other information determined by the Department to be relevant to enhance patient safety.

§ 1161.29. Plans of operation.

(a) At the time the Department determines a dispensary to be operational, the dispensary shall provide the Department with a full and complete plan of operation for review that includes the following:

- (1) Employment policies and procedures.
- (2) Security policies and protocols, including:
 - (i) Staff identification measures.
 - (ii) Monitoring of attendance of staff and visitors.
 - (iii) Alarm systems.
 - (iv) Video surveillance.
 - (v) Monitoring and tracking inventory.
 - (vi) Personnel security.

(3) A process for receiving, packaging, labeling, handling, tracking, transporting, storing, disposing, returning and recalling medical marijuana products in accordance with all applicable laws, rules and regulations.

(4) Workplace safety.

(5) Maintenance, cleaning and sanitation of the site or facility, or both.

(6) Inventory maintenance and reporting procedures.

(7) The investigation of complaints and potential adverse events from other medical marijuana organizations, patients, caregivers or practitioners.

(8) The use of the electronic tracking system prescribed by the Department.

(b) A dispensary shall make the full and complete plan of operation available to the Department upon request and during any inspection of the site and facility.

§ 1161.30. Visitor access to dispensary facilities.

(a) A dispensary shall post a sign in a conspicuous location at each entrance of the facility that reads:

THESE PREMISES ARE UNDER CONSTANT
VIDEO SURVEILLANCE.

NO ONE UNDER THE AGE OF 18 IS PERMITTED
TO ENTER UNLESS THE INDIVIDUAL IS A PA-
TIENT OR ACCOMPANIED BY A PARENT, GUAR-
DIAN OR CAREGIVER.

(b) Except as provided in subsection (c), only authorized employees of a dispensary may enter a limited access area.

(c) A dispensary shall require visitors to a facility, including vendors and contractors requiring access to a limited access area in the dispensary facility, to present government-issued identification, sign a visitor log for

that specific facility and wear a visitor identification badge that is visible to others at all times while in a limited access area.

(d) When admitting a visitor under subsection (c) to a limited access area, a dispensary shall:

(1) Require the visitor to the dispensary facility to sign a visitor log upon entering and leaving the limited access area.

(2) Check the visitor's government-issued identification to verify that the name on the identification provided matches the name in the visitor log. A photocopy of the identification must be retained with the log.

(3) Issue a visitor identification badge with the visitor's name and company, if applicable, and a badge number.

(4) Escort the visitor while the visitor remains in a limited access area.

(5) Ensure that the visitor does not touch any medical marijuana products located in a limited access area.

(e) The following requirements apply regarding the visitor log required under subsections (c) and (d):

(1) The dispensary shall maintain the log for 4 years and make the log available to the Department, State or local law enforcement and other State or local government officials upon request if necessary to perform the government officials' functions and duties.

(2) The log must include the full name of each visitor, the visitor identification badge number, the time of arrival, the time of departure and the purpose of the visit, including the areas visited and the name of each employee visited.

(f) This section does not limit the right of the Department or its authorized agents, or other Federal, State or local government officials, from entering any area of a dispensary if necessary to perform the government officials' functions and duties.

(g) A principal, financial backer, operator or an employee of a dispensary may not receive any type of consideration or compensation for allowing a visitor to enter a limited access area.

§ 1161.31. Security and surveillance.

(a) A dispensary shall have security and surveillance systems, utilizing commercial-grade equipment, to prevent unauthorized entry and to prevent and detect an adverse loss. The security and surveillance systems must include all of the following:

(1) A professionally-monitored security alarm system that includes the following:

(i) Coverage of all facility entrances and exits; rooms with exterior windows, exterior walls, roof hatches or skylights; storage rooms, including those that contain medical marijuana and safes; and the perimeter of the facility.

(ii) A silent security alarm system signal, known as a duress alarm, generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system.

(iii) An audible security alarm system signal, known as a panic alarm, generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response.

(iv) A silent alarm signal, known as a holdup alarm, generated by the manual activation of a device intended to signal a robbery in progress.

(v) An electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message requesting dispatch, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency.

(vi) A failure notification system that provides an audible, text or visual notification of any failure in the systems. The failure notification system must provide by telephone, e-mail or text message an alert to a designated security person within the facility within 5 minutes after the failure.

(vii) Smoke and fire alarms.

(viii) Auxiliary power sufficient to maintain security and surveillance systems for at least 48 hours following a power outage.

(ix) The ability to ensure all access doors are not solely controlled by an electronic access panel to prevent locks from becoming released during a power outage.

(x) Motion detectors.

(2) A professionally-monitored security and surveillance system that is operational 24 hours per day, 7 days per week and records all activity in images capable of clearly revealing facial detail. The security and surveillance system must include all of the following:

(i) Fixed camera placement that allows for a clear image of all individuals and activities in and around the following:

(A) Any area of a facility where medical marijuana products are loaded or unloaded into or from transport vehicles.

(B) Entrances to and exits from a facility. Entrances and exits must be recorded from both indoor and outdoor vantage points.

(C) Rooms with exterior windows, exterior walls, roof hatches or skylights and storage rooms, including those that may contain medical marijuana products and safes.

(D) Five feet from the exterior of the perimeter of a facility.

(E) All limited access areas.

(ii) Auxiliary power sufficient to maintain security and surveillance systems for at least 48 hours following a power outage.

(iii) The ability to operate under the normal lighting conditions of each area under surveillance.

(iv) The ability to immediately produce a clear, color, still photograph in a digital format that meets the requirements of this subsection.

(3) The ability to clearly and accurately display the date and time. The date and time must be synchronized and set correctly and may not significantly obscure the picture.

(4) The ability to record and store all images captured by each surveillance camera for a minimum of 2 years in a format that may be easily accessed for investigative purposes. The recordings must be kept:

(i) At the facility:

(A) In a locked cabinet, closet or other secure place to protect it from tampering or theft.

(B) In a limited access area or other room to which access is limited to authorized individuals.

(ii) At a secure location other than the location of the facility if approved by the Department.

(5) A security alarm system separate from the facility's primary security system covering the limited access area or other room where the recordings under paragraph (4) are stored. The separate security alarm system must meet the same requirements as the facility's primary security alarm system.

(b) The following apply regarding the inspection, servicing or alteration of, and the upgrade to, the dispensary facility's security and surveillance systems:

(1) The systems shall be inspected and all devices tested once every year by a qualified alarm system vendor and a qualified surveillance system vendor, as approved by the Department.

(2) The dispensary shall conduct maintenance inspections once every month to ensure that any repairs, alterations or upgrades to the security and surveillance systems are made for the proper operation of the systems.

(3) The dispensary shall retain at the facility, for at least 4 years, records of all inspections, servicing, alterations and upgrades performed on the systems and shall make the records available to the Department and its authorized agents within 2 business days following a request.

(4) In the event of a mechanical malfunction of the security or surveillance system that the dispensary anticipates will exceed a 4-hour period, the dispensary shall notify the Department immediately and, with Department approval, provide alternative security measures that may include closure of the facility.

(5) The dispensary shall designate an employee to continuously monitor the security and surveillance systems at the facility.

(6) The following requirements apply regarding records retention:

(i) Within 2 business days following a request, a dispensary shall provide up to four screen captures of an unaltered copy of a video surveillance recording to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

(ii) If a dispensary has been notified in writing by the Department or its authorized agents, law enforcement, or other Federal, State or local government officials of a pending criminal or administrative investigation for which a recording may contain relevant information, the dispensary shall retain an unaltered copy of the recording for 4 years or until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the dispensary that it is not necessary to retain the recording, whichever is longer.

(c) A dispensary shall install commercial-grade, non-residential steel doors and door locks on each room where medical marijuana products are stored and on each external door of the facility. Keys or key codes for all doors shall remain in the possession of designated authorized individuals.

(d) During all nonworking hours, all entrances to and exits from the facility must be securely locked.

(e) A dispensary shall have an electronic back-up system for all electronic records.

(f) A dispensary shall install lighting to ensure proper surveillance inside and outside of the facility.

(g) A dispensary shall limit access to a room in a facility containing security and surveillance monitoring equipment to persons who are essential to maintaining security and surveillance operations; Federal, State and local law enforcement; security and surveillance system service employees; the Department or its authorized agents; and other persons with the prior written approval of the Department. The following requirements apply:

(1) A dispensary shall make available to the Department or the Department's authorized agents, upon request, a current list of authorized employees and service employees or contractors who have access to any security and surveillance areas.

(2) A dispensary facility shall keep security and surveillance rooms locked at all times and may not use these rooms for any other purpose or function.

§ 1161.32. Inventory data.

(a) A dispensary shall maintain the following inventory data in its electronic tracking system:

(1) Medical marijuana products received from a grower/processor.

(2) Medical marijuana products dispensed to a patient or caregiver.

(3) Damaged, defective, expired or contaminated medical marijuana products awaiting return to a grower/processor or awaiting disposal.

(b) A dispensary shall establish inventory controls and procedures to conduct monthly inventory reviews and annual comprehensive inventories of medical marijuana products at its facility.

(c) A written or electronic record shall be created and maintained of each inventory which includes the date of the inventory, a summary of the inventory findings, and the employee identification numbers and titles or positions of the individuals who conducted the inventory.

§ 1161.33. Storage requirements.

(a) A dispensary shall have separate and locked limited access areas for storage of medical marijuana products that are expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached until the medical marijuana products are returned to a grower/processor, destroyed or otherwise disposed of as required under § 1151.40 (relating to management and disposal of medical marijuana waste).

(b) A dispensary shall maintain all storage areas in a clean and orderly condition and free from infestation by insects, rodents, birds and pests.

§ 1161.34. Sanitation and safety in a facility.

(a) A dispensary shall maintain a facility in a sanitary condition to limit the potential for contamination or adulteration of the medical marijuana products stored in or dispensed at the facility. The following requirements apply:

(1) Trash shall be properly removed.

(2) Floors, walls and ceilings shall be kept in good repair.

(3) Adequate protection against pests shall be provided through the use of integrated pest management practices and techniques that identify and manage pest problems, and the regular disposal of trash to prevent infestation.

(4) Toxic cleaning compounds, sanitizing agents, solvents and pesticide chemicals must be labeled and stored in a manner that prevents contamination of medical marijuana products and in a manner that otherwise complies with other applicable laws and regulations.

(b) An employee working in direct contact with medical marijuana products is subject to the restrictions on food handlers in § 27.153 (relating to restrictions on food handlers). An employee shall otherwise conform to sanitary practices while on duty, including the following:

(1) Maintaining adequate personal hygiene.

(2) Washing hands thoroughly in an adequate hand-washing area before starting work and at any other time when hands may have become soiled or contaminated and at all times before dispensing medical marijuana products to a patient or caregiver.

(c) A dispensary shall provide its employees and visitors with adequate and convenient hand-washing facilities furnished with running water at a temperature suitable for sanitizing hands. The following requirements apply:

(1) A dispensary shall locate hand-washing facilities where good sanitary practices require employees to wash and sanitize their hands.

(2) A dispensary shall provide its employees and visitors with effective nontoxic sanitizing cleansers and sanitary towel service or suitable hand drying devices.

(d) A dispensary shall provide its employees and visitors with adequate, readily accessible lavatories that are maintained in a sanitary condition and in good repair.

(e) A dispensary shall comply with all other applicable State and local building code requirements.

§ 1161.35. Transportation of medical marijuana products.

(a) A dispensary may transport and deliver medical marijuana products to a medical marijuana organization in this Commonwealth in accordance with this section. The following apply:

(1) Unless otherwise approved by the Department, a dispensary may deliver medical marijuana products to a medical marijuana organization only between 7 a.m. and 9 p.m. for the purposes of transporting medical marijuana products among the permittee's dispensary locations and returning medical marijuana products to a grower/processor.

(2) A dispensary may contract with a third-party contractor for delivery so long as the contractor complies with this section.

(3) A dispensary may not transport medical marijuana products to any location outside of this Commonwealth.

(4) A dispensary shall use a global positioning system to ensure safe, efficient delivery of the medical marijuana products to a medical marijuana organization.

(b) Vehicles permitted to transport medical marijuana products must:

(1) Be equipped with a secure lockbox or locking cargo area.

(2) Have no markings that would either identify or indicate that the vehicle is being used to transport medical marijuana products.

(3) Be capable of being temperature-controlled for perishable medical marijuana products, as appropriate.

(4) Display current State inspection stickers and maintain a current State vehicle registration.

(5) Be insured in an amount that is commercially reasonable and appropriate.

(c) A transport vehicle shall be staffed with a delivery team consisting of at least two individuals and comply with the following:

(1) At least one delivery team member shall remain with the vehicle at all times that the vehicle contains medical marijuana products.

(2) Each delivery team member shall have access to a secure form of communication with the dispensary, such as a cellular telephone, at all times that the vehicle contains medical marijuana products.

(3) Each delivery team member shall carry an identification badge or card at all times and shall, upon demand, produce it to the Department or its authorized agents, law enforcement or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

(4) Each delivery team member shall have a valid driver's license.

(5) While on duty, a delivery team member may not wear any clothing or symbols that may indicate ownership or possession of medical marijuana products.

(d) Medical marijuana products stored inside the transport vehicle may not be visible from the outside of the transport vehicle.

(e) Except as provided in subsection (h), a delivery team shall proceed in a transport vehicle from the dispensary facility, where the medical marijuana products are loaded, directly to the medical marijuana organization facility, where the medical marijuana products are unloaded, without unnecessary delays. Notwithstanding the foregoing, a transport vehicle may make stops at multiple facilities, as appropriate, to deliver medical marijuana products.

(f) A dispensary shall immediately report to the Department, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, any vehicle accidents, diversions, losses or other reportable events that occur during transport of medical marijuana products.

(g) A dispensary shall notify the Department daily of its delivery schedule, including routes and delivery times, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department.

(h) A transport vehicle is subject to inspection by the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties. A transport vehicle may be stopped and inspected along its delivery route or at any medical marijuana organization.

§ 1161.36. Transport manifest.

(a) A dispensary shall generate a printed or electronic transport manifest that accompanies every transport vehicle and contains the following information:

(1) The name, address and permit number of the dispensary, and the name of and contact information for a representative of the dispensary who has direct knowledge of the transport.

(2) The name, address and permit number of the medical marijuana organization receiving the delivery, and the name of and contact information for a representative of the medical marijuana organization.

(3) The quantity, by weight or unit, of each medical marijuana harvest batch, harvest lot or process lot contained in the transport, along with the identification number for each harvest batch, harvest lot or process lot.

(4) The date and approximate time of departure.

(5) The date and approximate time of arrival.

(6) The transport vehicle's make and model and license plate number.

(7) The identification number of each member of the delivery team accompanying the transport.

(b) When a delivery team delivers medical marijuana products to multiple facilities, the transport manifest must correctly reflect the specific medical marijuana products in transit. Each recipient shall provide the dispensary with a printed receipt for the medical marijuana products received.

(c) All medical marijuana products being transported shall be packaged in shipping containers and labeled in accordance with §§ 1151.34 and 1161.28 (relating to packaging and labeling of medical marijuana products; and labels and safety inserts).

(d) A dispensary shall provide a copy of the transport manifest to the recipient receiving the medical marijuana products described in the transport manifest. To maintain confidentiality, a dispensary may prepare separate manifests for each recipient.

(e) A dispensary shall, if requested, provide a copy of the printed transport manifest, and any printed receipts for medical marijuana products being transported, to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

§ 1161.37. Evidence of adverse loss during transport.

(a) If a dispensary receiving a delivery of medical marijuana products from a medical marijuana organization discovers a discrepancy in the transport manifest upon delivery, the dispensary shall refuse acceptance of the delivery and immediately report the discrepancy to the Department either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, and to the appropriate law enforcement authorities.

(b) If a dispensary discovers evidence of, or reasonably suspects, a theft or diversion of medical marijuana products during transport, the dispensary shall immediately report its findings or suspicions to the Department either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, and to law enforcement.

(c) If a dispensary discovers a discrepancy in the transport manifest, the dispensary shall:

(1) Conduct an investigation.

(2) Amend the dispensary's standard plan of operation, if necessary, to prevent future discrepancies between the quantity or description of inventory listed in the transport manifest and the quantity or description of inventory delivered.

(3) Submit a report of the investigation to the Department. The following requirements apply:

(i) The dispensary shall submit a written preliminary report of the investigation to the Department within 7 days of discovering the discrepancy.

(ii) The dispensary shall submit a final written report of the investigation to the Department within 30 days of discovering the discrepancy.

§ 1161.38. Complaints about or recall of medical marijuana products.

(a) A dispensary shall notify the Department and the grower/processor from which it received the medical marijuana product in question immediately upon becoming aware of any complaint made to the dispensary by a patient, caregiver or practitioner who reports an adverse event from using medical marijuana products dispensed by the dispensary.

(b) Upon notification by the grower/processor under § 1151.42 (relating to complaints about or recall of medical marijuana products), the dispensary shall cease dispensing the affected medical marijuana products immediately.

(c) A dispensary shall coordinate the return of the recalled medical marijuana products with the grower/processor.

§ 1161.39. Electronic tracking system.

A dispensary shall use the electronic tracking system prescribed by the Department containing the requirements in section 701 of the act (35 P.S. § 10231.701). The Department will publish notice of the electronic tracking system that shall be utilized by a dispensary in the *Pennsylvania Bulletin* 60 days prior to the implementation date of the system.

§ 1161.40. Application for additional dispensary locations.

(a) An applicant for a dispensary permit shall include a primary dispensary facility location, and may include up to two additional dispensary facility locations, in its initial permit application. A permittee may file an application under this section for additional dispensary facility locations at a later date.

(b) A dispensary shall submit an application for additional dispensary locations on a form prescribed by the Department.

(c) A dispensary submitting an application for additional dispensary locations shall include with the application the following fees:

(1) An application fee of \$5,000, which is nonrefundable.

(2) A permit fee of \$30,000 for each dispensary location being proposed. The permit fee shall be submitted with the application for additional dispensary locations and will be refunded if the permit is not granted.

(d) A dispensary may not begin operations at an additional location until the Department approves the application for additional dispensary locations, in writing, under this section.

(e) A dispensary submitting an application for additional dispensary locations shall follow the requirements in § 1141.29 (relating to initial permit application) and this part.

§ 1161.41. Effective date and applicability.

(a) The amended temporary regulations in this chapter take effect on May 17, 2018.

(b) The amended temporary regulations in this chapter do not apply to the evaluation or scoring of a Medical Marijuana Organization Permit Application submitted to the Department from April 5, 2018, through May 17, 2018, as part of the implementation of Phase II of the Medical Marijuana Program.

[Pa.B. Doc. No. 18-727. Filed for public inspection May 11, 2018, 9:00 a.m.]

Title 28—HEALTH AND SAFETY

**DEPARTMENT OF HEALTH
[28 PA. CODE CH. 1171]**

Medical Marijuana; Laboratories; Amended Temporary Regulations

The Department of Health (Department) is publishing amended temporary regulations in Chapter 1171 (relating to laboratories—temporary regulations) to read as set forth in Annex A. These amended temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

To implement the Medical Marijuana Program, the Department periodically published temporary regulations regarding various sections of the act. Chapter 1171 sets forth the requirements for a laboratory to become approved by the Department to test medical marijuana under the act.

The Department is amending the existing temporary regulations in Chapter 1171 for the sake of consistency, and to take into account the need for changes that have arisen as each new set of temporary regulations has been implemented by the Department. Under section 1202 of the act (35 P.S. § 10231.1202), the Department is also amending the existing temporary regulations to effectuate the recommendations made by the Medical Marijuana Advisory Board (Board). After consideration of the Board's Report, the Secretary of Health decided to implement the Board's recommendations through the promulgation of temporary regulations.

These amended temporary regulations in Chapter 1171 will become effective May 17, 2018, and will expire on May 12, 2020.

Interested persons are invited to submit written comments, suggestions or objections regarding these amended temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health

and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding these amended temporary regulations or who require an alternative format of these amended temporary regulations (for example, large print, audiotape, Braille) may do so by using the previous contact information, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

(Editor's Note: Title 28 of the Pennsylvania Code is amended by adding temporary regulations in §§ 1171.38 and 1171.39 and amending the temporary regulations in §§ 1171.21—1171.37 to read as set forth in Annex A.)

Fiscal Note: 10-213. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 28. HEALTH AND SAFETY
PART IX. MEDICAL MARIJUANA
CHAPTER 1171. LABORATORIES—
TEMPORARY REGULATIONS**

§ 1171.21. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Accreditation body—An organization which:

(i) Certifies the competency, expertise and integrity of a laboratory and operates in conformance with the current version of International Organization Standard ISO/IEC 17011.

(ii) Determines a laboratory's compliance with and conformance to the relevant standards established by the International Organization for Standardization, including ISO/IEC 17025.

(iii) Is a signatory to the International Accreditation Cooperation Mutual Recognition Arrangement for Testing.

(iv) Is not affiliated with a laboratory applicant for which it has or will issue a certificate of accreditation.

Approved laboratory—A laboratory that has applied for, and received, the approval of the Department to identify, collect, handle and conduct tests on samples from a grower/processor and test samples from the Department used in the growing and processing of medical marijuana or dispensing of medical marijuana products as required by the act and this part.

Certificate of accreditation—A document issued by an accreditation body evidencing that a laboratory is in compliance with International Organization for Standardization Standard ISO/IEC 17025 or other standards relevant to the operation of laboratories conducting tests on medical marijuana, medical marijuana products and other items used in the growing and processing of medical marijuana or dispensing of medical marijuana products.

Certificate of analysis—A document that confirms that the test performed by an approved laboratory on a harvest batch, harvest lot or process lot meets the testing requirements set forth by the Department.

Certified registered nurse practitioner—The term as defined in section 2 of The Professional Nursing Law (63 P.S. § 212).

Chain of custody—The written procedures used by employees of an approved laboratory to record the possession and transfer of samples and test samples from the time the samples and test samples are collected until the test of the sample or test sample is completed.

Harvest batch—A specifically identified quantity of medical marijuana plant that is uniform in strain, cultivated utilizing the same growing practices, harvested at the same time and at the same location, and cured under uniform conditions.

Harvest lot—A specifically identified quantity of medical marijuana plant taken from a harvest batch.

Laboratory applicant—A laboratory that submits an application to the Department for approval to identify, collect, handle and test medical marijuana, medical marijuana products and other items used by a medical marijuana organization in the growing and processing of medical marijuana or dispensing of medical marijuana products as required under the act and this part for the Department or a grower/processor.

Medical marijuana extract—A substance obtained by separating cannabinoids from medical marijuana plants by a mechanical, chemical or other process.

Medical marijuana product—The final form and dosage of medical marijuana that is grown, processed, produced, sealed, labeled and tested by a grower/processor and sold to a dispensary.

Pharmacist—The term as defined in section 2 of the Pharmacy Act (63 P.S. § 390-2).

Physician—The term as defined in section 2 of the Medical Practice Act of 1985 (63 P.S. § 422.2) and section 2 of the Osteopathic Medical Practice Act (63 P.S. § 271.2).

Physician assistant—The term as defined in section 2 of the Medical Practice Act of 1985 and section 2 of the Osteopathic Medical Practice Act.

Process lot—Any amount of a medical marijuana product of the same type and processed using the same medical marijuana extract, standard operating procedures and the same or combination of different harvest lots.

Processing—The compounding or conversion of medical marijuana extract by a grower/processor into a medical marijuana product.

Sample—Medical marijuana or medical marijuana products collected by an employee of an approved laboratory from a grower/processor facility for testing by the laboratory.

Test sample—An amount of medical marijuana, medical marijuana products or an amount of soil, growing medium, water or solvents used to grow or process medical marijuana, dust or other particles obtained from the swab of a counter or equipment used in the growing or processing of medical marijuana, or other item used in the growing or processing of medical marijuana in a grower/processor facility taken by an employee of an approved laboratory or an agent of the Department at the request of the Department from a grower/processor facility and provided to an approved laboratory for testing.

§ 1171.22. Laboratories generally.

(a) A laboratory may not identify, collect, handle or conduct tests on samples from a grower/processor or conduct tests on test samples for the Department unless the laboratory has been approved by the Department under § 1171.23 (relating to approval of laboratories) and

has entered into a written contract with the grower/processor under § 1171.29 (relating to testing requirements).

(b) The Department will post on its web site a current list of approved laboratories.

(c) An approved laboratory shall employ at least one director to oversee and be responsible for the identification, collection, handling and testing operations of the approved laboratory. A director shall have earned, from a college or university accredited by a National or regional accrediting authority, at least one of the following:

(1) A doctorate of science or an equivalent degree in chemistry, biology, or a subdiscipline of chemistry or biology.

(2) A master's level degree in a chemical or biological science and a minimum of 2 years post-degree laboratory experience related to testing of medicinal or pharmaceutical products or other experience as approved by the Department.

(3) A bachelor's degree in a biological science and a minimum of 4 years post-degree laboratory experience related to testing of medicinal or pharmaceutical products or other experience as approved by the Department.

(d) A principal or employee of a medical marijuana organization may not also own, be employed by or affiliated with an approved laboratory that has a contract with that medical marijuana organization.

(e) An approval issued by the Department to a laboratory under this part is valid for 2 years from the date of issuance and is valid only for the laboratory named and the location specified in the approval.

(f) An approval issued by the Department to a laboratory under this part is not transferable to any other person or any other location unless the laboratory obtains the prior written consent of the Department.

§ 1171.23. Approval of laboratories.

(a) A laboratory wishing to identify, collect, handle and conduct tests on samples and test samples and other items used by a grower/processor in the growing and processing of medical marijuana and medical marijuana products as required under the act and this part shall submit an application for approval to the Department on a form and in a manner prescribed by the Department.

(b) An application submitted under this section must include the following information:

(1) The name and address of the laboratory applicant or its authorized agent.

(2) The name and address of the owner of the laboratory applicant, and, if applicable, the medical or pharmacy licensure information regarding the owner.

(3) The name of the laboratory applicant's proposed director and technical personnel who are or will be employed by the laboratory at the location to be approved.

(4) A copy of the laboratory applicant's most recent certificate of accreditation.

(5) Copies of the standard operating procedures and sampling procedures adopted by the laboratory applicant and approved by the accreditation body that issued the certificate of accreditation to the laboratory applicant.

(6) A list of the specialized laboratory equipment utilized or to be utilized by the laboratory applicant in its testing operations, including the manufacturer's name

and the serial and model number of the equipment, and other specifications as may be required by the Department.

(7) A description of the tests which are capable of being conducted by the laboratory applicant at the location to be approved.

(8) A description of the laboratory applicant's quality assurance program, which must be in compliance with § 1171.32 (relating to quality assurance program).

(9) The procedures to be followed to establish chain of custody when collecting samples or test samples.

(10) A copy of the evaluation process that the laboratory applicant uses or will use to monitor, evaluate and document the competency of employees when testing samples and test samples and overseeing quality assurance controls.

(11) Other information required by the Department.

(c) By submitting an application for approval to the Department, a laboratory applicant consents to an investigation of any person, information or physical location the Department or its authorized agents deem appropriate for the Department to make a determination of the laboratory applicant's ability to meet the requirements under the act and this part.

(d) An application for approval submitted under this chapter must include a statement that a false statement made in the application is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(e) The Department may issue an approval under this chapter if the Department determines that the laboratory applicant is financially and professionally suitable to conduct the testing required under the act and this part.

§ 1171.24. Suspension or revocation of an approval issued to a laboratory.

(a) An approval issued by the Department under this chapter may be suspended or revoked if the Department determines that the approved laboratory has engaged in unethical practices or has failed to do any of the following:

- (1) Maintain proper standards of accuracy.
- (2) Comply with the requirements of the act or this part applicable to the approved laboratory.
- (b) An approval issued by the Department under this chapter may be revoked if the Department determines that the approved laboratory has engaged in any of the following conduct:
 - (1) Dishonest reporting.
 - (2) Repeated errors in conducting the required testing.
 - (3) Allowing unauthorized individuals to perform testing or to sign reports.
 - (4) Inclusion of false statements in the application for approval or renewal.
 - (5) Advertising of medical marijuana testing services to the general public.
 - (6) Knowingly accepting a sample from an individual other than a grower/processor or a test sample from an individual other than the Department or an authorized agent of the Department.

(7) Failure to maintain standard operating procedures approved by the accreditation body that issued the certificate of accreditation to the approved laboratory.

(8) Failure to properly enter test results into the electronic tracking system.

(9) Loss by the approved laboratory of its certificate of accreditation.

§ 1171.25. Renewal of an approval issued to a laboratory.

An approved laboratory wishing to renew its approval under this chapter shall, not more than 6 months nor less than 4 months prior to the expiration of the approval, submit an application under § 1171.23 (relating to approval of laboratories) and update the information required to be submitted with the application as necessary.

§ 1171.26. Stability testing and retention of samples.

(a) A grower/processor shall request that a sample be identified and collected by an approved laboratory from each harvest batch sufficient to perform stability testing at 6-month intervals for a 1-year period.

(b) The stability test shall be performed to ensure product potency and purity and provide support for expiration dating.

(c) An approved laboratory shall retain a sample from each harvest batch sufficient to provide for stability testing and properly store the sample for 1 year.

§ 1171.27. Sampling procedures for testing.

(a) An approved laboratory shall ensure that its employees prepare all samples in accordance with policies and procedures that include appropriate information necessary for identifying, collecting and transporting samples in a manner that does not endanger the integrity of the samples for any testing required by this part.

(b) The sampling policies must, at a minimum, meet the following requirements:

- (1) Be appropriate to the matrix being sampled.
- (2) Be in accordance with guidance provided by the Department.
- (c) The sampling procedures must include the following procedures:
 - (1) Surveying the conditions in which the sample is being stored.
 - (2) Using appropriate sampling equipment and consistent procedures.
 - (3) Selecting and removing equal portions for each sample.
 - (4) Random or systematic taking of samples throughout the harvest batch or harvest lot.
 - (5) Obtaining a minimum number of samples based on harvest batch or harvest lot size.
 - (6) Checking all parts of the harvest batch when harvest lots are created from that harvest batch.
 - (7) Recording on a form prescribed by the Department all observations and procedures used when collecting the sample.

(8) Creating a unique sample identification number that will be linked to the harvest batch or harvest lot number assigned by the grower/processor in the electronic tracking system.

(9) Entering all required information into the electronic tracking system.

§ 1171.28. Selection protocols for samples.

(a) An employee of an approved laboratory may only enter a grower/processor facility for the purpose of identifying and collecting samples and shall have access to limited access areas in the facility for these purposes.

(b) An employee identifying and collecting samples under subsection (a) shall follow the chain of custody procedures included in the approved laboratory's application and approved by the Department.

(c) While at a grower/processor facility, an employee of an approved laboratory shall identify and collect the following for testing:

- (1) Samples at the time of harvest.
- (2) Samples of medical marijuana product before being sold or provided to a dispensary.
- (3) Test samples at other times when requested by the Department.

§ 1171.29. Testing requirements.

(a) Prior to conducting any testing of a sample at the request of a grower/processor, an approved laboratory shall enter into a written contract with the grower/processor for testing services. The approved laboratory shall provide a copy of the contract to the Department within 2 days following the Department's request.

(b) A grower/processor shall submit through the electronic tracking system a request to the approved laboratory with which it has a written contract under subsection (a) for each test to be conducted.

(c) At a minimum, an approved laboratory shall perform tests as prescribed by the Department on the following items:

- (1) Samples from a harvest batch or harvest lot prior to being used to produce a medical marijuana product.
- (2) Samples from each process lot before the medical marijuana is sold or offered for sale to another medical marijuana organization.
- (d) The samples identified in subsection (c) shall be tested, at a minimum, for the following:
 - (1) Pesticides.
 - (2) Solvents.
 - (3) Water activity and moisture content.
 - (4) THC and CBD concentration.
 - (5) Microbiological contaminants.
 - (6) Terpenes.

(e) Sampling and testing under this chapter shall be conducted with a statistically significant number and size of samples and with methodologies acceptable to the Department to ensure that all harvest batches, harvest lots and medical marijuana products are adequately tested for contaminants and that the cannabinoid profile is consistent throughout the harvest batch, harvest lot or medical marijuana products.

(f) An approved laboratory may not test any samples when there is evidence of improper collection, improper preservation, apparent spoilage, excessive time lapse between collection of the sample and testing, or any other factor sufficient to render the findings of questionable validity.

(g) An approved laboratory shall enter test results into the electronic tracking system and, under § 1151.40

(relating to management and disposal of medical marijuana waste), properly dispose of all tested and untested samples and test samples.

§ 1171.30. Standards for testing.

An approved laboratory shall follow the methodologies, ranges and parameters acceptable to the Department that are contained in the scope of the certificate of accreditation issued to the laboratory.

§ 1171.31. Test results and reporting.

(a) Only the results of the following tests are in compliance with the testing requirements of this chapter:

(1) Tests conducted on harvest batch samples or harvest lot samples requested by a grower/processor under § 1171.29 (relating to testing requirements) and identified and collected by an employee of an approved laboratory.

(2) Tests conducted on process lot samples requested by a grower/processor under § 1171.29 and identified and collected by either an employee of a grower/processor or an employee of an approved laboratory.

(b) The test results for each sample shall be entered into the electronic tracking system and shall only be accessible to the grower/processor submitting the sample and to the Department.

(c) If a sample fails any test required under § 1171.29, the following apply to the sample:

(1) The approved laboratory that performed the initial test may re-test the sample upon a request from the grower/processor in accordance with subsection (d).

(2) If the sample passes the re-test, another approved laboratory shall sample the same harvest batch, harvest lot or process lot to confirm the passing test result.

(3) If the Department does not agree to accept the results from the approved laboratory, the sample shall be disposed of by the approved laboratory under § 1151.40 (relating to management and disposal of medical marijuana waste).

(d) A grower/processor shall notify the Department and the approved laboratory through the electronic tracking system of its intent to re-test the sample or test another sample from the same harvest batch, harvest lot or process lot that failed a test.

(e) An approved laboratory shall issue to a grower/processor a certificate of analysis, including the supporting data, for each harvest batch, harvest lot or process lot sample that was tested at the request of the grower/processor. The certificate of analysis must include the following information:

(1) Whether the chemical profile of the harvest batch, harvest lot or process lot conforms to the chemical profile of the strain as determined by the Department for the following compounds:

- (i) THC.
- (ii) Tetrahydrocannabinolic acid.
- (iii) CBD.
- (iv) Cannabidiolic acid.
- (v) Cannabigerol.
- (vi) Cannabinol.

(2) That the presence of the following contaminants within the harvest batch, harvest lot or process lot does not exceed the levels as determined by the Department for the following:

- (i) Heavy metals, mercury, lead, cadmium or arsenic.
- (ii) Foreign material such as hair, insects, or any similar or related adulterant.
- (iii) Any microbiological impurity, including:
 - (A) Total aerobic microbial count.
 - (B) Total yeast mold count.
 - (C) *P. aeruginosa*.
 - (D) *Aspergillus* spp.
 - (E) *S. aureus*.
 - (F) Aflatoxin B1, B2, G1 and G2.
 - (G) Ochratoxin A.
 - (H) Pesticide residue.
- (iv) Whether the harvest batch, harvest lot or process lot is within the specification for the strain for the characteristics of:
 - (A) Odor.
 - (B) Appearance.
 - (C) Fineness.
 - (D) Moisture content.

§ 1171.32. Quality assurance program.

- (a) An approved laboratory shall establish and implement a quality assurance program to ensure that measurements are accurate, errors are controlled, and devices used for testing are routinely and properly calibrated.
- (b) The quality assurance program required under subsection (a) must include the following components:
 - (1) An organizational chart that includes the testing responsibilities of each employee of the approved laboratory named in the chart.
 - (2) A description of sampling procedures to be utilized.
 - (3) Appropriate chain of custody protocols.
 - (4) Analytical procedures.
 - (5) Data reduction and validation procedures.
 - (6) A plan for implementing corrective action, when necessary.
 - (7) A requirement for the provision of quality assurance reports to management.
 - (8) A description of the internal and external quality control systems.

§ 1171.33. Transporting samples.

- (a) An employee of an approved laboratory, grower/processor or third-party contractor shall follow the transportation requirements under §§ 1151.35 and 1151.36 (relating to transportation of medical marijuana; and transport manifest) when transporting a sample or test sample under this part.
- (b) An employee of an approved laboratory, grower/processor or third-party contractor who transports process lot samples from a grower/processor to an approved laboratory shall:
 - (1) Protect the physical integrity of the sample.
 - (2) Keep the composition of the sample intact.
 - (3) Protect the sample against factors that interfere with the validity of testing results, including the factors of time, temperature and other environmental factors that may work to jeopardize the integrity of the sample.

§ 1171.34. Department request for testing.

- (a) The Department, in its sole discretion, may identify and collect a test sample from a grower/processor at any time and request an approved laboratory to conduct proficiency testing, conduct quality assurance measures and perform tests under this chapter.
- (b) The approved laboratory shall provide the Department with a written report of the test results from a test sample tested under subsection (a) within 7 days of the collection of the test sample, or sooner if requested by the Department.

§ 1171.35. Laboratory reporting.

- (a) An approved laboratory shall enter into the electronic tracking system the following information for each sample collected and each test conducted:
 - (1) The unique sample identification number the approved laboratory assigns to the sample.
 - (2) The name of the grower/processor that supplied the sample.
 - (3) The employee identification number of the employee of the approved laboratory who identified and collected the sample at the request of the grower/processor.
 - (4) The date and time the sample was collected from the grower/processor.
 - (5) The date and time the sample was received by the approved laboratory.
 - (6) The date the test was completed.
 - (7) The condition of the sample when it was received by the approved laboratory.
 - (8) A description of each test performed.
 - (9) The results from the certificate of analysis issued under § 1171.31 (relating to test results and reporting).
 - (10) The date the testing results were provided to the grower/processor under § 1171.31 or the Department under § 1171.34 (relating to Department request for testing).

(b) An approved laboratory shall keep for 4 years a paper or electronic copy of the certificate of analysis performed on samples submitted by a grower/processor or test samples submitted by the Department. The approved laboratory shall provide a copy of a certificate of analysis to the Department within 2 days of a request made by the Department.

§ 1171.36. Advertising.

- (a) An approved laboratory may not advertise, market or otherwise promote its medical marijuana testing services to the general public.
- (b) An approved laboratory may only promote its medical marijuana testing services to a grower/processor. An approved laboratory may use advertising, marketing and promotional materials directed at a grower/processor to promote its medical marijuana testing services. The advertising, marketing and promotional materials proposed to be used by an approved laboratory under this section shall be reviewed and approved by the Department prior to circulation or other use.
- (c) Personal solicitation by an employee, representative or agent of an approved laboratory to a grower/processor is considered advertising, marketing or otherwise promoting its medical marijuana testing services for the purposes of this section.

(d) An approved laboratory may only advertise, market or otherwise promote its medical marijuana testing services that are performed onsite at the location designated in the laboratory's application.

(e) A sign installed at the location of an approved laboratory that is designed to identify the laboratory or access to the laboratory is permissible as long as the sign meets local zoning requirements and does not violate the provisions of this section.

§ 1171.37. Ownership prohibition.

The following individuals may not have a management, a direct or indirect financial, or other ownership interest in an approved laboratory:

- (1) A principal, owner, financial backer or employee of a medical marijuana organization.
- (2) A practitioner.
- (3) A physician, pharmacist, physician assistant or certified registered nurse practitioner who is currently employed by a medical marijuana organization.
- (4) Any other person, other than a patient, who may receive a direct or indirect financial benefit from the growing, processing, transporting, dispensing or selling of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products.

§ 1171.38. Appeals.

Chapter 5, Subchapter A of 2 Pa.C.S. (relating to practice and procedure of Commonwealth agencies) and the accompanying regulations, as modified by Chapter 1230 (relating to practice and procedure—temporary regulations), apply to all actions of the Department under this chapter constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

§ 1171.39. Effective date and applicability.

- (a) The amended temporary regulations in this chapter take effect on May 17, 2018.
- (b) The amended temporary regulations in this chapter do not apply to the evaluation or scoring of a Medical Marijuana Organization Permit Application submitted to the Department from April 5, 2018, through May 17, 2018, as part of the implementation of Phase II of the Medical Marijuana Program.

[Pa.B. Doc. No. 18-728. Filed for public inspection May 11, 2018, 9:00 a.m.]

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH [28 PA. CODE CH. 1181]

Medical Marijuana; Physicians and Practitioners; Amended Temporary Regulations

The Department of Health (Department) is publishing amended temporary regulations in Chapter 1181 (relating to physicians and practitioners—temporary regulations) to read as set forth in Annex A. These amended temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary

regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

To implement the Medical Marijuana Program, the Department periodically published temporary regulations regarding various sections of the act. Chapter 1181 sets forth the requirements for a physician to become a practitioner who may issue patient certifications under the act.

The Department is amending the existing temporary regulations in Chapter 1181 for the sake of consistency, and to take into account the need for changes that have arisen as each new set of temporary regulations has been implemented by the Department. Under section 1202 of the act (35 P.S. § 10231.1202), the Department is also amending the existing temporary regulations to effectuate the recommendations made by the Medical Marijuana Advisory Board (Board). After consideration of the Board's Report, the Secretary of Health decided to implement the Board's recommendations through the promulgation of temporary regulations.

These amended temporary regulations in Chapter 1181 will become effective May 17, 2018, and will expire on May 12, 2020.

Interested persons are invited to submit written comments, suggestions or objections regarding these amended temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding these amended temporary regulations or who require an alternative format of these amended temporary regulations (for example, large print, audiotape, Braille) may do so by using the previous contact information, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

(Editor's Note: Title 28 of the Pennsylvania Code is amended by adding temporary regulations in §§ 1181.33 and 1181.34 and amending the temporary regulations in §§ 1181.21—1181.32 to read as set forth in Annex A.)

Fiscal Note: 10-214. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY PART IX. MEDICAL MARIJUANA CHAPTER 1181. PHYSICIANS AND PRACTITIONERS—TEMPORARY REGULATIONS

§ 1181.21. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Continuing care—Treating a patient, in the course of which the practitioner has completed a full assessment of the patient's medical history and current medical condition.

Medical Board—Either of the following:

(i) The State Board of Medicine as defined in section 2 of the Medical Practice Act of 1985 (63 P.S. § 422.2).

(ii) The State Board of Osteopathic Medicine as defined in section 2 of the Osteopathic Medical Practice Act (63 P.S. § 271.2).

Medical marijuana cardholder—An adult patient or caregiver who possesses a valid identification card.

Medical professional—A physician, pharmacist, physician assistant or certified registered nurse practitioner employed by a dispensary.

Minor patient—A patient who is under 18 years of age.

Patient certification—The document issued by a practitioner under § 1181.27 (relating to issuing patient certifications) certifying that a patient has one or more serious medical conditions.

Patient consultation—A complete in-person examination of a patient and the patient's health care records at the time a patient certification is issued by a practitioner.

Practitioner registry—A list of practitioners established and maintained by the Department.

Prescription Drug Monitoring Program—The Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. §§ 872.1—872.40).

Professional disciplinary action—A disciplinary proceeding taken by the applicable Medical Board against a physician that results in a corrective action or measure.

§ 1181.22. Practitioners generally.

(a) The qualifications that a physician shall meet to be registered with the Department and approved as a practitioner are continuing qualifications.

(b) A physician may not issue a patient certification without being registered by the Department as a practitioner in accordance with § 1181.24 (relating to physician registration).

(c) A practitioner shall notify a dispensary by telephone of a patient's adverse reaction to medical marijuana products dispensed by that dispensary immediately upon becoming aware of the reaction.

(d) Under section 1201(j)(5)(iv) of the act (35 P.S. § 10231.1201(j)(5)(iv)), a practitioner may petition the Medical Marijuana Advisory Board (Board) for the Board to review on a continuing basis, and recommend to the Secretary for approval, that serious medical conditions be changed, reduced or added to those conditions for which medical marijuana is likely to provide therapeutic or palliative benefit to a patient. The Board will establish a procedure to effectuate this subsection.

§ 1181.23. Medical professionals generally.

(a) The qualifications that a medical professional shall meet to be employed by a dispensary are continuing qualifications.

(b) A medical professional may not assume any duties at a dispensary until the training required under § 1181.32 (relating to training) and any other requirements for medical professionals under the act and this part are completed.

(c) A medical professional shall notify by telephone the practitioner listed on a patient certification of a patient's adverse reaction to medical marijuana products dispensed by that dispensary immediately upon becoming aware of the reaction.

§ 1181.24. Physician registration.

(a) A physician may file an application for registration with the Department as a practitioner on a form prescribed by the Department if the physician meets both of the following qualifications:

(1) Has an active medical license in this Commonwealth in accordance with the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.51a) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18) applicable to the physician.

(2) Is qualified, as determined by the Department from information provided by the physician under subsection (b), to treat patients with one or more serious medical conditions.

(b) An application for registration must include, at a minimum, the following requirements:

(1) The physician's full name, business address, professional e-mail address, telephone numbers and, if the physician owns or is affiliated with a medical practice, the name of the medical practice.

(2) The physician's credentials, education, specialty, training and experience, and supporting documentation when available.

(3) The physician's medical license number.

(4) A certification by the physician that states:

(i) That the physician's Pennsylvania license to practice medicine is active and in good standing.

(ii) Whether the physician has been subject to any type of professional disciplinary action that would prevent the physician from carrying out the responsibilities under the act and this part, together with, if applicable, an explanation of the professional disciplinary action.

(iii) That the physician does not hold a direct or economic interest in a medical marijuana organization.

(5) A statement that a false statement made by a physician in an application for registration is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(c) The Department may list a physician on the practitioner registry only after the physician has successfully completed the training course required under § 1181.32 (relating to training) and any other requirements for registration under the act and this part.

§ 1181.25. Practitioner registry.

(a) The Department will maintain a practitioner registry for use by a patient or caregiver registered by the Department.

(b) The practitioner registry will include only the practitioner's name, business address and medical credentials.

(c) The inclusion of a physician in the practitioner registry will be subject to annual review by the Department to determine if the physician's license is inactive, expired, suspended, revoked, limited or otherwise restricted by the applicable Medical Board, or if the physician has been subject to professional disciplinary action.

§ 1181.26. Denial, revocation or suspension of a practitioner registration.

(a) A practitioner registration will be denied, revoked or suspended if the practitioner's medical license is inactive, expired, suspended, revoked, limited or otherwise restricted by the applicable Medical Board, or if the

physician has been subject to professional disciplinary action, including an immediate temporary action.

(b) A practitioner registration may be denied, revoked or suspended if the practitioner has been the subject of professional disciplinary action, including an immediate temporary action.

(c) A physician who has been denied registration or whose practitioner registration has been revoked or suspended may reapply to the Department for inclusion in the practitioner registry in accordance with § 1181.24 (relating to physician registration) if the event that led to the physician's denial, revocation or suspension has been resolved and the physician's medical license is designated as active without limitation by the applicable Medical Board. The physician's application for registration under this subsection must include evidence of the resolution.

(d) A physician who has been denied registration or whose practitioner registration has been revoked or suspended may not do any of the following:

- (1) Have electronic access to a patient certification.
- (2) Issue or modify a patient certification.
- (3) Provide a copy of an existing patient certification to any person, including a patient or a caregiver, except in accordance with applicable law.
- (e) The Department may revoke or suspend the registration of a practitioner for any of the following:

- (1) A violation of the act or this part.
- (2) A violation of an order issued under the act or this part.
- (3) A violation of a regulation promulgated under the act.
- (4) For conduct or activity that would have disqualified the practitioner from receiving a registration.
- (5) Pending the outcome of a hearing in a case which the practitioner's registration could be suspended or revoked.

§ 1181.27. Issuing patient certifications.

(a) A practitioner may issue a patient certification to a patient if the following conditions are met:

(1) The practitioner has determined, based upon a patient consultation and any other factor deemed relevant by the practitioner, that the patient has a serious medical condition and has included that condition in the patient's health care record.

(2) The practitioner has determined the patient is likely to receive therapeutic or palliative medical benefit from the use of medical marijuana based upon the practitioner's professional opinion and review of the following:

- (i) The patient's prior medical history as documented in the patient's health care records if the records are available for review.
- (ii) The patient's controlled substance history if the records are available in the Prescription Drug Monitoring Program.

(b) Notwithstanding subsection (a), the following requirements apply:

(1) A practitioner who is not board-eligible or board-certified in pediatrics or a pediatric specialty, neurology with special qualifications in child neurology, child and adolescent psychiatry, or adolescent medicine (whether

through pediatrics, internal medicine or family practice) may not issue a patient certification to a minor patient.

(2) Paragraph (1) will be effective upon the registration of a sufficient number of eligible practitioners to ensure adequate access for minor patients needing services under the act and this part based on location, serious medical condition and number of patients, specialty, and number and availability of practitioners. The Department will publish a notice in the *Pennsylvania Bulletin* 1 month before paragraph (1) becomes effective, stating that a sufficient number of eligible practitioners have registered to effectuate this subsection.

(c) A patient certification that is issued by a practitioner must include, at a minimum, all of the following:

- (1) The patient's name, home address, telephone number, date of birth and e-mail address, if available.
- (2) The practitioner's name, business address, telephone numbers, professional e-mail address, medical license number, area of specialty, if any, and signature.
- (3) The date of the patient consultation for which the patient certification is being issued.
- (4) The patient's specific serious medical condition.
- (5) A statement by the practitioner that the patient has a serious medical condition, and the patient is under the practitioner's continuing care for the condition.

(6) A statement as to the length of time, not to exceed 1 year, for which the practitioner believes the use of medical marijuana by the patient would be therapeutic or palliative.

(7) A statement by the practitioner that includes one of the following:

- (i) The recommendations, requirements or limitations as to the form or dosage of medical marijuana product.
- (ii) The recommendation that only a medical professional employed by the dispensary and working at the dispensary facility consult with the patient or the caregiver regarding the appropriate form and dosage of the medical marijuana product to be dispensed.

(8) A statement by the practitioner that the patient is terminally ill, if applicable.

(9) Any other information that the practitioner believes may be relevant to the patient's use of medical marijuana products.

(10) A statement that the patient is homebound or an inpatient during the time for which the patient certification is issued due to the patient's medical and physical condition and is unable to visit a dispensary to obtain medical marijuana products.

(11) A statement that the practitioner has explained the potential risks and benefits of the use of medical marijuana products to the patient and has documented in the patient's health care record that the explanation has been provided to the patient and informed consent has been obtained.

(12) A statement that a false statement made by the practitioner in the patient certification is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(d) Upon completion of a patient certification, a practitioner shall:

(1) Provide a copy of the patient certification to the patient or the patient's caregiver, if the patient is a minor, and to an adult patient's caregiver if authorized by the patient.

(2) Provide the patient certification with the original signature to the Department, which may be submitted electronically.

(3) File a copy of the patient certification in the patient's health care record.

§ 1181.28. Modifying a patient certification.

(a) A practitioner may not modify the form of medical marijuana products on a patient certification for 30 days from the date the receipt is entered into the electronic tracking system by the dispensary unless the practitioner notifies the Department of the intent to modify the patient certification.

(b) After modifying a patient certification, a practitioner shall do the following:

(1) Provide a copy of the patient certification to the patient or the patient's caregiver, if the patient is a minor, and to an adult patient's caregiver if authorized by the patient.

(2) Provide the patient certification with the original signature to the Department, which may be submitted electronically.

(3) File a copy of the patient certification in the patient's health care record.

§ 1181.29. Revocation of a patient certification.

(a) A practitioner shall immediately notify the Department in writing if the practitioner knows or has reason to know that any of the following events are true with respect to a patient for whom the practitioner issued a patient certification:

(1) The patient no longer has the serious medical condition for which the patient certification was issued.

(2) The use of medical marijuana products by the patient would no longer be therapeutic or palliative.

(3) The patient has died.

(b) The Department will revoke a patient certification upon receiving notification of the occurrence of an event listed in subsection (a).

(c) Notwithstanding subsection (a), a practitioner may withdraw the issuance of a patient certification at any time by notifying, in writing, both the patient and the Department.

(d) The Department will immediately notify a medical marijuana cardholder upon the revocation of a patient certification and the information shall be entered into the electronic tracking system.

§ 1181.30. Prescription Drug Monitoring Program.

(a) A practitioner shall review the Prescription Drug Monitoring Program prior to issuing or modifying a patient certification to determine the controlled substance history of the patient to determine whether the controlled substance history of the patient would impact the patient's use of medical marijuana products.

(b) A practitioner may access the Prescription Drug Monitoring Program to do any of the following:

(1) Determine whether a patient may be under treatment with a controlled substance by another physician or other person.

(2) Allow the practitioner to review the patient's controlled substance history as deemed necessary by the practitioner.

(3) Provide to the patient, or caregiver if authorized by the patient, a copy of the patient's controlled substance history.

§ 1181.31. Practitioner prohibitions.

(a) A practitioner may not accept, solicit or offer any form of remuneration from or to any individual, prospective patient, patient, prospective caregiver, caregiver or medical marijuana organization, including an employee, financial backer or principal, to certify a patient, other than accepting a fee for service with respect to a patient consultation of the prospective patient to determine if the prospective patient should be issued a patient certification to use medical marijuana products.

(b) A practitioner may not hold a direct or economic interest in a medical marijuana organization.

(c) A practitioner may not advertise the practitioner's services as a practitioner who can certify a patient to receive medical marijuana products.

(d) A practitioner may not issue a patient certification for the practitioner's own use or for the use of a family or household member.

(e) A practitioner may not be a designated caregiver for a patient that has been issued a patient certification by that practitioner.

(f) A practitioner may not receive or provide medical marijuana product samples.

§ 1181.32. Training.

(a) Within the time specified, the following individuals shall complete a 4-hour training course approved by the Department:

(1) A physician prior to being included in the practitioner registry under § 1181.24 (relating to physician registration).

(2) A medical professional prior to assuming any duties at a dispensary under § 1161.25 (relating to licensed medical professionals at facility).

(b) The requirements of the training course required under subsection (a) must include, at a minimum, all of the following:

(1) The provisions of the act and this part relevant to the responsibilities of a practitioner or medical professional.

(2) General information about medical marijuana under Federal and State law.

(3) The latest scientific research on the endocannabinoid system and medical marijuana, including the risks and benefits of medical marijuana.

(4) Recommendations for medical marijuana as it relates to the continuing care of a patient in the following areas:

(i) Pain management, including opioid use in conjunction with medical marijuana.

(ii) Risk management, including drug interactions, side effects and potential addiction from medical marijuana use.

(iii) Palliative care.

(iv) The misuse of opioids and medical marijuana.

(v) Recommendations for use of medical marijuana and obtaining informed consent from a patient.

(vi) Any other area determined by the Department.

(5) Use of the Prescription Drug Monitoring Program.

(6) Best practices for recommending the form and dosage of medical marijuana products based on the patient's serious medical condition and the practitioner's or medical professional's medical specialty and training.

(c) Successful completion of the course required under subsection (a) shall be approved as continuing education credits as determined by:

(1) The State Board of Medicine and the State Board of Osteopathic Medicine.

(2) The State Board of Pharmacy.

(3) The State Board of Nursing.

(d) The individuals listed in subsection (a) shall submit documentation of the completion of the 4-hour training course to the Department.

(e) The Department will maintain on its publicly-accessible web site a list of approved training providers that offer the 4-hour training course.

§ 1181.33. Appeals.

Chapter 5, Subchapter A of 2 Pa.C.S. (relating to practice and procedure of Commonwealth agencies) and the accompanying regulations, as modified by Chapter 1230 (relating to practice and procedure—temporary regulations), apply to all actions of the Department under this chapter constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

§ 1181.34. Effective date and applicability.

(a) The amended temporary regulations in this chapter take effect on May 17, 2018.

(b) The amended temporary regulations in this chapter do not apply to the evaluation or scoring of a Medical Marijuana Organization Permit Application submitted to the Department from April 5, 2018, through May 17, 2018, as part of the implementation of Phase II of the Medical Marijuana Program.

[Pa.B. Doc. No. 18-729. Filed for public inspection May 11, 2018, 9:00 a.m.]

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 1191]

Medical Marijuana; Patients and Caregivers; Amended Temporary Regulations

The Department of Health (Department) is publishing amended temporary regulations in Chapter 1191 (relating to patients and caregivers—temporary regulations) to read as set forth in Annex A. These amended temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the

Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

To implement the Medical Marijuana Program, the Department periodically published temporary regulations regarding various sections of the act. Chapter 1191 sets forth the requirements for a patient and caregiver to become registered with the Department to participate in the Medical Marijuana Program under the act.

The Department is amending the existing temporary regulations in Chapter 1191 for the sake of consistency, and to take into account the need for changes that have arisen as each new set of temporary regulations has been implemented by the Department. Under section 1202 of the act (35 P.S. § 10231.1202), the Department is also amending the existing temporary regulations to effectuate the recommendations made by the Medical Marijuana Advisory Board (Board). After consideration of the Board's Report, the Secretary of Health decided to implement the Board's recommendations through the promulgation of temporary regulations.

These amended temporary regulations in Chapter 1191 will become effective May 17, 2018, and will expire on May 12, 2020.

Interested persons are invited to submit written comments, suggestions or objections regarding these amended temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding these amended temporary regulations or who require an alternative format of these amended temporary regulations (for example, large print, audiotape, Braille) may do so by using the previous contact information, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

(*Editor's Note:* Title 28 of the *Pennsylvania Code* is amended by adding a temporary regulation in § 1191.34 and amending the temporary regulations in §§ 1191.21—1191.33 to read as set forth in Annex A.)

Fiscal Note: 10-215. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IX. MEDICAL MARIJUANA

CHAPTER 1191. PATIENTS AND CAREGIVERS— TEMPORARY REGULATIONS

§ 1191.21. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Adult patient—A patient who is 18 years of age or older.

Applicant—

(i) Depending on the context the term may mean either of the following:

(A) A person who wishes to submit or submits an application to the Department for a permit to operate as a grower/processor or dispensary, or both, under the act and this part.

(B) A patient or a caregiver who submits an identification card application to the Department.

(ii) The term includes a legal guardian or a parent who submits an application on behalf of a patient.

(iii) The term does not include an individual under 21 years of age unless the Department has determined under section 507(a) of the act (35 P.S. § 10231.507(a)) that the individual should be permitted to serve as a caregiver.

Caregiver—One of the following:

(i) An individual designated by a patient to obtain on behalf of a patient, and provide to a patient, a medical marijuana product.

(ii) For a minor patient, an individual who meets the requirements of section 506(2) of the act (35 P.S. § 10231.506(2)).

Legal guardian—

(i) An individual appointed as a guardian of a patient under the laws of the Commonwealth.

(ii) The term does not include an individual who has been appointed a guardian only of a patient's property.

Medical marijuana cardholder—An adult patient or caregiver who possesses a valid identification card.

Medical marijuana patient authorization letter—A document issued by the Department under § 1191.32 (relating to medical marijuana patient authorization letters).

Minor patient—A patient who is under 18 years of age.

Parent—The biological, natural or adoptive mother or father of a patient.

Patient and caregiver registry—A list of patients and caregivers established and maintained by the Department.

Patient certification—The document issued by a practitioner under § 1181.27 (relating to issuing patient certifications) certifying that a patient has one or more serious medical conditions.

§ 1191.22. Patient and caregiver registry.

(a) The Department will maintain a patient and caregiver registry.

(b) Patient and caregiver information maintained by the Department is confidential and not subject to public disclosure, including disclosure under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104). Patient and caregiver information must include the following:

(1) Information provided in an identification card application.

(2) Information in a patient certification issued by a practitioner.

(3) Criminal history record check information provided as part of an identification card application submitted by a caregiver under § 1191.27 (relating to criminal background checks).

(4) Information encoded in the 2D barcode of an identification card.

(5) Information relating to a patient's serious medical condition.

(c) A caregiver who is listed in the patient and caregiver registry may waive in writing the caregiver's right to confidentiality and consent to the caregiver's name and

contact information being provided to a patient who has obtained a patient certification from a practitioner.

§ 1191.23. Patients and caregivers generally.

(a) The qualifications that a patient or caregiver shall meet to be included in the patient and caregiver registry and to obtain an identification card or a medical marijuana patient authorization letter are continuing qualifications.

(b) Except with respect to a minor patient as provided in § 1191.32 (relating to medical marijuana patient authorization letters), the Department may issue an identification card to an applicant who meets the qualifications in the act and this part.

(c) The Department may issue an identification card to an individual who is under 21 years of age to serve as a caregiver when a sufficient showing is made to the Department that the individual should be permitted to serve as a caregiver, as determined by the Department.

(d) A minor patient shall have a caregiver who is one of the following:

(1) A parent or legal guardian.

(2) An individual designated by a parent or legal guardian.

(3) An appropriate individual approved by the Department upon a sufficient showing that a parent or legal guardian is not appropriate or available.

§ 1191.24. Medical marijuana cardholder responsibilities.

(a) A medical marijuana cardholder shall immediately contact the Department upon the occurrence of any of the following:

(1) A change of the medical marijuana cardholder's name or address.

(2) The withdraw of a patient certification by a practitioner under § 1181.29 (relating to revocation of a patient certification).

(3) A decision by a patient or the patient's legal guardian to discontinue the services of a caregiver.

(4) A decision by a caregiver to no longer serve as a caregiver for a patient.

(5) A decision by a patient, the patient's legal guardian or a parent on behalf of a patient to discontinue obtaining medical treatment from the practitioner who issued the patient certification.

(b) A medical marijuana cardholder shall return the identification card to the Department within 10 business days following receipt of written notice from the Department of the occurrence of any of the following:

(1) The removal of the medical marijuana cardholder from the patient and caregiver registry under § 1191.30 (relating to revocation or suspension of identification card).

(2) The Department has received notification from the practitioner who issued the patient certification to the patient of the occurrence of any of the circumstances described in § 1181.29(b).

§ 1191.25. Application for, and issuance or denial of, identification cards.

(a) An applicant shall submit an identification card application on a form prescribed by the Department. The

application will be made available on the Department's publicly-accessible web site and in hard copy upon request.

(b) An identification card application submitted by or on behalf of a patient must include, at a minimum, the following information:

(1) The name, address, telephone number, e-mail address, if available, and date of birth of the patient.

(2) The patient's Pennsylvania driver's license number, a Department of Transportation State-issued identification card, if applicable, or other documentation acceptable to the Department evidencing the patient's identification and residency in this Commonwealth.

(3) The name, address and telephone number of the practitioner who issued the patient certification.

(4) The name, birth date, address, telephone number and e-mail address, if applicable, of up to two individuals designated by the applicant to serve as caregivers, if applicable.

(5) The patient certification issued by the patient's practitioner, which shall be provided by the practitioner to the Department under § 1181.27(d)(2) (relating to issuing patient certifications).

(6) The appropriate fee or proof of financial hardship as provided for in § 1191.26 (relating to application fees).

(7) The signature of the applicant and the date signed.

(8) A statement that a false statement made in the application is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(9) Any other information deemed necessary by the Department.

(c) For an application submitted under this section that designates an individual as a caregiver who is not authorized under the act or this part to serve as a caregiver, the following apply:

(1) The Department may deny that portion of the application and approve the balance of the application. In that case, an identification card may be issued to the patient but the designated caregiver will not be authorized to serve in that capacity.

(2) If the application is submitted on behalf of a minor patient but does not include the designation of another individual as a caregiver who is authorized under the act or this part to serve as a caregiver, the Department will deny the entire application unless and until the applicant designates an individual who is authorized to serve.

(3) An individual designated as a caregiver may not serve as a caregiver unless and until the individual submits an application under subsection (d) and the individual is issued an identification card by the Department.

(d) An identification card application submitted by a caregiver must include, at a minimum, the following information:

(1) The name, address, telephone number, e-mail address, if available, and date of birth of the caregiver.

(2) The caregiver's Pennsylvania driver's license number, a Department of Transportation State-issued identification card, if applicable, or other documentation acceptable to the Department evidencing the caregiver's identification.

(3) The name, address and telephone number of the practitioner who issued the patient certification.

(4) The patient certification issued by the patient's practitioner, which will be provided by the practitioner to the Department under § 1181.27(d)(2).

(5) A copy of the criminal history record information required under § 1191.27 (relating to criminal background checks).

(6) The name, address, telephone number and e-mail address, if available, of up to five patients for which the caregiver wishes to be approved by the Department as a caregiver.

(7) The appropriate fee or proof of financial hardship as provided for in § 1191.26.

(8) The signature of the applicant and the date signed.

(9) A statement that a false statement made in the application is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49.

(10) Any other information deemed necessary by the Department.

(e) The Department will review the criminal history record information obtained by a caregiver under § 1191.27 and the Prescription Drug Monitoring Program database before approving the issuance of an identification card to the caregiver. The Department will deny the issuance of an identification card to a caregiver if the caregiver has been convicted of a criminal offense relating to the sale or possession of drugs, narcotics or controlled substances that occurred within the 5 years immediately preceding the submission of the application. The Department may deny the issuance of an identification card to a caregiver if the caregiver has a history of drug abuse or of diverting controlled substances or illegal drugs.

(f) The Department will promptly notify an applicant in writing if an identification card application is incomplete or factually inaccurate, and provide the applicant with an explanation as to what documents or information are necessary for the Department to consider the identification card application to be complete and accurate.

(g) An applicant shall have 60 days from receipt of a notification under subsection (f) to submit to the Department the documents or information requested. If an applicant fails to submit the requested documents or information within 60 days, the Department may deny the identification card application.

(h) The Department will notify an applicant in writing of the reasons for the denial of an identification card application.

(i) An applicant whose identification card application is denied may submit a new identification card application. The Department may decline to consider a new application that does not correct the deficiencies in the initial application leading to a prior denial.

§ 1191.26. Application fees.

(a) An applicant shall pay no more than one fee of \$50 in a 12-month period for an identification card with an identification card application.

(b) Notwithstanding subsection (a):

(1) An applicant shall submit a fee of \$25 if the Department issues a replacement identification card as a result of a lost, stolen, destroyed, defaced or illegible identification card.

(2) An applicant shall pay a second fee of \$50 in the same 12-month period with an identification card renewal application.

(c) The Department may establish higher fees for issuance of a second and subsequent replacement identification cards. Each January, the Department will post on its publicly-accessible web site the fees for issuance of a second and subsequent replacement identification cards, and will publish notice of those fees in the *Pennsylvania Bulletin*.

(d) Subject to § 1191.32 (relating to medical marijuana patient authorization letters), the Department may waive or reduce the fee for an identification card application or identification card renewal application for an applicant who demonstrates financial hardship. Each January, the Department will post on its publicly-accessible web site the qualifications for financial hardship that an applicant requesting a waiver or reduction of the application fee shall submit with an identification card application or identification card renewal application. The Department will publish notice of the qualifications for financial hardship in the *Pennsylvania Bulletin*.

§ 1191.27. Criminal background checks.

(a) An individual applying for an identification card to serve as a caregiver shall submit fingerprints to the Pennsylvania State Police, or an authorized agent, for the purpose of obtaining a criminal history record check. The Pennsylvania State Police, or an authorized agent, will submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the caregiver and obtaining a current record of any criminal arrests and convictions.

(b) The Department may only review the criminal history record information received under subsection (a) to determine the caregiver's character, fitness and suitability to serve as a caregiver under the act and this part.

§ 1191.28. Identification cards.

(a) The Department will issue an identification card to a patient or caregiver as soon as reasonably practicable after approving an identification card application.

(b) An identification card will contain all of the following information:

- (1) The full name of the medical marijuana cardholder.
- (2) The address of the medical marijuana cardholder.
- (3) A designation of the medical marijuana cardholder as a patient or a caregiver.
- (4) The date of issuance and the date of expiration of the identification card.
- (5) A unique identification number for the medical marijuana cardholder.
- (6) A photograph of the medical marijuana cardholder unless the patient or caregiver provides the Department with a statement in accordance with subsection (c).
- (7) Any requirement or limitation on the patient certification concerning the recommended form of medical marijuana products or limitation on the duration of use, if applicable.
- (8) Any other information deemed necessary by the Department.

(c) Notwithstanding subsection (b)(6), the Department may not require a photograph on an identification card if a statement is provided to the Department in an identifica-

tion card application that a photograph cannot be provided due to religious beliefs.

(d) An identification card issued to a patient will expire on the earlier to occur of the following:

- (1) The date occurring 1 year from the date of issuance.
- (2) The date, if any, contained in the patient certification issued to the patient beyond which the practitioner does not believe the use of medical marijuana by the patient would be therapeutic or palliative.
- (3) The date the patient dies.

(e) An identification card issued to a caregiver will expire on the earlier to occur of the following:

- (1) The date that occurs 1 year from the date of issuance.
- (2) Any of the events listed under subsection (d)(2) or (3).
- (3) The date the caregiver dies.

(f) A medical marijuana cardholder shall apply to the Department for a replacement identification card within 10 business days of discovering the loss or defacement of the identification card.

§ 1191.29. Renewing an identification card.

(a) A medical marijuana cardholder shall submit an identification card renewal application to the Department no later than 30 days prior to the expiration date on the card. The form of the renewal application will be prescribed by the Department and will be made available on the Department's publicly-accessible web site and in hard copy upon request. A medical marijuana cardholder shall include with the identification card renewal application a new or updated patient certification issued by the patient's practitioner, which will be provided by the practitioner to the Department under § 1181.27(d)(2) (relating to issuing patient certifications).

(b) If the Department denies an identification card renewal application or if the Department does not receive a complete identification card renewal application by the expiration date on the identification card, the identification card will no longer be valid beyond the expiration date and the Department may remove a medical marijuana cardholder from the patient and caregiver registry.

§ 1191.30. Revocation or suspension of identification card.

(a) The Department may revoke or suspend a medical marijuana cardholder's identification card upon the occurrence of any of the following:

- (1) The Department receives written notice from a practitioner under § 1181.29(a) (relating to revocation of a patient certification).
- (2) A caregiver notifies the Department in writing that the caregiver is no longer acting as a caregiver.
- (3) The patient or caregiver has intentionally, knowingly or recklessly violated the act or regulations as determined by the Department. The suspension or revocation will be in addition to any criminal or other penalty that may apply.
- (4) Except for good cause shown, a medical marijuana cardholder does not visit a dispensary within 60 days from the issuance date on an identification card.
- (5) A patient notifies the Department in writing that the patient has removed or changed a current caregiver. If the caregiver is not serving as a caregiver for any other

patient, the Department will issue a notification to the caregiver that the caregiver's identification card is invalid and shall be promptly returned to the Department.

(b) The Department will promptly notify a medical marijuana cardholder in writing of any action taken by the Department regarding the medical marijuana cardholder as a result of information received under subsection (a).

(c) If a patient's practitioner's registration has been revoked or suspended under § 1181.26 (relating to denial, revocation or suspension of a practitioner registration) or if a patient's practitioner withdraws the patient's patient certification under § 1181.29(c), a medical marijuana cardholder shall submit a new application for an identification card within 90 days of receiving written notice from the Department or prior to the expiration date on the identification card, whichever is sooner.

§ 1191.31. Obtaining medical marijuana products from a dispensary.

(a) A medical marijuana cardholder may only obtain medical marijuana products from a dispensary in accordance with § 1161.24 (relating to limitations on dispensing).

(b) A medical marijuana cardholder may only obtain medical marijuana products from a dispensary based upon the recommendation in a patient certification that has not been revoked under § 1181.29 (relating to revocation of a patient certification) and that may be accessed by a dispensary through the electronic tracking system.

§ 1191.32. Medical marijuana patient authorization letters.

(a) The Department will issue a medical marijuana patient authorization letter to a minor patient instead of issuing an identification card to the minor patient. Upon reaching 18 years of age, a minor patient who has been issued a medical marijuana patient authorization letter will be entitled to receive an identification card upon application under § 1191.25 (relating to application for, and issuance or denial of, identification cards).

(b) The Department may issue a medical marijuana patient authorization letter to an adult patient.

(c) A patient who has been issued a medical marijuana patient authorization letter by the Department under this section shall have all of the rights and obligations of a medical marijuana cardholder under this chapter, except that an identification card shall be required for entry into a dispensary.

(d) A medical marijuana patient authorization letter is subject to the same terms and conditions, including expiration, revocation and suspension requirements, as an identification card under this chapter.

(e) A patient who has been issued a medical marijuana patient authorization letter by the Department under this section will not be required to pay an identification card application fee or an identification card renewal application fee.

§ 1191.33. Appeals.

Chapter 5, Subchapter A of 2 Pa.C.S. (relating to practice and procedure of Commonwealth agencies) and the accompanying regulations, as modified by Chapter 1230 (relating to practice and procedure—temporary regulations), apply to all actions of the Department under this chapter constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

§ 1191.34. Effective date and applicability.

(a) The amended temporary regulations in this chapter take effect on May 17, 2018.

(b) The amended temporary regulations in this chapter do not apply to the evaluation or scoring of a Medical Marijuana Organization Permit Application submitted to the Department from April 5, 2018, through May 17, 2018, as part of the implementation of Phase II of the Medical Marijuana Program.

[Pa.B. Doc. No. 18-730. Filed for public inspection May 11, 2018, 9:00 a.m.]

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 1230]

Medical Marijuana; Practice and Procedure; Temporary Regulations

The Department of Health (Department) is publishing temporary regulations in Chapter 1230 (relating to practice and procedure—temporary regulations) to read as set forth in Annex A. These temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

To implement the Medical Marijuana Program, the Department periodically published temporary regulations regarding various sections of the act. The temporary regulations for practice and procedure will expire on May 12, 2020.

Chapter 1230 pertains to growers/processors, dispensaries, laboratories, disappointed medical marijuana organization permit applicants and any other person choosing to challenge an action taken by the Office of Medical Marijuana under the act.

Interested persons are invited to submit written comments, suggestions or objections regarding these temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding these temporary regulations or who require an alternative format of these temporary regulations (for example, large print, audiotape, Braille) may do so by using the previous contact information, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

(Editor's Note: Title 28 of the *Pennsylvania Code* is amended by adding temporary regulations in §§ 1230.21—1230.24, 1230.25, 1230.26, 1230.38, 1230.39 and 1230.43—1230.46 to read as set forth in Annex A.)

Fiscal Note: 10-207. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IX. MEDICAL MARIJUANA

**CHAPTER 1230. PRACTICE AND PROCEDURE—
TEMPORARY REGULATIONS**

Subchap.

- A. PRELIMINARY PROVISIONS
- B. FORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

GENERAL

Sec.

- 1230.21. Scope.
- 1230.22. Definitions.
- 1230.23. Docket.
- 1230.24. Filing generally.

TIME

- 1230.25. Effective date of adjudication, actions or order.
- 1230.26. Representation.

GENERAL

§ 1230.21. Scope.

(a) This chapter governs practice and procedure before the Department in medical marijuana appeals and in any action taken by the Office under the act.

(b) This chapter is not applicable to a proceeding to the extent that the applicable statute governing or authorizing the proceeding sets forth inconsistent practice or procedure.

(c) Except when inconsistent with this chapter, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is applicable insofar as it relates to adjudicatory proceedings.

(d) Subsections (a)—(c) supplement 1 Pa. Code § 31.1 (relating to scope of part).

§ 1230.22. Definitions.

(a) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Medical Marijuana Act (35 P.S. §§ 10231.101—10231.2110).

Clerk—The Department's Docket Clerk in the Office of Legal Counsel.

Department—The Department of Health.

Office—The Department's Office of Medical Marijuana.

Person—An individual, partnership, association, corporation, political subdivision, municipal authority or other entity.

(b) Subsection (a) supplements 1 Pa. Code § 31.3 (relating to definitions).

§ 1230.23. Docket.

(a) The Clerk has the following duties:

(1) Provide information as to practice and procedure before the Department, under this chapter.

(2) Receive and docket pleadings and other documents required by the Department to be filed with the Clerk.

(b) A filing shall be directed to the Clerk at the following address, by first class mail, postage prepaid:

Department of Health
Office of Legal Counsel
ATTN: Docket Clerk
Room 825, Health and Welfare Building
625 Forster Street
Harrisburg, Pennsylvania 17120-0701

(c) Pleadings, submittals or other documents required or permitted to be filed under this chapter, the regulations of the Department or any other provision of law shall be received for filing by the Clerk within the time limits, if any, for the filing. The date of receipt by the Clerk and not the date of deposit in the mail is determinative. Electronic submissions will not be accepted by the Clerk for filing, unless the electronic filing is specifically permitted by the Department.

(d) The Clerk shall maintain a docket of proceedings. Each proceeding as initiated will be assigned a docket number.

(e) The docket will be available for inspection and copying by the public, at the requestor's expense, during the office hours of the Department insofar as consistent with the proper discharge of the duties of the Department.

(f) Subsections (a)—(e) supersede 1 Pa. Code §§ 33.11 and 33.51 (relating to execution; and docket).

§ 1230.24. Filing generally.

(a) Pleadings and other documents filed with the Clerk must clearly designate the docket number, if one has been assigned, the application or permit number, if one has been assigned, and a short title identifying the pleading or other document. The identity of the individual or person filing the pleading or other document, including the name, mailing address and status (for example, party or attorney for a party) must appear on the pleading or other document being filed.

(b) If a pleading or other document tendered for filing does not comply with this chapter, does not sufficiently set forth required material or is otherwise deficient, the Department may decline to accept the pleading or other document for filing and may return it without filing, or the Department may accept the pleading or other document for filing and advise the individual or person tendering it of the deficiency and require that the deficiency be corrected within a reasonable period of time.

(c) The Department may require redundant, immaterial, obscene or otherwise inappropriate comments stricken from a pleading or other document before accepting it for filing.

TIME

§ 1230.25. Effective date of adjudication, actions or order.

(a) An adjudication, action or order will be effective as of the date of mailing unless otherwise specifically provided.

(b) Subsection (a) supersedes 1 Pa. Code § 31.14 (relating to effective dates of agency orders).

§ 1230.26. Representation.

(a) A party, except an individual appearing on his own behalf, shall be represented by an attorney at all stages of the proceedings subsequent to the filing of the Notice of Appeal or Order to Show Cause.

(b) A corporation shall be represented by an attorney of record admitted to practice before the Supreme Court of Pennsylvania. A corporation may also be represented by an attorney in good standing and admitted to practice before the highest court of another state on a motion pro hac vice filed by the Pennsylvania attorney of record.

(c) A group of individuals acting in concert, whether formally or informally, shall be represented by an attorney admitted to practice law before the Supreme Court of Pennsylvania or by an attorney in good standing admitted to practice before the highest court of another state who has made a motion to appear pro hoc vice and has agreed in that motion to abide by the rules and regulations of the Department and the Pennsylvania Rules of Professional Conduct.

(d) An individual may appear in person on his own behalf. The individual is encouraged to appear through counsel. If the Department determines that the individual is acting in concert with or as a representative of a group of individuals, the individual may be required to appear through counsel under subsection (c).

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 31.21—31.23 (relating to appearance in person; appearance by

attorney; and other representation prohibited at hearings).

Subchapter B. FORMAL PROCEEDINGS

APPEALS

- Sec.
- 1230.38. Commencement, form and content of Notice of Appeal.
- 1230.39. Timeliness of Notice of Appeal.

SPECIAL ACTIONS

- 1230.43. Orders to Show Cause, orders or petitions filed by the Office.
- 1230.44. Answers to Orders to Show Cause, orders or other petitions filed by the Office.
- 1230.45. Verifications and affidavits.
- 1230.46. Entry of default judgment.

APPEALS

§ 1230.38. Commencement, form and content of Notice of Appeal.

(a) An appeal from an action of the Office shall start with the filing of a Notice of Appeal with the Department.

(b) The caption of a Notice of Appeal must be in the following form:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH

Name of Appellant
 Address of Appellant
 Telephone Number of Appellant,
 Appellant/Petitioner,
 v.
 The Pennsylvania Department of Health,
 Office of Medical Marijuana,
 Appellee/Respondent.

Docket No.: _____

NOTICE OF APPEAL

(c) The Notice of Appeal must set forth the name, mailing address, e-mail address, permit number or application number, if one has been assigned, and telephone number of the appellant. If the appellant is represented by an attorney, the Notice of Appeal shall be signed by at least one attorney of record in the attorney's individual name.

(d) If the appellant has received written notification of an action of the Office, a copy of the action must be attached to the Notice of Appeal.

(e) The Notice of Appeal must set forth in separate numbered paragraphs the specific objections to the action of the Office. The objections may be factual or legal.

(f) The Notice of Appeal must be typewritten on letter-size paper (approximately 8 to 8 1/2 inches by 10 1/2 to 11 inches) and pages after the first must be numbered. Photocopies will be accepted as typewritten, provided that the copies are legible. Failure to comply with these requirements will not result in rejection or dismissal of the Notice of Appeal. The Department may request that the appellant file an amended version of the Notice of Appeal in proper form.

(g) The appellant shall, concurrent with or prior to the filing of a Notice of Appeal, serve two copies on the Department's Office of Legal Counsel in the same manner in which the Notice of Appeal is filed with the Department.

(h) Subsections (a)—(g) supersede 1 Pa. Code §§ 35.5—35.7 and 35.20 (relating to informal complaints; and appeals from actions of the staff).

§ 1230.39. Timeliness of Notice of Appeal.

(a) Jurisdiction of the Department will not attach to an appeal from an action of the Office unless the Notice of Appeal is in writing and is timely filed with the Department within 30 days after the individual or person to whom the action of the Office is directed or issued has received written notice of the action, unless a different time is provided by statute.

(b) Failure to file a timely Notice of Appeal may be deemed an admission or may be dismissed with prejudice by the Department.

(c) The Office may file an answer and new matter to the Notice of Appeal within 30 days of its service on the Office, but is not required to do so.

(d) Subsection (a) supersedes 1 Pa. Code §§ 35.5—35.7, 35.20 and 35.35 (relating to informal complaints; appeals from actions of the staff; and answers to complaints and petitions).

SPECIAL ACTIONS

§ 1230.43. Orders to Show Cause, orders or petitions filed by the Office.

(a) The Office may start an action by filing an Order to Show Cause, order or other petition filed by the Office and a notice of a right to respond or defend. The action is

begun when the Order to Show Cause, order or other petition of the Office is filed with the Clerk.

(b) Service of the Order to Show Cause, order or other petition filed by the Office shall be by personal service or by United States first class mail, postage prepaid. In the instance of mail, service will be deemed complete 3 days after the date of mailing by the Office.

(c) An Order to Show Cause must set forth the authority under which the Department is authorized to act and must set forth in separate numbered paragraphs the specific facts and circumstances upon which the request for action is based.

(d) The notice of a right to respond or defend shall conform substantially to the following:

[Case Caption]

NOTICE

If you wish to defend against the claims set forth in the following pages, you must take action within thirty (30) days after this Order to Show Cause and notice are served by entering a written appearance personally or by attorney and filing in writing with the Clerk in accordance with § 1230.23 your answers, defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Department without further notice for any claim or relief requested by the Office. You should take this paper to your lawyer at once.

(e) Subsections (a)—(d) supersede 1 Pa. Code § 35.14 (relating to orders to show cause).

§ 1230.44. Answers to Orders to Show Cause, orders or other petitions filed by the Office.

(a) Answers to Orders to Show Cause, orders or other petitions filed by the Office shall be filed with the Clerk within 30 days after the date of service of the Order to Show Cause, order or other petition filed by the Office, unless, for cause, the Department, with or without motion, prescribes a different time.

(b) Answers to Orders to Show Cause, orders or other petitions filed by the Office must set forth legal objections and any denial of facts in a single pleading.

(c) Answers must be in writing and drafted as to fully and completely advise the parties and the Department as to the nature of the defense, including affirmative defenses. Answers must admit or deny specifically and in detail each material allegation of the Order to Show Cause, order or petition filed by the Office, and state clearly and concisely the facts and matters of law relied upon.

(d) A Respondent failing to file an answer within the prescribed time will be deemed in default and, upon motion made as set forth in § 1230.46 (relating to entry of default judgment), all relevant facts in the Order to Show Cause, order or other petition filed by the Office may be deemed admitted, and default judgment may be entered.

(e) New matter or preliminary objections may not be filed. To the extent that new matter or preliminary objections are filed, new matter or preliminary objections will be deemed stricken.

(f) Subsections (a)—(e) supersede 1 Pa. Code § 35.37 (relating to answers to orders to show cause).

§ 1230.45. Verifications and affidavits.

(a) Pleadings or other documents containing an averment of fact not appearing of record in the action or containing a denial of fact shall be personally verified by a party thereto or by an authorized officer of the party if a corporation or other business entity. 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). If verification is required, notarization is not necessary.

(b) The verification form must comply substantially with the following:

VERIFICATION

I, _____, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief). I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date

Signature

Printed Name

(c) When an affidavit is used, the form should comply substantially with the following:

AFFIDAVIT

I, _____ (Affiant), being duly sworn (affirmed) according to law, depose and say that (I am authorized to make this affidavit on behalf of _____ corporation/business entity, being the holder of the office of _____ with that corporation/business entity,) and that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief).

(Signature of affiant)

Sworn and subscribed before me this _____ day of _____, 20____.

(Signature of official administering oath)

§ 1230.46. Entry of default judgment.

(a) The Department, on motion of the Office, may enter default judgment against the Respondent for failure to file within the required time an answer to an Order to Show Cause, order or other petition allowed for under these regulations that contains a notice of a right to respond or defend.

(b) The Respondent may answer the motion for default judgment and request a hearing. If a request for a hearing on the default judgment is made, the Department may not grant default judgment prior to a hearing and the filing of an answer.

[Pa.B. Doc. No. 18-731. Filed for public inspection May 11, 2018, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Mourning Doves

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 30, 2018, meeting proposed to add § 141.29 (relating to hunting mourning doves over managed fields) to authorize the hunting and taking of mourning doves in areas where grain or other feed has been distributed or scattered solely as a result of manipulation of an agricultural crop or other feed where grown.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 30, 2018, meeting of the Commission. Comments can be sent until July 26, 2018, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is proposing to add § 141.29 to authorize the hunting and taking of mourning doves in areas where grain or other feed has been distributed or scattered solely as a result of manipulation of an agricultural crop or other feed where grown. The primary purpose of this program is to improve hunter recruitment and retention. This authorization is intended to implement the Federal authorization of this program under 50 CFR 20.21 (relating to what hunting methods are illegal), but will not authorize hunting in managed areas of any other species or during any other time periods.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The addition of § 141.29 is proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will add § 141.29 to authorize the hunting and taking of mourning doves in areas where grain or other feed has been distributed or scattered solely as a result of manipulation of an agricultural crop or other feed where grown.

3. Persons Affected

Persons wishing to hunt or take mourning doves in areas where grain or other feed has been distributed or scattered solely as a result of manipulation of an agricultural crop or other feed where grown may be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding this proposed rulemaking, contact Randy L. Shoup, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-428. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.29. Hunting mourning doves over managed fields.

(a) *Limited hunting authorized.* In accordance with the authorization in 50 CFR 20.21 (relating to what hunting methods are illegal), it is lawful to hunt mourning doves on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation. This authorization does not apply to any other species of wildlife or to the hunting of mourning doves where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed after September 15 each license year.

(b) *Definition.* For the purposes of this section, “manipulation” means the alteration of natural vegetation or agricultural crops by activities that include mowing, shredding, dicing, rolling, chopping, trampling, flattening, burning or herbicide treatments. The term does not include the distributing or scattering of grain, seed or other feed after removal from or storage on the field where grown.

[Pa.B. Doc. No. 18-732. Filed for public inspection May 11, 2018, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Office of Inspector General

The Executive Board approved a reorganization of the Office of Inspector General effective April 26, 2018.

The organization chart at 48 Pa.B. 2820 (May 12, 2018) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 18-733. Filed for public inspection May 11, 2018, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Pennsylvania Emergency Management Agency

The Executive Board approved a reorganization of the Pennsylvania Emergency Management Agency effective April 26, 2018.

The organization chart at 48 Pa.B. 2821 (May 12, 2018) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 18-734. Filed for public inspection May 11, 2018, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Public School Employees' Retirement System

The Executive Board approved a reorganization of the Public School Employees' Retirement System effective April 26, 2018.

The organization chart at 48 Pa.B. 2822 (May 12, 2018) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 18-735. Filed for public inspection May 11, 2018, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

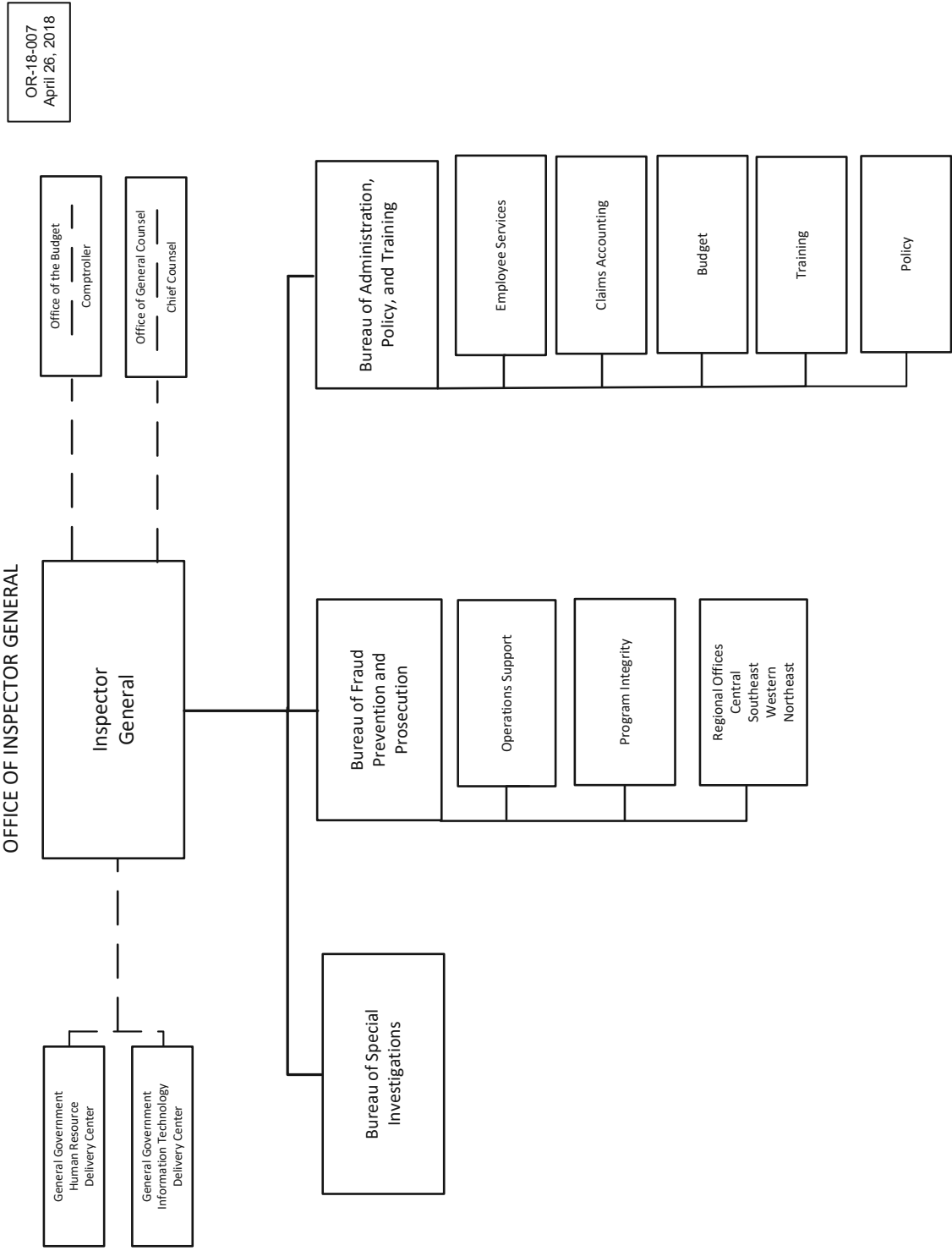
Reorganization of the State Civil Service Commission

The Executive Board approved a reorganization of the State Civil Service Commission effective April 26, 2018.

The organization chart at 48 Pa.B. 2823 (May 12, 2018) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

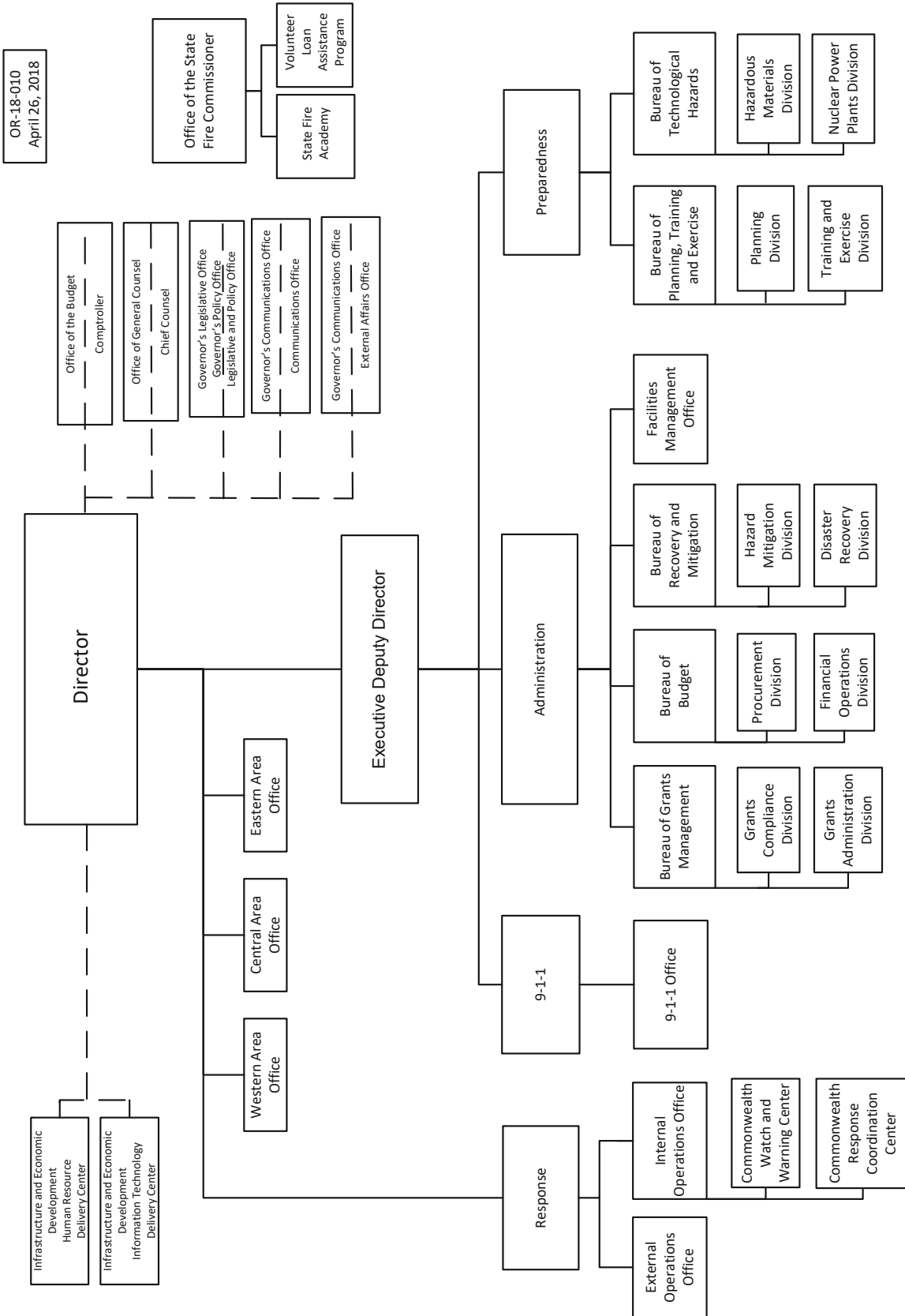
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

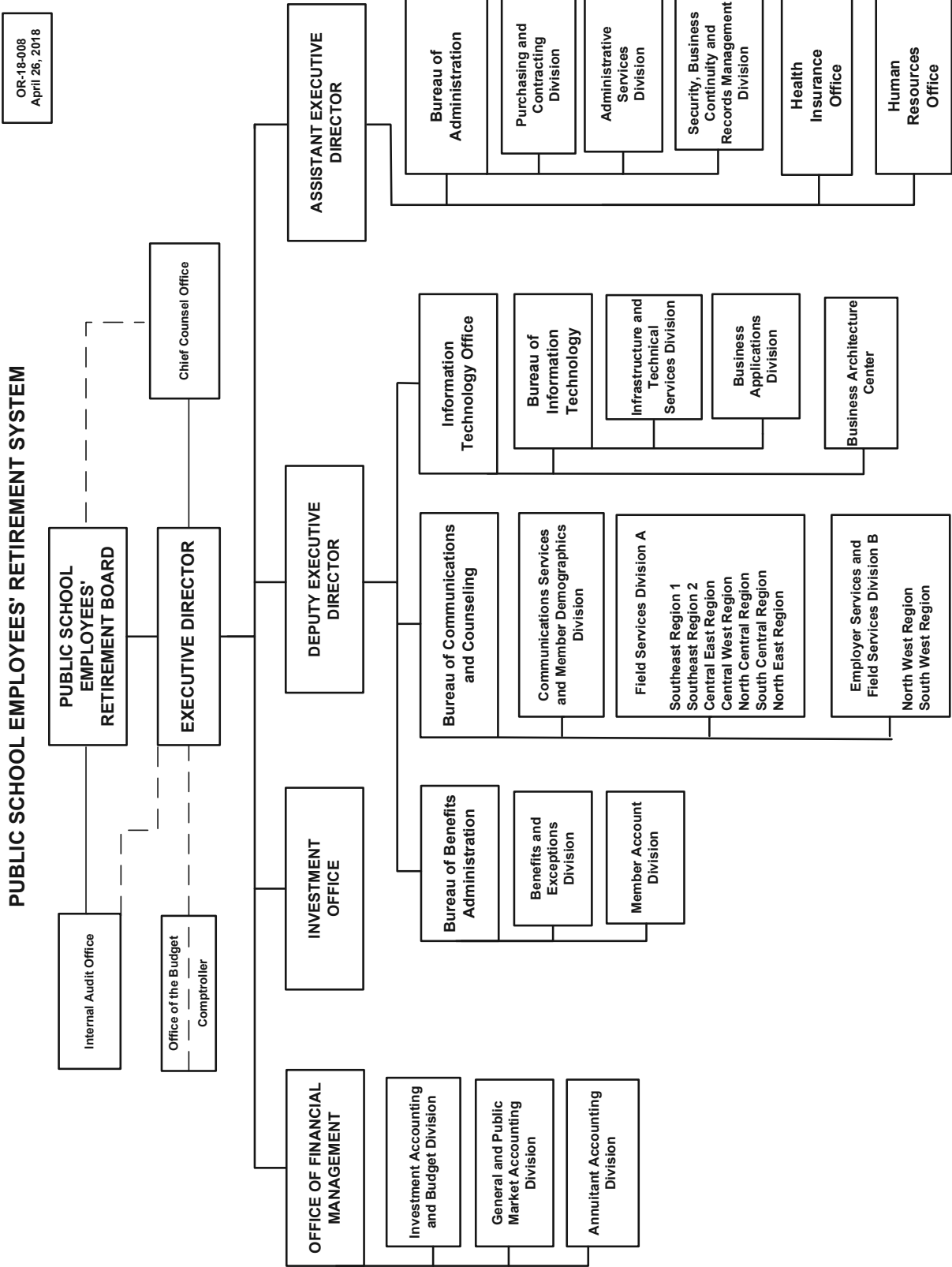
[Pa.B. Doc. No. 18-736. Filed for public inspection May 11, 2018, 9:00 a.m.]



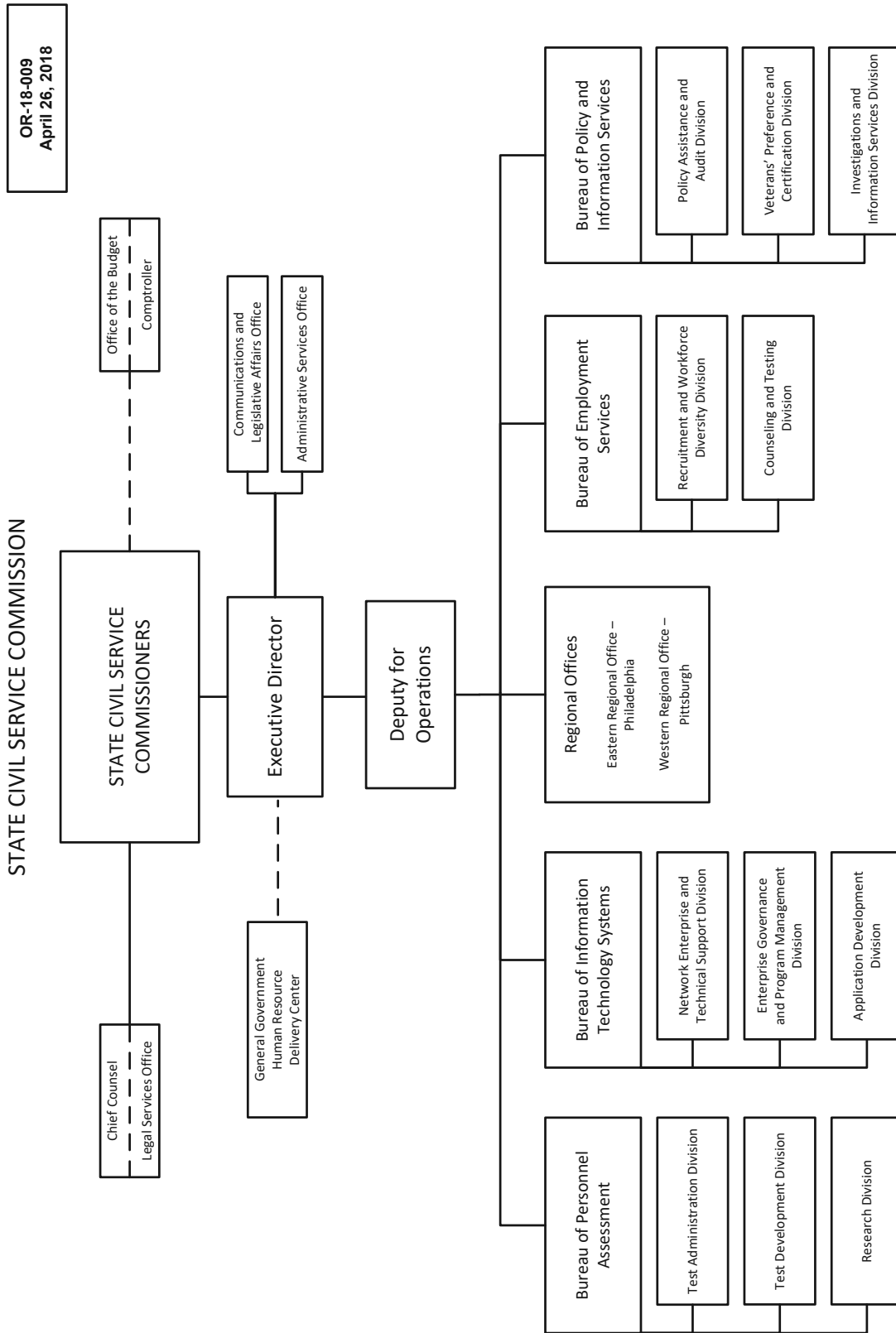
OR-18-007
April 26, 2018

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY





OP-18-008
April 26, 2018



OR-18-009
April 26, 2018

Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 67b]

Commonwealth of Pennsylvania Universal Restroom Policy

The Department of General Services (Department), under the authority of section 2401.1 of The Administrative Code of 1929 (71 P.S. § 631.1), adds Chapter 67b (relating to Commonwealth of Pennsylvania universal restroom policy—statement of policy) to read as set forth in Annex A.

Section 2401.1(1) of The Administrative Code of 1929 provides the Department with the powers and duties as to new construction, alteration and repairs over \$25,000 base cost. Section 2401.1(2) of The Administrative Code of 1929 provides the Department with the exclusive authority over all construction of capital public improvement projects passed in a Commonwealth Capital Budget or other legislation, and defines public improvement projects to include public buildings for the use of the Commonwealth, State arsenals, armories, military reserves, State airports, State institutions of every kind and character, and State-related educational institutions. Section 2401.1(3) of The Administrative Code of 1929 provides the Department with exclusive authority over all Commonwealth repair projects which cost in excess of \$25,000 funded by appropriations in the operating budget. Section 2401.1(5) of The Administrative Code of 1929 authorizes the Department to carry out all construction activities which cost in excess of \$ 25,000, including all aspects of project management, design and construction, such as preplanning and estimating, legal and administrative services, planning, actual construction, repair, and alteration or addition to existing facilities. Section 2401.1(9) of The Administrative Code of 1929 requires the Department to formulate and establish minimum specifications and standards for construction, room design, materials and utilities for all projects to be constructed by or the construction of which is subsidized in whole or in part by the Commonwealth and to be used by any department, board, agency, commission, or State-supported institution, agency or project.

Based on the powers and duties in section 2401.1 of The Administrative Code of 1929, the Department is adding Chapter 67b, which establishes guidelines for the design and implementation of universal restrooms, which are single occupancy restrooms that do not designate a gender and can be used by anyone.

Chapter 67b applies to Capital Projects administered by all Commonwealth agencies and to Capital Projects that the Department delegates to other agencies or institutions. The policy in Chapter 67b will be incorporated into all Agreements for Professional Services for new Capital Projects for new construction and, to the extent feasible, renovations of existing buildings. The policy in Chapter 67b will also be included as a condition of the Department's delegated Capital Projects.

Chapter 67b requires at least one universal single occupancy restroom to be created per floor/story for each floor/story that contains restrooms in all Capital Projects for new construction. To the extent feasible, at least one universal single occupancy restroom should be created in all renovations of existing Commonwealth buildings, and all gender-specific single occupancy restrooms within ex-

isting Commonwealth buildings shall be converted to universal single occupancy restrooms.

Fiscal Impact

This statement of policy will result in an additional cost of approximately \$7,850 per restroom for all new construction or renovation projects subject to Chapter 67b. The cost to convert gender-specific single occupancy restrooms to universal single occupancy restrooms is approximately \$500 per restroom.

Paperwork Requirements

This statement of policy will not result in an increase in paperwork for individuals or entities.

Effective Date

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

Specific questions regarding information in this statement of policy may be directed to Mary W. Fox, Assistant Counsel, Department of General Services, Office of Chief Counsel, 603 North Office Building, 401 North Street, Harrisburg, PA 17120.

CURTIS M. TOPPER,
Secretary

(Editor's Note: Title 4 of the Pennsylvania Code is amended by adding statements of policy in §§ 67b.1—67b.6 to read as set forth in Annex A.)

Fiscal Note: 8-29. (1) Capital Facilities Fund; (2) Implementing Year 2017-18 is \$0; (3) 1st Succeeding Year 2018-19 is \$314,000; 2nd Succeeding Year 2019-20 is \$323,000; 3rd Succeeding Year 2020-21 is \$333,000; 4th Succeeding Year 2021-22 is \$343,000; 5th Succeeding Year 2022-23 is \$353,000; (4) 2016-17 Program—\$228,230,000; 2015-16 Program—\$380,030,000; 2014-15 Program—\$682,268,000; (7) Public Improvement Projects, Buildings and Structures; (8) recommends adoption. The Public Improvement Projects appropriation is able to absorb the increased cost.

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart C. CONSTRUCTION AND PROCUREMENT

ARTICLE II. CONSTRUCTION

CHAPTER 67b. COMMONWEALTH OF PENNSYLVANIA UNIVERSAL RESTROOM POLICY—STATEMENT OF POLICY

Sec.	Purpose.
67b.1.	Purpose.
67b.2.	Scope.
67b.3.	Definitions.
67b.4.	Universal restroom policy.
67b.5.	Required design standards.
67b.6.	Recommended design standards.

§ 67b.1. Purpose.

The Commonwealth complies with Federal and State laws regarding nondiscrimination and strives to promote access and accommodation for all employees and visitors. The Commonwealth recognizes that employees and visitors may require special restroom accommodations for their health, safety, convenience or privacy. The underlying purpose of this chapter is to establish guidelines for the design and implementation of universal restrooms and restroom facilities, and to ensure that, to the extent feasible, Commonwealth buildings include universal

single occupancy restroom facilities that are safe, accessible and convenient to all citizens.

§ 67b.2. Scope.

(a) This chapter applies to all Capital Projects for new construction and, to the extent feasible, renovations of existing buildings. The requirements in this chapter apply to Capital Projects administered by all Commonwealth agencies and to Capital Projects that the Department delegates to other agencies or institutions. Deviations from this chapter require the written approval of the Secretary of General Services or a designee.

(b) This policy will be incorporated into all Agreements for Professional Services for new Capital Projects for new construction and, to the extent feasible, renovations of existing buildings. This policy will also be included as a condition of the Department's delegated Capital Projects.

§ 67b.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Capital Projects—Projects listed in a capital budget project itemization act.

Commonwealth buildings—Buildings owned by the Commonwealth or owned by a Commonwealth agency.

Gender-specific single occupancy restroom—A single occupancy restroom that has been designated men or women.

Universal single occupancy restroom—Any single occupancy restroom that does not designate a gender and can be used by anyone.

§ 67b.4. Universal restroom policy.

(a) At least one universal single occupancy restroom will be created per floor/story for each floor/story that contains restrooms in all Capital Projects for new con-

struction. To the extent feasible, at least one universal single occupancy restroom should be created in all renovations of existing Commonwealth buildings. To the extent feasible, all gender-specific single occupancy restrooms within existing Commonwealth buildings will be converted to universal single occupancy restrooms.

(b) The location of the universal single occupancy restrooms will be determined in consultation with the Department based upon the operational needs of the agency or institution.

§ 67b.5. Required design standards.

All newly-constructed and renovated single occupancy restrooms subject to this chapter must:

(1) Utilize appropriate signage as designated by the Department that indicates a universal single occupancy restroom.

(2) Comply with all applicable Federal, State and local codes, laws and regulations including the following:

(i) All requirements in the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101—12213) applicable to single-occupancy restrooms, including ADA lever/closer hardware with secured locks that include occupancy indicators.

(ii) International Building Code accessibility requirements for single-occupant toilet rooms.

(iii) Uniform Construction Code.

§ 67b.6. Recommended design standards.

The following recommended design standards should be included in universal single occupancy restrooms when appropriate and feasible:

(1) A changing station.

(2) A sanitary napkin disposal container.

[Pa.B. Doc. No. 18-737. Filed for public inspection May 11, 2018, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending May 1, 2018.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-30-2018	Juniata Valley Financial Corp. Mifflintown Juniata County Application for approval to acquire 100% of Liverpool Community Bank, Liverpool.	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>										
4-30-2018	Community Bank Carmichaels Greene County Merger of Progressive Bank, National Association, Wheeling, WV, with and into Community Bank, Carmichaels, PA. As a result of the merger, the following branch offices of Foundation Bank became branch offices of First Commonwealth Bank: <table border="0" style="margin-left: 20px; width: 100%;"> <tr> <td style="width: 50%;">590 National Road Wheeling Ohio County, WV (Administrative Office)</td> <td style="width: 50%;">875 National Road Wheeling Ohio County, WV</td> </tr> <tr> <td>1090 East Bethlehem Boulevard Wheeling Ohio County, WV</td> <td>1701 Warwood Avenue Wheeling Ohio County, WV</td> </tr> <tr> <td>744 Charles Street Wellsburg Brook County, WV</td> <td>809 Lafayette Avenue Moundsville Marshall, WV</td> </tr> <tr> <td>425 3rd Street New Martinsville Wetzel County, WV</td> <td>3 South Locust Street Buckhannon Upshur County, WV</td> </tr> <tr> <td>426 34th Street Bellaire Belmont County, OH</td> <td></td> </tr> </table>	590 National Road Wheeling Ohio County, WV (Administrative Office)	875 National Road Wheeling Ohio County, WV	1090 East Bethlehem Boulevard Wheeling Ohio County, WV	1701 Warwood Avenue Wheeling Ohio County, WV	744 Charles Street Wellsburg Brook County, WV	809 Lafayette Avenue Moundsville Marshall, WV	425 3rd Street New Martinsville Wetzel County, WV	3 South Locust Street Buckhannon Upshur County, WV	426 34th Street Bellaire Belmont County, OH		Effective
590 National Road Wheeling Ohio County, WV (Administrative Office)	875 National Road Wheeling Ohio County, WV											
1090 East Bethlehem Boulevard Wheeling Ohio County, WV	1701 Warwood Avenue Wheeling Ohio County, WV											
744 Charles Street Wellsburg Brook County, WV	809 Lafayette Avenue Moundsville Marshall, WV											
425 3rd Street New Martinsville Wetzel County, WV	3 South Locust Street Buckhannon Upshur County, WV											
426 34th Street Bellaire Belmont County, OH												
4-30-2018	The Juniata Valley Bank Mifflintown Juniata County Merger of Liverpool Community Bank, Liverpool, with and into The Juniata Valley Bank, Mifflintown. As a result of the merger, the sole office of Liverpool Community Bank, located at the following address, became a branch office of The Juniata Valley Bank: <table border="0" style="margin-left: 20px; width: 100%;"> <tr> <td>104 North Front Street Liverpool Perry County</td> </tr> </table>	104 North Front Street Liverpool Perry County	Effective									
104 North Front Street Liverpool Perry County												

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>		
5-1-2018	First Commonwealth Bank Indiana Indiana County Merger of Foundation Bank, Cincinnati, OH, with and into First Commonwealth Bank, Indiana, PA. As a result of the merger, the following branch offices of Foundation Bank became branch offices of First Commonwealth Bank: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> 25 Garfield Place Cincinnati Hamilton County, OH 9960 Springfield Pike Cincinnati Hamilton County, OH 4730 Montgomery Road Norwood Hamilton County, OH </td> <td style="width: 50%; vertical-align: top;"> 3521 Erie Avenue Cincinnati Hamilton County, OH 954 State Route 28 Milford Clermont County, OH </td> </tr> </table>	25 Garfield Place Cincinnati Hamilton County, OH 9960 Springfield Pike Cincinnati Hamilton County, OH 4730 Montgomery Road Norwood Hamilton County, OH	3521 Erie Avenue Cincinnati Hamilton County, OH 954 State Route 28 Milford Clermont County, OH	Effective
25 Garfield Place Cincinnati Hamilton County, OH 9960 Springfield Pike Cincinnati Hamilton County, OH 4730 Montgomery Road Norwood Hamilton County, OH	3521 Erie Avenue Cincinnati Hamilton County, OH 954 State Route 28 Milford Clermont County, OH			

**Branch Applications
De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-1-2018	AmeriServ Financial Bank Johnstown Cambria County	12806 Shank Farm Way Hagerstown Washington County, MD	Filed

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 18-738. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Transfer of State Park Land to the Turnpike Commission; Funding for the Acquisition of Land by the Pennsylvania Turnpike Commission for Lands to be Acquired by the Department of Conservation and Natural Resources to be Encumbered with Certain Statutory Restrictions

Part A: Transfer of State park land to the Turnpike Commission (Commission).

The Commission has begun a Total Reconstruction and Widening project (highway project) from milepost 308 to 312, located through and adjacent to Marsh Creek State Park, Upper Uwchlan Township, Chester County. This project falls within the Commission's main line (I-76). By and through its authority under 74 Pa.C.S. § 8110 (relating to procedural requirements of acquisition), the Commission is proposing to permanently take 4.302 acres of State park land needed to reconstruct the highway.

The lands now comprising Marsh Creek State Park were acquired from funding by and through the Project 70 Land Acquisition and Borrowing Act (Project 70 Act) (72 P.S. §§ 3946.1—3946.22). In addition, a portion of these lands are also encumbered, in part, by the National Park Service's Land and Water Conservation Fund (LWCF) program. In accordance with the restrictions and requirements set forth in the LWCF, 54 U.S.C.A.

§ 200305(f)(3), the Commission is required to provide replacement lands that exceed both the acreage and appraised value of the land being taken.

The Commission is working to fulfill the requirements for the land transfer as required by the Department of Conservation and Natural Resource (Department), the LWCF administrator and the Project 70 Act. In accordance with the Commission's statutory authority, and with the approval by the Secretary of the National Park Service for the LWCF conversion, and express authorization from the General Assembly to dispose of the State park land currently encumbered by Project 70 Act restrictions, the Department is proposing to grant to the Commission, free of all encumbrances, a permanent right of way (ROW) acquisition of 4.302 acres of State park land as more fully described as follows.

1) 4.302 acres of State park land for use as a permanent ROW with the Commission. These permanent ROWs to be conveyed from the Department to the Commission exist as three separate areas—all adjacent to the highway project lands. a) Area 1 (South, Parcel 1)—1.863 acres ROW for Limited Access; b) Area 2 (South, Parcel 2)—1.176 acres ROW for Limited Access, 0.075 acre Drainage Easement and 0.002 Temporary Construction Easement; and c) Area 3 (North, Parcel 3)—1.186 acres ROW for Limited Access:

All those certain tracts or parcels of land situate in Upper Uwchlan Townships, Chester County, being bounded and described according to Commission Plan No. RW 6018-C, WBS No. T-308.00T001-4-10, dated April 20, 2018, MP T308.12 to T308.52, and as follows to wit:

a) Area 1—1.863 acres—required ROW for limited access

Beginning at a point on the southerly legal ROW line for limited access of the grantee and the westerly legal ROW line of Styer Road (T-457), said point being located 100.00 feet right of and opposite Survey and ROW Baseline Station 754+71±;

Thence through lands of the grantor and along the westerly legal line of Styer Road (T-457), South 39°45'56" West, 60.26 feet to a point being located 160.00 feet, right of and opposite Survey and ROW Baseline Station 754+77±;

Thence through land of the grantor and along the required ROW line for limited access the following three courses and distances:

1. North 44°56'27" West, 599.92 feet to a point being located 160.00 feet, right of and opposite Survey and ROW Baseline Station 748+77.00;

2. North 46°49'41" West, 607.33 feet to a point being located 180.00 feet, right of and opposite Survey and ROW Baseline Station 742+70.00;

3. North 44°56'27" West, 28.61 feet to a point on the line now or formerly of the Commission, said point being located 180.00 feet right of and opposite Survey and ROW Baseline Station 742+41±;

Thence along land now or formerly of the Commission the following two courses and distances:

1. North 50°21'47" East, 14.32 feet to a point being located 166 feet, more or less, right of and opposite Survey and ROW Baseline Station 742+43±;

2. North 28°26'03" East, 68.60 feet to a point on the southerly legal ROW line for limited access of the grantee, said point being located 100.00 feet, more or less, right of and opposite Survey and ROW Baseline Station 742+23±;

Thence along the southerly legal ROW line for limited access of the grantee, South 44°56'27" East, 1248.27 feet to the point of beginning.

Containing 1.863 acres.

Area 1 includes 0.031 acre of ROW reserved by Laurel/Buckeye and Sunoco Pipeline and 0.056 acre of ROW reserved by Texas Eastern Transmission Corporation and 0.042 acre of legal channel easement.

b) Area 2—1.176 acres—required ROW for limited access, 0.075 acre drainage easement, and 0.002 temporary construction easement

Beginning at a point on the southerly legal ROW line for limited access of the grantee and the easterly legal ROW line of Styer Road (T-457), said point being located 102.02 feet right of and opposite Survey and ROW Baseline Station 755+05±;

Thence along the southerly legal ROW line for limited access of the grantee the following four courses and distances:

1. South 33°37'26" East, 40.66 feet to a point being located 110.00 feet, right of and opposite Survey and ROW Baseline Station 755+45±;

2. South 44°56'27" East, 799.40 feet to a point being located 110.00 feet, right of and opposite Survey and ROW Baseline Station 763+44±;

3. South 56°15'27" East, 50.96 feet to a point being located 100.00 feet, right of and opposite Survey and ROW Baseline Station 763+94±;

4. South 44°56'27" East, 52.89 feet to a point on the line now or formerly of Robin W. and Judy A. Reid, said point being located 100.00 feet right of and opposite Survey and ROW Baseline Station 764+47±;

Thence along land now of formerly of Robin W. and Judy A. Reid, South 14°05'18" West, 29.24 feet to a point being located 125 feet, more or less, right of and opposite Survey and ROW Baseline Station 764+62±;

Thence through land of the grantor and along the required ROW line for limited access the following six courses and distances:

1. North 75°54'42" West, 87.31 feet to a point being located 170.00 feet, right of and opposite Survey and ROW Baseline Station 763+87.00;

2. North 44°56'27" West, 127.00 feet to a point being located 170.00 feet, right of and opposite Survey and ROW Baseline Station 762+60.00;

3. North 45°03'33" East, 10.00 feet to a point being located 160.00 feet, right of and opposite Survey and ROW Baseline Station 762+60.00;

4. North 44°56'27" West, 295.00 feet to a point being located 160.00 feet, right of and opposite Survey and ROW Baseline Station 759+65.00;

5. South 45°03'33" West, 5.00 feet to a point being located 165.00 feet, right of and opposite Survey and ROW Baseline Station 759+65.00;

6. North 44°56'27" West, 454.48 feet to a point on the easterly legal ROW line of Styer Road (T-457), said point being located 165.00 feet, right of and opposite Survey and ROW Baseline Station 753+11±;

Thence along the easterly legal ROW line of Styer Road (T-457), North 39°45'56" East, 63.25 feet to the point of beginning.

Containing 1.176 acres.

Area 2 includes 0.614 acre of ROW reserved by Laurel/Buckeye and Sunoco Pipeline and 0.039 acre of ROW reserved by Texas Eastern Transmission Corporation and 0.018 acre of ROW reserved by Aqua Water.

Required Drainage Easement—0.075 acre

Beginning at a point on the required ROW line for limited access, said point being located 160.00 feet, right of and opposite Survey and ROW Baseline Station 759+65.00;

Thence along the required ROW line for limited access, South 44°56'27" East, 65.00 feet to a point being located 160 feet, right of and opposite Survey and ROW Baseline Station 760+30;

Thence through land of the grantor the following three courses and distances:

1. South 45°03'33" West, 50.00 feet to a point being located 210 feet, right of and opposite Survey and ROW Baseline Station 760+30;

2. North 44°56'27" West, 65.00 feet to a point being located 210 feet, right of and opposite Survey and ROW Baseline Station 759+65;

3. North 45°03'33" East, 50.00 feet to the point of beginning.

Containing 0.075 acre.

The previous required drainage easement includes 0.050 acre of ROW reserved by Laurel/Buckeye and Sunoco Pipeline.

Temporary Construction Easement—0.002 acre

Beginning at a point on the required ROW line for limited access, said point being located 160 feet, right of and opposite Survey and ROW Baseline Station 761+92;

Thence along the required ROW line for limited access, South 44°56'27" East, 10.00 feet to a point being located 160 feet, right of and opposite Survey and ROW Baseline Station 762+02;

Thence through land of the grantor the following three courses and distances:

1. South 45°03'33" West, 10.00 feet to a point being located 170 feet, right of and opposite Survey and ROW Baseline Station 762+02;

2. North 44°56'27" West, 10.00 feet to a point being located 170 feet, right of and opposite Survey and ROW Baseline Station 761+92;

3. North 45°03'33" East, 10.00 feet to the point of beginning.

Containing 0.002 acre.

The previous temporary construction easement includes 0.002 acre of ROW reserved by Laurel/Buckeye and Sunoco Pipeline.

c) Area 3—1.186 acres—required ROW for limited access

Beginning at a point on the northerly legal ROW line for limited access of the grantee and the easterly legal ROW line of Styer Road (T-457), said point being located 100 feet, more or less, left of and opposite Survey and ROW Baseline Station 754+91±;

Thence along the easterly legal ROW line of Styer Road (T-457), by a curve to the right, having a radius of 533.50 feet, an arc length of 43.86 feet, and a chord bearing of North 45°50'56" East, a chord distance of 43.84 feet to a point being located 144 feet, more or less, left of and opposite Survey and ROW Baseline Station 754+92±;

Thence along the required ROW line for limited access and land now or formerly of John S. and Patricia M. Cassel the following three courses and distances:

1. South 60°22'50" East, 57.19 feet to a point being located 159 feet, more or less, left of and opposite Survey and ROW Baseline Station 755+47±;

2. North 80°07'06" East, 109.81 feet to a point being located 249 feet, more or less, left of and opposite Survey and ROW Baseline Station 756+10±;

3. South 41°47'17" East, 201.29 feet to a point being located 238 feet, more or less, left of and opposite Survey and ROW Baseline Station 758+11±;

Thence along the required ROW line for limited access, land now or formerly of John S. and Patricia M. Cassel, land now or formerly of William M. and Kathleen A. Kalkbrenner, and land now or formerly of Nelson L. and Kimberly D. Lucas-Murphy, South 16°06'07" East, 265.12 feet to a point on the northerly legal ROW line of the grantee, said point being located 110 feet, more or less, left of and opposite Survey and ROW Baseline Station 760+43±;

Thence along the northerly legal ROW line for limited access of the grantee the following three courses and distances:

1. North 44°56'27" West, 348.56 feet to a point being located 110.00 feet, left of and opposite Survey and ROW Baseline Station 756+94±;

2. North 56°15'27" West, 50.96 feet to a point being located 100.00 feet, left of and opposite Survey and ROW Baseline Station 756+44±;

3. North 44°56'27" West, 153.50 feet to the point of beginning.

Containing 1.186 acres.

Area 3 includes 0.273 acre of ROW reserved by Texas Eastern Transmission Corporation and 0.007 acre of ROW reserved by Aqua Water.

Being portions of the same properties Chester County Water Resources Authority, by its deed dated November 7, 1969, and recorded November 7, 1969, in the Recorder of Deeds Office in and for Chester County in Deed Book C39, Page 290, and its deed dated February 20, 1978, and recorded February 20, 1978, in the Recorder of Deeds Office in and for Chester County in Deed Book M52, Page 300, granted and conveyed unto the Commonwealth, grantor herein.

Part B: Funding by the Commission for lands to be acquired by the Commonwealth, acting by and through the Department's Bureau of State Parks to be encumbered with certain statutory restrictions.

The Commission is proposing to fund the acquisition of 5.0 acres of land, as more fully described as follows, as replacement lands for the conversion of the LWCF and Project 70 Act restricted lands in accordance with the LWCF and Project 70 Act requirements. Upon acquisition, the Department shall impose and record Project 70 Act restrictions and LWCF restrictions on the property described as follows.

All that certain parcel of land situated in Wallace Township, Chester County, being a part of UPI 31-4-145, being a Turnpike Mitigation Area according to a new survey thereof as shown on a Plan of Property Boundary Survey for Natural Lands, prepared by Beideman Associates, Glenmoore, PA, dated February 22, 2018, and being more fully described as follows:

Beginning at an interior point, a corner of a County/State/Highlands Funding Area, and on line of land of the Commonwealth (UPI 31-4-146); which interior point of beginning is located as follows from the point of intersection of the title line in Marshall Road (SR 4033) and the title line in Chalfont Road (T-423), being at the intersection of Little Conestoga Road (SR 4016) extending to the north and east, Marshall Road extending to the west, and Chalfont Road extending to the south; commencing thence along the title line in Chalfont Road and along the Charles Andrews Subdivision recorded in Plan Book 56 Page 13, the three following courses and distances: 1) South 14°34'31" East 585.32 feet to a point; 2) crossing through the Andrews Lane intersection, South 20°24'31" 369.89 feet to a point; and 3) South 30°30'31" East 363.53 feet to a point; thence continuing along the title line in Chalfont Road and along the Chalfont-St. Giles Subdivision recorded as Plan Number 13270, crossing through the Waterview Drive intersection, South 21°33'32" East 411.98 feet to a point, a corner of land of the Commonwealth (UPI 31-4-146); thence leaving Chalfont Road and along said land of the Commonwealth, South 44°35'45" West 65.60 feet to a corner of the herein described

Turnpike Mitigation Area, an interior point and the true point of beginning; thence from the true point of beginning, along said land of the Commonwealth, crossing a copperweld found at a distance of 19.24 feet, South 44°35'45" West a total distance of 1,165.92 feet to a concrete monument found at a corner of land of Philadelphia Suburban Water Company, now Aqua Pennsylvania, Inc. (UPI 31-4-143); thence along said land, North 38°22'44" West 183.64 feet to a corner of the aforementioned County/State/Highlands Funding Area; thence through UPI 31-4-145 of which this is a part, and along the County/State/Highlands Funding Area, North 44°35'45" East 1,224.02 feet to a point; thence along the same, South 21°33'32" East 199.27 feet to the point of beginning.

Containing 5.000 acres of land be the same more or less.

Being part of UPI Number 31-4-145.

Being a part of the same premises which Dekamodo Investment Partnership, LP, by deed dated December 19, 2017, and recorded December 29, 2017, in the Office of

the Recorder of Deeds in and for the County of Chester in Record Book 9675, Page 243, granted and conveyed to Natural Lands Trust, a Pennsylvania nonprofit corporation.

Review and Comment:

Project documents will be available for review from May 15, 2018, until June 30, 2018, at the Marsh Creek State Park Office and on the Commission's web site at www.patpconstruction.com/mp298to312/.

Questions or comments on this proposal should be sent to John Hallas, Director, Bureau of State Parks, Attn: RMPD—Planning Section, P.O. Box 8551, Harrisburg, PA 17105-8551, RA-Park-Operations@pa.gov. Comments must be received within 30 days following publication of this notice.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 18-739. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). 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).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of

this public notice. Comments received within the respective comment periods will be 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 the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. 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. The Department will postpone its final determination until after a public hearing is held.

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

I. NPDES Renewal Applications.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0062715 (Industrial)	Sunoco Partners Marketing & Terminals, L.P.— Kingston Terminal 60 S. Wyoming Avenue Edwardsville, PA 18704	Luzerne County Edwardsville Borough	Toby Creek (05B)	Yes
PA0062588 (Industrial)	PA Ceasetown WTP 1799 Jumper Road Wilkes-Barre, PA 18702-8032	Luzerne County Jackson Township	Pikes Creek (5-B)	Yes

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0253057 (Sewage)	Testa SRSTP 239 Roaring Run Road Champion, PA 15622-3093	Westmoreland County Donegal Township	Roaring Run (19-E)	Yes

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0103209 (Sewage)	Wattsburg Area School District Campus 10782 Wattsburg Road Erie, PA 16509-6422	Erie County Greene Township	Unnamed Tributary of East Branch LeBoeuf Creek (16-A)	Yes
PA0239348 (Sewage)	698 Roadhouse PO Box 318 9107 Main Street McKean, PA 16426-0318	Erie County Elk Creek Township	Unnamed Tributary to Cussewago Creek (16-D)	Yes

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970.

PA0026298, Sewage, SIC Code 4952, **Whitemarsh Township Authority Montgomery County**, PO Box 447, Lafayette Hill, PA 19444-0447. Facility Name: Whitemarsh Township STP & Sewer System. This existing facility is located in Whitemarsh Township, **Montgomery County**.

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

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 2 MGD.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.3
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Influent	Report	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	417	667	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	500	750	XXX	30	45	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000*
				Geo Mean		
Ammonia-Nitrogen	333	XXX	XXX	20	XXX	40
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	2,000.0	2,500
				Avg Qrtly	Daily Max	
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Chloride	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Bromide	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

*Shall not exceed in more than 10% of samples during period of October thru April.

Sludge use and disposal description and location(s): Sludge is stored in sludge holding tank, dewater thru rotary fan press filter, stabilized and send to landfill for final disposal.

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

No storm water discharge directly to Sanitary Sewers.

Acquire all necessary property rights.

Proper sludge disposal.

Optimized chlorine use.

Notification of responsible operator.

Develop and implement O & M Plan.

High Flow Management Plan.

Solids Management in treatment plant.

Whole Effluent Toxicity Test.

Fecal requirement per DRBC Rule.

Requirements applicable to storm water.

PCB minimization 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 not in effect.

PA0244619, Sewage, SIC Code 8811, **Rachel A. Wachs**, 215 West Church Road, King of Prussia, PA 19406. Facility Name: Wachs SRSTP. This existing facility is located in 1107 Manor Road, Coatesville, PA 19320, West Brandywine 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), Unnamed Tributary to West Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	Report

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

Proposed Part C Conditions:

I. Other Requirements.

A. AMR to DEP.

B. DMR to DEP.

C. Depth of Septage.

D. Solids Removal from Septic Tanks.

E. No Stormwater.

F. Necessary Property Rights.

G. Proper Sludge Disposal.

H. 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.

PA0058301, Sewage, SIC Code 8811, **Richard Maurer**, 807 Ridge Road, Telford, PA 18969-1528. Facility Name: Maurer 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 Ridge Valley Creek, 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 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	10.0	XXX	20.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6.0
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0

In addition, the permit contains the following major special conditions: Proposed Part C Conditions:

I. Other Requirements.

A. AMR to DEP.

B. DMR to DEP.

C. Depth of Septage.

D. Solids Removal from Septic Tanks.

E. No Stormwater.

F. Necessary Property Rights.

G. Proper Sludge Disposal.

H. 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.

PAS120002, Storm Water, SIC Code 5171, **Alger Oil, Inc.**, 533 Lincoln Street, Oxford, PA 19363-1521. Facility Name: Davis Fuel Oxford Facility. This existing facility is located in Oxford Borough, **Chester County**.

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

The receiving stream(s), Unnamed Tributary of West Branch Big Elk Creek, is located in State Water Plan watershed 7-K and is classified for Mi and High—Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Semi- Annual Average	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15.0	30.0	XXX

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

Proposed Part C. Conditions:

I. Stormwater outfalls and authorized non-stormwater discharges.

II. Best management practices (BMPs).

III. Routine inspections.

IV. Preparedness, prevention, and contingency (PPC) plan.

V. Stormwater monitoring requirements.

VI. Other requirements.

A. Acquire Necessary Property Rights.

B. Sludge Disposal Requirement.

C. BAT/BCT Reopener.

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.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0266698, Sewage, SIC Code 8811, **Sorin & Ina Danciu**, 3501 New Holland Road, Mohnton, PA 19540. Facility Name: Danciu Residence. This proposed facility is located in Cumru Township, **Berks County**.

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

The receiving stream(s), Angelica Creek, is located in State Water Plan watershed 3-C 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 0.0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>		
Flow (MGD)	Report Annl	XXX	XXX	XXX	XXX	XXX
	Avg					
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	1,000

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

- Septic pumps must be pumped out at least once every three years and records kept.

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.

PA0088528, Sewage, SIC Code 4952, **Tulpehocken Township Berks County**, PO Box 272, Rehrersburg, PA 19550-0272. Facility Name: Tulpehocken Township Rehrersburg STP. This existing facility is located in Tulpehocken 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 Little Swatara Creek, is located in State Water Plan watershed 7-D and is classified for CWF 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 0.065 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	13.5	XXX	XXX	25.0	XXX	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	16.3	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	9.8	XXX	XXX	18.0	XXX	36
May 1 - Oct 31	3.3	XXX	XXX	6.0	XXX	12
Total Phosphorus	1.1	XXX	XXX	2.0	XXX	4

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

- Reporting of biosolids production and disposal.

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 because the facility discharges Phosphorus to a stream which is impaired for Phosphorus and for which there is a final TMDL that includes Phosphorus.

PA0081515, Sewage, SIC Code 4952, **Lancaster County Career & Tech Center**, PO Box 527, Willow Street, PA 17584-0527. Facility Name: Lancaster County Career & Tech Center Brownstown. This existing facility is located in West Earl Township, **Lancaster County**.

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

The receiving stream(s), Conestoga River, is located in State Water Plan watershed 7-J 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 0.0043 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0043 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Report	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Ammonia-Nitrogen	XXX	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 717-705-4732.

The EPA Waiver is in effect.

PA0021245, Sewage, SIC Code 4952, **Duncannon Borough Municipal Authority**, 428 North High Street, Duncannon, PA 17020. Facility Name: Duncannon Borough Municipal WWTP. This existing facility is located in Duncannon Borough, **Perry County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.74 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	150	245	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	185	275	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	12.0	XXX	XXX	2.0	XXX	4

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Effluent Limitations

Parameter	Mass Units (lbs)		Monthly Average	Concentrations (mg/L)	
	Monthly	Annual		Maximum	Instant. Maximum
Ammonia—N	Report	Report	Report	XXX	XXX
Kjeldahl—N	Report	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	Report	XXX	XXX
Total Phosphorus	Report	Report	Report	XXX	XXX
Net Total Nitrogen	Report	13,515	XXX	XXX	XXX
Net Total Phosphorus	Report	1,802	XXX	XXX	XXX

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

- Chesapeake Bay nutrients monitoring, notification of designation of responsible operator, solids management for non-lagoon system, hauled-in waste restriction, chlorine minimization, and SBR batch discharge condition.

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.

PA0083836, Sewage, SIC Code 3999, **Pine Run Management LLC**, PO Box 677, Morgantown, PA 19543-0677. Facility Name: Pine Run MHP. This existing facility is located in Hamilton Township, **Adams 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 Conewago Creek, is located in State Water Plan watershed 7-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 0.04 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Maximum	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
(Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
(Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
(Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX

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>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
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)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	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

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

- Chesapeake Bay nutrients monitoring, solids management for non-lagoon system, hauled-in waste restriction, and notification of designation of responsible operator.

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.

PA0088510, Sewage, SIC Code 4952, **Tulpehocken Township Berks County**, PO Box 272, Rehrersburg, PA 19550-0272. Facility Name: Tulpehocken Township Mt Aetna STP. This existing facility is located in Tulpehocken 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 of Little Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.055 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	11.5	XXX	XXX	25.0	XXX	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	13.8	XXX	XXX	30.0	XXX	60
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	4.8	XXX	XXX	10.5	XXX	21
May 1 - Oct 31	1.6	XXX	XXX	3.5	XXX	7.3
Total Phosphorus	0.92	XXX	XXX	2.0	XXX	4
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.055 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	11.5	XXX	XXX	25.0	XXX	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	13.8	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	Report	Report	XXX	Report	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	4.5	XXX	XXX	9.9	XXX	19.8
May 1 - Oct 31	1.5	XXX	XXX	3.3	XXX	6.6
Total Phosphorus	0.92	XXX	XXX	2.0	XXX	4
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

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

- Reporting of Biosolids production and disposal.

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 because the facility discharges Phosphorus to a stream which is impaired for Phosphorus and for which there is a final TMDL that includes Phosphorus.

PA0088021, Sewage, SIC Code 4952, **Christman Susan**, 183 Christman Road, Lenhartsville, PA 19534. Facility Name: Christman Lake STP. This existing facility is located in Windsor 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 Maiden Creek, is located in State Water Plan watershed 3-B 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 0.0785 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.32	XXX	1.05
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	Report	XXX	XXX	30.0	XXX	60
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	14.7	XXX	29
May 1 - Oct 31	XXX	XXX	XXX	4.9	XXX	9.8
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Phosphorus (Total Load) (lbs)	XXX	239 Total Annual	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load) (lbs)	XXX	7,168 Total Annual	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0785 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.32	XXX	1.05
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	Report	XXX	XXX	30.0	XXX	60
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	14.7	XXX	29
May 1 - Oct 31	XXX	XXX	XXX	4.9	XXX	9.8
Total Phosphorus	Report	XXX	XXX	2.0	XXX	XXX
Total Phosphorus (Total Load) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load) (lbs)	XXX	239 Total Annual	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load) (lbs)	XXX	7,168 Total Annual	XXX	XXX	XXX	XXX

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

- Proper handling of screenings, sludges, and solids.
- The discharge may be subject to effluent limitations and conditions as developed and required by the Delaware River Basin Commission (DRBC).

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: the discharge is identified as a point source in a Total Maximum Daily Load (TMDL) for the receiving water.

PA0088684, Sewage, SIC Code 7033, **Pleasant Hills Campground LLC**, 12733 Pleasant Hills Drive, Hesston, PA 16647-0086. Facility Name: Pleasant Hills Campground. This existing facility is located in Penn Township, **Huntingdon County**.

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD 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	200 Geo Mean	XXX	1,000

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

- Chlorine minimization.

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.

PA0024228, Industrial, SIC Code 2015, **Hain Pure Protein Corp**, PO Box 10, Fredericksburg, PA 17026. Facility Name: Hain Pure Protein Chicken Proc Plant. This existing facility is located in Bethel Township, **Lebanon County**.

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

The receiving stream(s), Elizabeth Run, Beach Run, and Deep Run, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.019	XXX	0.06
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	50	100	XXX	10	20	25
Total Suspended Solids	Report	Report	XXX	10	20	25
Total Suspended Solids (Total Load, lbs) (lbs)	XXX	45,800 Total Annual	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs) (lbs)	Report Total Mo	Report	XXX	8	14	20
Oil and Grease	Report	Report	XXX	8	14	20
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	400 Geo Mean	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	103.0	147.0	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	20	40	XXX	4.0	8.0	10
May 1 - Oct 31	7.5	15	XXX	1.5	3.0	3.75
Total Phosphorus	2.5	5.0	XXX	0.5	1.0	1.25

The proposed effluent limits for Outfall 002, 003, 004 and 005 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy 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>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen*	Report	18,982	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	766	XXX	XXX	XXX	XXX

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

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

- Chesapeake Bay Nutrient Requirements
- Requirements for Stormwater outfalls
- Chlorine Minimization
- Collected screenings, slurries, sludges, and solids management,
- Chemical Additives
- Condition for effluent limitations below detection limits

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.

PA0014648, Industrial, SIC Code 4941, **Suez Water Pennsylvania Inc.**, 4405 N 6th Street, Harrisburg, PA 17110-1654. Facility Name: Suez Water PA. This existing facility is located in Hummelstown Borough, **Dauphin 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), Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	Report	Report	XXX	30	60	75
Aluminum, Total	Report	Report	XXX	4.0	8.0	10
Iron, Total	Report	Report	XXX	2.0	4.0	5
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Approval Contingencies,
- Proper Waste/solids Management,
- Collected screenings, slurries, sludges, and solids management,

- Chlorine Minimization condition
- Requirement during Cleaning of Lagoons

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.

PA0266671, Sewage, SIC Code 8811, **Shermans Creek Inn**, 1095 Bower Road, Shermans Dale, PA 17090. Facility Name: Shermans Creek Inn Properties. This proposed facility is located in Carroll Township, **Perry County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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.

PA0110931, Sewage, SIC Code 7033, **George Bernard**, 166 Shellbark Road, Manns Choice, PA 15550-8614. Facility Name: Shellbark Campground. This existing facility is located in Napier Township, **Bedford 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 Raystown Branch Juniata River, is located in State Water Plan watershed 11-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 0.0042 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50 Geo Mean	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	40.0	50
Total Suspended Solids	XXX	XXX	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0042 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Nitrate-Nitrite as N	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Ammonia-Nitrogen Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
May 1 - Oct 31	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		

In addition, the permit contains the following major special 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 in effect.

PA0087041, Sewage, SIC Code 7033, **Lake-In-Wood RV Resort**, 27777 Franklin Road, Southfield, MI 48034. Facility Name: Lake-In-Wood RV Resort. This existing facility is located in Brecknock Township, **Lancaster County**.

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

The receiving stream(s), Unnamed Tributary of Black Creek, is located in State Water Plan watershed 7-J and is classified for High Quality Waters—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 0.015 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max				XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.32	XXX	1.07
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

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.

PA0081949, Sewage, SIC Code 4952, **West Earl Sewer Authority**, 157 West Metzler Road, PO Box 725, Brownstown, PA 17508. Facility Name: Brownstown WWTP. This existing facility is located in West Earl Township, **Lancaster County**.

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

The receiving stream, Conestoga River, is located in State Water Plan watershed 7-J and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.545 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	113	181	XXX	25.0	40.0	50
		Wkly Avg				
Biochemical Oxygen Demand						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	136	204	XXX	30.0	45.0	60
		Wkly Avg				
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	9.1	XXX	XXX	2.0	XXX	4
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<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>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	8,219	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	1,096	XXX	XXX	XXX	XXX

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

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

- 8,800 lbs/yr of Total Nitrogen offsets was approved to be used for compliance with TN Cap Load.

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.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.

PA0028657, Sewage, SIC Code 4952, **Nanty Glo Borough Sanitary Sewer Authority**, 879 Wood Street, Nanty Glo, PA 15943-1371. Facility Name: Nanty Glo Borough. This existing facility is located in Nanty Glo Borough, **Cambria 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), South Branch Blacklick Creek, 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 0.975 MGD.—Interim Monthly Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	203	305	XXX	25	37.5	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Raw Sewage Influent	244	366	XXX	30	45	60
Fecal Coliform (No./100 ml)	Report	Report	XXX	Report	Report	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of 0.975 MGD.—Interim Quarterly Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total 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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.975 MGD.—Final Quarterly Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total 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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.975 MGD.—Final Monthly Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	203	305	XXX	25	37.5	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	244	366	XXX	30	45	60

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	21.0	XXX	42.0
May 1 - Oct 31	XXX	XXX	XXX	7.0	XXX	14.0

Sludge use and disposal description and location(s): sludge is dewatered and hauled off site to the Laurel Highlands Landfill.

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.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0265829, Sewage, SIC Code 5541, **Loves Travel Stops & Country Stores Inc.**, 10601 N Pennsylvania Avenue, Oklahoma City, OK 73120-4108. Facility Name: Loves Travel Stop Slippery Rock. This proposed facility is located at the Interstate 79/New Castle Road intersection in Worth Township, **Butler County**.

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

The receiving stream, Slippery Rock Creek, is located in State Water Plan watershed 20-C and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Inst Min XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity (µw/cm ²)	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	Report Daily Max	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

- No stormwater admitted to the treatment system
- Solids handling/management
- Abandonment of the treatment system (for public sewage)

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

PA0265772, Sewage, SIC Code 8800, **Donald Hamme, Jr.**, 183 Young Road, Erie, PA 16509. Facility Name: Hamme Estate SRSTP. This proposed facility is located at 2805 Summerville Road, Erie, PA 16510 in Harborcreek Township, **Erie County**.

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

Central Office Bureau of Clean Water; Rachael Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8184, Telephone: 717.787.8184.

PA0270768, Pesticides, **PECO Energy Co.**, 2301 Market Street, Philadelphia, PA 19103-1338.

Description of Existing Activity: The application is for a renewal of coverage under an NPDES permit for the application of pesticides to control vegetation that can interfere with equipment and represents a safety and security risk, especially at substations, gas gates, and service buildings, and has the potential to limit access by PECO personnel located in transmission and distribution right-of-ways (ROWs), substations, and other facilities within over 230 municipalities of **Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Philadelphia and York Counties** in Pennsylvania.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. Certain pesticides require a shutdown of the public water supply intake for 48 hours if applied within 1/2 mile from any active drinking water supply intake. Applicators are required to coordinate with the operators of such drinking water treatment plants prior to treatment to avoid any shortages. Generally, the discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the NPDES Permitting Division at 717.787.8184. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 6618401, Sewage, **Lake Winola Municipal Authority Wyoming County**, PO Box 59, Lake Winola, PA 18625-0059.

This proposed facility is located in Overfield Township, **Wyoming County**.

Description of Proposed Action/Activity: Replacement Pump Station.

WQM Permit No. 3917402, Sewage, **Lehigh County Authority—Sand Spring WWTP**, 1053 Spruce Road, Allentown, PA 18106-9408.

This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Replacement Sewage Treatment Plant/Outfall consisting of influent screening; influent equalization tank; two (2) Sequence Batch Reactors (SBRs) tanks; post-equalization tank; cloth media disk filter; UV Disinfection (with back-up sodium hypochlorite disinfection); and sludge holding tank for an existing discharge (NPDES ID # PA0034029).

WQM Permit No. 4817404, Sewage, **Hanover Township Northampton County**, 3630 Jacksonville Road, Bethlehem, PA 18017.

This proposed facility is located in Hanover Township, **Northampton County**.

Description of Proposed Action/Activity: Monocacy Sanitary Sewer Interceptor Upgrade involving replacement 1,100 LF of 18-inch PVC SDR-35 Interceptor and abandonment of existing 15-inch reinforced concrete pipe.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. 5618400, CAFO, **Pennwood Farms, LLC**, 262 Sugar Grove School Road, Berlin, PA 15530.

This proposed facility is located in Brothersvalley Township, **Somerset County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking permit approval for the construction/operation for construction of a heifer barn and associated manure storage pond.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 4218403, Sewage, **Chad Yohe**, 499 Seaward Avenue, Bradford, PA 16701.

This proposed facility is located in Corydon Township, **McKean County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 1618404, Sewage, **David Anzaldi**, 125 Old Route 68, Evans City, PA 16033.

This proposed facility is located in Licking Township, **Clarion County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 3776402 A-1, Sewage, **Matthew R Hinkle**, 5137 Clayton Circle, New Castle, PA 16156.

This existing facility is located in Slippery Rock Township, **Lawrence County**.

Description of Proposed Action/Activity: Amendment to correct existing permit.

WQM Permit No. 2410402 A-2, Sewage, **Benezette Township Elk County**, PO Box 10, Benezett, PA 15821-0010.

This existing facility is located in Benezette Township, **Elk County**.

Description of Proposed Action/Activity: Wastewater treatment plant improvements.

IV. NPDES Applications for Stormwater Discharges from MS4.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970.

PAI130046, MS4, Whitpain Township Montgomery County, 960 Wentz Road, Blue Bell, PA 19422-1835. 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 Whitpain Township, **Montgomery County**. The receiving stream(s), East Branch Brandywine Unnamed Tributary to Plymouth Creek, Unnamed Tributary to MarshWillow Run, Unnamed Tributary to Stony Creek, Unnamed Tributary to Sawmill Run, Prophecy Creek, and Wissahickon Creek, Marsh Creek, Pickering Creek, Unnamed Tributary to Black Horse Creek, Black Horse Creek, and Unnamed Tributary to Pickering Creek, is located in State Water Plan watershed 3-H and 3-D and is classified for Mi and High-Quality Waters—Migratory Fishes, Warm Water Fishes, and Trout Stocking, 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.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. 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 for large MS4s.

PAI130031, MS4, Abington Township Montgomery County, 1176 Old York Road, Abington, PA 19001. 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 Abington Township, **Montgomery County**. The receiving stream(s), Unnamed Tributary to Jenkintown Creek, Terwood Run, Unnamed Tributary to Wissahickon Creek, Tacony Creek, Pennypack Creek, Sandy Run, Robinhood Brook, Unnamed Tributary to Tacony Creek, and Jenkintown Creek, is located in State Water Plan watershed 3-F and 3-J and is classified for Migratory Fishes, Warm Water Fishes, and Trout Stocking, 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.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. 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.

Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

PAI132237, MS4, Forks Township, 1606 Sullivan Trail, Easton, PA 18040-8332. 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 Forks Township, **Northampton County**. The receiving streams, an Unnamed Tributary to the Delaware River, Bushkill Creek, and the Delaware River, are located in State Water Plan watershed 1-F and are classified for Cold Water and Migratory Fish, High Quality—Cold Water and Migratory Fish, Warm Water and Migratory Fish, respectively, as well as aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP).

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. 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 for small MS4s, and is not in effect for large MS4s.

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150064	DP 260 Morehall, LLC 967 East Swedesford Road, Suite 400 Exton, PA 19341	Chester	East Whiteland Township	Valley Creek EV
PAD150066	Landhope Realty Company 101 East Street Road Kennett Square, PA 19348	Chester	Lower Oxford Township	Unnamed Tributary to West Branch Big Elk Creek HQ-TSF-MF

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

Lackawanna County Conservation District, 1038 Montdale Road, Scott Township, PA 18447.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD350008	Pompey Coal Co 4000 4th St, Ste 3 Moosic, PA 18507	Lackawanna	Jessup Boro Archbald Boro	Lackawanna River (HQ-CWF, MF) Grassy Island (HQ-CWF, MF)

Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390080	Jaindl Land Co 3150 Coffeetown Rd Orefield, PA 18069	Lehigh	Upper Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)
PAD390074	Upper Macungie Twp 8330 Schantz Rd Breinigsville, PA 18031	Lehigh	Upper Macungie Twp	Iron Run (HQ-CWF, MF)
PAD390077	PPL Electric Utilities Corp 2 N 9th St, GENN 4 Allentown, PA 18101	Lehigh	Upper Macungie Twp S Whitehall Twp N Whitehall Twp Whitehall Twp Allen Twp	Cedar Creek (HQ-CWF, MF) Little Cedar Creek (HQ-CWF, MF) Jordan Creek (TSF, MF) Coplay Creek (CWF, MF) Spring Creek (CWF, MF) Lehigh River (TSF, MF)

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NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD390075	PPL Electric Utilities Corp 2 N 9th St Allentown, PA 18101	Lehigh	Washington Twp, Lehigh County East Penn Twp Lower Towamensing Twp Palmerton Boro, Carbon County	Aquashicola Creek (TSF, MF) Lehigh River (TSF, MF) Trout Creek (CWF, MF) EV Wetland

Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD400021	PPL Electric Util. Corp Colleen Kester 2 N 9th St Allentown, PA 18101-1139	Luzerne	Butler Twp Hazle Twp	Hazle Creek (HQ-CWF, MF) Dreck Creek (HQ-CWF, MF) Black Creek (CWF, MF) Pond Creek (HQ-CWF, MF)

Northampton County Conservation District, 14 Gracedale Ave.—Greystone Building, Nazareth, PA 18064-9211.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD480057	Jack Muschlitz Water's Edge at Wind Gap, LLC 2437 Southmore Dr Bath, PA 18014	Northampton	Boro of Wind Gap	Little Bushkill Creek (HQ-CWF, MF)
PAD480047	Primrose Glen, LLC Ryan Pektor 559 Main St, Ste 300 Bethlehem, PA 18018	Northampton	Williams Twp	Fry's Run (HQ-CWF, MF) UNT to Lehigh River (CWF, MF)
PAD480056	Hanover Twp 3630 Jacksonville Rd Bethlehem, PA 18017	Northampton	Hanover Twp	Monocacy Creek (HQ-CWF, MF)

Susquehanna County Conservation District, 88 Chenango Street, Montrose, PA 18801.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD580006	Elk Mtn Ski Resort 344 Elk Mtn Rd Uniondale, PA 18470	Susquehanna	Herrick	East Branch Tunkhannock (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, Section Chief, 717.705.4802.

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD210021	PANCAL 954 Centerville (Unit B) LLC 1101 30th Street NW Washington, DC 20007	Cumberland	Penn Township	Yellow Breeches Creek (HQ-CWF)

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD630025	Peters Township Sewer Authority 111 Bell Drive McMurray, PA 15317	Washington County	Peters Township	Little Chartiers Creek (WWF); Boone Reservoir (WWF); Canonsburg Lake (WWF)

VII. List of NOIs for NPDES and/or Other General Permit Types.

PAG-12 CAFOs

MS4 PAG-13 Notices of Intent Received.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136196	Turtle Creek Borough 125 Monroeville Avenue Turtle Creek, PA 15145-1862	Turtle Creek Borough, Allegheny County	N	Y

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 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.

Persons 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.

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

**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>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Curvin Martin 322 Hatchery Road Dalmatia, PA 17017	Northumberland	0.00	88.06	Ducks	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

of comments received during the 30-day public comment period.

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act.

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3618505 MA, Minor Amendment, Public Water Supply.

Applicant **TKC CCXXXIV LLC**
 Municipality Elizabeth Township
 County **Lancaster**
 Responsible Official Kenneth R. Beuley, Authorized Member
 4500 Cameron Parkway
 Suite 400
 Charlotte, NC 28211

Type of Facility Public Water Supply
 Consulting Engineer Daniel S. Hershey, P.E.
 Hershey Engineering, Inc.
 703 Woodcrest Avenue
 Lititz, PA 17543

Application Received: 4/26/2018
 Description of Action New Transient Noncommunity Water System consisting of one (1) groundwater well rated for 10 gpm, greensand filtration for Fe/Mn removal, anion exchange for nitrate treatment, GAC for MTBE removal as required by existing environmental covenant for the property, sodium hypochlorite disinfection with 4-log virus treatment capability.

Permit No. 0618506, Public Water Supply.

Applicant **Western Berks Water Authority**
 Municipality Lower Heidelberg Township
 County **Berks**
 Responsible Official Matthew Walborn, Operations Manager
 91 Water Road
 Sinking Spring, PA 19608-9633

Type of Facility Public Water Supply
 Consulting Engineer Darryl A. Jenkins, P.E.
 SSM Group
 1047 N Park Rd
 Reading, PA 19610

Application Received: 3/23/2018

Description of Action Western Berks Water Authority (Authority) has submitted an application for the approval to install a new raw water pipeline to deliver water by gravity from Blue Marsh Lake to the Authority's water treatment plant. The pipeline will consist of approximately 4,000' of 24" Class 52 DIP, with several hundred feet of PVC, DR-21 AWWA C-905, pipe in the vicinity of the Sunoco petroleum pipeline.

Permit No. 0618501, Public Water Supply.

Applicant **Giorgio Foods, Inc.**
 Municipality Maiden creek Township
 County **Berks**
 Responsible Official Bruce Seidel, Vice President—Operations
 1161 Park Road
 Blandon, PA 19510

Type of Facility Public Water Supply
 Consulting Engineer Andrew C. Hood, P.E.
 Keystone Engineering Group, Inc.
 590 East Lancaster Avenue
 Frazer, PA 19355

Application Received: 1/10/2018
 Description of Action A permit application was submitted on behalf of Giorgio Foods, Inc. for the installation of a new disinfection system to provide 4-log treatment of viruses at Entry Point 101 (Well Nos. 1, 2, and 3). The disinfection system will consist of onsite chlorine generation, new chemical feed pumps, and three 20,000-gallon storage tanks for contact time. Additional system upgrades include new distribution pumps, water softeners, and multimedia filters. Due to the extent of the project and deadlines stated in the November 17, 2017 COA, the new disinfection system and contact tanks will be separated and assigned a new authorization number.

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

Permit No. 0218501, Public Water Supply.

Applicant **West Penn Allegheny Health System, Inc.**
 320 East North Avenue
 Pittsburgh, PA 15212
 [Township or Borough] City of Pittsburgh

Responsible Official Michael Palmer, Director of Facilities Management, AGH West Penn Allegheny Health System, Inc.
320 East North Avenue
Pittsburgh, PA 15212

Type of Facility New water system

Consulting Engineer Venture Engineering & Construction
100 Global View Drive
Suite 600
Warrendale, PA 15086

Application Received Date January 8, 2018

Description of Action Installation of secondary disinfection at Allegheny General Hospital.

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

Permit No. 2518505, Public Water Supply.

Applicant **Saint Mary's Home of Erie**

Township or Borough City of Erie

County **Erie**

Responsible Official Robert Orton
607 East 26th Street
Erie, PA 16504

Type of Facility Public Water Supply

Consulting Engineer Wayne Jacobs
Venture Engineering & Construction
100 Global View Drive
Suite 600
Warrendale, PA 15086

Application Received Date April 12, 2018

Description of Action Secondary disinfection to cold water for organic removal in potable water.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 5617501MA-2, Minor Amendment.

Applicant **Windber Area Authority**
1700 Stockholm Avenue
Windber, PA 15963

[Township or Borough] Paint Township

Responsible Official Barry Jerley, Chairman
Windber Area Authority
1700 Stockholm Avenue
Windber, PA 15963

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date April 25, 2018

Description of Action Installation of approximately 5,065 feet of 10-inch diameter waterline (Horn Road waterline project).

Application No. 6518507MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Township or Borough] Kiskiminetas Township, Armstrong County; Apollo and Oklahoma Borough, **Westmoreland County**

Responsible Official William Castelli, Distribution Facility Superintendent
Municipal Authority of Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
PO Box 853
Latrobe, PA 15650

Application Received Date April 27, 2018

Description of Action Installation of approximately 5,065 feet of 12-inch, 525 feet of 16-inch and 610 feet of 20-inch diameter transmission line (Apollo River Crossing project).

Application No. 0217552MA-1, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Township or Borough] City of Pittsburgh

Responsible Official Robert Weimar, Executive Director
Pittsburgh Water & Sewer Authority
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

Type of Facility Water system

Consulting Engineer Arcadis
6041 Wallace Road Extension
300
Wexford, PA 15090

Application Received Date April 24, 2018

Description of Action Lanpher Reservoir improvement project—East Cell (modification).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or 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 contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

Thomas C. Styer Farm & Market, 215 Shady Lane, Muncy, Muncy Creek Township, **Lycoming County**. Gary C. Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 15548, on behalf of Thomas C. Styer Farm & Market, 215 Shady Lane, Muncy, PA 17756, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was published in *The Luminary* on April 18, 2018.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State

Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

39-00004D: Mack Trucks, Inc. (700 Alburtis Road, Macungie, PA 18062) for their facility in Lower Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received a Plan Approval for Mack Trucks, Inc. (700 Alburtis Road, Macungie, PA 18062) for their facility in Lower Macungie Township, Lehigh County. This Plan Approval No. 39-00004D will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No.39-00004D is for approval of an alternate method of compliance in accordance with 25 Pa. Code 129.51 to comply with the VOC content limits of 25 Pa. Code § 129.52d on their "G" line Chassis spray booth and oven (Source ID 108, ID 109). The main emissions from these sources are VOCs. There is no VOC emission increase proposed for these sources. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-00004D 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 Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

23-0003AC: Monroe Energy, LLC (4101 Post Road, Trainer, PA 19061) for the installation of an Ultra-Low Sulfur (ULSG) unit located at 4101 Post Road, Trainer Borough, **Delaware County**. This plan approval application revises certain conditions and requirements of Plan Approval 23-0003AB which provided authorization for the construction and temporary operation of the ULSG project, and the transfer and use of Nitrogen Oxides (NO_x) emission reduction credits (ERCs). This plan approval supersedes 23-0003AB.

The revisions proposed in the application consists of minor changes to the project description, updates to projected emission increases, clarification of certain regulatory requirements, identification of minor variances in the ULSG unit as-constructed to what was proposed in the original plan approval application, and revisions to previously submitted emission calculations when taking into account the as-constructed differences and using more accurate emissions test data and emission factors published by EPA, and using more accurate projections for future operation.

The proposed changes to the project description and emission calculations does not affect the overall permitting conclusions that were originally made in Plan Approval 23-0003AB. Neither the emissions increase of the project nor the contemporaneous emissions increase changed such that the Prevention of Significant Deterioration (PSD) or Nonattainment New Source Review (NNSR) evaluations previously conducted, would be affected.

Based on the information provided by the Applicant and DEP's own analysis, the emission increases for the project are 32.36 tons NO_x per year and 23.64 tons VOC per year. The required ERCs are 47.0 tons NO_x to offset the contemporaneous net emissions increase of 35.40 tons.

Copies of the application, draft Plan Approval and other documents used in evaluation of the application are available for public inspection during normal business hours at the address shown below.

In order to assure compliance with the applicable standards, DEP will place the following conditions in the plan approval:

25 Pa. Code § 127.208—ERC use and transfer requirements

- The permittee shall use and transfer ERC in accordance with 25 Pa. Code § 127.208.

25 Pa. Code § 127.210—Offset ratios

- The permittee shall provide NO_x ERCs at a 1.3:1.0 ratio to offset the net NO_x emissions increase of 35.40 tons as per 25 Pa. Code § 127.210. The required NO_x ERCs are 47.0 tons.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

62-032N: Ellwood National Forge—Irvine (One Front Street, Irvine, PA 16329), for the proposed reactivation of Furnace 388 as a new source that will burn natural gas instead of # 2 fuel oil and the modification of Furnace 606 with both furnaces included in Source 111 [ENF Heat Treat Furnaces (13)] in Brokenstraw Township, **Warren County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 62-032N is for the proposed reactivation of Furnace 388 as a new source that will burn natural gas instead of # 2 fuel oil and the modification of Furnace 606 with both furnaces included in Source 111 [ENF Heat Treat Furnaces (13)]. The potential emissions from these furnaces are 0.352 tpy for PM/PM₁₀/PM_{2.5}, 4.64 tpy for NO_x, 0.03 tpy for SO_x, 3.90 tpy for CO, 0.256 tpy for VOC, and 5,580 tpy of CO_{2(e)}. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- All conditions from the facility operating permit issued on January 30, 2018, for Source 111 remain in effect unless modified in this plan approval.

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 the DEP (814) 332-6340.

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 [62-032N] 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 Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

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 Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for State only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

53-00006: Dominion Transmission, Inc. (925 White Oakes Blvd, Bridgeport, WV 26330) has submitted an application to the Pennsylvania Department of Environmental Protection for the significant modification to the Title V operating permit TVOP 53-00006 for the incorporation of the Reasonably Available Control Technology (RACT II) presumptive requirements pursuant to 25 Pa. Code §§ 129.96—129.100 at the Ellisburg Compressor Station located in Genesee Township, **Potter County**. The Department intends to modify TVOP 53-00006 for the incorporation of the RACT II presumptive requirements pursuant to 25 Pa. Code §§ 129.96—129.100 and for the Alternative Compliance Schedule for the installation of turbochargers on Sources 101 and P102 and for high-pressure, fuel injection (HPFI) systems on Sources P106—P108 by the second quarter of 2018 pursuant to 25 Pa. Code § 129.99. The following is a summary of the conditions that will be included in TVOP 53-00006 in order to ensure compliance with the RACT II requirements:

Pursuant to 25 Pa. Code § 129.96, the fugitive volatile organic compounds from Source P01 shall not exceed 7.90 tons in any 12 consecutive month period and the permittee shall perform monthly Audio Visual Olfactory (AVO) inspections to detect any leak. Pursuant to 25 Pa. Code § 129.97(g)(3)(i)(A-B) the nitrogen oxide emissions from Sources P101 through P108 shall not exceed 3.0 grams per brake horsepower-hour and the volatile organic compound emissions shall not exceed 1.0 grams per brake-horsepower-hour. Pursuant to 25 Pa. Code § 129.97(d) the permittee shall operate and maintain all sources at the facility in accordance with the manufacturer's specifications and good air pollution control practices. Pursuant to 25 Pa. Code § 129.97(c)(8), Source P221 shall not be operate no than 500 hours in any 12 consecutive month period.

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, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

46-00194: Freedom Alloys, Inc. (155 Railroad Plz, Royersford, PA 19468) for the renewal of the state-only operating permit to operate the three electric induction furnaces. This facility is located in Royersford Borough, **Montgomery County**. The facility's potential to emit criteria pollutants is less than major thresholds; therefore, the facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00047: Precision Tube Co. (formerly known as Mueller Streamline) (287 Wissahickon Ave, North Wales, PA 19454) located in Upper Gwynedd Township, **Montgomery County**. This action is a renewal of the Title V Operating Permit for copper pipes & tubes manufacturing facility. Based on its potential-to-emit Hazardous for Air Pollutant (HAP) and Carbon Monoxide (CO) the facility is a Title V facility. This renewal updated the permit to reflect the removal of one emergency generator and the addition of one tube straighteners. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00116: Pecora Corporation (165 Wambold Road, Harleysville, PA 19438) located in Lower Salford Township, **Montgomery County**, for the operation of mixers and cold cleaning degreasers. This action is a renewal of the State Only Operating Permit (Natural Minor) as well as an administrative amendment to incorporate Plan Approval No. 46-0116A. The permit contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.

35-00026: Quadrant EPP (900 North South Rd, Scranton, PA 18504) The Department intends to issue a State-Only (Natural Minor) Operating Permit for operation of a plastics film and sheet manufacturing facility located in the City of Scranton, **Lackawanna County**. The sources include two natural gas-fired boilers and one press. The proposed permit will contain 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.

35-00027: Quadrant EPP (900 North South Rd, Scranton, PA 18504) The Department intends to issue a State-Only (Natural Minor) Operating Permit for operation of a plastics film and sheet manufacturing facility located in the City of Scranton, **Lackawanna County**. The sources include three natural gas-fired boilers and one press. The proposed permit will contain applicable requirements for emission limitations, work practice stan-

dards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00046: Wilkes-Barre General Hospital Co., LLC (575 N. River Street, Wilkes-Barre, PA 18702) The Department intends to issue a State-Only (Natural Minor) Operating Permit for operation of a hospital located in the City of Wilkes-Barre, **Luzerne County**. The sources include three boilers, six emergency engines, and a sterilizer. The proposed permit will contain 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 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

38-03039: Martins Wood Products (650 Houtztown Road, Myerstown, PA 17067-2196) to issue a State-Only Operating Permit for the operation of their wood furniture surface coating facility in Jackson Township, **Lebanon County**. Actual emissions from the facility in 2017 were estimated at 0.08 ton of CO, 0.13 ton of NO_x, 0.04 ton of SO_x, 7.20 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52.

28-05020: TB Woods, Inc. (440 North Fifth Avenue, Chambersburg, PA 17201) for their gray and ductile iron foundry in Chambersburg Borough, **Franklin County**. The facility has the 2017 actual air emissions: 2.2 tons of CO, 2.7 tons of NO_x, 49.89 tons of PM, 0.14 ton of SO_x, 15.99 tons of VOC, and 5.56 tons of total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources, and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

06-05082: Dairy Farmers of America, Inc. (100 McKinley Avenue, Reading, PA 19605) to issue a State Only Operating Permit for the milk products processing facility located in Muhlenberg Township, **Berks County**. The potential emissions from the facility are estimated at 28.8 tpy of NO_x, 24.2 tpy of CO, 33.4 tpy of PM, 0.2 tpy of SO_x and 1.6 tpy of VOC. 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 § 123.13 Processes.

36-05129: Haines & Kibblehouse, Inc. (PO Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) to issue a State-Only Operating Permit for the operation of a batch asphalt plant at their Silver Hill Quarry in Brecknock Township, **Lancaster County**. Actual emissions from the facility in 2016 were estimated at 22.01 tons CO, 1.49 ton of PM₁₀, 1.38 ton of NO_x, 0.25 ton of SO_x, and 0.45 ton of

VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities & 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

06-05090: Toppan Interamerica, Inc. (378 Thousand Oaks Blvd., Morgantown, PA 19543) to issue a State Only Operating Permit for the graphic arts printing facility located in Caernarvon Township, **Berks County**. The actual emissions from the facility in 2016 year are estimated at 2.6 tpy of NO_x, 2.3 tpy of CO, 15.0 tpy of VOCs and 5.8 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart KK—National Emission Standards for Printing and Publishing Industry.

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

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

60-00007: U.S. Dept. of Justice (2400 Robert F. Miller Drive, Lewisburg, PA 17837) to issue a renewal State Only operating permit for the Lewisburg Penitentiary located in Kelly Township, **Union County**. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 60-00007. The facility's main sources include four natural gas/No. 2 fuel oil-fired boilers, three diesel-fired emergency generator engines, various miscellaneous, natural gas-fired combustion sources. The facility has potential emissions of 44.24 TPY of CO; 53.81 TPY of NO_x; 0.37 TPY of SO_x; 4.02 TPY of PM/PM₁₀; 4.45 TPY of VOCs; 1.72 TPY HAPs; 70,973 TPY GHGs. All four natural gas/No. 2 fuel oil-fired boilers are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. All three diesel-fired generator engines are subject to 40 CFR Part 63, Subpart ZZZZ—NESHAPS for Stationary Reciprocating Internal Combustion Engines. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.

43-00010: Jamestown Coating Technologies (Jamestown Paint Co.) (108 Main St., Jamestown, PA 16134), on April 26, 2018, the Department issued the renewal of the State-Only Operating Permit to a paint manufacturing facility located in Jamestown Borough,

Mercer County. Permitted sources at the facility include natural gas-fired boilers, storage tanks, mills, and stationary and portable mixing tanks. With PTEs for VOC (21.39 TPY) and HAP (18.39 TPY) below major source thresholds, the facility is Natural Minor for permitting purposes. As parts of the paint manufacturing process, the storage tanks, mills, and mixing tanks are subject to 40 CFR 63 Subpart CCCCCC pertaining to National Emission Standards for HAPs (NESHAP) for Area Sources: Paints and Allied Products Manufacturing. In this renewal, the reporting requirements pursuant to 25 Pa. Code Chapter 135, which includes 25 Pa. Code §§ 135.3, 135.4, 135.5 and 135.21 (Emission statements), are removed because the facility is Natural Minor and located in an ozone attainment area. The metal HAP standards of 40 CFR 63 Subpart CCCCCC is also removed because the particulate control device for controlling these emissions exhausts indoors.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104.

Contact: Edward Wiener, Chief—Telephone: 215-685-9426.

OP17-000068: SJA Construction Inc. (2870 E. Allegheny Avenue, Philadelphia, PA 19134) for the operation of a concrete plant facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a cement silo, a mixer, a baghouse, and a 2.8 MMBtu/hr No. 2 oil-fired boiler.

The operating permit 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 at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit 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 operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

OP17-000048: General Electric International Inc., Philadelphia Service Center (1040 East Erie Avenue, Philadelphia, PA 19124), for repair of industrial transformers, retrofitting and refilling of railroad transformers, large motor repair, and rental of energy producing and HVAC equipment City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) paint booths, rail bay open coating, surface coating operations outside paint booths for a motor generator department, two (2) particulate sources, eleven (11) combustion units each rated at less than 2.3 MMBTU/hr, two (2) cold cleaning degreasers, and a VPI tank. The facility's air emission control devices include two (2) dust collectors, a cyclone, and surface coating filters for particulate capture.

The VOC emission from varnish dip tank is limited to 1.5 lb per gallon and VPI tank emission is limited to 3.2 lbs per gallon. The HAP emissions are limited to 0.2 tpy combined from both electric insulating varnish tanks. The facilities' potential emission will be below the significant thresholds.

The operating permit 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 at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit 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 operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

48-00101A: Lehigh Valley Animal Crematory Services, Inc. (326 Main Street, Hellertown, PA 18055) for their facility in Hellertown Borough, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Lehigh Valley Animal Crematory Services, Inc. (326 Main Street, Hellertown, PA 18055) for their facility in Hellertown Borough, Northampton County. This Plan Approval No. 48-00101A will be incorporated into a Natural Minor Permit at a later date.

Plan Approval No. 48-00101A is for the installation and operation of two (2) animal remains incinerators fired by natural gas. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions and shall be required to maintain the temperature at the exit of the secondary (or last) chamber at 1,800° F or higher and be maintained throughout the cremation cycle. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.:

48-00101A 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 Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); 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); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before 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.

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

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for

an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

Permit No. 11080101 and NPDES No. PA0262587. Rosebud Mining Co., 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in East Taylor & Croyle Townships, **Cambria County**, affecting 555.2 acres. Receiving streams: unnamed tributaries to/and the Little Conemaugh River to the Conemaugh River, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 14, 2018.

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

17930103 and NPDES PA0207241. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA

16866). Permit renewal and revision to add auger mining for continued operation and restoration of a bituminous surface coal mine located in Girard Township, **Clearfield County** affecting 309.9 acres. Receiving stream(s): Unnamed Tributaries to Beaver Run and Beaver Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: April 2, 2018.

17020101 and NPDES PA0243205. Junior Coal Contracting (2330 Six Mile Road, Philipsburg, PA 16866). Permit renewal for continued operation and restoration of a bituminous surface coal mine located in Decatur Township, **Clearfield County** affecting 61.0 acres. Receiving stream(s): Big Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 17, 2018.

Noncoal Applications Received

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

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

37970302. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0227579, Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 20, 2018.

25102801. Groundwork Resource, LLC (8870 Baron Road, McKean, PA 16426) Renewal of NPDES Permit No. PA0259390, McKean Township, **Elk County**. Receiving streams: Unnamed tributary to Walnut Run, classified for the following: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 23, 2018.

10180801 and NPDES Permit No. PA0280585. SMX Resources, LLC (102 Dogwood Court, Butler, PA 16001) Commencement, operation and restoration of a small industrial minerals operation in Clay Township, **Butler County** affecting 7.98 acres. Receiving streams: Tributary 34144 to Muddy Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 23, 2018.

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

17860301. North Star Aggregates, Inc. (P.O. Box R, Ridgway, PA 15853). Permit revision to change land use for 4.0 acres from Inland Water Impoundment for Recreational Purposes and Revegetated to Industrial/Commercial located in Huston Township, **Clearfield County** affecting 199.3 acres. Receiving stream(s): Bennett Branch classified as CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 12, 2018.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0257672 (Mining permit no. 17110106), Black Cat Coal, LLC, 107 West First Avenue, Clearfield, PA 16830, NPDES permit renewal for surface coal mining in Brady Township, **Clearfield County**, affecting 89.0 acres. Receiving stream(s): Unnamed Tributary to East Branch Mahoning Creek and Stump Creek, classified for the following use(s): HQ-CWF and CWF. [East Branch Mahoning Creek Watershed TMDL and Stump Creek Watershed TMDL] Application received: July 31, 2017.

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

The following outfalls require a non-discharge alternative: Unnamed Tributary to East Branch Mahoning Creek and Stump Creek

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	No
B	No
C	No
D	No
E	No
F	No
G	No
TB1	No
TB2	No
TB3	No

There is no proposed surface discharge from the previously listed facilities to the receiving stream due to the implementation of Best Management Practices.

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

NPDES No. PA0250643 (Mining permit no. 26050401), Laurel Aggregates of Delaware, LLC, 1600 Market Street, 38th Floor, Philadelphia, PA 19102.

New NPDES permit for a bituminous surface mine in Springhill Township, **Fayette County**, affecting 171.7 acres. Receiving stream(s): Unnamed Tributary to Rubles Run classified for the following use(s): CWF. Application received: November 20, 2015.

The following stormwater outfalls discharge to Unnamed Tributary to Rubles Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	SW
002	N	SW
003	N	SW
004	N	SW
005	N	SW

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	0.9	1.8	2.2
Total Suspended Solids (mg/L)	35	70	90
Total Selenium (mg/L)	Report	Report	Report
Total Silver (mg/L)	Report	Report	Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Noncoal NPDES Draft Permits

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

NPDES No. PA0259080 (Permit No. 10110303). Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Washington Township, **Butler County**, affecting 309.0 acres. Receiving streams: Unnamed tributaries to South Branch Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: April 9, 2018.

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

The following outfalls discharge to unnamed tributaries to South Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	N
TB	N
TC	N
TD	N
TF1	N
TF2	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to South Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
D	N
F	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E22-643: Lower Paxton Township Authority, 425 Prince Street, Harrisburg, PA 17109 in Lower Paxton Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To abandon portions of an existing sanitary sewer line and to install, operate, and maintain 12 utility line stream crossings and 14 utility line wetland crossings impacting 0.71 acre of palustrine emergent wetlands, 0.17 acre of palustrine scrub shrub wetlands, 0.73 acre of palustrine forested wetlands, and approximately 510 linear feet of an unnamed tributary to Beaver Creek (WWF, MF) (individually identified in the attached table) for the purpose of replacing or rehabilitating approximately 39,200 feet of sanitary sewer to reduce inflow and infiltration which has led to sewage overflows during periods of wet weather.

<i>Impact</i>	<i>Type</i>	<i>Material</i>	<i>Location</i>
1	Wetland 1	15-inch PVC Pipe	Lat: 40.331118, Long: -76.764826
2	Stream 1	Bank protection	Lat: 40.331065, Long: -76.765162
3	Stream 1	16-inch Ductile Iron Pipe	Lat: 40.331862, Long: -76.765801
4	Wetland 2	15-inch PVC Pipe	Lat: 40.331364, Long: -76.766737

<i>Impact</i>	<i>Type</i>	<i>Material</i>	<i>Location</i>
5	Wetland 3	15-inch PVC Pipe	Lat: 40.331913, Long: -76.768529
6	Stream 1	Bank protection	Lat: 40.331862, Long: -76.768565
7	Stream 1	16-inch Ductile Iron Pipe	Lat: 40.331949, Long: -76.768763
8	Wetland 4	15-inch PVC Pipe	Lat: 40.332818, Long: -76.769458
9	Stream 1	16-inch Ductile Iron Pipe	Lat: 40.332901, Long: -76.769475
10	Stream 2	16-inch Ductile Iron Pipe	Lat: 40.332996, Long: -76.769492
11	Stream 1	6-inch PVC Pipe	Lat: 40.332991, Long: -76.769790
12	Stream 1	Bank protection	Lat: 40.333341, Long: -76.770966
13	Stream 1	Ford crossing	Lat: 40.333588, Long: -76.771684
14	Wetland 5	15-inch PVC Pipe	Lat: 40.334315, Long: -76.772376
15	Stream 1	16-inch Ductile Iron Pipe	Lat: 40.334437, Long: -76.773355
16	Stream 3	Bank protection	Lat: 40.334279, Long: -76.773850
17	Wetland 6	15-inch PVC Pipe	Lat: 40.334816, Long: -76.773353
18	Wetland 7	15-inch PVC Pipe	Lat: 40.335269, Long: -76.773762
19	Wetland 8	15-inch PVC Pipe	Lat: 40.336264, Long: -76.775281
20	Stream 1	16-inch Ductile Iron Pipe	Lat: 40.336311, Long: -76.775733
21	Wetland 9	15-inch PVC Pipe	Lat: 40.336328, Long: -76.775889
22	Wetland 9	15-inch PVC Pipe	Lat: 40.336294, Long: -76.776282
23	Stream 1	Bank protection	Lat: 40.336587, Long: -76.776757
24	Wetland 9	15-inch PVC Pipe	Lat: 40.336500, Long: -76.777008
25	Wetland 10	Fill (manhole abandonment)	Lat: 40.336631, Long: -76.778961
26	Wetland 11	15-inch PVC Pipe	Lat: 40.336680, Long: -76.780188
27	Wetland 11	15-inch PVC Pipe	Lat: 40.336695, Long: -76.780436
28	Stream 1	16-inch Ductile Iron Pipe	Lat: 40.336822, Long: -76.781334
29	Wetland 12	15-inch PVC Pipe	Lat: 40.336954, Long: -76.781720
30	Stream 1	6-inch PVC Pipe	Lat: 40.336927, Long: -76.781882
31	Stream 1	6-inch PVC Pipe	Lat: 40.336926, Long: -76.782479
32	Stream 1	16-inch Ductile Iron Pipe	Lat: 40.337055, Long: -76.783052
33	Stream 1	10-inch PVC Pipe	Lat: 40.339209, Long: -76.787599

The project is located near the intersection of Blue Ridge Avenue and Blue Bell Avenue (centered on Latitude: 40° 20' 12.91"; Longitude: -76° 46' 15.0") in Lower Paxton Township, Dauphin County. No permanent wetland loss is proposed and wetland replacement is not required. 0.51 acre of the forested wetland vegetative conversion is proposed and the applicant proposes to plant trees in 0.51 acre of palustrine emergent wetlands located near the project site to compensate for the proposed conversion.

E07-468: Aaron Ritchey, 1008 Edgewood Drive, Duncansville, PA 16635 in Freedom Township, **Blair County**, US. Army Corps of Engineers Baltimore District.

To construct and maintain a 64.0-foot long, 12.0-foot wide single span steel beam bridge over Poplar Run (CWF, MF) and a portion of its floodway for the purpose of providing access to a private land parcel. The project is located approximately 0.10 mile southwest of the intersection of Findley Lane and Puzzletown Road (Latitude: 40° 23' 2" N; Longitude: 78° 28' 38" W) in Freedom Township, Blair County. No wetlands will be impacted by this project.

E22-632: Thea Drive Associates, LLC. 474 Mt. Sidney Road, Lancaster, PA 17602 in Susquehanna Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

1) To maintain fill in approximately 121 square feet of palustrine emergent wetlands that was previously performed without a permit;

2) To maintain a sewer line crossing of an unnamed tributary to Black Run (WWF, MF) and an associated wetland swale installed previously without a permit impacting 55 linear feet of stream and 1,712 square feet of emergent wetlands;

3) To maintain an outfall with a rip rap apron along an unnamed tributary to Black Run (WWF, MF) installed previously without a permit impacting 22 linear feet of stream;

4) To construct and maintain a 2.83-foot by 17.75-foot corrugated metal arch culvert in an unnamed tributary to Black Run (WWF, MF) and adjacent palustrine emergent wetland impacting 26 linear feet of stream and 595 square feet of wetland;

5) To construct and maintain five 30-inch SLCPP culverts to carry a road crossing and utilities over a

palustrine emergent wetland impacting 1,281 square feet of wetland;

6) To construct and maintain a 2.83-foot by 11.58-foot corrugated metal arch culvert and utilities in an unnamed tributary to Black Run (WWF, MF) and adjacent palustrine emergent wetland, impacting 97 linear feet of stream and 1,673 square feet of wetland;

7) To construct and maintain three culvert crossings associated with three pedestrian bridges over two unnamed tributaries to Black Run (WWF, MF);

8) To construct and maintain a 24-inch reinforced concrete pipe outfall with a rip rap apron within the floodway of Black Run (WWF, MF);

9) To construct and maintain a sewer line crossing of an unnamed tributary to Black Run (WWF, MF), impacting 60 linear feet of stream; and 10) To install and maintain a welded steel riser plate to the existing 24-inch concrete riser within the on-line Widener pond all for the purpose of providing access in and around a townhouse community.

The project involves 6 stream crossings totaling 379 linear feet and 8 wetland impacts totaling 5,382 square feet (3,670 square feet of permanent impacts). Mitigation is intended for previous impacts as well as newly proposed impacts, which includes 8,000 square feet of emergent wetlands (approximately 2:1 replacement) and a total of 1,550 linear feet of riparian corridor enhancement along two watercourses. The project is located within Susquehanna Township, Dauphin County (Latitude 40°19'28.5", Longitude -76°51'5.8").

E67-943: Spring Grove Borough, PO Box 126, 1 Campus Avenue, Spring Grove, PA 17362-0126, Campus Avenue Stream Improvements, Spring Grove Borough, **York County**, U.S. Army Corps of Engineers Baltimore District.

To 1) restore approximately 1,305 linear feet of stream channel and 2) relocate direct discharge points to the stream for the purpose of repairing highly eroded areas and reducing sediment discharge from an unnamed tributary to Codorus Creek (WWF, MF) into the lower Susquehanna watershed.

The project is located between Campus Avenue and Roths Church Road in Spring Grove Borough, West York Quadrangle, (Lat: 39° 53' 3.3294" N, Long: 76° 51' 57.4829" W) No wetlands will be impacted by this project.

E22-645: The McNaughton Company, Inc., 2090 Linglestown Road, Harrisburg, PA 17110, Autumn Oaks in Lower Paxton Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To 1) install an 8-inch ductile iron sanitary sewer crossing impacting approximately 772 ft² of wetland and 240 ft² of stream, 2) fill approximately 7,214 ft² of wetland to extend Continental Drive, 3) install, operate, and maintain 70 feet of 6-foot by 5-foot concrete box culvert to carry an unnamed tributary to Paxton Creek (WWF, MF) beneath Continental Drive, and 4) replace an 18-inch culvert with three 50-foot by 15-inch HDPE culverts to improve an existing access drive across approximately 1,387 ft² of wetlands for the purpose of constructing 50 homes during phases III and IV of a residential housing development.

The project is located at the intersection of Continental Drive and Patton Road (Lat: 40° 20' 52" N, Long: 76° 49' 16" W) in Lower Paxton Township. 0.32 acre of wetland mitigation will be done on-site.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

E65-994, Franklin Regional School District, 4121 Sardis Road, Murrysville, PA 15668, Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Place and maintain fill in approximately 0.15 acre of PEM wetland.

2. Temporarily place fill on either side of an existing culvert over Haymaker Run (HQ-CWF).

For the purpose of constructing an addition to an existing school and a new school. This project will temporarily impact approximately 50 LF of Haymaker Run and permanently impact 0.15 acre of PEM wetland. Mitigation includes the creation of an approximately 0.34 acre wetland. This project is located approximately 800 feet south of the intersection of Sardis Road and Crowfoot Road (Murrysville, PA USGS Topographic Quadrangle; Latitude 40° 27' 20"; Longitude: -79° 39' 53"; USACE: Pittsburgh District Sub-basin 19A), in the Municipality of Murrysville, Westmoreland County.

Central Office: Bureau of Waterways Engineering and Wetlands, 400 Market Street, Floor 2, P.O. Box 8460, Harrisburg, PA 17105-8460.

MB990367-0001, First Pennsylvania Resource, LLC, 503 Dunkard Valley Road, York, PA 17403; Codorus Creek Mitigation Bank—Phase I, in Loganville Borough and Springfield Township, **York County**, ACOE Baltimore District (Glen Rock, PA Quadrangles N: 39° 50' 56.93" W: 76° 42' 01.21" West).

To construct Codorus Creek Mitigation Bank—Phase I consisting of restoration, enhancement and conservation activities within approximately 44 acres of the Codorus Creek watershed. These activities would include activities affecting 42 acres of uplands, floodplains, 8,780 linear feet of stream channels and 2 acres of wetland areas of the East Branch Codorus Creek watershed; including a tributary 08113 to East Branch Codorus Creek and several unnamed tributaries.

The project proposes to approximately result in the following: **Upland resources**—35 acres; **Wetland resources**—re-establish 6.5 acres and rehabilitate/enhance 1.5 acre; **Riverine and floodplain resources**—Reestablish/rehabilitate 9,283 linear feet of the stream and floodplain, and enhance 1,168 linear feet of stream channel and floodplain. The project site will be protected under the overall site conservation easements. Some of the areas will involve vegetation habitat management, invasive plant species control and vegetative plantings. The project may provide compensatory mitigation credits through the applicant's existing permit MB9915-0001. This application is being jointly evaluated as a mitigation bank by the Army Corps of Engineers under the 2008 Mitigation Rule.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D45-321EA. Ben Turpin, Pohoqualine Fish Association, 369 Route 715, Saylorsburg, PA 18353, Chestnut Hill Township, **Monroe County**, USACOE Philadelphia District.

Project proposes to remove Wagners Dam to eliminate a threat to public safety and to restore approximately 250 feet of stream channel to a free-flowing condition. The

project is located across McMichael Creek (EV, MF) (Brodheadsville, PA Quadrangle, Latitude: 40.9390; Longitude: -75.3929).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action 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—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0057967 (Industrial)	Campania International, Inc. 2452 Quakertown Road Pennsburg, PA 18073	Montgomery County Upper Hanover Township	Macoby Creek Branch 3-E	Y
PA0054909 (Industrial)	North Penn and North Wales Water Authority P.O. Box 317 Chalfont, PA 18914-0317	Bucks County Plumstead Township	North Branch Neshaminy Crk 2-F	Y

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0266655 SEW	Harris Daniel N Harris Ida F 5178 Cortland Road New Paris, PA 15554	Lincoln Township, Bedford County	Georges Creek in Watershed(s) 11-C	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES Permit No. PA0024121, Sewage, **Aqua Pennsylvania Wastewater Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

NPDES Permit No. PA0065391, Industrial, SIC Code 0782, **Ariel Land Owners Inc.**, P.O. Box 503, Lake Ariel, PA 18436-0503.

This existing facility is located in Lake Township, **Wayne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for application of herbicides and algicides for control of aquatic plants and algae.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. PA0266451, Industrial Waste, **American Rock Salt Company, LLC**, 5520 Route 63, P.O. Box 190, Mt. Morris, PA 14510-0190.

This proposed facility is located in Spring Garden Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Codorus Creek in Watershed 7-H.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

NPDES Permit No. PA0255386, Sewage, SIC Code 8800, **Adcam Properties LLC**, 264 Coraopolis Road, Coraopolis, PA 15108.

This proposed facility is located in Ohioville Borough, **Beaver County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0023213, Sewage, SIC Code 4952, **Ridgway Borough Elk County**, P.O. Box 149, Ridgway, PA 15853-0149.

This existing facility is located in Ridgway Borough, **Elk County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

NPDES Permit No. PA0265624, Sewage, SIC Code 8800, **Vernon Jacquell**, 4651 Golden Road, McKean, PA 16426.

This proposed facility is located in Eldred Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 2398405, Sewage, Transfer, **Campus Eleven Associates, LP**, 112 Chesley Drive, Suite 200, Media, PA 19063.

This proposed facility is located in Newtown Township, **Delaware County**.

Description of Action/Activity: Transfer of ownership.

WQM Permit No. 1584404, Sewage, **Nottingham Manor Mobile Home Court**, 478 West Christine Road, Nottingham, PA 19362-9701.

This proposed facility is located in West Nottingham Township, **Chester County**.

Description of Action/Activity: Permit Renewal for existing wastewater treatment spray irrigation.

WQM Permit No. 1512201, Industrial Waste, **Southeastern Chester County Refuse Authority**, P.O. Box 221, Kennett Square, PA 19348-0221.

This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Permit Renewal.

WQM Permit No. 2318401, Sewage, **Delcora**, 100 East Fifth Street, P.O. Box 999, Chester, PA 19016-0999.

This proposed facility is located in the City of Chester, **Delaware County**.

Description of Action/Activity: Upgrades to the existing pump station 3 at Delcora's Western Regional Treatment Plant.

WQM Permit No. 1504402, Sewage, Renewal, **Camp Hill Village**, P.O. Box 1045, Kimberton, PA 19442-1045.

This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Approval for renewal of a WQM Part II Permit to continue to operate the Camp Hill Village Kimberton Hills WWTP.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0517401, **Harris Daniel N & Harris Ida F**, 5178 Cortland Road, New Paris, PA 15554.

This proposed facility is located in Lincoln Township, **Bedford County**.

Description of Proposed Action/Activity:

This permit approves the construction of sewage facilities consisting of the following treatment units for the three (3) bedroom dwelling: 1,000-gal two compartment septic tank; Polylock PL-122 effluent filter; Ecoflo EC7-600P-PACK Coco Filter; Norweco Bio-Dynamic tablet feeder; and 300-gal chlorine contact chamber.

WQM Permit No. 3800403 A-2, Sewerage, **Annville Township STP**, P.O. Box 178, Annville, PA 17003-0178.

This proposed facility is located in Annville Township, **Lebanon County**.

Description of Proposed Action/Activity:

This amendment approves the modification and operation of sewage facilities consisting of: A manual course bar screen to replace a grinder at the influent pump station.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. 0218405, Sewage, **Bethel Park Municipal Authority**, 3100 Piney Fork Road, South Park, PA 15219.

This proposed facility is located in Bethel Park Borough, **Allegheny County**.

Description of Proposed Action/Activity: Sewer line relocation. Relocation will consist of 375 feet of 30-inch diameter sanitary sewer line on and across Piney Fork Road.

WQM Permit No. 0418400, Sewage, SIC Code 8800, **Adcam Properties LLC**, 264 Coraopolis Road, Coraopolis, PA 15108.

This proposed facility is located in Ohioville Borough, **Beaver County**.

Description of Proposed Action/Activity: The applicant proposes to construct a 400 GPD single residence sewage treatment plant to replace a malfunctioning on-lot system at an existing 3 bedroom home in Ohioville Borough.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 4374404 A-5, Sewage, **Grove City Borough Mercer County**, P.O. Box 110, Grove City, PA 16127-0110.

This existing facility is located in Grove City Borough, **Mercer County**.

Description of Proposed Action/Activity: Wastewater treatment plant expansion and rehabilitation work.

WQM Permit No. 6218401, Sewage, **Vernon Jacquell**, 4651 Golden Road, McKean, PA 16426.

This proposed facility is located in Eldred Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions.

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

Southcentral Regional Office: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Phone: 717.705.4707.

NPDES

<i>Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG133638	Conestoga Township Lancaster County 3959 Main Street Conestoga, PA 17516	Conestoga Township, Lancaster	Unnamed Tributary of Conestoga River, Unnamed Tributary to Pequea Creek, Stehman Run, Unnamed Tributary to Conestoga River, and Unnamed Tributary to Stehman Run/WWF and MF

NPDES

<i>Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG133723	Letterkenny Township Franklin County 4924 Orrstown Road Orrstown, PA 17244	Letterkenny Township, Franklin	Rocky Spring Branch/TSF and MF
PAG133747	Berwick Township Adams County 85 Municipal Road Hanover, PA 17331	Berwick Township, Adams	Unnamed Tributary to Beaver Creek, Unnamed Tributary to Pine Run, Unnamed Tributary of Pine Run, and Pine Run/WWF and MF

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

NPDES

<i>Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136362	Franklin Borough 1125 Main Street Johnstown, PA 15909	Franklin Borough, Cambria	Clapboard Run/WWF
PAG136356	Beaver County 810 Third Street Beaver, PA 15009	Beaver County	Unnamed Tributary to Twomile Run, Brady Run, Ohio River, South Branch Brady Run, and Unnamed Tributary to Ohio River/TSF and WWF
PAG136114	Jackson Township 513 Pike Road Johnstown, PA 15909-4209	Jackson Township, Cambria	Unnamed Tributary to Hinckston Run/CWF

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150082	Buchholtz Associates, Inc. 2169 East High Street Pottstown, PA 19464	Chester	Wallace Township	East Branch Brandywine Creek HQ-TSF-MF
PAD150081	Pickering Crossing, L.P. 120 Pennsylvania Avenue Malvern, PA 19355	Chester	Charlestown Township	Unnamed Tributary to Pickering and Cedar Hallow Creek EV-HQ-TSF

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

Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130008	Awesome View Properties P.O. Box 600 Lehighton, PA 18235	Carbon County	Mahoning Township	Beaver Run (HQ-CWF, MF) Lehigh River (TSF)

Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390046	Salisbury Township 2900 South Pike Ave. Allentown, PA 18103	Lehigh	Salisbury Township	Little Lehigh Creek (HQ-CWF, MF)

Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450052	Kalahari Resorts, LLC 1035 Kalahari Drive P.O. Box 590 Wisconsin Dells, WI 53965	Monroe County	Pocono and Tobyhanna Townships	Swiftwater Creek (EV), UNT's to Swiftwater Creek (EV), Indian Run (EV), UNT's to Indian Run (EV)

Northampton County Conservation District, 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064-9211.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480048	Colony Park Partners, LLC c/o Mr. Rudy Amelio, Jr. 1348 Hamilton Street Allentown, PA 18102	Northampton	Plainfield Township	Little Bushkill Creek (HQ-CWF, MF)

VII. Approvals to Use NPDES and/or Other General Permits.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types.

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Whitpain Township Montgomery County	PAC460169	Karya Properties 450 Sentry Parkway Blue Bell, PA 19422	Willow Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAC460187	Upper Merion School District 435 Crossfield Road King of Prussia, PA 19406	Crow Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Frederick Township Montgomery County	PAC460177	Matthew Sacks 2661 Bernville Road Reading, PA 19605	Swamp Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAC510073	Pennsylvania Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Delaware Estuary/ Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dallas Twp Luzerne County	PAC400042	WWW, LLC Gary Farber 24 Pine Ridge Rd Tunkahnock, PA 18657	Toby Creek (CWF, MF)	Luzerne County Conservation District 570-674-7991
Lehigh Twp Northampton County	PAC480048	Loretta Hricak, L & H. H., Inc 649 Hauser Dr Walnutport, PA 18088	Lehigh River UNT (CWF, MF)	Northampton County Conservation District 610-829-6276

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, Section Chief, 717.705.4802.

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Tulpehocken Township Berks County Issued	PAC060123	Brian Wahlberg Camp Calvary 48 New Schaefferstown Road Bernville, PA 19506	Mill Creek & UNT Little Northkill Creek (CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
Upper Allen Township Cumberland County Issued	PAC210069	Shepherdstown Associates LLC 555 Gettysburg Pike Suite B-220 Mechanicsburg, PA 17055	Yellow Breeches Creek (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Shippensburg Township Cumberland County Issued	PAC210060	Shippensburg Investors, LP 301 Oxford Valley Road Suite 1203A Yardley, PA 19067	Burd Run (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
West Hanover Township Dauphin County Issued	PAC220058	Winslett Holdings, LLC 700 Ayers Ave Lemoyne, PA 17043	UNT Beaver Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Swatara Township Dauphin County Issued	PAC220072	Timothy Clouser 250 East Park Drive Harrisburg, PA 17111	UNT Susquehanna River (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Dover Township York County Issued	PAC670144	KPH Donwood, LLC Mike Jeffers 6529 Reynolds Mill Road Seven Valleys, PA 17360	Fox Run (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
North Codorus Township York County Issued	PAC670145	Kinsley Equities III, LP Mike Jeffers 6529 Reynolds Mill Road Seven Valleys, PA 17360	WB Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Dover Township York County Issued	PAC670159	Francis C. McNaughton 4400 Deer Path Rd Suite 201 Harrisburg, PA 17110	Fox Run (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Penn Township York County Issued	PAC670106	South Heights Manor, LP Joe A. Myers 160 Ram Drive Hanover, PA 17331	Plum Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
East Prospect Borough York County Issued	PAC670156	Scott Naylor 8381 Lehman Rd Dallastown, PA 17313	Cabin Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Manchester Township York County Issued	PAC670135	Kinsley Properties, Inc. Mike Jeffers 2700 Water Street York, PA 17403	Codorus Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Newberry Township York County Issued	PAC670154	441 McNaughton Properties, LLC Joel McNaughton 4400 Deer Path Rd Suite 201 Harrisburg, PA 17110	Fishing Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Conewago Township York County Issued	PAC670147	Bottom Line Contracting Craig E. Hasson 952 Log Cabin Road Leola, PA 17540	Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake,
Waterways and Wetlands Program Manager, 412-442-4000.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Cecil Township	PAC630008	McConnell Trail, LLC 95 West Beau Street Suite 600 Washington, PA 15301	UNT to Millers Run (WWF); UNT to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cecil Township	PAC630083	Donegal Township P.O. Box 310 West Alexander, PA 15376	UNT to Middle Wheeling Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cecil Township	PAC630088	Southstar Properties, LP 168 Georgetown Road Canonsburg, PA 15317	UNT to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
City of Washington	PAC630089	Budd's Barracks 71 Murtland Avenue Washington, PA 15301	UNT to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Cranberry Township, Butler County	PAC100045	Real Estate Development Associates Mr. James W. McCarthy 550 Washington Avenue Carnegie, PA 15106	Coal Run WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Farmington Township, Warren County	PAC620004	Lindell Farms LLC Rich Lindell 5207 State Highway 957 Russell, PA 16345	UNT Fairbanks Run CWF	Warren County Conservation District 4000 Conewango Avenue Warren, PA 16365 814-726-1441

General Permit Type—PAG-3

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Langhorne Borough Bucks County	PAG030073	Amazon.Com. DEDC, LLC P.O. Box 80842 Attn: Amazon.com, NA Env. Dept. Seattle, WA 98108-0842	Unnamed Tributary to Queen Anne Creek 2-E	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
City of Philadelphia Philadelphia County	PAG030075	First Transit, Inc. 110 Perimeter Park Knoxville, TN 37922	Franklin Creek 3-J	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970

General Permit Type—PAG-4

Facility Location

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Westtown Township Chester County	PAG040208	Mr. Timothy Archer 188 Sills Lane Downingtown, PA 19335	Unnamed Tributary of Chester Creek and Unnamed Tributary to Chester Creek 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

General Permit Type—PAG-9

Facility Location & County/Municipality Permit No.

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Mr. Donald Groff Groff's Septic and Portable Toilet Service 99 Ickes Lane Newville, PA 17241	PAG093511	Mr. Donald Groff Groff's Septic and Portable Toilet Service 99 Ickes Lane Newville, PA 17241	Mr. Donald Groff Groff's Septic and Portable Toilet Service 99 Ickes Lane Newville, PA 17241	DEP—SCRO— Clean Water 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Cumberland County/ Upper Mifflin County			Cumberland County/ Upper Mifflin County	
Mr. Raymond Huey Wilt's Septic Service 3849 East Pleasant Valley Blvd Altoona, PA 16601	PAG093553	Mr. Raymond Huey Wilt's Septic Service 3849 East Pleasant Valley Blvd. Altoona, PA 16601	Mr. Raymond Huey Wilt's Septic Service 3849 East Pleasant Valley Blvd Altoona, PA 16601	DEP—SCRO— Clean Water 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County/ Antis Township			Blair County/ Antis Township	

General Permit Type—PAG-9

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Concord Township Butler County	PAG098302	Lewis E. Stoughton 155 Bish Road Chicora, PA 16025	Lewis E. Stoughton Septage 155 Bish Road Chicora, PA 16025	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Steuben Township Crawford County	PAG098304	Ramon L. Sterling 37021 Tryonville Road Centerville, PA 16404-4547	Sterling Sanitation Service 37021 Tryonville Road Centerville, PA 16404-4547	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-10

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Forest Lake and Middletown Townships Susquehanna County	PAG102360	Williams Field Services Company, LLC 310 State Route 29 North Tunkhannock, PA 18657-7845	Stonestreet Creek— 04D	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Statewide	PAG109623 A-1	Williams Gas Pipeline Transco 2800 Post Oak Boulevard Level 6 Houston, TX 77056	Deep Creek & Swatara Creek	Bureau of Clean Water NPDES Permitting Division P.O. Box 8774 Harrisburg, PA 17105

General Permit Type—PAG-12

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Washington Township Schuylkill County	PAG122213	Linford Snyder 831 Greble Road Lebanon, PA 17046	Unnamed Tributary of Lower Little Swatara Creek—7-D	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Wayne Township, Dauphin County	PAG123842	Lauden Farms 2368 Back Road Halifax, PA 17032-9638	Watershed(s) 6-C	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Swatara Township, Lebanon County	PAG123873	Miller Troy 170 Werners Road Fredericksburg, PA 17026	Watershed(s) 7-D	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Tyrone Township, Adams County	PAG123763	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-7613	Watershed(s) 7-F	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Londonderry Township, Dauphin County	PAG123640	Melvin J Nissley 1612 Pecks Road Middletown, PA 17057	Watershed(s) 7-G	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Warren Township, Franklin County	PAG123539	Eldwin Martin 12950 Forge Road Mercersburg, PA 17236-9415	Watershed(s) 13-B	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-13

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clarks Summit Borough Lackawanna County	PAG132207	Clarks Summit Borough 304 S. State Street Clarks Summit, PA 18411-1543	Unnamed Tributary to Summit Lake Creek (TSF/MF) and Unnamed Tributary to Ackerly Creek (CWF/MF)—5-A and 4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Hamilton Township, Franklin County	PAG133739	Hamilton Township Franklin County 1270 Crottletown Road Chambersburg, PA 17201	Unnamed Tributary to Conococheague Creek, Unnamed Tributary to Rocky Spring Branch, and Back Creek in Watershed(s) 13-C	Southcentral Region: Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 Phone 717-705-4707
Lemoyne Borough Cumberland County	PAG133552	Lemoyne Borough Cumberland County 510 Herman Avenue Lemoyne, PA 17043	Unnamed Tributary to Susquehanna River and Susquehanna River—7-E and 7-C	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Cumberland Township Adams County	PAG133748	Cumberland Township Adams County 1370 Fairfield Road Gettysburg, PA 17325	Unnamed Tributary to Willoughby Run, Willoughby Run, and Unnamed Stream—13-D	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Strasburg Borough Lancaster County	PAG133715	Strasburg Borough Lancaster County 145 Precision Avenue Strasburg, PA 17579-9608	Unnamed Tributary to Pequea Creek, Little Beaver Creek, and Walnut Run—7-K	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800

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. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create 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.

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
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Coffee Brook Holsteins 684 Church Rd Womelsdorf, PA 19567	Berks	121	375.37	Dairy	N/A	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. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

Important legal rights are at stake, however, so individuals should show this 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.

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

Permit. 2409011, Public Water Supply.

Applicant	PA American Water 800 W. Hershey Park Drive Hershey, PA 17033
[Township or Borough]	Plain Township Luzerne County
Responsible Official	Mr. David Kaufman Vice President-Engineering
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Scott Thomas, PE PA American Water Company 2699 Stafford Avenue Scranton, PA 18505

Operation Permit Issued	04/10/2018
Permit No. 2350036 , Public Water Supply.	
Applicant	Aqua PA, Inc. 1 Aqua Way White Haven, PA 18661
[Township or Borough]	South Abington Township, Lackawanna County
Responsible Official	Patrick R. Burke Aqua PA, Inc. 1 Aqua Way White Haven, PA 18661
Type of Facility	PWS
Consulting Engineer	Jonathan Morris, PE GHD 1240 North Mountain Road Harrisburg, PA 17112 (717) 541-0622
Operation Permit Issued	04/20/2018
<i>Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</i>	
Permit No. 4418502 , Public Water Supply.	
Applicant	Pleasant View School
Municipality	Brown Township
County	Mifflin
Responsible Official	J Arlan. Kurtz, Chairman 100 Bony Brook Lane Belleville, PA 17004
Type of Facility	An anion exchange nitrate removal system will be installed for Well No. 1 in response to an exceedance of the maximum contaminant level for nitrate.
Consulting Engineer	Joshua D. Gunnett, P.E. Gwin Dobson & Foreman 3121 Fairway Drive Altoona, PA 16602
Permit to Construct Issued	4/19/2018
Permit No. 3418501 MA, Minor Amendment , Public Water Supply.	
Applicant	Mifflintown Municipal Authority
Municipality	Fermanagh Township
County	Juniata
Responsible Official	Mike Robinson, Manger P.O. Box 36 Mifflintown, PA 17059

Type of Facility Installation of a bulk water loading station, known as the Site 1 Bulk Water Loading Station, with a maximum daily withdrawal over a 24 hour period of 72,000 gallons per day (gpd) from a concrete vault enclosure along Crawford Drive.

Consulting Engineer Patrick J. Ward, P.E.
Uni-Tec Consulting Engineers, Inc.
2007 Cato Avenue
State College, PA 16801

Permit to Construct Issued 4/23/2018

Operation Permit No. 7500015 issued to: **Penn Township Municipal Authority/PTMA (PWS ID No. 7500015)**, Penn Township, **Perry County** on 4/19/2018 for facilities approved under Construction Permit No. 7500015.

Operation Permit No. 5018501 MA issued to: **Church of the Living Christ & Heritage Christian School (PWS ID No. 7500880)**, Tyrone Township, **Perry County** on 4/19/2018 for facilities approved under Construction Permit No. 5018501 MA.

Operation Permit No. 3818501 MA issued to: **Fort Indiantown Gap Community Water System (PWS ID No. 7380044)**, Union Township, **Lebanon County** on 4/23/2018 for facilities approved under Construction Permit No. 3818501 MA.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 5317503MA—Operation—Public Water Supply.

Applicant **Coudersport Borough Authority**

Township/Borough Coudersport Borough

County **Potter County**

Responsible Official Ms. Beverly A. Morris, Manager
Coudersport Borough Authority
201 S. West Street
Coudersport, PA 16915

Type of Facility Public Water Supply

Consulting Engineer Mr. Patrick J. Ward
Uni-Tec Consulting Engineers, Inc.
2007 Cato Avenue
State College, PA 16801

Permit Issued April 23, 2018

Description of Action Authorizes operation of a potable bulk water loading station from which customers may withdraw a maximum of 80,000 gallons per day.

Permit No. MA-GWR—Operation—Public Water Supply.

Applicant **BCS Property Solutions, LLC**
Lycoming Creek Village

Township/Borough Old Lycoming Township

County **Lycoming County**

Responsible Official Mr. Chris Stanis
BCS Property Solutions, LLC
619 West Fourth Street
Williamsport, PA 17701

Type of Facility Public Water Supply-operation

Consulting Engineer Mr. John P. Hall
Hall Environmental Services
89 Kristi Road
Pennsdale, PA 17756

Permit Issued May 1, 2018

Description of Action Authorizes 4-log inactivation of viruses at Entry Point 101 for Well No. 1.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Operations Permit issued to: **West View Water Authority**, 210 Perry Highway, Pittsburgh, PA 15229, (**PWSID # 5020043**) Neville Township, **Allegheny County** on April 24, 2018 for the operation of facilities approved under Construction Permit # 0418503MA.

Operations Permit issued to: **The Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012, (**PWSID # 5260009**) Washington Township, **Fayette County** on April 27, 2018 for the operation of facilities approved under Construction Permit #2617517.

Operations Permit issued to: **Center Township Water Authority**, 224 Center Grange Road, Aliquippa, PA 15001, (**PWSID # 5040007**) Potter Township, **Beaver County** on April 25, 2018 for the operation of facilities approved under Construction Permit # 0418515.

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

Permit No. 6114503-MA2, Franklin City WTP, Public Water Supply.

Applicant **General Authority of the City of Franklin**

Township or Borough Franklin City

County **Venango**

Type of Facility Public Water Supply

Consulting Engineer Olgierd K. Wodzianksi, P.E.
Wodzianski Engineering, Inc.
1322 Elk Street
Franklin, PA 16323

Permit to Construct Issued April 27, 2018

Operation Permit issued to **Slippery Rock Municipal Authority, PWSID No. 5100079**, Slippery Rock Borough, **Butler County**. Permit Number 1014506-MA1 issued April 27, 2018 for the operation of the Slippery Rock University Tank, North Side Tank, South Side Tank, and the mixing systems associated with each tank. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on April 26, 2018.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair

Plan Description: Approval of a revision to the official plan of Antis Township, Blair County. The project is known as Stonebraker Property SFTF. The plan provides for the installation of a small flow treatment facility, to repair a failing on-lot sewage disposal system for a single-family dwelling, with discharge to Sugar Run. The proposed development is located along Hollen Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-07906-321-3s and the APS Id is 962373. Any permits must be obtained in the name of the property owner.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

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

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

The Department has received the following plans and reports:

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

Thomas C. Styer Farm & Market, 215 Shady Lane, Muncy, Muncy Creek Township, **Lycoming County**. Gary C. Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 15548, on behalf of Thomas C. Styer Farm & Market, 215 Shady Lane, Muncy, PA 17756, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

CVS Store No. 1681 (Formerly Lock Haven Laundry), Bellefonte Avenue and Commerce St., City of Lock Haven, **Clinton County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406 has submitted a Final Report concerning site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Special Industrial Area Standards.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Interstate Chemical Company, 2797 Freedland Road, City of Hermitage, **Mercer County**. Wood Environment & Infrastructure Solutions, Inc., 4600 J Barry Court, Suite 210, Canonsburg, PA 15317, on behalf of Interstate Chemical Company, 2797 Freedland Road, Hermitage, PA 16148, submitted a Risk Assessment Report concerning the remediation of site soil contaminated with 1,1,1-trichloroethane, 1,1,2,2-tetrachloroethane, cis-1,2-DCE, tetrachloroethene (PCE), trichloroethene (TCE), toluene, ethylbenzene, methylene chloride, total xylenes, naphthalene; site groundwater contaminated with furfural, methanol, 2-propanol, n-butyl alcohol, 1,1,1-trichloroethane, cis-1,2-dichloroethene, 1,1-dichloroethane, ethylbenzene, 1,1-dichloroethene, methyl tert-butyl ether (MTBE), 1,2-dichloroethane, methylene chloride, 2-butanone (MEK), tetrachloroethene (PCE), 2-hexanone, toluene, 4-methyl-2-pentanone (MIBK), trans-1,2-dichloroethene, benzene, tetrahydrofuran, chlorobenzene, trichloroethene (TCE), chloroform, vinyl chloride, total xylenes, aniline, arsenic, ethylene glycol, formaldehyde, acetone, hexane, 2-methylnaphthalene, 4-chloroaniline, bis(2-ethylhexyl)phthalate, isophorone, 3&4 methylphenol, naphthalene, di-n-butylthalate, selenium, chromium (+6), mercury; and site surface water contaminated with cis-1,2-DCE, tetrachloroethene (PCE), trichloroethene (TCE), vinyl chloride, and methylene chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document

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

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

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Conklin South 5H Range Unit 55, 3363 State Route 848, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of site soils contaminated with brine. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on May 1, 2018.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Roxanne Todd Property, 78 Fairview Road, New Providence, PA 17560, Providence Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Ms. Roxanne Todd, 74 Fairview Road, New Providence, PA 17560, submitted a Final Report concerning soil contaminated with No. 2 fuel oil. The Final Report demonstrated

attainment of the Residential Statewide Health Standard, and was approved by the Department on April 25, 2018.

Alumax Mill Products—Linpar Release Area, 1480 Manheim Pike, Lancaster, PA 17604-3167, Manheim Township, **Lancaster County**. Tetra Tech, 661 Andersen Drive, Foster Plaza 7, Pittsburgh, PA 15220-2745, on behalf of Alumax Mill Products, 1480 Manheim Pike, Lancaster, PA 17604-3167, submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with Linpar Cold Rolling Oil. The Plan was approved by the Department on April 25, 2018.

VF Outlet Complex—Parcel 9, 801 Hill Avenue, Wyomissing, PA 19610, Wyomissing Borough, **Berks County**. Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482, on behalf of Equus Capital Partners LTD, 3200 Center Square West, 1500 Market Street, Philadelphia, PA 19102, and VF Corporation, VF Outlet, Inc., 801 Hill Avenue, Wyomissing, PA 19601, submitted a Remedial Investigation Report, Cleanup Plan, and Final Report concerning remediation of site soil contaminated with inorganics and PAHs. The combined Final Report demonstrated attainment of the Site Specific Standard, and was approved by the Department on April 27, 2018.

Reading Equipment and Distribution, 1363 Bowmansville Road, Bowmansville, PA 17507, Brecknock Township, **Lancaster County**. Liberty Environmental, 50 North 5th Street, Reading, PA 19601, on behalf of The Reading Group, P.O. Box 650, Reading, PA 19607-0650, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on April 30, 2018.

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

John Hummel Farm, 3494 Middle Road, Middleburg, Center Township, **Snyder County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Wenger Feed, Inc., P.O. Box 26, Rheems, PA 17570-0028, has submitted a Final Report concerning remediation of site soil contaminated with hydraulic fluid. The Final Report demonstrated attainment of the Statewide Health Standard requirements and was approved by the Department on April 25, 2018.

Gallaher Supply, MM215 On-ramp to I-80 Eastbound from State Route 254, Milton, Turbot Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Gallaher Supply, Inc., 82 Little Bear Road, Irvona, PA 16656, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard requirements and was approved by the Department on April 27, 2018.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Interstate Chemical Company, 2797 Freedland Road, City of Hermitage, **Mercer County**. Wood Environment & Infrastructure Solutions, Inc., 4600 J Barry Court, Suite 210, Canonsburg, PA 15317, on behalf of Interstate Chemical Company, 2797 Freedland Road, Hermitage, PA 16148, submitted a Risk Assessment Report concerning the remediation of site soil contaminated with 1,1,1-trichloroethane, 1,1,2,2-tetrachloroethane, cis-1,2-DCE, tetrachloroethene (PCE), trichloroethene (TCE),

toluene, ethylbenzene, methylene chloride, total xylenes, naphthalene; site groundwater contaminated with furfural, methanol, 2-propanol, n-butyl alcohol, 1,1,1-trichloroethane, cis-1,2-dichloroethene, 1,1-dichloroethane, ethylbenzene, 1,1-dichloroethene, methyl tert-butyl ether (MTBE), 1,2-dichloroethane, methylene chloride, 2-butanone (MEK), tetrachloroethene (PCE), 2-hexanone, toluene, 4-methyl-2-pentanone (MIBK), trans-1,2-dichloroethene, benzene, tetrahydrofuran, chlorobenzene, trichloroethene (TCE), chloroform, vinyl chloride, total xylenes, aniline, arsenic, ethylene glycol, formaldehyde, acetone, hexane, 2-methylnaphthalene, 4-chloroaniline, bis(2-ethylhexyl)phthalate, isophorone, 3&4 methylphenol, naphthalene, di-n-butylthalate, selenium, chromium (+6), mercury; and site surface water contaminated with cis-1,2-DCE, tetrachloroethene (PCE), trichloroethene (TCE), vinyl chloride, and methylene chloride. The Report was disapproved by the Department on April 23, 2018.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

New Applications Received

Florida Transformer, LLC, dba Emerald Transformer, P.O. Box 507, Defuniak Springs, FL 32435. License No. PA-AH 0868. Effective Apr. 20, 2018.

Renewal Applications Received

Covanta Environmental Solutions Carriers II, LLC, 5300 N 33rd St., Milwaukee, WI 53209. License No. PA-AH 0742. Effective Apr. 26, 2018.

Environmental Products & Services of Vermont, Inc., P.O. Box 315, Syracuse, NY 13209. License No. PA-AH 0748. Effective Apr. 26, 2018.

Sioux Services LLC, 2912 Filbert Avenue, Reading, PA 19606. License No. PA-AH 0816. Effective Apr. 26, 2018.

Hazardous Waste Transporter License Reissued

Covanta Environmental Solutions Carriers II, LLC, 5300 N 33rd St., Milwaukee, WI 53209. License No. PA-AH 0742. Effective Apr. 26, 2018.

Environmental Products & Services of Vermont, Inc., P.O. Box 315, Syracuse, NY 13209. License No. PA-AH 0748. Effective Apr. 26, 2018.

Ken's Marine Service, Inc., P.O. Box 4001, Bayonne, NJ 07002. License No. PA-AH S154. Effective Apr. 23, 2018.

S & C Transport, Inc., P.O. Box 2459, Belleville, MI 48112. License No. PA-AH 0446. Effective Apr. 30, 2018.

Sioux Services LLC, 2912 Filbert Avenue, Reading, PA 19606. License No. PA-AH 0816. Effective Apr. 26, 2018.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Renewal Applications Received

Environmental Products & Services of Vermont, Inc., P.O. Box 315, Syracuse, NY 13209. License No. PA-HC 0238. Effective Apr. 26, 2018.

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

Environmental Products & Services of Vermont, Inc., P.O. Box 315, Syracuse, NY 13209. License No. PA-HC 0238. Effective Apr. 26, 2018.

Sioux Services LLC, 2912 Filbert Avenue, Reading, PA 19606. License No. PA-HC 0258. Effective Apr. 26, 2018.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Issued Under the Solid Waste Management Act and regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit I.D. No. 301193. U.S. Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222. Permit renewal and major modification for the resumption of operations of the residual waste landfill located at 555 Delwar Road, West Mifflin, PA 15236, **Allegheny County**, was issued by the Regional Office on April 27, 2018.

AIR QUALITY

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

GP14-54-002: E. Franklin Griffiths III d/b/a Griffiths Family Funeral Services (655 East Broad Street, Tamaqua, PA 18252) on April 19, 2018 for the renewal of a human remains crematory at the site located in Tamaqua Borough, **Schuylkill County**.

GP1-40-001: Wilkes-Barre Area School District (730 South Main Street, Wilkes-Barre, PA 18711) on April 19, 2018 for the renewal of their three boilers at Coughlin Jr/Sr High School located in Wilkes-Barre, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

GP11-38-05024B: Pennsy Supply, Inc. (101 Paxton Street, P.O. Box 3331, Harrisburg, PA 17105) on April 27, 2018, for an existing non-road engine, under GP1, to power a shingle shredder, at the Prescott Quarry located in South Lebanon Township, **Lebanon County**. The general permit authorization was renewed.

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

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

GP5-41-723: Pennsylvania General Energy Company, LLC (120 Market Street, Warren, PA 16365) on April 30, 2018, to authorize the operation of seven (7) 1,775 bhp, 4-stroke, lean-burn, natural gas-fired compressor engines, each equipped with an oxidation catalyst, three (3) natural gas-fired 333 kW microturbines, two (2) 60 MMsfcfd TEG dehydration units, each equipped with a flash tank, a 2.31 MMBtu/hr, natural gas-fired reboiler and an enclosed flare, eleven (11) storage tanks and a 0.75 MMBtu/hr gun barrel heater pursuant to the General Plan Approval and General Operating Permit for Natural Gas Compressor and/or Processing Facilities (BAQ-GPA/GP-5) at their COP Tract 293 Compressor Station in McHenry Township, **Lycoming County**.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

GP5-32-00417A: Appliance Petroleum Corporation (4150 Belden Village Ave., Canton, OH 44718) on April 25, 2018, to operate previously installed sources which include: one (1) natural gas-fired Caterpillar compressor engine, Model No. G3304NA, 4SRB, rated at 95 bhp, one (1) produced water tank, 50 bbl capacity; and one (1) waste oil tank, 50 bbl capacity at their Whitacre Compressor Station located in Rayne Township, **Indiana County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

GP14-42-218D: Bradford Crematory (105 Hilton St., Bradford, PA 16701) on April 27, 2018, for the authority to continue operation of a human crematory (BAQ-GPS/GP14) located at their facility in Bradford City, **McKean County**.

Plan Approvals Issued under the Air Pollution Control Act 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.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168

11-00538A: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201) plan approval effective on April 9, 2018, to authorize construction and temporary

operation of sources and controls associated with a coal preparation plant at its Cresson Mine in Cresson Township, **Cambria County**.

63-00930A: Woodruff Partners, LLP—DBA Peaceful Pastures Pet Cemetery (2820 Washington Road, McMurray, PA 15317) plan approval effective on April 28, 2018, to authorize the construction and temporary operation of one (1) Matthews IEB-26 natural gas-fired animal crematory incinerator and continued temporary operation of one (1) previously installed Matthews IE43-PPII natural gas-fired animal crematory incinerator at its facility located in North Strabane Township, **Washington County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

37-331C: RWE Holding Co. (535 Rundle Rd., New Castle, PA 16101), on April 30, 2018 issued a Plan Approval to construct and initially operate an additional coke drying process, two additional crushes, and two additional screeners in Taylor Township, **Lawrence County**. This is a State Only facility.

62-017Y: United Refining Co. of PA (P.O. Box 870, Warren, PA 16365), on April 26, 2018 issued a Plan Approval for the installation of a 3 kbpd Sour Tips Stripper Unit and modifications to an existing Naphtha Hydrotreater Unit for their Tier 3 Fuels Project in Warren City, **Warren County**. This is a Title V facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

15-0151: Pacer Industry Inc. (200 Red Road, Coatesville, PA 19320—2765) On April 13, 2018 for an extension to increase the production of depolymerized natural rubber at an existing facility in Valley Township, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

01-05037B: Gettysburg Energy & Nutrient Recovery Facility, LLC (71 Old Mill Bottom Road North, Suite 101, Annapolis, MD 21409) on April 23, 2018, for the construction and temporary operation of an energy and nutrient recovery facility utilizing egg layer manure located in Tyrone Township, **Adams County**. The plan approval was extended, with a revised compliance schedule.

22-05024C: Penn State University/Milton S. Hershey Medical Center (500 University Drive, Hershey, PA 17033) on April 25, 2018, for the construction of a Combined Heat & Power (CHP) project at the Medical Center located in Derry Township, **Dauphin County**. The plan approval was extended.

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

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

18-00021B: Avery Dennison Performance Polymers (171 Draketown Road, Mill Hall, PA 17751) on April 23, 2018, for the continued temporary operation of the R-100 emulsion reactor system at their facility located in Bald Eagle Township, **Clinton County**. The plan approval has been extended to October 30, 2018.

14-00003F: Pennsylvania State University (101P Physical Plant Bldg, University Park, PA 16802) on April 20, 2018, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from April 27, 2018, to October 24, 2018, at their University Park Campus located in College Township and State College Borough, **Centre County**. The plan approval has been extended.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

32-00436A: John A. Lefdahl Funeral Home (898 Old Route 119 North, Indiana, PA 15701) plan approval extension effective on April 28, 2018, with expiration on October 28, 2018, for continued temporary operation of an animal crematory incinerator at the above referenced facility located in White Township, **Indiana County**.

30-00170A: Laurel Mountain Midstream Operating, LLC (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on April 25, 2018, to extend the period of temporary operation of one Caterpillar G3612 lean burn natural gas-fired compressor engine rated at 3,550 bhp at the existing Brown Compressor Station located in Greene Township, **Greene County**. The new expiration date is October 28, 2018.

PA-63-00549B: Arden Landfill, Inc. (200 Rangos Lane, Washington, PA 15301) on April 25, 2018, to extend the temporary operation period for the landfill expansion at Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date is October 28, 2018.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

42-004J: American Refining Group Inc. (77 North Kendall Ave., Bradford, PA 16701) on April 30, 2018, effective April 30, 2018, has issued a plan approval extension for the installation, startup, and shakedown of the new gas fired # 6 Boiler (Source ID 035) in Bradford City, **McKean County**. This expires October 31, 2018. This is a Title V facility.

43-377A: Austin Rubber Company, LLC (93 Werner Rd, Greenville, PA 16125) on April 30, 2018, effective April 30, 2018, has issued a plan approval extension for the installation and operation of a rubber devulcanization facility in Sugar Grove Township, **Mercer County**. This expires October 31, 2018. This will be a non-Title V facility.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

49-00001: Mt. Carmel Cogen, Inc. (Marion Heights Road, Marion Heights, PA 17832) on April 25, 2018 issued a Title V operating permit for their facility located in Mt. Carmel Township, **Northumberland County**. The State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

59-00005: Dominion Transmission Inc. (5000 Dominion Boulevard, Glen Allen, VA 23060) was issued a Title V operating permit on April 13, 2018, to incorporate Reasonable Available Control Technology (RACT II) requirements of 25 Pa. Code §§ 129.96—129.100 in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462 and for Title V operating permit renewal for operation of their Sabinsville Transmission Station located in Clymer Township, **Tioga County**. The Title V operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

15-00009: AGC Chemicals Americas, Inc. (255 S. Bailey Road, Downingtown, PA 19335), On April 24, 2018, a renewal State-only Operating Permit is issued which includes the conditions of Plan Approval 15-0009C and 15-0009D for the two fluid bed dryers. This facility is located in Caln Township, **Chester County**.

46-00169: Constantia Colmar, Inc. (92 County Line Road, Colmar, PA 18915) located in Hatfield Township, **Montgomery County**. On April 24, 2018 a renewal of State Only (Synthetic Minor) Operating Permit No. 46-00169 is issued.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

66-00007: Airport Sand & Gravel Co., Inc. (500 Sweetland Lane, West Wyoming, PA 18644). On April 23, 2018 the Department issued a renewal State-Only Natural Minor Permit for the Airport Sand & Gravel Co., Inc. located in Nicholson Township, **Wyoming County**. The main source at this facility is a crusher. The control device are water sprays. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

17-00062: DuBois Regional Medical Center d/b/a Penn Highlands DuBois (P.O. Box 447, DuBois, PA

15801) was issued on April 24, 2018, a renewal State Only (Synthetic Minor) operating permit their facility located in City of DuBois, **Clearfield County**. The renewal operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with the applicable requirements.

14-00035: EBY Paving & Construction, Inc. (1001 East College Avenue, Bellefonte, PA 16823), on April 20, 2018, was issued a renewal State Only operating permit for their hot mix asphalt manufacturing facility located in Spring Township, **Centre County**. The renewal operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with the applicable requirements.

41-00049: Danzer Veneer Americas, Inc. (240 N. Reach Road, P.O. Box 3455, Williamsport, PA 17701) on April 20, 2018, was issued a renewal State Only operating permit for their facility in the City of Williamsport, **Lycoming County**. The renewal operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with the applicable requirements.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

43-00010: Jamestown Coating Technologies (Jamestown Paint Co.), (108 Main St., Jamestown, PA 16134), on April 26, 2018, the Department issued the renewal of the State-Only Operating Permit to a paint manufacturing facility located in Jamestown Borough, **Mercer County**. Permitted sources at the facility include natural gas-fired boilers, storage tanks, mills, and stationary and portable mixing tanks. With PTEs for VOC (21.39 TPY) and HAP (18.39 TPY) below major source thresholds, the facility is Natural Minor for permitting purposes. As parts of the paint manufacturing process, the storage tanks, mills, and mixing tanks are subject to 40 CFR 63 Subpart CCCCCC pertaining to National Emission Standards for HAPs (NESHAP) for Area Sources: Paints and Allied Products Manufacturing. In this renewal, the reporting requirements pursuant to 25 Pa. Code Chapter 135, which include §§ 135.3 (Reporting), 135.4 (Report format), 135.5 (Recordkeeping), and 135.21 (Emission statements), are removed because the facility is Natural Minor and located in an ozone attainment area. The metal HAP standards of 40 CFR 63 Subpart CCCCCC is also removed because the particulate control device for controlling these emissions exhausts indoors.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

28-05004: Grove US, LLC (1565 Buchanan Trail East, P.O. Box 21, Shady Grove, PA 17256-0021) on April 26, 2018, for the hydraulic mobile crane manufacturing facil-

ity located in Antrim Township, **Franklin County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 28-05004F.

05-05005: Bedford Materials Co., Inc. (7676 Allegheny Road, Manns Choice, PA 15550-8967) on April 25, 2018, for the specialty materials coating facility located in Napier Township, **Bedford County**. The Title V permit underwent a minor modification to incorporate presumptive RACT II requirements for certain sources, and to impose 2.7 tpy VOC limits separately on the # 40 coater, and on the mix room operation.

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

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

17-00003: Dominion Energy Transmission Inc. (5000 Dominion Boulevard, Glen Allen, VA 23060) was issued a revised Title V operating permit on April 24, 2018, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462 for incorporation of Reasonable Available Control Technology (RACT II) requirements pursuant to 25 Pa. Code §§ 129.96—129.100 for their Luther Transmission Station located in Brady Township, **Clearfield County**. The Title V operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

59-00007: NRG REMA LLC (250 Power Plant Drive, P.O. Box F, Shawville, PA 16873) on March 29, 2018, was issued a revised State Only (Synthetic Minor) permit to incorporate the updated administrative information regarding the facility mailing address, the responsible official and the permit contact for the Blossburg Generating Station, located in Covington Township, **Tioga County**. This State Only (Synthetic Minor) Permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with the applicable requirements. This notice is being published to correct the error in previous notice of action published on April 14, 2018, regarding municipality and county locations for the Blossburg Generating Station.

53-00005: Dominion Energy Transmission, Inc (5000 Dominion Boulevard, Glen Allen, VA 23060) was issued a revised Title V operating permit on April 18, 2018, for a modification to the Title V operating permit TVOP 53-00005 to change from turbochargers to a high pressure fuel injection system on Sources P101 through P104 located at the Greenlick Station facility located in Stewardship Township, **Potter County**. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

59-00005: Dominion Transmission Inc. (5000 Dominion Boulevard, Glen Allen, VA 23060) was issued a Title V operating permit on April 13, 2018, to incorporate Reasonable Available Control Technology (RACT II) requirements of 25 Pa. Code §§ 129.96—129.100 in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462 and for Title V operating permit renewal for operation of their Sabinsville Transmission Station located in Clymer Township, **Tioga County**. The Title V operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.

24-00079: Ledvance LLC (835 Washington Street, Saint Marys, PA 15857-3605). The Department on April 25, 2018, issued an administrative amendment to the State Operating Permit for the electric lamp manufacturing facility to incorporate the change of responsible official and permit contact. The facility is located in Saint Marys City, **Elk County**.

43-00310: Top Gun Investment Corp. II (15 Roemer Blvd., Farrell, PA 16121-2201). The Department on April 24, 2018, issued an administrative amendment to the Title V Operating Permit for the NLMK Pennsylvania Corp. Farrell Plant to incorporate the change of responsible official and permit contact for the facility located in Farrell City, **Mercer County**.

<i>Date</i>	<i>Source</i>	<i>PM₁₀ (tons)</i>	<i>SO_x (tons)</i>	<i>NO_x (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
04/26/2018	Welding process	0.0021	-	-	-	-
06/17/2014	NG and electric Evaporator units	.03	0.002	0.07	0.30	0.06
Total Reported Increases		0.0321	0.002	0.07	0.30	0.06
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES Permit for installation of three degas boreholes. Surface Acres Proposed

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340.

Wire Weld Inc. (12069 East Main Road, North East, PA 16428) at their facility in North East Township, **Erie County**. The authorized De minimis emission increase concerns a welding operation. The facility currently operates under SOOP 25-00970.

The welding operation is exempt from plan approval as it complies with 25 Pa. Code § 127.449. The Department hereby approves the De minimis emission increases. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This is the second De minimis emission increase which has occurred since their current State Only Operating Permit (25-00970) was renewed on June 3, 2014.

25.7. No additional discharges. The application was considered administratively complete on May 2, 2017. Application received March 7, 2017. Permit issued April 25, 2018.

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES Permit for installation of the 7L Powerline and Waterline. Surface Acres Proposed 17.5. No additional discharges. The application was considered administratively complete on December 11, 2017. Application received June 29, 2017. Permit issued April 25, 2018.

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill and Aleppo Townships, **Greene County** and related NPDES permit for development mining. Underground Acres Proposed 2,510.0, Subsidence Control Plan Acres Proposed 2,510.0. No additional discharges. The application was considered administratively complete on January 24, 2017. Application received September 9, 2016. Permit issued April 25, 2018.

32733708 and NPDES No. PA0215503. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Greenwich No. 1 Coal Refuse Disposal Area in Green Township, **Indiana County**, Susquehanna Township, **Cambria County**. No additional discharges. The application was considered

administratively complete on September 1, 2015. Application received January 9, 2015. Permit issued April 24, 2018.

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

17080116 and NPDES PA0256978. Forcey Coal, Inc. (475 Banion Road, Madera, PA 16661). Revision on an existing bituminous surface coal mine revising the permit boundary and add 1.0 acre to the existing 42.0 acres permit to construct and maintain two long term water treatment facilities. Included is a 100-foot road variance on SR 0053. The permit is located in Bigler Township, **Clearfield County** affecting 43.0 acres. Receiving streams: Unnamed Tributary to Clearfield Creek classified as CWF and Clearfield Creek classified as WWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 10, 2017. Permit issued: April 11, 2018.

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

03090102 and NPDES Permit No. PA0251623. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Permit renewal issued for continued mining of an existing bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 25.5 acres. Receiving streams: Plum Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 28, 2016. Renewal application issued: April 23, 2018.

26870107 and NPDES Permit No. PA0589802. David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 100.2 acres. Receiving streams: Unnamed tributaries to Jacobs Creek. Application received: January 19, 2018. Renewal permit issued: April 24, 2018.

03070102 and NPDES Permit No. PA0251151. State Industries, Inc. (P.O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued mining to an existing bituminous surface mine, located in Washington Township, **Armstrong County**, affecting 413.0 acres. Receiving streams: unnamed tributaries to Limestone Run. Application received: August 1, 2018. Renewal permit issued: April 27, 2018.

Noncoal Permits Issued

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

08120301 and NPDES PA0257885. Glenn O. Hawbaker, Inc. (1952 Waddle Road, Suite 203, State College, PA 16803). Renewal for an existing NPDES on an existing large noncoal surface mining site located in Burlington Township, **Bradford County** affecting 41.6 acres. Receiving stream(s): Sugar Creek classified for the following use(s): WWF. Application received: December 4, 2017. Permit issued: April 17, 2018.

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

Permit No. PAM113015R. Adam Wilber, (22 Imex Drive, Hallstead, PA 18822), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58132801 in Liberty Township, **Susquehanna County**, receiving stream: no discharge to unnamed tributary to

DuBois Creek. Application received: March 12, 2018. Renewal issued: April 30, 2018.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

53184101. Valley Rock Solutions LLC (P.O. Box 246, Macungie, PA 18062). Blasting for Sweden Valley Well Pad 104 located in Summit Township, **Potter County** with an expiration date of April 17, 2019. Permit issued: April 23, 2018.

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

63184001. Kesco, Inc. (215 South Main Street, Suite 3, Zelenople, PA 16063). Blasting Activity Permit for construction located in Union Township, **Washington County** with an expiration date of April 30, 2020. Blasting permit issued: April 25, 2018.

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

Permit No. 58184101. DW Drilling & Blasting, (2042-B S. Brentwood Boulevard, Suite 115, Springfield, MO 65804) construction blasting for Moore S Pad and tank farm in Jessup Township, **Susquehanna County** with an expiration date of April 10, 2019. Permit issued: April 24, 2018.

Permit No. 23184101. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Crane Track in Thornbury Township, **Delaware County** with an expiration date of May 1, 2019. Permit issued: April 25, 2018.

Permit No. 40184103. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Eagle Rock Resort in Hazle, Bear Creek and Black Creek Townships, **Luzerne County** and North Union Township, Schuylkill County with an expiration date of April 30, 2020. Permit issued: April 25, 2018.

Permit No. 46184103. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Women's Health Center in Upper Merion Township, **Montgomery County** with an expiration date of April 19, 2019. Permit issued: April 25, 2018.

Permit No. 66184101. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hayduk Site Development in Lemon Township, **Wyoming County** with an expiration date of April 30, 2020. Permit issued: April 25, 2018.

Permit No. 67184102. Brubacher Excavating, Inc., (825 Reading Road, Bowmansville, PA 17507), construction blasting for Goodman Logistics in Newberry and Fairview Townships, **York County** with an expiration date of April 12, 2019. Permit issued: April 25, 2018.

Permit No. 67184103. M & J Explosives, LLC, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for

Rutter 7 in Manchester Township, **York County** with an expiration date of April 18, 2019. Permit issued: April 25, 2018.

Permit No. 36184114. Maurer & Scott Sales, Inc., (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Atlantic Sunrise Spread 7 in Drumore and Conestoga Townships, Lancaster County and South Londonderry Township, **Lebanon County** with an expiration date of April 30, 2019. Permit issued: April 26, 2018.

Permit No. 36184115. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for MJ Mull dwelling in Pequea Township, **Lancaster County** with an expiration date of May 31, 2018. Permit issued: April 26, 2018.

Permit No. 46184104. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Founders Reserve in Upper Providence Township, **Montgomery County** with an expiration date of May 1, 2019. Permit issued: April 26, 2018.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with 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.

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E09-1017. Richland Township, 1328 California Road, Suite A, Quakertown, PA 18951, Richland Township, **Bucks County**; ACOE Philadelphia District.

Giving its consent to 5th Street Trail to the construction of an 8-foot wide pedestrian walking trail over Beaver Run and four wetland crossings. The proposed project will have 19 linear feet of permanent waterway impact and 1,935 square feet of permanent wetland impact and 4,416 square feet of temporary wetland impact.

The site is approximately at South 5th Street. The trail begins about 0.3 mile from the end of South 5th Street (Quakertown Latitude: 40°25'55"; Longitude: -75°20'21").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E23-540. Township of Ridley, 100 E. MacDade Boulevard, Folsom, PA 19033, Ridley Township, **Delaware County**, ACOE Philadelphia District.

To remove the dilapidated bridge and to construct and maintain a Conspan bridge across Stony Creek (WWF-MF) having an approximate waterway opening of 90 feet by 6.0 high and measuring approximately 28-feet in length associated with the Township's Bridge Replacement Project. The lower chord of the bridge is above the 100-year floodway elevation.

The site is located at S. Swarthmore Avenue over Stony Creek (Bridgeport, PA USGS Quadrangle, Latitude: 39.873789; Longitude: -75.317719).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E35-448A. Kenneth Powell, 1305 Justice Boulevard, Clarks Summit, PA 18411. Archbald Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To amend Permit No. E35-448 to authorize 1.14 acre of additional permanent wetland impacts within the Lackawanna River Watershed (HQ-CWF, MF) for the construction and maintenance of four wooden boardwalks spanning wetlands and the placement of fill in wetlands.

The activities are associated with the construction of a golf course at the Highlands at Archbald Residential Subdivision. The permittee is required to provide an additional 2.9 acres of replacement wetlands.

E35-448 authorized the filling of 1.54 acre of isolated wetlands and the construction and maintenance of a 36-inch diameter sewer line crossing 100 feet of wetlands. The activities were also associated with the Highlands at Archbald Residential Subdivision. The permittee was required to provide 2.7 acres of replacement wetlands.

The project is located approximately 2,000 feet east of the intersection of Eynon Jermyn Road and Columbus Drive (Carbondale, PA Quadrangle Latitude: 41°30'29.9"; Longitude: -75°33'42.4"). Subbasin: 5A.

E48-442. Georgeanne Pasch-Clamp & Richard Clamp, 4 Cambridge Drive, Rockaway, NJ 07866. Lower Mount Bethel Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 190-square foot boat dock and a 120-foot-long concrete boat launching ramp in the Delaware River and its floodway (CWF) (Scenic).

The project is located approximately 600 feet south of the intersection of Brush Drive and Delhaven Road. (Bangor, PA Quadrangle Latitude: 40° 46' 46.48"; Longitude: -75° 7' 49.35") Subbasin: 1F.

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

E42-377, National Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16501. YM28 and FM120 Modernization Project, in Wetmore, Hamlin and Sergeant Townships, **McKean County**, ACOE Pittsburgh District. The proposed project starts at 41.686186, -78.752681 Kane, PA Quadrangle N: 41°41'10.271"; W: -78°45'9.65" and ends at Wellendorf Storage Line (D6) Wildwood Fire Tower, PA Quadrangle N: 41°37'14.25"; W: -78°28'54.55".

To construct, operate, and maintain the YM28 and FM120 Modernization Project (Project) consisting of approximately 14.4 miles of 12-inch pipeline and appurtenant structures and the installation via insertion of a 6-inch pipeline into an existing 12-inch pipeline for 5.8 miles in Wetmore, Hamlin, and Sergeant Townships, McKean County. Line YM28 starts at 41.686243, -78.752580 Kane, PA Quadrangle and ends at the Wellendorf (D6) storage line at 41.702593, -78.500189 Wildwood Fire Tower, PA Quadrangle. Line FM120 starts at 41.620563, -78.481665 Wildwood Fire Tower, PA Quadrangle and ends at Wellendorf (D6) Storage line at N41.702413, -78.500072 Wildwood Fire Tower, PA Quadrangle.

The Project includes 55 pipeline and temporary equipment crossings of wetlands and 17 equipment crossings of wetlands, resulting in a total of 4.90 acres of wetland disturbance within the proposed permanent ROW, 0.19 acre of which consists of permanent wetland vegetation conversion with no proposed permanent loss of wetland area.

The Project also includes 30 pipeline and equipment crossings of streams and floodways of West Branch Clarion River and tributaries, County Line Run and tributaries, Doe Run and tributaries, Glad Run and tributaries, Gum Boot Run and tributaries, Lanigan Brook and tributaries, Sevenmile Run and tributaries, Sicily Run and tributaries, Buck Run and tributaries, Martin Run and tributaries, Windfall Run and tributaries, Warner Brook and tributaries, and Wellendorf Branch and tributaries resulting in a total of 2,542 linear feet of

channel impact with a total of 0.36 acre of temporary impact. Of the 30 crossings, 14 will be installed by dry crossing methods, 14 by insertion of a 6-inch pipe into an existing 12-inch pipeline, and 2 locations where the pipeline will be installed within the 50 ft assumed floodway of small tributaries but will not cross the stream channel.

To mitigate for Project impacts, the permittee shall achieve enhancement of a minimum of 0.19 acre of PFO wetland by planting 0.38 acre of existing, degraded PEM wetlands located in State Game Lands 062 (SGL062) (Lewis Run, PA Quadrangle N:41°47'16.85"; W:78°38'22.26") utilizing native trees/shrubs to include: Black Spruce (*Picea mariana*), Balsam Fir (*Abies balsamia*), Swamp White Oak (*Quercus bicolor*), Red Oiser Dogwood (*Cornus Stonoifera*), Silky Dogwood (*Cornus ammonium*), Silky Willow (*Salix sericea*), Arrowwood (*Viburnum dentatum*) to improve habitat for game and non-game species in coordination with PGC to provide the most benefit to wildlife.

401 Water Quality Certification for this project was requested as part of the FERC authorization process [Docket No. CP14-74-000 filed March 10, 2017]. The Department granted the Conditional 401 Water Quality Certification, WQ06-001, on November 11, 2017.

Water Obstructions and Encroachment General Permit GP112417605 was also issued for this project on May 1, 2018.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA.

E5829-127: Harford Township, Bluestone Pipeline Company of Pennsylvania, LLC, 333 Technology Drive, Suite 255, Canonsburg, PA 15317; Harford Township, Susquehanna County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 20-inch diameter steel natural gas pipeline and a temporary timber mat crossing temporarily impacting 1,041 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 47' 52" N, Longitude: 75° 44' 37" W),

2) a 20-inch diameter steel natural gas pipeline and a temporary timber bridge crossing temporarily impacting 53 lineal feet of East Branch Martins Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 47' 54" N, Longitude: 75° 44' 38" W),

3) a 20-inch diameter steel natural gas pipeline and a temporary timber mat crossing temporarily impacting 24,326 square feet (0.54 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 47' 52" N, Longitude: 75° 44' 37" W),

4) a 20-inch diameter steel natural gas pipeline and a temporary timber bridge crossing temporarily impacting 62 lineal feet of East Branch Martins Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 48' 02" N, Longitude: 75° 44' 36" W),

5) a 20-inch diameter steel natural gas pipeline and a temporary timber mat crossing temporarily impacting 1,416 square feet (0.03 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 48' 05" N, Longitude: 75° 44' 35" W),

6) a 20-inch diameter steel natural gas pipeline and a temporary timber bridge crossing temporarily impacting 6 lineal feet of East Branch Martins Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 48' 05" N, Longitude: 75° 44' 35" W),

7) a 20-inch diameter steel natural gas pipeline and a temporary timber mat crossing temporarily impacting 2,796 square feet (0.06 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 48' 06" N, Longitude: 75° 44' 35" W),

8) a 20-inch diameter steel natural gas pipeline and a temporary timber mat crossing temporarily impacting 707 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 48' 20" N, Longitude: 75° 44' 26" W).

The natural gas pipeline project consists of constructing a 20-inch diameter steel natural gas pipeline approximately 0.65 mile long in Harford Township, Susquehanna County. The project will result in 121 lineal feet of temporary stream impacts, and 30,286 square feet (0.70 acre) of temporary wetland impacts to provide safe reliable conveyance of Marcellus Shale natural gas to market.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D06-187EA. Joseph Atkinson, Manager, Global Advanced Metals USA, Inc., 650 County Line Road, P.O. Box 1608, Boyertown, PA 19512-1608, Colebrookdale Township, **Berks County**, USACOE Philadelphia District.

Project proposes to abandon the Cabot Mill Dam in place and return its contributory flow to the historic channel to restore approximately 500 feet of stream channel to a free-flowing condition. The project is located across Swamp Creek (TSF, MF) (Sassamansville, PA Quadrangle, Latitude: 40.3476; Longitude: -75.6166).

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-2 # ESX18-005-0002
Applicant Name XTO Energy Inc
Contact Person Melissa Breitenbach
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Armstrong County
Township(s) Freeport Borough
Receiving Stream(s) and Classification(s) UNTs to Buffalo Creek (TSF) & Buffalo Creek (TSF)

ESCGP-2 # ESX17-005-0011
Applicant Name Snyder Bros, Inc
Contact Person Carl Rose
Address 90 Glade Drive
City, State, Zip Kittaning, PA 16201
County Armstrong County
Township(s) East Franklin Township
Receiving Stream(s) and Classification(s) Trib 47106 to Limestone Run (WWF)

ESCGP-2 # ESX18-059-0008
Applicant Name Cone Gathering, LLC
Contact Person Carol Phillips
Address 1000 Consol Energy Drive
City, State, Zip Canonsburg, PA 15317
County Greene County
Township(s) Richhill Township
Receiving Stream(s) and Classification(s) UNTs to South Fork Dunkard Fork (TSF) & South Fork Dunkard Fork (TSF)

ESCGP-2 # ESX18-125-0002
Applicant Name Columbia Gas Transmission, LLC
Contact Person William Timmermeyer
Address 1700 MacCorkle Avenue
City, State, Zip Charleston, WV 25314
County Washington County
Township(s) Donegal Township
Receiving Stream(s) and Classification(s) UNTs to Dutch Fork (HQ-WWF)

ESCGP-2 # ESX11-003-0007 Renewal
Applicant Name Range Resources—Appalachia, LLC
Contact Person Karl Matz
Address 3000 Town Center Boulevard
City, State, Zip Canonsburg, PA 15317
County Allegheny County
Township(s) Findlay Township
Receiving Stream(s) and Classification(s) UNT to Potato Garden Run (WWF) & Potato Garden Run (WWF)

ESCGP-2 # ESX12-125-0125 Renewal
Applicant Name Range Resources—Appalachia, LLC
Contact Person Karl Matz
Address 3000 Town Center Boulevard
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) Buffalo Township
Receiving Stream(s) and Classification(s) Buffalo Creek (HQ-WWF)

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

McKean County Conservation District 17137 Route 6, Smethport, PA 16749, 814-887-4001.

<i>ESCP Number</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00083170001	National Fuel Gas Supply Corp Wayne Graham 1100 State Street Erie, PA 16501	McKean	Hamlin, Wetmore, Sergeant, Jones, Shippen Townships	Glade Run HQ-CWF UNT Glade Run HQ-CWF Lanigan Brook CWF UNT Lanigan Brook CWF West Branch Clarion River CWF UNT West Branch Clarion River CWF UNT Windfall Run HQ-CWF Sicily Run CWF UNT Sevenmile Run HQ-CWF Sevenmile Run HQ-CWF UNT Martin Run HQ-CWF Warner Brook HQ-CWF Gum Boot Run HQ-CWF UNT Buck Run CWF UNT Doe Run HQ-CWF Doe Run HQ-CWF UNT County Line Run HQ-CWF County Line Run HQ-CWF Wellendorf Branch HQ-CWF East Branch Clarion River HQ-CWF

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESG18-019-0007—Rhodaberger Meter Site
Applicant Pine Run Midstream LLC

Contact Mr. Scott Sweder
Address 1000 Commerce Drive, Park Place One, Suite 400

City Pittsburgh State PA Zip Code 15275
County Butler Township(s) Clearfield
Receiving Stream(s) and Classification(s) UNT to Sarver Run/Sarver Run—Rough Creek

ESCGP-2 # ESX18-019-0008—W-70 NIBA S008 TAP

Applicant Pine Run Midstream, LLC
Contact Mr. Scott Sweder
Address 1000 Commerce Drive, Park Place One, Suite 400

City Pittsburgh State PA Zip Code 15275
County Butler Township(s) Jefferson
Receiving Stream(s) and Classification(s) UNT to Davis Run

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESG29-105-18-0001
Applicant Name JKLM Energy LLC

Contact Person Scott Blauvelt
Address 2200 Georgetowne Drive, Suite 500
City, State, Zip Sewickley, PA 15143
County Potter

Township(s) Ulysses
Receiving Stream(s) and Classification(s) UNTs to Cushing Hollow (HQ-CWF);
Secondary—Cushing Hollow (HQ-CWF)

ESCGP-2 # ESX29-015-18-0007

Applicant Name Chief Oil & Gas LLC

Contact Person Jeffrey Deegan
Address 1720 Sycamore Road

City, State, Zip Montoursville, PA 17754
County Bradford

Township(s) West Burlington
Receiving Stream(s) and Classification(s) Preacher Brook (CWF, MF), North Branch Towanda Creek (CWF, MF);
Secondary—Towanda Creek

ESCGP-2 # ESG29-105-18-0002

Applicant Name JKLM Energy LLC
Contact Person Scott Blauvelt

Address 2200 Georgetowne Drive, Suite 500
City, State, Zip Sewickley, PA 15143

County Potter
Township(s) Hector
Receiving Stream(s) and Classification(s) (1) UNT to California Creek (HQ-CWF), and (2) UNTs to Lehman Hollow (HQ-CWF).
Secondary—(1) California Creek (HQ-CWF), and (2) Lehman Hollow (HQ-CWF)

ESCGP-2 # ESG29-081-18-0010

Applicant Name Pennsylvania General Energy Company LLC

Contact Person Doug Kuntz
Address 120 Market Street

City, State, Zip Warren, PA 16365
County Lycoming
Township(s) Plunketts Creek

Receiving Stream(s) and Classification(s) UNT to Little Bear Creek (EV), Little Bear Creek (EV);
Secondary—Little Bear Creek (EV), Loyalsock Creek (EV)

SPECIAL NOTICES

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

Northwest Region: Waste Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

The Jefferson County Municipal Waste Plan Revision was approved on April 25, 2018, in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101. The Revision was submitted to the Department of Environmental Protection (Department) on March 8, 2018.

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 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 Relay Service, (800) 654-5984.

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

Questions concerning the approval should be directed to Regina Schweinsberg, Regional Recycling Coordinator, Waste Management Program at (814) 332-6981 or rschweinsb@pa.gov, or the previous Regional Office address.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2018 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 following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. (For a complete list of persons currently certified to perform radon-related activities in this Commonwealth 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>Type of Certification</i>
Kevin Adams	208 Latimer Avenue Strabane, PA 15363	Testing
Thomas d'Arcy Radon Testing Systems	P.O. Box 243 Newtown, PA 18940	Testing
Clifford Ardinger	101 Bertley Ridge Drive Coraopolis, PA 15108	Testing
Allan Berger	153 Parry Road Moscow, PA 18444	Testing
Paul Bukeavich	318 Ridge Street Hanover Township, PA 18706	Testing
Frank Carey	6 Patrick Road Jenkins Township, PA 18640	Testing
Robert Dennill	411 Bianca Circle Downingtown, PA 19335	Testing
Eagle Home Inspections, LLC	543 Twele Road Greenock, PA 15047	Testing
Nathan Feldwieser	14501 George Carter Way Suite 110 Chantilly, VA 20151	Testing
Michael Foglia	2427 Anneto Drive Pottstown, PA 19464	Testing
Matthew Fritz	17 Pembroke Lane Annville, PA 17003	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Frank Glantz	P.O. Box 866 Lemont, PA 16851	Mitigation
Dewey Kerns	P.O. Box 263 Effort, PA 18330	Testing
Mark Kenschak	14501 George Carter Way Suite 110 Chantilly, VA 20151	Testing
Scott Latosky	722 Sue Street Houtzdale, PA 16651	Testing
Eric Levine	110 Music Center Drive East Stroudsburg, PA 18301	Testing
Joseph Liotta, IV	1589 Chalk Avenue Blue Bell, PA 19422	Mitigation
Michael Lisk	508 Boquet Street Carnegie, PA 15106	Testing
Jill McNabb Pillar to Post	217 Lewis Circle Easton, PA 18045	Testing
Stephen Mento	25 Fox Farm Lane Downingtown, PA 19335	Testing
Cristopher Murphy WIN-Murrysville	106 Larchwood Drive Turtle Creek, PA 15145	Testing
Curtis Niles Armored Home Inspections, LLC	1451 North Hanover Street Pottstown, PA 19464	Testing
Gary Olinchak	512 Smiley Street Crum Lynne, PA 19022	Mitigation
Lisa Roddis	P.O. Box 862 Hockessin, DE 19707	Testing
Lucas Sargent	P.O. Box 514 Tioga, PA 16946	Testing
Gregory Sinn	331 East Union Street Tamaqua, PA 18252	Mitigation
Larry Smith	191 Route 715 Brodheadsville, PA 18322	Testing
S.W.A.T. Environmental of Pittsburgh	201 Penn Center Boulevard Suite 400 Pittsburgh, PA 15235	Mitigation

[Pa.B. Doc. No. 18-740. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Final Beneficiary Mitigation Plan Relating to the Volkswagen Settlement

The Commonwealth was certified as a Beneficiary of the Environmental Mitigation Trust Agreement for State Beneficiaries (State Trust Agreement), in the case *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*. The State Trust Agreement became effective when the United States Department of Justice filed it with the United States District Court for the Northern District of California on October 2, 2017. The State Trust Agreement, along with an Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries (Indian Tribe Trust Agreement), established \$2.925 billion in environmental mitigation trust funds (state and Indian Tribe Mitigation Trusts) to be divided primarily among the participating states and Indian Tribes. The Common-

wealth is currently allocated \$118.5 million of the State Mitigation Trust to fund eligible projects that reduce oxides of nitrogen (NO_x), including the costs of Eligible Mitigation Action Administrative Expenditures relating to those projects for the Commonwealth or the applicants.

The Department of Environmental Protection (Department) has been designated the Lead Agency to implement the State Trust Agreement for the Commonwealth. The Department developed a draft Beneficiary Mitigation Plan under the Federal Consent Decree and provided a 45-day public comment period for the draft Beneficiary Mitigation Plan in 2017. Additionally, the Department held six listening sessions throughout this Commonwealth and conducted a public webinar. The final Beneficiary Mitigation Plan sets forth the Commonwealth's overall structure for use of the mitigation funds, as well as information about the specific project types eligible for funding under the State Trust Agreement. This notice announces the availability of the final Beneficiary Mitigation Plan.

The Commonwealth's final Beneficiary Mitigation Plan is available on the Department's web site at www.dep.pa.gov/drivePAforward. It is also available upon request by calling (717) 787-9702.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-741. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Growing Greener Plus Grant Programs

The Department of Environmental Protection (Department) announces the availability of grant funding in the nineteenth year of the Commonwealth's Growing Greener Plus Grant Program (Growing Greener). Growing Greener Plus refers to four grant programs: Growing Greener; 319 Nonpoint Source (NPS); Surface Mining Conservation and Reclamation Act Bond Forfeiture; and Abandoned Mine Drainage (AMD) Set Aside grants.

The Growing Greener Program will be providing an increased emphasis on supporting project implementation within the Chesapeake Bay (Bay) Watershed. Project support within the Bay will focus on: activities that address NPS pollution loadings coming from agriculture, stream channel degradation, AMD and urban runoff; projects that directly address sources of impairment specific to the receiving waterbody of the project; and projects implementing any of the following Best Management Practices—riparian forest buffers, streambank stabilization, wetland creation/restoration/enhancement, animal heavy use area protection and other related practices. In addition to projects addressing an individual site, the Department will accept projects funding regional or State-wide initiatives to enhance local watershed restoration and protection. Additional considerations will be given for all Growing Greener applications that are proposing: projects that address the Commonwealth Investment Criteria that increase job opportunities and foster sustainable businesses; projects in designated environmental justice communities and projects in approved Act 47 financially distressed municipalities; projects proposing to continue watershed based plan implementation; and projects proposed to accomplish or comply with minimum control measures in regulated municipal separate storm sewer systems communities.

The NPS program will give first priority to applications that propose to address nonpoint source pollution originating from agriculture, stormwater runoff, stream channel degradation and sources of pollutants originating from abandoned mines and where the proposed project is identified in a Section 319 Watershed Implementation Plan (WIP). Preference will be given to those projects that most effectively address the impairments of concern in an approved WIP in a cost-effective way. The second priority will be projects that address NPSs of pollution to restore or protect water quality on a Statewide or regional basis.

Projects funded by the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b) primary focus on the design, construction and/or rehabilitation of treatment facilities on legacy AMD discharge sites; however, grants may also be awarded for bond forfeited land reclamation projects. Preference will be given to

projects most likely to significantly address the impacts of AMD discharges in a cost-effective way.

The AMD Set Aside program requires that eligible projects must be located in Qualified Hydrologic Units (QHUC) (formerly called Qualified Hydrologic Units Plans) or in areas where QHUCs are being developed. The primary focus is abatement of AMD or treatment of AMD, or both, through treatment facility system construction. Priority will be given to projects supportive of goals established in the appropriate QHUC.

The Department is authorized to allocate these grants to a variety of eligible applicants including: counties, authorities and municipalities; county conservation districts; incorporated watershed associations recognized by the Department who promote local watershed conservation efforts; councils of governments; and other authorized organizations involved in the restoration and protection of the environment in this Commonwealth.

To access the application or obtain more information concerning Growing Greener, visit the Growing Greener web site at www.dep.pa.gov (search: Growing Greener). Persons can send e-mails to GrowingGreener@pa.gov or contact the Grants Center at (717) 705-5400.

All four of these grant programs can be applied for by means of the Commonwealth's Electronic Single Application web site. Applications may be submitted on or after May 14, 2018, and will be accepted until July 13, 2018. Late submissions will not be considered. Faxes and e-mails will not be accepted.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-742. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) has approved a 1-year administrative extension from October 1, 2018, to September 30, 2019, of the following previously approved certifications of pollutant reduction activities to generate nitrogen (N) and phosphorus (P) credits under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed) that were set to expire on September 30, 2018. Proposed pollutant reduction activities include manure gasification or conversion technology and the following agriculture best management practices (BMP): continuous no-till planting methods (CNT); planting cover crops; conservation tillage; grass buffers; off-stream watering with fencing; and horse pasture management. These certification administrative extension approvals authorize the generation of N or P credits, or both, for use by facilities with National Pollutant Discharge Elimination System permits in the compliance year in which the credits are generated. This approval is valid until September 30, 2019, provided the pollution reduction activities are implemented, maintained and verified in accordance with the plans contained in the original approved certification requests.

<i>Cert. ID</i>	<i>Generator</i>	<i>Site Contact Name</i>	<i>BMP Name</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Cert. Letter</i>	<i>Cert. Exp.</i>
338	GETTYSBURG ENERGY & NUTRIENT RECOVERY, LLC	Thompson	Poultry Litter Combustion/ Gasification	1,051,570	58,853	1/23/17	9/30/19
298	LYCOMING COUNTY	Barbour	Off-Stream Watering with Fencing, Off-Stream Watering without Fencing, Precision Grazing, Riparian Forest Buffer	229	0	7/26/16	9/30/19
219	LYCOMING COUNTY	Bischcroft	CNT, Conservation Tillage, Cover Crops	12,363	0	9/15/15	9/30/19
300	LYCOMING COUNTY	Bosch	CNT, Conservation Tillage, Cover Crops	646	0	7/26/16	9/30/19
299	LYCOMING COUNTY	Brown, Er.	Off-Stream Watering with Fencing, Off-Stream Watering without Fencing, Precision Grazing, Riparian Forest Buffer	227	0		9/30/19
301	LYCOMING COUNTY	Brown, Ev.	Off-Stream Watering with Fencing, Off-Stream Watering without Fencing, Precision Grazing, Riparian Forest Buffer	206	0	7/26/16	9/30/19
302	LYCOMING COUNTY	Fogelman	CNT, Conservation Tillage, Cover Crops	368	0	7/26/16	9/30/19
316	LYCOMING COUNTY	Gavitt	CNT, Conservation Tillage, Cover Crops, Off-Stream Watering with Fencing, Riparian Forest Buffer, Rotational Grazing	332	0	7/26/16	9/30/19
303	LYCOMING COUNTY	Harvey	CNT, Cover Crops	243	0	7/26/16	9/30/19
317	LYCOMING COUNTY	Jarrett	CNT, Conservation Tillage, Cover Crops	377	0	7/26/16	9/30/19
318	LYCOMING COUNTY	Knepp	CNT, Conservation Tillage, Cover Crops	179	0	7/26/16	9/30/19
308	LYCOMING COUNTY	Koons	CNT, Conservation Tillage, Cover Crops	172	0	7/26/16	9/30/19
218	LYCOMING COUNTY	Lambert	CNT, Conservation Tillage, Cover Crops	5,853	0	9/15/15	9/30/19
309	LYCOMING COUNTY	Mowery	CNT, Conservation Tillage, Cover Crops	546	0	7/26/16	9/30/19
320	LYCOMING COUNTY	Plaxton	Off-Stream Watering with Fencing, Riparian Forest Buffer	7	0	7/26/16	9/30/19
310	LYCOMING COUNTY	Reitz	Horse Pasture Management, Off-Stream Watering with Fencing, Precision Grazing	1,410	0	7/26/16	9/30/19
241	LYCOMING COUNTY	Rogers	CNT, Conservation Tillage, Cover Crops	85	0	9/15/15	9/30/19
243	LYCOMING COUNTY	Schrack	CNT, Conservation Tillage, Cover Crops, Riparian Forest Buffer	11,000	0	9/15/15	9/30/19
321	LYCOMING COUNTY	Sherman	CNT, Cover Crops, Off-Stream Watering with Fencing, Precision Grazing, Riparian Forest Buffer	90	0	7/26/16	9/30/19

<i>Cert. ID</i>	<i>Generator</i>	<i>Site Contact Name</i>	<i>BMP Name</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Cert. Letter</i>	<i>Cert. Exp.</i>
312	LYCOMING COUNTY	Styer	CNT, Conservation Tillage, Cover Crops	57	0	7/26/16	9/30/19
304	LYCOMING COUNTY	Tebbs	CNT, Conservation Tillage, Cover Crops	2,194	0	7/26/16	9/30/19
313	LYCOMING COUNTY	Ulmer	CNT, Conservation Tillage, Cover Crops	3,551	0	7/26/16	9/30/19
314	LYCOMING COUNTY	Vandine	CNT, Cover Crops	122	0	7/26/16	9/30/19
315	LYCOMING COUNTY	Worthington	CNT, Cover Crops, Off-Stream Watering with Fencing, Riparian Forest Buffer, Rotational Grazing	223	0	7/26/16	9/30/19
305	RED BARN	Hughes (Client 535, Chickies Creek Farm)	Poultry Litter Export	46,260	5,783	10/14/16	9/30/19
306	RED BARN	Hughes (Client 289, Lime Valley Farms)	Poultry Litter Export	12,226	1,528	10/14/16	9/30/19
307	RED BARN	Hughes (Client 221, Five Springs Farm)	Poultry Litter Export	5,208	651	10/14/16	9/30/19

Persons aggrieved by this 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 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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of receipt of written notice of this action 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, 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about this action or the Nutrient Credit Trading Program, contact the Division of Operations, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-6744, RA-EPPANutrientTrad@pa.gov or visit the Department's web site at www.dep.pa.gov/nutrient_trading.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-743. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
AFP Surgery Center	28 Pa. Code § 553.31(a) (relating to administrative responsibilities)
Center for the Surgical Arts	28 Pa. Code § 51.3(a) (relating to notification)

<i>Facility Name</i>	<i>Regulation</i>
St. Luke's Anderson Ambulatory Surgical Center	28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery)
Children's Surgery Center of Lehigh Valley, LLC	28 Pa. Code § 551.22(3)(ii) (relating to criteria for performance of ambulatory surgery on pediatric patients)
	28 Pa. Code § 553.31(a)
Phoenixville Hospital Ambulatory Surgical Center—Limerick	28 Pa. Code § 553.31
	28 Pa. Code § 559.2 (relating to director of nursing)
Phoenixville Hospital Ambulatory Surgical Center—Main Line	28 Pa. Code § 553.31
	28 Pa. Code § 559.2
Mid-Atlantic Gastrointestinal Center	28 Pa. Code § 553.31(a)
Mid-Atlantic Gastrointestinal Center II	28 Pa. Code § 553.31(a)

The following ASF is requesting an exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that ASFs must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition (Guidelines)*. The following list includes the citation to the section under the *Guidelines* to which the ASF is seeking exceptions, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section and Relating to</i>
Asplundh Surgical Center	3.7-7.2.2.1 (relating to corridor widths)

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-744. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospital has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards) which are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Nazareth Hospital	28 Pa. Code § 107.61 (relating to written orders)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>Guidelines Section</i>
Children's Hospital of Pittsburgh of UPMC	2.1-2.2.5.1(1) (relating to hand-washing station in the patient rooms (location))
	2.1-2.2.5.3 (relating to hand-washing station in the patient rooms)
Jefferson Hospital	2.2-3.4.6.16 (relating to facilities for processing ultrasound probes)

<i>Facility Name</i>	<i>Guidelines Section</i>
Jefferson Hospital (1010 Higbee Drive, Bethel Park)	2.2-3.4.5.4 (relating to patient toilet rooms)
	2.2-3.4.6.16 (relating to facilities for processing ultrasound probes)
	3.1-3.8.2 (relating to toilet room(s) for patient use)
	3.1-3.9.8.1 (relating to changing rooms or booths)
Jefferson Hospital (1200 Brooks Lane, Jefferson Hills)	3.1-7.2.2.2(1) (relating to ceiling heights)
Jefferson Hospital (1st Floor, 3722 Brownsville Road, Pittsburgh)	2.2-3.4.1.2 (relating to location)
	3.1-7.2.2.2(1) (relating to ceiling heights)
Jefferson Hospital (2nd Floor, 3722 Brownsville Road, Pittsburgh)	3.1-7.2.2.2(1) (relating to ceiling heights)
Jefferson Hospital (Suite 140, 1200 Brooks Lane, Jefferson Hills)	2.2-3.4.1.2 (relating to location)
Jefferson Hospital (Suite 220, 495 East Waterfront Drive, Homestead)	2.2-3.4.1.2 (relating to location)
	3.1-7.2.2.2(1) (relating to ceiling heights)
Jefferson Hospital (Suite G40, 1200 Brooks Lane, Jefferson Hills)	2.2-3.4.1.2 (relating to location)
	3.1-7.2.2.2(1) (relating to ceiling heights)
Jefferson Hospital (Suite G60, 1200 Brooks Lane, Jefferson Hills)	2.2-3.4.1.2 (relating to location)
	3.1-7.2.2.2(1) (relating to ceiling heights)
Saint Vincent Hospital	2.2-2.2.2.1(1) (relating to capacity)
UPMC East	2.1-2.6.8.1 (relating to ice making equipment)
	2.2-3.3.4.4(1)(b)(ii) (relating to phase II recovery room(s) or area)
	2.2-3.3.4.6(3) (relating to support areas for pre- and postoperative patient care areas (clinical sinks))
	2.2-3.3.4.6(4) (relating to support areas for pre- and postoperative patient care areas (provisions for cleaning bedpans))
	2.2-3.3.4.7 (relating to support areas for staff)
	2.2-3.6.6.10(1) (relating to soiled workrooms)
	2.2-3.6.6.10(1) (relating to soiled holding rooms)
	2.2-3.6.6.7(1) (relating to pre-procedure patient care area (beds or stretchers))
	2.2-3.6.6.7(2) (relating to pre-procedure patient care area (visual privacy))

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-745. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long term-care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

Crosslands
P.O. Box 100 Route 926
Kennett Square, PA 19348
FAC ID # 551202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j) and (k) (relating to electric requirements for existing and new construction):

WillowBrooke Court Skilled Care Center at Brittany
Pointe Estates
1001 Valley Forge Road
Lansdale, PA 19446
FAC ID # 740902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Laurel Ridge Center
75 Hickle Street
Uniontown, PA 15401
FAC ID # 381002

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 Welfare 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 address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of 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 AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-746. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Medical Marijuana Program; Medical Marijuana Advisory Board's Report and the Secretary of Health's Decision to Effectuate the Recommendations

Notice is hereby given, under section 1202 of the Medical Marijuana Act (act) (35 P.S. § 10231.1202) of the

decision by the Secretary of Health (Secretary) to effectuate the recommendations of the Medical Marijuana Advisory Board (Board) as set forth in the Board's Report, adopted at a public meeting on April 9, 2018, under section 1201(j)(6) of the act (35 P.S. § 10231.1201(j)(6)).

The following is a list of the recommendations of the Board along with the Secretary's rationale as to whether or not to effectuate each recommendation.

Recommendation # 1: The Medical Subcommittee and the Regulatory Subcommittee recommended that the Medical Marijuana Program (Program) not expand the types of medical professionals who can issue certifications to patients. The Medical Subcommittee and the Regulatory Subcommittee further recommended that the Program continue to accept input from the patient and provider communities and consider adding additional medical professionals in the future. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees with the Board's recommendation to add no additional medical professionals at this time. Because the Program is in its infancy, more time is required to assess the need to expand the types of medical professionals who may issue patient certifications.

Recommendation # 2: The Medical Subcommittee recommended that no medical conditions be removed from the list of serious medical conditions. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees with the Board's recommendation to remove no serious medical conditions from the act. Because the Program is in its infancy, more time is required to assess the need to remove medical conditions from the list of serious medical conditions as defined in the act.

Recommendation # 3: The Medical Subcommittee and the Patient/Caregiver Subcommittee recommended that "Severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective" be changed to "Severe chronic or intractable pain." The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. The Secretary agrees that broadening this condition will provide an opportunity of relief for more persons who would benefit from the use of medical marijuana to treat their severe chronic or intractable pain.

Recommendation # 4: The Medical Subcommittee recommended that a process be established for a subcommittee of the Board to review and approve additional serious medical conditions on a continuous basis. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. The Secretary agrees that as more information is obtained through research under Chapter 20 of the act (35 P.S. §§ 2001—2003) concerning the efficacy and utility of medical marijuana as medication for the serious medical conditions as defined by the act, it may be appropriate to add to the list of serious medical conditions to provide relief to patients and access to a drug that may be the only course of treatment or palliative care available.

Recommendation # 5: The Medical Subcommittee recommended that patients under 18 years of age be certi-

fied by a practitioner who is board eligible/certified in pediatrics or pediatric specialties, neurology with special qualifications in child neurology, child and adolescent psychiatry or adolescent medicine (whether through pediatrics, internal medicine or family practice). The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations, but on a delayed basis. Because of the potential effects of medical marijuana use on a developing brain, a practitioner with specialized knowledge relating to minor patients is preferred; however, the number of registered practitioners meeting these qualifications and accepting new patients is, at present, too limited to effectuate this requirement without delaying much needed medicine to a vulnerable population of patients. Therefore, the provision will not become effective until there are a sufficient number of practitioners who meet these qualifications and who are registered with the Department of Health (Department) to provide certification services to patients under 18 years of age.

Recommendation # 6: The Medical Subcommittee recommended that more research be done on the use of medical marijuana for addiction treatment. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. The Secretary agrees that encouraging permittees to conduct research on the use of medical marijuana for addiction treatment is a top priority, particularly in light of the current opioid crisis. Research under Chapter 20 of the act will be designed to study the efficacy and utility of medical marijuana as medication for the serious medical conditions as defined by the act.

Recommendation # 7: The Patient/Caregiver Subcommittee recommended that the medical condition of "Cancer" be revised to "Cancer; including remission therapy." The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. The Secretary agrees that patients who are in remission should have the same access to medical marijuana as those patients who are currently being treated for cancer.

Recommendation # 8: The Patient/Caregiver Subcommittee recommended that the medical condition of "Neurodegenerative Diseases" be added to the list of serious medical conditions. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. The Secretary agrees that persons with this condition could benefit from the use of medical marijuana as medical treatment or palliative care.

Recommendation # 9: The Patient/Caregiver Subcommittee recommended that the medical condition of "Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity" be changed to "Damage to the nervous tissue of the CNS (brain-spinal cord) with objective neurological indication of intractable spasticity, and other associated neuropathies." The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by

amending the existing temporary regulations. The Secretary agrees that broadening this condition will include additional persons who could benefit from the use of medical marijuana as medical treatment or palliative care.

Recommendation # 10: The Patient/Caregiver Subcommittee recommended adding the medical condition of "terminally ill," meaning a medical prognosis of life expectancy of approximately 1 year or less if the illness runs its normal course. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. The Secretary agrees that terminally ill persons would benefit from the use of medical marijuana as palliative care.

Recommendation # 11: The Patient/Caregiver Subcommittee recommended adding the medical condition of "Dyskinetic and Spastic Movement Disorders." The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. The Secretary agrees that persons with this condition would benefit from the use of medical marijuana as medical treatment or palliative care.

Recommendation # 12: The Patient/Caregiver Subcommittee recommended that the Department encourage Clinical Registrants under Chapter 20 of the act to study the medical benefits of cannabis for individuals with autoimmune diseases. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board. A Clinical Registrant, in conjunction with an academic clinical research center, conducting research under Chapter 20 of the act will be strongly encouraged to study the medical benefits of medical marijuana for patients with autoimmune diseases. The Department will be reviewing the research being conducted by clinical registrants prior to the start of the research.

Recommendation # 13: The Patient/Caregiver Subcommittee recommended adding the serious medical condition of "Addiction substitute therapy—opioid reduction." The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. The Secretary recognizes the need for research in this area and that conventional therapies should be used unless those therapies are contraindicated or ineffective, or adjunctive therapy is indicated in combination with primary therapeutic interventions.

Recommendation # 14: The Medical Subcommittee, Patient/Caregiver Subcommittee and Regulatory Subcommittee recommended that the Program expand the form of medical marijuana permitted under the act of April 17, 2016 (P.L. 84, No. 16) to include dry leaf or plant form for administration by vaporization. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. Adding dry leaf and plant form, for administration by vaporization, to the forms permitted under the act will provide patients with greater access to medical marijuana because this

form is the least costly. In addition, administration by vaporization is an avenue that allows patients to receive the benefit of medical marijuana much faster than other forms of administration, and the patient can better manage the dosage.

Recommendation # 15: The Regulatory Subcommittee recommended that the Program make no changes to the act concerning the number of growers/processors and dispensaries at present. The Program should assess the numbers as the Program expands. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. Amending the existing temporary regulations will allow for the issuance of additional permits as the Program expands and will give the Secretary, at least for the next 2 years while the temporary regulations are in place, greater flexibility to meet the need for Program expansion, particularly in response to a court order.

Recommendation # 16: The Patient/Caregiver Subcommittee recommended allowing dispensaries to purchase vaporizing devices and other ancillary products from sources other than grower/processor permittees. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees with the Board's recommendation. No further action needs to be taken to implement this recommendation; the temporary regulations currently provide for dispensaries, with the prior written approval of the Department, to sell, offer for sale or provide at a facility, instruments, devices and services related to the use of medical marijuana products. Allowing dispensaries to purchase these products from sources other than grower/processor permittees will increase competition and presumably lower prices. Also, growers/processors are in the business of growing and processing medical marijuana, not necessarily ancillary or other medical marijuana-related products. For the sake of efficiency and economy in the Program, growers/processors should focus on their primary function.

Recommendation # 17: The Patient/Caregiver Subcommittee recommended that the certification to use medical marijuana be modified to limit the practitioner's ability to specify medical marijuana form and dosing. The Board rejected the recommendation.

Secretary's Rationale: The Secretary agrees with the Board's recommendation that allowing a practitioner's ability to specify medical marijuana form and dosing should not be limited. It is within the practitioner's scope of practice to make these determinations regarding their patients, and the Department should not interfere with a licensed health care professional's exercise of his own professional judgment.

Recommendation # 18: The Patient/Caregiver Subcommittee recommended establishing a default time period of 1 year on a patient's certification. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees with this recommendation to the extent that a patient may incur additional identification card application fees during a 12-month period, because of a new or revised patient certification, which can be costly for a patient. The temporary regulations will be amended to effectuate this recommendation.

Recommendation # 19: The Medical Subcommittee and Patient/Caregiver Subcommittee recommended that prac-

tioners have the option to opt-out of the public registry. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. The Secretary recognizes that physicians who might otherwise register as practitioners have declined to do so because of concerns that their practices might be negatively impacted. Lack of available practitioners could negatively impact patients with serious medical conditions who are in need of this important medical option. The temporary regulations will be amended to clarify that the practitioner registry is available to registered patients and caregivers who are utilizing it to obtain medical marijuana.

Recommendation # 20: The Medical Subcommittee, Patient/Caregiver Subcommittee and Regulatory Subcommittee recommended permitting medical marijuana to be dispensed in dry leaf or plant form, for administration by vaporization. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. See the rationale given for Recommendation # 14.

Recommendation # 21: The Medical Subcommittee, Patient/Caregiver Subcommittee and Regulatory Subcommittee recommended permitting medical marijuana to be dispensed in dry leaf or plant form for administration by vaporization. The Board adopted the recommendation.

Secretary's Rationale: The Secretary agrees and will effectuate this recommendation from the Board by amending the existing temporary regulations. See the rationale given for Recommendation # 14.

Interested persons are invited to submit written comments, suggestions or objections regarding this notice to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding this notice or who require an alternative format of this notice (for example, large print, audiotape or Braille) may do so by using the previously listed contact information. Speech and/or hearing-impaired persons may call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-747. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Newborn Hearing Screening Program; Change in Reporting Requirements

The Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9) requires facilities to report, in a manner prescribed by the Department of Health (Department), the number of newborns and infants screened for hearing and the results of the screening to the Newborn Hearing Screening Program, overseen by the Department's Division of Newborn Screening and Genetics.

The purpose of this notice is to announce a change in the method of reporting monthly aggregate data. As of July 1, 2018, the submission of monthly hearing screening aggregate reports mailed, faxed or e-mailed paper forms will be discontinued for all submitters utilizing iCMS to report hearing screening data.

Midwives who have obtained exemption from iCMS reporting based on Internet availability will still be required to submit a monthly aggregate report.

For additional information, contact Stacey Gustin, Program Manager, Division of Newborn Screening and Genetics, (717) 783-8143 or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-748. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Rare Disease Advisory Council Meeting

The Department of Health will hold a public meeting of the Rare Disease Advisory Council on Wednesday, May 16, 2018, from 10 a.m. to 3 p.m. This meeting will be held at the Dixon University Center, 2986 North Second Street, Administrative Building, Conference Room A/B, Harrisburg, PA 17110-1201. The purpose of this meeting is to receive the reports of subcommittees, to continue discussions of the committee work and discuss promoting awareness of rare diseases and funding for treatment and research.

For additional information or for persons with a disability and who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact the Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-749. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$50 Cash Bla\$t Instant Lottery Game 1344

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$50 Cash Bla\$t (hereinafter referred to as “\$50 Cash Bla\$t”). The game number is PA-1344.

2. *Price:* The price of a \$50 Cash Bla\$t instant lottery game ticket is \$2.

3. *Play Symbols:* Each \$50 Cash Bla\$t instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a \$50 Burst (WIN50) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), 25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: FREE \$2 TICKET, \$2, \$4, \$5, \$10, \$25, \$50, \$100, \$500 and \$50,000. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 13,200,000 tickets will be printed for the \$50 Cash Bla\$t instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is \$50 Burst (WIN50) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that \$50 Burst (WIN50) symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$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.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV 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.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$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.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of 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 \$50 Cash Bla\$t instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
FREE	FREE \$2 TICKET	8.33	1,584,000
\$2	\$2	25	528,000
\$2 × 2	\$4	150	88,000
\$4	\$4	300	44,000
\$5	\$5	44.12	299,200
\$2 × 5	\$10	1,500	8,800
\$5 × 2	\$10	300	44,000
(\$4 × 2) + \$2	\$10	750	17,600
\$10	\$10	750	17,600
\$10 × 5	\$50	1,500	8,800
(\$10 × 2) + (\$5 × 6)	\$50	1,500	8,800
\$50 w/ \$50 BURST	\$50	68.18	193,600
\$50	\$50	1,500	8,800
(\$25 × 2) + (\$10 × 4) + (\$5 × 2)	\$100	40,000	330
(\$50 w/ \$50 BURST) × 2	\$100	24,000	550
\$100	\$100	60,000	220
\$100 × 5	\$500	2,640,000	5
(((\$50 w/ \$50 BURST) × 6) + (100 × 2)	\$500	2,640,000	5
(\$100 × 4) + (((\$50 w/ \$50 BURST) × 2)	\$500	2,640,000	5
\$500	\$500	2,640,000	5
\$50,000	\$50,000	2,640,000	5

Reveal a "\$50 BURST" (WIN50) symbol, win \$50 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$50 Cash Bla\$t instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described

in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles

the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$50 Cash Bla\$t, prize money from winning \$50 Cash Bla\$t instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$50 Cash Bla\$t instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$50 Cash Bla\$t or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-750. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$300,000 Nest Egg® Instant Lottery Game 1342

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$300,000 Nest Egg® (hereinafter “\$300,000 Nest Egg®”). The game number is PA-1342.

2. *Price:* The price of a \$300,000 Nest Egg® instant lottery game ticket is \$10.

3. *Play Symbols:* Each \$300,000 Nest Egg® instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “FAST CASH” area. The “FAST CASH” play area is played separately. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27

(TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THY TWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THY TWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY). Safe (SAFE) symbol and an Egg (WINALL) symbol. The play symbols and their captions located in the “FAST CASH” area are: Chest (TRY AGAIN) symbol, Star (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, Key (NO BONUS) symbol, Pot of Gold (TRY AGAIN) symbol, Wallet (NO BONUS) symbol, Cash (TRY AGAIN) symbol and a Coins (COINS) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$300,000 (THRHUNTHO). The prize symbols and their captions located in the “FAST CASH” area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$50, \$100, \$150, \$200, \$400, \$500, \$1,000, \$10,000 and \$300,000. The prizes that can be won in the “FAST CASH” area are: \$10, \$15, \$20, \$30, \$50, \$100, \$150, \$200 and \$500. A player can win up to 16 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the \$300,000 Nest Egg® instant game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Safe (SAFE) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Egg (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which a Coins (COINS) symbol appears in the "FAST CASH" area and a prize symbol of \$500 (FIV HUN) appears in the "prize" area to the right of that Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Egg (WINALL) symbol, and a prize symbol of \$100 appears in three of the "prize" areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the "prize" areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Egg (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the "prize" areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the "prize" areas and a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Egg (WINALL) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in ten of the "prize" areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$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.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which a Coins (COINS) symbol appears in the "FAST CASH" area and a prize

symbol of \$200 (TWO HUN) appears in the "prize" area to the right of that Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Egg (WINALL) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the "prize" areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$150 (ONEHUNFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$150.

(s) Holders of tickets upon which a Coins (COINS) symbol appears in the "FAST CASH" area and a prize symbol of \$150 (ONEHUNFTY) appears in the "prize" area to the right of that Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$150.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Egg (WINALL) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in all fifteen of the "prize" areas, on a single ticket, shall be entitled to a prize of \$150.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which a Coins (COINS) symbol appears in the "FAST CASH" area and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of that Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$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.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(z) Holders of tickets upon which a Coins (COINS) symbol appears in the "FAST CASH" area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area to the right of that Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$50.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE)

symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(cc) Holders of tickets upon which a Coins (COINS) symbol appears in the “FAST CASH” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area to the right of that Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$30.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$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.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Safe (SAFE) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(ff) Holders of tickets upon which a Coins (COINS) symbol appears in the “FAST CASH” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area to the right of that Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$20.

(gg) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$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.

(hh) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Safe (SAFE) symbol, and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “prize” area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$15.

(ii) Holders of tickets upon which a Coins (COINS) symbol appears in the “FAST CASH” area and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “prize” area to the right of that Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$15.

(jj) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10⁰⁰ (TEN DOLLARS) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(kk) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Safe (SAFE) symbol, and a prize symbol of \$10⁰⁰ (TEN DOLLARS) appears in the “prize” area under that Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(ll) Holders of tickets upon which a Coins (COINS) symbol appears in the “FAST CASH” area and a prize symbol of \$10⁰⁰ (TEN DOLLARS) appears in the “prize” area to the right of that Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>FAST CASH:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
	\$10 w/ COINS	\$10	20	480,000
\$10 w/ SAFE		\$10	40	240,000
\$10		\$10	30	320,000
	\$15 w/ COINS	\$15	60	160,000
\$15 w/ SAFE		\$15	30	320,000
\$15		\$15	60	160,000
\$10 × 2		\$20	120	80,000
\$10 w/ SAFE	\$10 w/ COINS	\$20	85.71	112,000
\$20 w/ SAFE		\$20	60	160,000
\$20		\$20	120	80,000
\$15	\$15 w/ COINS	\$30	200	48,000
(\$15 w/ SAFE) × 2		\$30	600	16,000
\$30 w/ SAFE		\$30	50	192,000
\$30		\$30	600	16,000
\$10 × 2	\$30 w/ COINS	\$50	300	32,000
(\$15 × 2) + \$10	\$10 w/ COINS	\$50	300	32,000
(((\$20 w/ SAFE) × 2) + \$10		\$50	300	32,000
\$50 w/ SAFE		\$50	300	32,000
\$50		\$50	300	32,000
\$10 × 10		\$100	600	16,000

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>FAST CASH:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
\$20 × 5		\$100	600	16,000
\$50	\$50 w/ COINS	\$100	600	16,000
(\$10 w/ SAFE) × 10		\$100	600	16,000
\$100 w/ SAFE		\$100	600	16,000
\$100		\$100	600	16,000
EGG w/ (\$10 × 15)		\$150	425.53	22,560
\$50 × 3		\$150	6,316	1,520
(\$30 w/ SAFE) + (\$50 × 2)	\$20 w/ COINS	\$150	6,316	1,520
(\$50 w/ SAFE) × 3		\$150	6,667	1,440
	\$150 w/ COINS	\$150	6,667	1,440
\$150		\$150	6,316	1,520
EGG w/ ((\$20 × 5) + (\$10 × 10))		\$200	2,400	4,000
EGG w/ (\$10 × 15)	\$50 w/ COINS	\$200	2,400	4,000
\$100 × 2		\$200	6,000	1,600
\$10 × 10	\$100 w/ COINS	\$200	1,714	5,600
\$200 w/ SAFE		\$200	12,000	800
\$200		\$200	12,000	800
EGG w/ ((\$30 × 10) + (\$20 × 5))		\$400	12,000	800
EGG w/ ((\$20 × 5) + (\$10 × 10))	\$200 w/ COINS	\$400	12,000	800
\$50 × 8		\$400	60,000	160
\$100 × 3	\$100 w/ COINS	\$400	60,000	160
(\$30 × 10) + (\$20 × 5)		\$400	60,000	160
(\$200 w/ SAFE) × 2		\$400	24,000	400
\$400 w/ SAFE		\$400	24,000	400
\$400		\$400	60,000	160
EGG w/ ((\$50 × 4) + (\$20 × 10) + \$100)		\$500	8,000	1,200
EGG w/ ((\$100 × 3) + (\$50 × 2) + (\$10 × 10))		\$500	8,000	1,200
\$100 × 5		\$500	120,000	80
\$50 × 10		\$500	120,000	80
(\$30 × 10) + \$100	\$100 w/ COINS	\$500	24,000	400
(((\$100 w/ SAFE) × 3) + \$100)	\$100 w/ COINS	\$500	12,000	800
	\$500 w/ COINS	\$500	40,000	240
\$500 w/ SAFE		\$500	60,000	160
\$500		\$500	120,000	80
EGG w/ ((\$100 × 5) + (\$50 × 10))		\$1,000	24,000	400
\$100 × 10		\$1,000	120,000	80
\$500 × 2		\$1,000	120,000	80
\$500	\$500 w/ COINS	\$1,000	30,000	320
(\$200 w/ SAFE) × 5		\$1,000	40,000	240
\$1,000 w/ SAFE		\$1,000	120,000	80
\$1,000		\$1,000	120,000	80
\$1,000 × 10		\$10,000	960,000	10

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>FAST CASH:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
\$10,000		\$10,000	960,000	10
\$300,000		\$300,000	960,000	10

Reveal a "SAFE" (SAFE) symbol, win prize shown under that symbol automatically.

Reveal an "EGG" (WINALL) symbol, win all 15 prizes shown!

FAST CASH: Reveal a "COINS" (COINS) symbol, win prize shown to the right of that symbol. FAST CASH is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$300,000 Nest Egg® instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$300,000 Nest Egg®, prize money from winning \$300,000 Nest Egg® instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$300,000 Nest Egg® instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

\$300,000 Nest Egg® or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-751. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$3,000,000 Pennsylvania Club Instant Lottery Game 1341

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$3,000,000 Pennsylvania Club (hereinafter "\$3,000,000 Pennsylvania Club"). The game number is PA-1341.

2. *Price:* The price of a \$3,000,000 Pennsylvania Club instant lottery game ticket is \$30.

3. *Play Symbols:* Each \$3,000,000 Pennsylvania Club instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and five "BONUS" spots. The "BONUS" spots are played separately. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), PA (PA) symbol, KEYSTONE (WINALL) symbol and a CLUB (\$3MIL) symbol. The play

symbols and their captions located in the “BONUS” spots are: Diamond (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, BELL (NO BONUS) symbol, Chest (TRY AGAIN) symbol, Pot of Gold (NO BONUS) symbol, Star (TRY AGAIN) symbol, Horseshoe (NO BONUS) symbol, Crown (TRY AGAIN) symbol, Lock (NO BONUS) symbol, \$50 (WIN50) symbol, \$100 (WIN100) symbol, \$300 (WIN300) symbol and a \$500 (WIN500) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$25,000 (TWYFIVTHO), \$250,000 (TWHNFYTH) and \$3MILL (THR MIL).

5. *Prizes:* The prizes that can be won in this game are: \$30, \$40, \$50, \$100, \$200, \$300, \$500, \$1,000, \$5,000, \$25,000, \$250,000 and \$3,000,000. The prizes that can be won in the “BONUS” spots are: \$50, \$100, \$300 and \$500. A player can win up to 30 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the \$3,000,000 Pennsylvania Club instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CLUB (\$3MIL) symbol, and a prize symbol of \$3MILL (THR MIL) appears in the “prize” area under that CLUB (\$3MIL) symbol, on a single ticket, shall be entitled to a prize of \$3,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25,000 (TWYFIVTHO) 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.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PA (PA) symbol, and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that PA (PA) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a KEYSTONE (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in all twenty-five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$2,500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under

the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PA (PA) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that PA (PA) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a KEYSTONE (WINALL) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in all twenty-five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a KEYSTONE (WINALL) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in all twenty-five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$750.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PA (PA) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that PA (PA) symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which a prize symbol of \$500 (WIN500) appears in any one of the “BONUS” spots, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300 (THR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PA (PA) symbol, and a prize symbol of \$300 (THR HUN) appears in the “prize” area under that PA (PA) symbol, on a single ticket, shall be entitled to a prize of \$300.

(p) Holders of tickets upon which a \$300 (WIN300) symbol appears in any one of the “BONUS” spots, on a single ticket, shall be entitled to a prize of \$300.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PA (PA) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that PA (PA) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which a \$100 (WIN100) symbol appears in any one of the “BONUS” spots, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PA (PA) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that PA (PA) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which a \$50 (WIN50) symbol appears in any one of the “BONUS” spots, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PA (PA) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under that PA (PA) symbol, on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PA (PA) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that PA (PA) symbol, on a single ticket, shall be entitled to a prize of \$30.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Bonus:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$30 w/ PA		\$30	15	400,000
\$30		\$30	25	240,000
\$40 w/ PA		\$40	18.75	320,000
\$40		\$40	30	200,000
	\$50 w/ \$50 SYMBOL	\$50	30	200,000
\$50 w/ PA		\$50	30	200,000
\$50		\$50	30	200,000
\$50 × 2		\$100	300	20,000
\$50	\$50 w/ \$50 SYMBOL	\$100	300	20,000
	(\$50 w/ \$50 SYMBOL) × 2	\$100	300	20,000
	\$100 w/ \$100 SYMBOL	\$100	300	20,000
\$50 w/ PA	\$50 w/ \$50 SYMBOL	\$100	100	60,000
\$100 w/ PA		\$100	150	40,000
\$100		\$100	300	20,000
\$30 × 10		\$300	800	7,500
\$50 × 5	\$50 w/ \$50 SYMBOL	\$300	800	7,500
\$50 × 4	\$100 w/ \$100 SYMBOL	\$300	800	7,500
\$100 × 2	(\$50 w/ \$50 SYMBOL) × 2	\$300	800	7,500
\$200	\$100 w/ \$100 SYMBOL	\$300	666.67	9,000
	\$300 w/ \$300 SYMBOL	\$300	705.88	8,500
\$300 w/ PA		\$300	800	7,500
\$300		\$300	800	7,500
\$50 × 10		\$500	12,000	500
\$30 × 10	(\$100 w/ \$100 SYMBOL) × 2	\$500	6,000	1,000
\$40 × 10	\$100 w/ \$100 SYMBOL	\$500	6,000	1,000
\$40 × 5	\$300 w/ \$300 SYMBOL	\$500	6,000	1,000
\$50 × 9	\$50 w/ \$50 SYMBOL	\$500	6,000	1,000
\$50 × 8	\$100 w/ \$100 SYMBOL	\$500	12,000	500

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Bonus:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$50 × 7	(\$100 w/ \$100 SYMBOL) + (\$50 w/ \$50 SYMBOL)	\$500	6,000	1,000
\$50 × 2	(\$300 w/ \$300 SYMBOL) + (\$100 w/ \$100 SYMBOL)	\$500	6,000	1,000
\$100 × 2	\$300 w/ \$300 SYMBOL	\$500	6,000	1,000
\$300	(\$100 w/ \$100 SYMBOL) × 2	\$500	12,000	500
	\$500 w/ \$500 SYMBOL	\$500	12,000	500
(\$100 w/ PA) × 4	\$100 w/ \$100 SYMBOL	\$500	12,000	500
\$500 w/ PA		\$500	2,400	2,500
\$500		\$500	12,000	500
KEYSTONE w/ (\$40 × 25)		\$1,000	8,000	750
KEYSTONE w/ (\$30 × 25)	(\$50 w/ \$50 SYMBOL) × 5	\$1,000	8,000	750
KEYSTONE w/ (\$30 × 25)	(((\$100 w/ \$100 SYMBOL) × 2) + (\$50 w/ \$50 SYMBOL))	\$1,000	8,000	750
\$100 × 10		\$1,000	24,000	250
\$50 × 10	(\$100 w/ \$100 SYMBOL) × 5	\$1,000	24,000	250
\$100 × 5	(\$100 w/ \$100 SYMBOL) × 5	\$1,000	24,000	250
\$100 × 2	(\$500 w/ \$500 SYMBOL) + (\$300 w/ \$300 SYMBOL)	\$1,000	24,000	250
\$500 + \$300	(\$100 w/ \$100 SYMBOL) × 2	\$1,000	12,000	500
\$500	\$500 w/ \$500 SYMBOL	\$1,000	12,000	500
	(\$500 w/ \$500 SYMBOL) × 2	\$1,000	24,000	250
(\$300 w/ PA) × 3	\$100 w/ \$100 SYMBOL	\$1,000	12,000	500
\$1,000 w/ PA		\$1,000	12,000	500
\$1,000		\$1,000	24,000	250
KEYSTONE w/ (\$100 × 25)	(\$500 w/ \$500 SYMBOL) × 5	\$5,000	1,200,000	5
\$100 × 25	(\$500 w/ \$500 SYMBOL) × 5	\$5,000	1,200,000	5
\$5,000 w/ PA		\$5,000	1,200,000	5
\$5,000		\$5,000	1,200,000	5
\$5,000 × 5		\$25,000	1,200,000	5
\$25,000		\$25,000	1,200,000	5
\$25,000 × 10		\$250,000	1,200,000	5
\$250,000		\$250,000	1,200,000	5
\$3,000,000 w/ CLUB		\$3,000,000	1,200,000	5

Reveal a "PA" (PA) symbol, win prize shown under that symbol automatically.

Reveal a "KEYSTONE" (WINALL) symbol, win all 25 prizes shown.

Reveal a "CLUB" (\$3MIL) symbol, win \$3 Million instantly!

BONUS: Reveal a "\$50" (WIN50) symbol, \$100 (WIN100) symbol, \$300 (WIN300) symbol or a "\$500" (WIN500) symbol in any BONUS spot, win that prize instantly. Bonus spots are played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Program:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$3,000,000 Pennsylvania Club instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described

in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles

the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$3,000,000 Pennsylvania Club, prize money from winning \$3,000,000 Pennsylvania Club instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$3,000,000 Pennsylvania Club instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$3,000,000 Pennsylvania Club or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-752. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Funky 5s Instant Lottery Game 1343

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Funky 5s (hereinafter “Funky 5s”). The game number is PA-1343.

2. *Price:* The price of a Funky 5s instant lottery game ticket is \$5.

3. *Play Symbols:* Each Funky 5s instant lottery game ticket will contain one play area and five “BONUS” areas. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTW), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 5 (FIVE) symbol, 5X (5TIMES) symbol and a FUNKY (WINALL) symbol. The play symbols and their captions located in

the “BONUS” area are: Music Note (TRY AGAIN) symbol, Purse (NO BONUS) symbol, Chest (TRY AGAIN) symbol, Safe (NO BONUS) symbol, Bar (TRY AGAIN) symbol, Bow Tie (NO BONUS) symbol, Sunglasses (TRY AGAIN) symbol, Coins (TRY AGAIN) symbol, Key (NO BONUS) symbol, Star (TRY AGAIN) symbol, \$5 (WIN5) symbol, \$15 (WIN15) symbol, \$25 (WIN25) symbol, \$50 (WIN50) symbol and a \$500 (WIN500) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$75⁰⁰ (SVY FIV), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$75, \$100, \$200, \$500, \$1,000, \$5,000 and \$100,000. The prizes that can be won in the “BONUS” areas are: \$5, \$15, \$25, \$50 and \$500. The player can win up to 17 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Funky 5s instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$5,000 (FIV THO) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area, and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a FUNKY (WINALL) symbol appears in the play area, and a prize symbol of \$200 (TWO HUN) appears in two of the “Prize” areas, a prize symbol of \$100 (ONE HUN) appears in five of the “Prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area, and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which a \$500 (WIN500) symbol appears in any of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which a FUNKY (WINALL) symbol appears in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “Prize” areas, a prize symbol of \$100 (ONE HUN) appears in one of the “Prize” areas and a prize symbol of \$200 (TWO HUN) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which a FUNKY (WINALL) symbol appears in the play area, and a prize symbol of \$200 (TWO HUN) appears in two of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area, and a prize symbol of \$40⁰⁰ (FORTY) appears in the “Prize” area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which a FUNKY (WINALL) symbol appears in the play area, and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which a FUNKY (WINALL) symbol appears in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the “Prize” areas, a prize symbol of \$100 (ONE HUN) appears in one of the “Prize” areas and a prize symbol of \$25⁰⁰ (TWY FIV) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$175.

(o) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which a FUNKY (WINALL) symbol appears in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in two 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 eight of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which a FUNKY (WINALL) symbol appears in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight 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 \$100.

(s) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$75⁰⁰ (SVY FIV) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$75.

(t) Holders of tickets upon which a FUNKY (WINALL) symbol appears in the play area, and a prize symbol of

\$5⁰⁰ (FIV DOL) appears in all twelve of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$60.

(u) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which a \$50 (WIN50) symbol appears in any of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$40⁰⁰ (FORTY) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets upon which a \$25 (WIN25) symbol appears in any of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$25.

(bb) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$15.

(dd) Holders of tickets upon which a \$15 (WIN15) symbol appears in any of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$15.

(ee) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$5.

(gg) Holders of tickets upon which a \$5 (WIN5) symbol appears in any of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

NOTICES

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<i>Reveal A "5" (FIVE) Symbol, Win Prize Shown To The Right Of That Symbol. Win With:</i>	<i>FUNKY 5S BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
	\$5	\$5	20	600,000
\$5		\$5	20	600,000
\$5 × 2		\$10	120	100,000
\$5	\$5	\$10	100	120,000
	\$5 × 2	\$10	85.71	140,000
\$10		\$10	60	200,000
\$5 × 3		\$15	75	160,000
\$5 × 2	\$5	\$15	150	80,000
\$10 + \$5		\$15	120	100,000
\$10	\$5	\$15	150	80,000
	\$15	\$15	200	60,000
\$15		\$15	300	40,000
\$5 × 4		\$20	600	20,000
\$10 × 2		\$20	600	20,000
\$5	\$15	\$20	600	20,000
	\$15 + \$5	\$20	600	20,000
\$20		\$20	600	20,000
\$10	\$15	\$25	600	20,000
	\$5 × 5	\$25	600	20,000
	\$25	\$25	600	20,000
\$5 w/ 5X		\$25	150	80,000
\$25		\$25	600	20,000
\$5 × 3	\$25	\$40	600	20,000
\$5 × 8		\$40	600	20,000
\$10 × 4		\$40	600	20,000
\$20 × 2		\$40	600	20,000
	\$25 + \$15	\$40	600	20,000
\$5 w/ 5X	\$15	\$40	600	20,000
\$40		\$40	600	20,000
\$5 × 10		\$50	800	15,000
(\$10 × 4) + (\$5 × 2)		\$50	800	15,000
	\$50	\$50	1,200	10,000
\$5 w/ 5X	\$5 × 5	\$50	1,200	10,000
\$10 w/ 5X		\$50	2,400	5,000
\$50		\$50	2,400	5,000
FUNKY w/ (\$5 × 12)	\$15	\$75	1,200	10,000
\$20 × 3	\$15	\$75	4,000	3,000
	\$50 + \$25	\$75	4,000	3,000
(\$10 w/ 5X) + (\$5 × 2)	\$5 × 3	\$75	4,000	3,000
\$75		\$75	6,000	2,000
FUNKY w/ ((\$10 × 8) + (\$5 × 4))		\$100	1,500	8,000
FUNKY w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))		\$100	1,714	7,000
FUNKY w/ (\$5 × 12)	\$25 + \$15	\$100	1,714	7,000
\$10 × 10		\$100	6,000	2,000
	\$50 + \$25 + \$15 + (\$5 × 2)	\$100	6,000	2,000
\$20 w/ 5X		\$100	6,000	2,000

<i>Reveal A "5" (FIVE) Symbol, Win Prize Shown To The Right Of That Symbol. Win With:</i>	<i>FUNKY 5S BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
\$100		\$100	6,000	2,000
FUNKY w/ ((\$50 × 2) + (\$10 × 10))		\$200	6,000	2,000
FUNKY w/ ((\$5 × 10) + \$100 + \$25)	\$5 × 5	\$200	8,000	1,500
FUNKY w/ ((\$10 × 8) + (\$5 × 4))	\$25 × 4	\$200	12,000	1,000
\$50 × 4		\$200	24,000	500
	\$50 × 4	\$200	24,000	500
\$20 w/ 5X	\$50 × 2	\$200	24,000	500
\$40 w/ 5X		\$200	24,000	500
\$200		\$200	24,000	500
FUNKY w/ ((\$200 × 2) + (\$10 × 10))		\$500	24,000	500
FUNKY w/ ((\$20 × 10) + \$200 + \$100)		\$500	24,000	500
\$50 × 10		\$500	24,000	500
	\$500	\$500	24,000	500
\$100 w/ 5X		\$500	24,000	500
\$500		\$500	24,000	500
FUNKY w/ ((\$200 × 2) + (\$100 × 5) + (\$20 × 5))		\$1,000	1,200,000	10
\$100 × 10		\$1,000	1,200,000	10
	\$500 × 2	\$1,000	1,200,000	10
\$200 w/ 5X		\$1,000	1,200,000	10
\$1,000		\$1,000	1,200,000	10
\$500 × 10		\$5,000	1,200,000	10
\$5,000		\$5,000	1,200,000	10
\$100,000		\$100,000	1,200,000	10

Reveal a "5X" (5TIMES) symbol, win 5 times the prize shown to the right of that symbol.

Reveal a "FUNKY" (WINALL) symbol, win all 12 prizes shown!

FUNKY 5s BONUS: Reveal a "\$5" (WIN5), "\$15" (WIN15), "\$25" (WIN 25), "\$50" (WIN50) or "\$500" (WIN500) symbol in any BONUS spot, win that amount instantly! BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Funky 5s instant lottery game tickets.

11. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of

at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

12. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Funky 5s, prize money from winning Funky 5s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Funky 5s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

13. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

14. *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 Funky 5s or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-753. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Money Mania Instant Lottery Game 1345

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money Mania (hereinafter “Money Mania”). The game number is PA-1345.

2. *Price:* The price of a Money Mania instant lottery game ticket is \$1.

3. *Play Symbols:* Each Money Mania instant lottery game ticket will contain one play area and a separate “BONUS” area containing one play symbol. The “BONUS” box area is played separately. The play symbols and their captions located in the play area are: X (XXXX) symbol and a Money Bag (MNYBAG) symbol. The play symbols and their captions located in the “BONUS” box area are: Diamond (NO BONUS) symbol, Piggy Bank (TRY AGAIN) symbol, Crown (NO BONUS) symbol, Stack of Coins (TRY AGAIN) symbol, Ring (NO BONUS) symbol, Gemstone (TRY AGAIN) symbol, and a Cash (WIN10) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: FREE (TICKET), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$2, \$3, \$5, \$10, \$20, \$30, \$40, \$50, \$100, \$500 and \$5,000. A player can win up to 2 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Money Mania instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$5,000 (FIV THO) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diago-

nal and a prize symbol of \$500 (FIV HUN) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$40⁰⁰ (FORTY) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with a Cash (WIN10) symbol appearing in the “BONUS” box, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$3⁰⁰ (THR DOL) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$3.

(l) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with three matching Money Bag (MNYBAG) symbols appearing in a row, column or diagonal and a prize symbol of FREE (TICKET) appears in the “PRIZE” box, on a single ticket, shall be entitled to a prize of one Money Mania instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal Three "Money Bag" (MNYBAG) Symbols In A Row, Column Or Diagonal, Win Prize Shown In the Prize Box. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
FREE	FREE \$1 TICKET	9.68	1,240,000
\$2	\$2	23.08	520,000
\$3	\$3	33.33	360,000
\$5	\$5	60	200,000
\$10 w/ CASH	\$10	150	80,000
\$10	\$10	150	80,000
\$10 + (\$10 w/ CASH)	\$20	600	20,000
\$20	\$20	600	20,000
\$20 + (\$10 w/ CASH)	\$30	1,500	8,000
\$30	\$30	3,000	4,000
\$30 + (\$10 w/ CASH)	\$40	3,000	4,000
\$40	\$40	3,000	4,000
\$40 + (\$10 w/ CASH)	\$50	6,000	2,000
\$50	\$50	6,000	2,000
\$100	\$100	12,000	1,000
\$500	\$500	600,000	20
\$5,000	\$5,000	1,200,000	10

Reveal a "CASH" (WIN10) symbol in the BONUS box, win \$10 automatically!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Money Mania instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Money Mania, prize money from winning Money Mania instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Money Mania instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the

prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Money Mania or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-754. Filed for public inspection May 11, 2018, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Commission Meeting

The State Transportation Commission will hold a meeting on Thursday, May 17, 2018, from 10 a.m. to 12 p.m. at the Holiday Inn Williamsport, 100 Pine Street, Williamsport, PA 17701. For more information, contact Ellen E. Sweeney, PhD, (717) 787-2913, ellsweeney@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 18-755. Filed for public inspection May 11, 2018, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Friends of York County Family Farms v. Department of Environmental Protection and Hillandale Gettysburg, LP, Permittee; EHB Doc. No. 2018-042-L

Friends of York County Family Farms has appealed the issuance by the Department of Environmental Protection of an NPDES General Permit (PAG-12) to Hillandale Gettysburg, LP for its concentrated animal feeding operation located in York County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 18-756. Filed for public inspection May 11, 2018, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Marjorie Hudson, Lorne Swope, Delores Steiner, Linda Harr and Sara Hutzell v. Department of Environmental Protection and Country View Family Farms, LLC, Permittee; EHB Doc. No. 2018-039-L

Marjorie Hudson, Lorne Swope, Delores Steiner, Linda Harr and Sara Hutzell have appealed the issuance by the Department of Environmental Protection of a renewal of an NPDES General Permit (PAG-12) to Country View Family Farms, LLC for its concentrated animal feeding operation located in Ayr Township, Fulton County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 18-757. Filed for public inspection May 11, 2018, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Montgomery Township Friends of Family Farms v. Department of Environmental Protection and Herbruck Poultry Ranch, Inc., Permittee; EHB Doc. No. 2018-041-R

Montgomery Township Friends of Family Farms has appealed the issuance by the Department of Environmental Protection of an NPDES General Permit (2018 PAG-12) to Herbruck Poultry Ranch, Inc. for its concentrated animal feeding operation located in Montgomery Township, Franklin County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 18-758. Filed for public inspection May 11, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION**Additions to List of Class A Wild Trout Waters**

The Fish and Boat Commission (Commission) approved the addition of 38 stream sections to its list of Class A Wild Trout Streams as set forth at 48 Pa.B. 1069 (February 17, 2018). 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.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 18-759. Filed for public inspection May 11, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Additions and Revisions

The Fish and Boat Commission (Commission) approved the addition of 99 new waters to its list of wild trout streams and the revision of the section limits of 1 water already on the list as published at 48 Pa.B. 1065 (February 17, 2018). 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 <http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx>.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 18-760. Filed for public inspection May 11, 2018, 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 special fishing regulations under 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective January 1, 2019:

58 Pa. Code § 65.11. Panfish enhancement

The Commission removed the designation as a "panfish enhancement" water from the following water:

County	Water	Species
Montour	Lake Chillisquaque	Crappie and sunfish

The Commission designated the following water as a "panfish enhancement" water:

County	Water	Species
Mercer	Shenango River Lake	Crappie

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 18-761. Filed for public inspection May 11, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Change to Fishing Regulations; Lake Williams, York County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to temporarily modify fishing regulations at Lake Williams, York

County, in anticipation of a drawdown of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective May 2, 2018. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities at this lake.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations will be fully effective and enforceable when posted. These temporary modifications will remain in effect until the lake is closed to public use.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 18-762. Filed for public inspection May 11, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Medco Containment Life Insurance Company

Cigna Corporation, a Delaware corporation, and Halfmoon Parent, Inc., a Delaware corporation wholly-owned by Cigna Corporation, have filed an application to acquire control of Medco Containment Life Insurance Company, a Pennsylvania domiciled life insurance company and indirect wholly-owned subsidiary of Express Scripts Holding Company, Inc. The filing was received on April 20, 2018, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on this acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in 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 should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-763. Filed for public inspection May 11, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Export List of Insurance Coverages; Request for Comments

The Insurance Commissioner (Commissioner) published a notice at 48 Pa.B. 1405 (March 3, 2018) soliciting comments to the export list published at 47 Pa.B. 2854 (May 13, 2017). Consideration was given to all comments received.

The Commissioner proposes to amend the May 13, 2017, list as follows:

Add:

- Vacant Properties (excluding 1—4 family unit residential dwellings and individually owned residential units in larger residential buildings)

Persons wishing to comment on the Commissioner's proposal are invited to submit a written statement within 15 days from the date of this publication. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period, or a notice will be published stating that the May 13, 2017, list remains in effect.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-764. Filed for public inspection May 11, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Frederick Mutual Insurance Company; Melissa D. Fitzgerald; File No. 18-116-222035; Doc. No. P18-04-013; June 7, 2018, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing, should contact Joseph Korman at (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-765. Filed for public inspection May 11, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pro Forma Change in Intermediate Ownership and Control

A-2018-3001452. PEG Bandwidth PA, LLC. Application of PEG Bandwidth PA, LLC for approval of a pro forma change in intermediate ownership and control.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 29, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: PEG Bandwidth PA, LLC

Through and By Counsel: Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-766. Filed for public inspection May 11, 2018, 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. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed in the event that there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 29, 2018. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.

A-2018-3001416. Wywest Transport, LLC (310B Friendship Avenue, Hellam, York County, PA 17406) persons in paratransit service in wheelchair and stretcher vans, limited to persons whose physical limitations or personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Adams, Cumberland and Franklin, to points in Pennsylvania, and return.

Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *household goods* in use as described under the application.

A-2018-3000445. S&P Network, LLC (3596 North 4th Street, Harrisburg, PA 17110) between points in Pennsylvania. *Attorney:* Karen O. Moury, 213 Market Street, 8th Floor, Harrisburg, PA 17101.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-767. Filed for public inspection May 11, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due May 29, 2018, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. BSL Trucking, LLC; Docket No. C-2018-3000421

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to BSL Trucking, LLC, (respondent) is under suspension effective February 27, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 136 Annette Drive, New Castle, PA 16101.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 31, 2015, at A-8917446.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8917446 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/26/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. BSL Trucking, LLC; Docket No. C-2018-3000440

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to BSL Trucking, LLC, (respondent) is under suspension effective February 27, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 136 Annette Drive, New Castle, PA 16101.
3. That respondent was issued a Certificate of Public Convenience by this Commission on March 31, 2015, at A-8917446.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8917446 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/26/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Five A's Hauling, LLC; Docket No. C-2018-3000538

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Five A's Hauling, LLC, (respondent) is under suspension effective March 05, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 231 Lake Drive, Dingmans Ferry, PA 18328.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 15, 2017, at A-8919842.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8919842 for failure to maintain evidence of current insurance on file with the

Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/26/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days

of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. North Country Hauling, LLC; Docket No. C-2018-3000603

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to North Country Hauling, LLC, (respondent) is under suspension effective March 12, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1622 Lick Run Road, Williamsport, PA 17701.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 06, 2017, at A-8920023.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920023 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/26/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-768. Filed for public inspection May 11, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2018-3001586. United Telephone Company of Pennsylvania, d/b/a Century Link and Onvoy, LLC. Joint petition of United Telephone Company of Pennsylvania, d/b/a Century Link and Onvoy, LLC for approval of an interconnection agreement and carrier partner for interconnected VOIP amendment under section 252(e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania, d/b/a Century Link and Onvoy, LLC, by their counsel, filed on May 1, 2018, at the Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and carrier partner for interconnected VOIP amendment under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of United Telephone Company of Pennsylvania, d/b/a Century Link and Onvoy, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-769. Filed for public inspection May 11, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Wastewater Service

A-2018-3001536. Allied Utility Services, Inc. Application of Allied Utility Services, Inc. for approval to supply wastewater collection, treatment and disposal service to the public in Ridings at Parkland—Phase 2 Residential Subdivision within the Township of North Whitehall, Lehigh County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 29, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Allied Utility Services, Inc.

Through and By Counsel: Charles E. Thomas, Jr., Esquire, Charles E. Thomas, III, Esquire, Thomas,

Niesen and Thomas, LLC, 212 Locust Street, Suite 302, Harrisburg, PA 17101; H. James Wilson, Jr., President, Allied Utility Services, Inc., P.O. Box 1488, Skippack, PA 19474

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-770. Filed for public inspection May 11, 2018, 9:00 a.m.]

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Bureau of Professional and Occupational Affairs v. Michael R. Hamilton; Doc. No. 1858-70-16

On January 5, 2018, Michael R. Hamilton, license No. LAT000448, of Philadelphia, Philadelphia County, had his appraiser license suspended for a minimum of 4 years and was assessed a civil penalty in the amount of \$500 based on a felony conviction.

Individuals may obtain a copy of the order by writing to Jacqueline A. Wolfgang, Board Counsel, State Board of Certified Real Estate Appraisers, P.O. Box 69523, Harrisburg, PA 17106-9523.

D. THOMAS SMITH,
Chairperson

[Pa.B. Doc. No. 18-771. Filed for public inspection May 11, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Jaclyn Proitte Ruyak, LPN; File No. 16-51-05369; Doc. No. 2067-51-16

On December 26, 2017, Jaclyn Proitte Ruyak, LPN, license No. PN262816, last known of Reading, Berks County, had her practical nurse license revoked based on her felony convictions and crime of moral turpitude and her failure to report her criminal convictions to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-772. Filed for public inspection May 11, 2018, 9:00 a.m.]

