

PENNSYLVANIA BULLETIN

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The Courts

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Department of Education

Department of Environmental Protection

Department of Health

Department of Labor and Industry

Department of Revenue

Department of Transportation

Fish and Boat Commission

Independent Regulatory Review Commission

Insurance Department

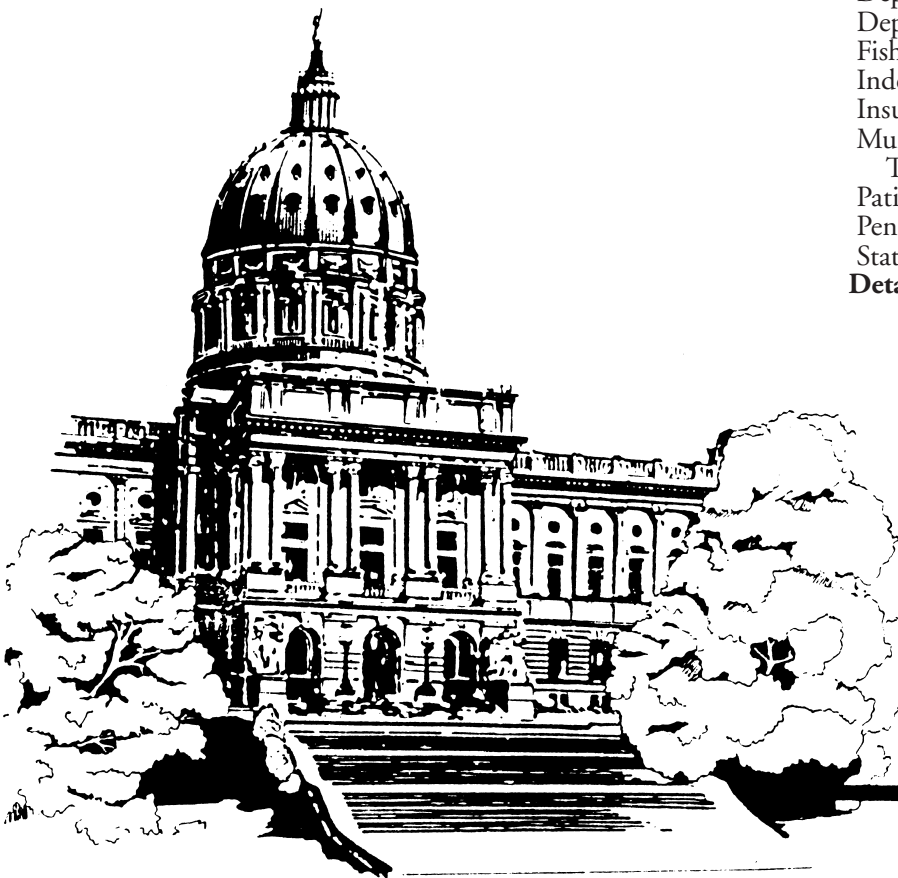
Municipal Police Officers' Education and
Training Commission

Patient Safety Authority

Pennsylvania Public Utility Commission

State Horse Racing Commission

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

No. 556, March 2021

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

February 19, 2021

Whereas, on March 6, 2020, I declared a disaster emergency due to the coronavirus disease 2019 (COVID-19) pandemic that is devastating the country, including the Commonwealth of Pennsylvania and its citizens; and

Whereas, the March 6, 2020, Proclamation of Disaster Emergency was set to automatically expire by operation of law on June 4, 2020, unless further extended by my official action; and

Whereas, I renewed the Proclamation of Disaster Emergency dated March 6, 2020, by Amendment to Proclamation of Disaster Emergency (1st Amendment) on June 3, 2020, for an additional ninety days; and

Whereas, the June 3, 2020, Amendment to Proclamation was set to automatically expire by operation of law on September 1, 2020, unless further extended by my official action; and

Whereas, I renewed the Proclamation of Disaster Emergency dated March 6, 2020, by Amendment to Proclamation of Disaster Emergency (2nd Amendment) on August 31, 2020, for an additional ninety days; and

Whereas, the August 31, 2020, Amendment to Proclamation was set to automatically expire by operation of law on November 29, 2020, unless further extended by my official action; and

Whereas, I renewed the Proclamation of Disaster Emergency dated August 31, 2020, by Amendment to Proclamation of Disaster Emergency (3rd Amendment) on November 24, 2020, for an additional ninety days; and

Whereas, the November 24, 2020, Amendment to Proclamation is set to automatically expire by operation of law on February 22, 2021, unless further extended by my official action; and

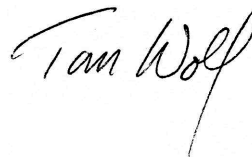
Whereas, as of February 18, 2021, 905,995 persons are reported to have tested positive or meet the requirements to be considered probable cases for COVID-19 in the Commonwealth in all 67 counties, and 23,413 persons are reported to have died from the virus; and

Whereas, the COVID-19 pandemic continues to be of such magnitude or severity that emergency action is necessary to protect the health, safety and welfare of affected citizens in Pennsylvania.

Now Therefore, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), I do hereby order and direct as follows:

1. The Proclamation of Disaster Emergency dated March 6, 2020, renewed by Amendments to Proclamation of Disaster Emergency dated June 3, 2020, August 31, 2020, and November 24, 2020, is renewed for a period of ninety days, and shall continue to apply to the Commonwealth of Pennsylvania.
2. All directives, authorized actions and provisions of the March 6, 2020, Proclamation of Disaster Emergency and June 3, 2020, August 31, 2020, and November 24, 2020, Amendments to Proclamation shall remain in full force and effect until either rescinded by me or terminated by law.
3. This Proclamation Amendment (4th Amendment) shall take effect immediately.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, on this nineteenth day of February two thousand twenty-one, the year of the commonwealth the two hundred and forty-fifth.

A handwritten signature in black ink that reads "Tom Wolf". The signature is written in a cursive style with a large, sweeping initial "T".

Governor

[Pa.B. Doc. No. 21-320. Filed for public inspection March 5, 2021, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 81 AND 83]

Amendment of Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Rules of Professional Conduct; No. 206 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 24th day of February, 2021, it is hereby *Ordered* that Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Rules of Professional Conduct are amended in the following form. These amendments shall be effective for the 2021-22 annual attorney assessment and shall continue until further Order of this Court.

Pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, the immediate amendment of Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Rules of Professional Conduct is required in the interest of efficient administration.

This *Order* shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

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 [~~\$25.00~~] ~~\$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.

* * * * *

Subpart B. DISCIPLINARY ENFORCEMENT CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 219. Annual Registration of Attorneys.

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of [~~\$140.00~~] ~~\$145.00~~ and electronically file the annual fee form provided for in this rule by July 1. The fee shall be collected under the supervision of the Attorney Registration Office, which shall make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.

* * * * *

Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY GENERAL PROVISIONS

Rule 502. Pennsylvania Lawyers Fund for Client Security.

* * * * *

(b) *Additional fee.* Every attorney who is required to pay an active annual fee under Rule 219 (relating to annual registration of attorneys) shall pay an additional fee of [~~\$60.00~~] ~~\$50.00~~ for use by the Fund. Such additional fee shall be added to, and collected with and in the same manner as, the basic annual fee. All amounts received pursuant to this subdivision shall be credited to the Fund.

* * * * *

[Pa.B. Doc. No. 21-321. Filed for public inspection March 5, 2021, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Proposed Amendments to the Rules of Disciplinary Enforcement to Define Informal Proceedings and Formal Proceedings, Make Complaints Confidential, and Clarify Access to Disciplinary Information and Confidentiality

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania ("Board") is considering recommending to the Supreme Court of Pennsylvania that the Court amend Rules 102, 209 and 402 of the

Pennsylvania Rules of Disciplinary Enforcement (“Enforcement Rules” or “Pa.R.D.E.”), as set forth in Annex A.

Rule 102. Definitions.

The Board proposes amending Pa.R.D.E. 102 by adding the definitions of “informal proceedings” and “formal proceedings” to the rule. Disciplinary proceedings are classified as “informal” or “formal.” Informal proceedings commence with the filing of a complaint to the Office of Disciplinary Counsel or an investigation initiated by the Office of Disciplinary Counsel. An informal proceeding includes all proceedings up to the filing of a petition for discipline. The record of an informal proceeding is not open to the public. Formal proceedings commence with the filing of a petition for discipline containing the allegations of misconduct. A formal proceeding does not include any of the submissions or documents generated during an informal proceeding unless such are made part of the record at the formal proceeding. Formal proceedings are open to the public, pursuant to Pa.R.D.E. 402.

Although the terms “informal” and “formal” proceedings are used frequently in the Enforcement Rules, the current rules do not define these terms. This leads to confusion regarding which proceedings, filings and documents are confidential and which are accessible to the public. The proposed definitions eliminate confusion and provide clarity.

Rule 209. Immunity.

Current Pa.R.D.E. 209(a) provides that “Complaints submitted to the Board or Disciplinary Counsel shall be confidential unless the matter results in the filing of formal charges.” Thus, the rule permits public access to complaints in any matter where formal proceedings have commenced. The Board proposes amending subdivision (a) of Pa.R.D.E. 209 to make complaints confidential even if formal proceedings have commenced, and to further specify the circumstances under which a respondent-attorney may be provided with the complaint.

A complaint filed against an attorney may contain any number of claims of misconduct, some of which upon investigation by Office of Disciplinary Counsel, may be found to be unsubstantiated and therefore do not appear in the petition for discipline. The petition for discipline is the operative charging document in a formal proceeding and contains only those allegations that have been reviewed by Disciplinary Counsel and approved by a reviewing hearing committee member or Board panel, or are based on other proceedings (for example, a criminal conviction).

Under current subdivision (a), a complaint may be disclosed to the public after the initiation of formal charges, despite the fact that the complaint may contain unfounded allegations of misconduct not included in the petition for discipline that commenced the formal proceedings. Such unfounded allegations generally should not be disclosed to the public.

For these reasons, the Board’s proposal makes all complaints confidential, except in the limited circumstances outlined in the proposed amendment that allow a complaint to be provided to the respondent-attorney.¹

Additionally, the proposal includes changing the title of Pa.R.D.E. 209 to “Complaints and Immunity” to better reflect the contents of the rule.

¹ During the investigative stage, the respondent-attorney has the opportunity to respond to Office of Disciplinary Counsel’s request for a statement of position that informs the respondent that a complaint was filed by a named complainant; however, the actual complaint is not provided to the respondent.

Rule 402. Access to Disciplinary Information and Confidentiality.

Pa.R.D.E. 402 governs access to disciplinary information and confidentiality. Subdivision (d) of Pa.R.D.E. 402 clarifies that the rule should not be construed to deny access to relevant information to certain agencies and boards or prevent information from being reported or utilized under specific circumstances. The Board proposes amending subdivision (d) by adding new subsections (4) and (5).

Disciplinary Board Rules §§ 87.9 and 87.51(a)(1) require that either the Office of Disciplinary Counsel or Executive Office notify a complainant of the disposition of a complaint. This requirement does not appear in the Enforcement Rules, nor do either set of rules provide guidance regarding the contents of such notice. Proposed new subsection 402(d)(4) states that Enforcement Rule 402 shall not be construed to prevent notifying a complainant of the disposition of a complaint and specifically authorizes the notice to include the type of discipline imposed and any condition attached to the disciplinary sanction. This proposed language ensures that a complainant is fully informed of the final outcome of their complaint.

Proposed new subsection 402(d)(5) states that Rule 402 shall not be construed to prevent the Board from exercising its discretion to disclose a complaint or portions thereof, in the interests of justice, and further states that the affected parties shall be notified in advance of the Board’s intent to disclose otherwise confidential material. The proposed language preserves the Board’s discretion to act in furtherance of its duty to protect the public.

Subdivision (e) of Pa.R.D.E. 402 provides that the public is not permitted access to certain types of information, such as work product and deliberations of the Board and Disciplinary Counsel, and information subject to a protective order. The Board proposes adding a new subsection (e)(4) to clarify that public access to complaints submitted to the Board or Disciplinary Counsel is prohibited. This new language reinforces the proposed amendment to Pa.R.D.E. 209(a) that makes complaints confidential.

The Board proposes adding a new note at the end of Pa.R.D.E. 402 to explain that under subdivision (a), related to the timing of when proceedings are open to the public, a petition for discipline is part of a formal proceeding and is open to the public and part of the public record, although the public is not permitted access until an answer has been filed or the time to file the answer has expired.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Executive Office, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3381), Email address Dboard.comments@pacourts.us on or before April 5, 2021.

*By the Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter A. PRELIMINARY PROVISIONS

Rule 102. Definitions.

* * * * *

Foreign legal consultant—A person who holds a current license as a foreign legal consultant issued under Rule 341 of the Pennsylvania Bar Admission Rules.

“Formal proceedings.” Proceedings that commence with the filing of a petition for discipline. A formal proceeding does not include any of the submissions or documents generated during an informal proceeding unless they are made part of the record at the formal proceeding by motion, by stipulation, or by admission as an exhibit during a hearing. Pursuant to Enforcement Rule 402(a), formal proceedings are open to the public, except as provided in Enforcement Rules 402(b) and 402(k).

Formerly admitted attorney—A disbarred, suspended, administratively suspended, permanently resigned, retired or inactive attorney.

Hearing Committee—A hearing committee appointed under Enforcement Rule 206 (relating to hearing committees and special masters).

Informal admonition—Private informal admonition by Disciplinary Counsel.

“Informal proceedings.” Proceedings that commence with the submission of a complaint to the Office of Disciplinary Counsel or an investigation initiated by the Office of Disciplinary Counsel. An informal proceeding includes all proceedings up to the filing of a petition for discipline. Informal proceedings are not open to the public.

“Legal Counsel.” Counsel to the Board and Special Counsel.

* * * * *

Subchapter B. MISCONDUCT

Rule 209. Complaints and Immunity.

(a) Complaints submitted to the Board or Disciplinary Counsel shall be confidential [unless the matter results in the filing of formal charges]. See [Rule 402(a)] Rule 402(e) (relating to access to disciplinary information and confidentiality). Unless and until formal charges are filed and the complainant is designated as a witness at the prehearing conference, or Disciplinary Counsel determines that the complaint contains exculpatory material, the complaint shall not be provided to the respondent-attorney. At or after the prehearing conference, the senior or experienced hearing committee member or the special master may enter a protective order on cause shown to prohibit disclosure of the complaint or parts of it to the public.

(b) Members of the Board, members of hearing committees, special masters, Disciplinary Counsel and staff shall be immune from civil suit for any conduct in the course of their official duties. All communications to the

Board, a hearing committee, special master, or Disciplinary Counsel relating to misconduct by a respondent-attorney and all testimony given in a proceeding conducted pursuant to these rules shall be absolutely privileged and the person making the communication or giving the testimony shall be immune from civil suit based upon such communication or testimony. For purposes of this subdivision [(a)] (b), the staff of the Board shall be deemed to include conservators and sobriety, financial or practice monitors appointed pursuant to these rules or the rules of the Board.

[(b)] (c) Complaints against members of the Board involving alleged violations of the Disciplinary Rules or these rules shall be handled in the same manner as other complaints, except that if action is required by the Board, the Board shall notify the Supreme Court which shall appoint an Ad Hoc Disciplinary Board comprised of five former members of the Board who shall discharge the functions of the Board and have all the powers of the Board with respect to that one matter only.

[(c)] (d) Complaints against Disciplinary Counsel involving alleged violations of the Disciplinary Rules or these rules shall be submitted directly to the Board and assigned to a reviewing member of the Board for disposition.

Official Note: The provisions of [subdivision (a) of the] this rule recognize that the submission and receipt of complaints against attorneys, and the investigation, hearing, decision and disposition of such complaints, are all parts of a judicial proceeding conducted pursuant to the inherent power of the Supreme Court of Pennsylvania. The immunity from civil suit recognized to exist in [subsection (a)] subdivision (b) is that which exists for all participants in judicial proceedings under Pennsylvania law, so long as their statements and actions are pertinent, material and during the regular course of a proceeding.

Subchapter D. MISCELLANEOUS PROVISIONS

Rule 402. Access to Disciplinary Information and Confidentiality.

* * * * *

(d) This rule shall not be construed to:

* * * * *

(3) Prevent the Pennsylvania Lawyers Fund for Client Security from utilizing information obtained during any investigation to pursue subrogated claims.

(4) Prevent Disciplinary Counsel or the Board from notifying the complainant of the disposition of a complaint, including the type of discipline imposed and any condition attached to the discipline.

(5) Prevent the Board from exercising its discretion to provide public access to a complaint or portions thereof, as the interests of justice may require. The affected parties shall be notified in advance of the intent to disclose otherwise confidential material.

(e) Subdivision (a) shall not be construed to provide public access to:

(1) the work product of the Board, Disciplinary Counsel, hearing committee members, or special masters;

(2) deliberations of a hearing committee, special master, the Board or the Court; [or]

(3) information subject to a protective order issued by the Board under subdivision (f); or

(4) a complaint submitted to the Board or Disciplinary Counsel.

(f) The Board may, upon application of any person and for good cause shown, issue a protective order prohibiting the disclosure of specific information otherwise privileged or confidential, and the Board may direct that proceedings be conducted so as to implement the order, including requiring that a hearing be conducted in such a way as to preserve the confidentiality of the information that is the subject of a protective order.

* * * * *

Official Note: Under subdivision (a), a petition for discipline is part of a formal proceeding; therefore, the petition is open to the public and part of the public record. See Enforcement Rule 102(a) (definition of “Formal Proceedings”); Enforcement Rule 208(b)(1) (formal proceedings instituted by filing a petition for discipline). However, the proceeding and the petition do not become open to the public until an answer is filed or the time to file an answer expires without an answer being filed.

[Paragraph] Subsection (d)(2) is based on 18 Pa.C.S. § 5108 (relating to compounding). Otherwise Disciplinary Counsel may be in the anomalous position of violating Rule 8.4 of the Pennsylvania Rules of Professional Conduct.

Although subdivision (k) provides that a formal proceeding that becomes open to the public under subdivision (a) will subsequently be closed if it results in the imposition of private discipline or dismissal of all the charges, the closing of the proceeding cannot change the fact that the proceeding was open to the public for a period of time. Thus, subdivision (k) makes clear that the respondent-attorney may request that the record of the proceeding remain open to demonstrate that the charges were dismissed or only private discipline was imposed.

[Pa.B. Doc. No. 21-322. Filed for public inspection March 5, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1930]

Proposed Amendment of Pa.R.C.P. No. 1930.4

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 1930.4 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

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

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

Bruce J. Ferguson, Counsel
 Domestic Relations Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 Fax: 717-231-9531
 domesticrules@pacourts.us

All communications in reference to the proposal should be received by May 14, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations
 Procedural Rules Committee*

THE HONORABLE DANIEL J. CLIFFORD,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART 1. GENERAL

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

(Editor’s Note: The following rule text is proposed to replace the current rule text which appears in 231 Pa. Code pages 1930-3—1930-6, serial pages (393969)—(393972) in its entirety.)

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(a) *Personal Service.*

(1) *Persons Who May Serve.* A sheriff or competent adult, as defined in Pa.R.C.P. No. 76, may effectuate personal service of original process in all domestic relations matters, including Protection of Victims of Sexual Violence or Intimidation matters.

(2) *Manner of Service.*

(i) A sheriff or competent adult may serve original process:

(A) by handing a copy of the original process to the defendant;

(B) at the defendant’s residence by handing a copy of the original process to:

(I) an adult member of the family with whom the defendant resides; but if an adult family member is unavailable, then to an adult in charge of the residence; or

(II) the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging; or

(C) at the defendant’s office or usual place of business by handing a copy of the original process to the defendant’s agent or the person for the time being in charge; or

(ii) pursuant to special order of court.

(3) *Service in Protection From Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.*

(i) If the sheriff or competent adult cannot complete personal service within 48 hours after a Protection From Abuse or a Protection of Victims of Sexual Violence or

Intimidation petition is filed, the court may authorize alternative service by special order as set forth in subdivision (a)(2)(ii).

(ii) Alternative service may include, but is not limited to, service by mail pursuant to subdivision (b) or service by commercial carrier pursuant to subdivision (c).

(b) *Service by Mail.*

(1) In all domestic relations matters, except Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, a party may serve the original process, a notice or order to appear, if required, and other orders or documents, as necessary, by United States Postal Service's (USPS) first class regular and certified mail to the defendant's last known address.

(i) The party serving the original process by mail shall:

(A) restrict delivery of the certified mail to the addressee only; and

(B) request a return receipt.

(ii) *Completed Service by Mail.* Service of original process is complete when:

(A) the return receipt bears the defendant's purported signature indicating receipt of the certified mail;

(B) the return receipt acknowledges delivery of the certified mail to the defendant consistent with USPS policy and the regular mail is not returned within 15 days of mailing; or

(C) USPS returns the certified mail indicating the defendant refused delivery, but the regular mail is not returned within 15 days of mailing.

(iii) *Incomplete Service by Mail.*

(A) Service of original process is incomplete when:

(I) USPS returns the certified mail with a notation indicating that the mail was unclaimed by the defendant; or

(II) is otherwise inconsistent with subdivision (b)(1)(ii).

(B) If service by mail is incomplete, the party attempting service shall utilize another method pursuant to these rules to effectuate service.

(2) *Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.* A party may serve original process by mail, if authorized by the court under subdivision (a)(2)(ii).

(c) *Service by Commercial Carrier.*

(1) In all domestic relations matters, except Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, a party may serve the original process, a notice or order to appear, if required, and other orders or documents, as necessary, by commercial carrier and USPS regular first class mail to the defendant's last known address.

(i) The party serving the original process by commercial carrier shall:

(A) restrict delivery of the commercial carrier's package to the defendant's address only; and

(B) request that the commercial carrier return a return receipt showing to whom delivered, the date of delivery, and the address where delivered.

(ii) *Completed Service by Commercial Carrier.* Service of original process is complete when:

(A) the return receipt bears the defendant's purported signature indicating receipt of the commercial carrier's package;

(B) the return receipt acknowledges delivery of the commercial carrier's package to the defendant's address consistent with the commercial carrier's policy and the regular mail is not returned within 15 days; or

(C) the commercial carrier returns the package indicating the defendant refused delivery, but the regular mail is not returned within 15 days of mailing.

(iii) *Incomplete Service by Commercial Carrier.*

(A) Service of original process is incomplete when:

(I) the commercial carrier returns the package indicating that the package was unclaimed by the defendant; or

(II) is otherwise inconsistent with subdivision (c)(1)(ii).

(B) If service by commercial carrier is incomplete, the party attempting service shall utilize another service method pursuant to these rules.

(2) *Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.* A party may serve original process by commercial carrier, if authorized by the court under subdivision (a)(2)(ii).

Official Note: This rule does not preclude a party or judicial district from utilizing the United States Postal Service's (USPS) or a commercial carrier's electronic return receipt or any similar service that electronically provides a return receipt.

(d) *Acceptance of Service.* The defendant or the defendant's authorized agent may accept service of original process as set forth in Pa.R.C.P. No. 402(b).

(e) *Time for Service.*

(1) *Service Within the Commonwealth.* Within 30 days of filing the original process, a person or party shall serve the original process on a defendant located within the Commonwealth.

(2) *Service Outside of the Commonwealth.*

(i) Within 90 days of filing the original process, a person or party shall serve the original process on a defendant located outside the Commonwealth as:

(A) authorized by this rule;

(B) provided by the law of the jurisdiction in which defendant will be served;

(C) provided by treaty; or

(D) directed by the foreign authority in response to a letter rogatory or request.

(ii) *Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.*

(A) A person shall serve original process on a defendant located outside of the Commonwealth by personal service as provided:

(I) in subdivision (a); or

(II) by the law in the jurisdiction where the defendant resides or is located.

(B) If personal service is not completed within 48 hours after the filing of the original process, a person or party may serve a defendant located outside of the Commonwealth by other means authorized by this rule.

(f) *Service of Original Process on an Incarcerated Party.*

(1) A party serving original process on an incarcerated party in a domestic relations action shall include:

- (i) a notice of any proceeding; and
- (ii) a specific notice of the incarcerated party's right to petition the court to participate in the proceeding.

(2) A party may petition the court requesting the incarcerated party to participate in a proceeding when:

- (i) the incarcerated party seeks to participate as provided by statute or rule; or
- (ii) another party requires the incarcerated party's participation or testimony.

Official Note: See 23 Pa.C.S. § 4342(j) and Pa.R.C.P. No. 1930.3.

(g) *Reinstatement of Original Process.*

(1) If a person or party cannot complete service within the time required by subdivision (e), the prothonotary shall reinstate the original process upon the party's praecipe:

- (i) accompanied by the original process; or
- (ii) indicating that the original process has been lost or destroyed and accompanied by a substituted original process.

(2) A person or party shall serve the reinstated original process within the time periods set forth in subdivision (e).

(3) A party may:

- (i) request the prothonotary reinstate the original process at any time or any number of times; or
- (ii) name a new party defendant in a reinstated original process.

(h) *Proof of Service.*(1) *Original Process Served.*

(i) A party or person serving the original process shall complete a proof of service, which shall be by an affidavit if an individual other than a sheriff serves the original process.

(ii) The proof of service shall state:

- (A) the date and time of service;
- (B) the place of service;
- (C) the manner in which service was made;
- (D) the identity of the person served;
- (E) other facts necessary for the court to determine whether proper service has been made; and
- (F) the additional documents required in subdivision (h)(3), as necessary.

(2) *Personal Service Pursuant to Subdivision (a).* The proof of service shall be filed in the appropriate filing office within ten days of the date of service.

(3) *Service by Mail or Commercial Carrier Pursuant to Subdivisions (b) or (c).*

(i) *Service Complete under Subdivision (b)(1)(ii)(A) or (c)(1)(ii)(A).*

(A) The proof of service shall include the return receipt bearing the defendant's purported signature; and

(B) The proof of service shall be filed within ten days of the date the defendant signed the return receipt.

(ii) *Service Complete under Subdivision (b)(1)(ii)(B) or (c)(1)(ii)(B).*

(A) The proof of service shall include:

(I) the return receipt or envelope acknowledging delivery to the defendant's residence consistent with USPS or the commercial carrier's policy; and

(II) an affidavit indicating the regular US mail was not returned within 15 days of mailing.

(B) The proof of service shall be filed within ten days of the date:

(I) the return receipt acknowledges delivery to the defendant's address consistent with USPS or the commercial carrier's policy; and

(II) after the passage of time set forth in subdivisions (b)(1)(ii)(B) or (c)(1)(ii)(B).

(iii) *Service Complete under Subdivision (b)(1)(ii)(C) or (c)(1)(ii)(C).*

(A) The proof of service shall include:

(I) the return receipt or envelope acknowledging the attempted delivery to the defendant's residence and that delivery had been refused; and

(II) an affidavit stating the regular mail was not returned within 15 days after mailing.

(B) The proof of service shall be filed within ten days of the date:

(I) the return receipt acknowledges the attempted delivery to the defendant's address consistent with USPS or the commercial carrier's policy; and

(II) after the passage of time set forth in subdivisions (b)(1)(ii)(C) or (c)(1)(ii)(C).

(4) *Acceptance of Service Pursuant to Subdivision (d).*

(i) If the defendant or the defendant's authorized agent accepts service of the original process as authorized in subdivision (d), the defendant or the defendant's authorized agent shall sign an Acceptance of Service on the form set forth in Pa.R.C.P. No. 402(b).

(ii) The Acceptance of Service shall be filed in the appropriate filing office within ten days of accepting service.

(5) *Original Process Not Served.*

(i) If a party or person cannot serve the defendant within the time allowed in subdivision (e), the party or person attempting service:

(A) shall complete a proof of no service promptly; and

(B) file the proof of no service in the appropriate filing office within ten days of the expiration of time allowed for service in subdivision (e).

(ii) If a party or a person other than a sheriff attempts service of the original process, the proof of no service shall be by an affidavit stating with particularity the efforts made to effect service.

Official Note: See Pa.R.C.P. No. 1910.4(a). The Domestic Relations Section is the filing office for child support, spousal support, and alimony *pendente lite* cases.

See Pennsylvania Rule of Professional Conduct 7.3(b)(4). The timing of an attorney's solicitation of a prospective client in actions governed by the Family Court Rules, see Pa.R.C.P. No. 1931(a), and actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act, see

42 Pa.C.S. §§ 62A03—62A20, is restricted until proof of service appears on the docket.

(i) *Appearance at Hearing or Conference.* A party appearing for a hearing or conference will be deemed to have been served.

Comment—2021

Sections 5323 and 5329(2) of the Judicial Code, 42 Pa.C.S. §§ 5323 and 5329(2), provide additional alternative procedures for service outside the Commonwealth. For Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, personal service outside of the Commonwealth must be attempted first before service can be made by certified and regular mail or by other means prescribed in subdivision (e)(2).

Subdivision (f) addresses service of original process on an incarcerated party, and the incarcerated party's right to appear and testify. See *Vanaman v. Cowgill*, 526 A.2d 1226 (Pa. Super. 1987) and *Salemo v. Salemo*, 554 A.2d 563 (Pa. Super. 1989).

PUBLICATION REPORT RULE PROPOSAL 184

The Domestic Relations Procedural Rules Committee (Committee) is proposing an amendment to Pa.R.C.P. No. 1930.4. The rule addresses service of original process in domestic relations actions. Due to changes in the United States Postal Service (USPS) policy resulting from COVID-19, several individuals requested that the Committee review the service rule as the USPS policy change adversely affected postal employees from obtaining the defendant's signature on return receipts. After reviewing the issues, the Committee determined that several changes were necessary to address the USPS policy change and to implement an updated service method.

In March 2020, the USPS implemented changes to its policy for delivery of registered or certified restricted mail. According to its website, the USPS modified the "customer signature capture procedures. While maintaining a safe, appropriate distance, [postal] employees will request the customer's first initial and last name so that the employee can enter the information on the electronic screen or hard copy items such as return receipts." Unfortunately, the revised procedure as written does not comply with Pa.R.C.P. No. 1930.4; however, despite the written policy referenced, many return receipts were not consistent with the stated policy, and the recipient's first initial and last name were omitted entirely. Instead, the Committee reviewed documentation illustrating that the postal employee often used other nomenclature on the return receipts, which clearly did not identify the recipient.

Moreover, as was widely reported in the media, the increased burden on the postal service resulted in significant delays in delivery of the mail in general, but also, especially during the holiday season. Additionally, the return of the "signed" receipts to the party serving the original process were similarly adversely affected.

In Rule Proposal 184, the Committee is proposing a complete rewriting of Pa.R.C.P. No. 1930.4; however, most of the rule text remains unchanged, but is written into an outline format with some current subdivisions combined and renumbered. Also, official notes were incorporated into rule text or moved into the Comment. The Committee is proposing several substantive changes to address the issues reported to the Committee.

First, the Committee proposes addressing the USPS policy change by allowing return receipts that are consis-

tent with USPS policy to acknowledge delivery to the addressee provided that the first class mail is not returned within 15 days. The current rule allows for similar service when the addressee refuses delivery and the first class mail is not returned.

Finally, the Committee proposes authorizing a party to utilize commercial carriers, such as UPS and FedEx, to effectuate original process service. Commercial carriers utilize tracking services, including return receipts, illustrating delivery to an address and the recipient's signature. Unfortunately, unlike USPS, commercial carriers do not restrict delivery to an addressee, just to an address. Perfecting service on a particular defendant in this manner alone may not be possible. In order to resolve the issue, the proposed rule requires service of the original process by USPS first class mail, also. If that mail is not returned within 15 days and the commercial carrier's return receipt indicates delivery to the defendant's last known address, service is completed.

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

[Pa.B. Doc. No. 21-323. Filed for public inspection March 5, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SULLIVAN COUNTY

Local Rules of Court; No. 2016-238

Order of Court

And Now, this 23rd day of February, 2021,

It Is Ordered that the following amendments to the Sullivan County Rules of Civil Procedure 4008(A) and (D) regarding transcript costs be and are hereby adopted effective April 6, 2021.

It Is Further Ordered that the adopted amendments to the Local Rules shall be disseminated and published in the following manner:

1. File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us;
2. Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish local rules on the court's website after publication in the *Pennsylvania Bulletin*.
4. File one copy of the local rules in the appropriate filing offices for public inspection and copying.

It Is Further Ordered in all other respects, the Sullivan County Local Rules shall remain in full force and effect.

By the Court

RUSSELL D. SHURTLEFF,
President Judge

Rule 4008. Transcript Costs.

(A) *Costs Payable:*

Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript shall not exceed:

- For an ordinary transcript, \$2.50 per page, plus \$0.25 per page for paper format.

The costs payable by the Commonwealth, or a subdivision thereof, for a transcript shall not exceed:

- For an ordinary paper transcript, \$1.75 a page.
- * At this time, Sullivan County does not have the capability to produce expedited, daily, or same day transcripts.
- * The first requestor of a transcript is obligated to pay for the original transcript, which is filed with the Court, plus the copy rate if the requestor desires a personal copy. Sullivan County does not currently have electronic transcript filing.

(D) *Copies of Transcript*

A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

- For copies of an ordinary transcript in paper format, \$0.75 per page or \$0.50 for an electronic format.

[Pa.B. Doc. No. 21-324. Filed for public inspection March 5, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WYOMING COUNTY

Local Rules of Court; No. 2016-1373

Order of Court

And Now, this 23rd day of February, 2021,

It Is Ordered that the following amendments to the Wyoming County Rules of Civil Procedure 4008(A) and (D) regarding transcript costs be and are hereby adopted effective April 6, 2021.

It Is Further Ordered that the adopted amendments to the Local Rules shall be disseminated and published in the following manner:

1. File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us;

2. Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish local rules on the court's website after publication in the *Pennsylvania Bulletin*.

4. File one copy of the local rules in the appropriate filing offices for public inspection and copying.

It Is Further Ordered in all other respects, the Wyoming County Local Rules shall remain in full force and effect.

By the Court

RUSSELL D. SHURTLEFF,
President Judge

Rule 4008. Transcript Costs.

(A) *Costs Payable:*

Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript shall not exceed:

- For an ordinary transcript, \$2.50 per page, plus \$0.25 per page for paper format.

The costs payable by the Commonwealth, or a subdivision thereof, for a transcript shall not exceed:

- For an ordinary paper transcript, \$1.75 a page.

* At this time, Wyoming County does not have the capability to produce expedited, daily, or same day transcripts.

* The first requestor of a transcript is obligated to pay for the original transcript, which is filed with the Court, plus the copy rate if the requestor desires a personal copy. Wyoming County does not currently have electronic transcript filing.

(D) *Copies of Transcript*

A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

- For copies of an ordinary transcript in paper format, \$0.75 per page or \$0.50 for an electronic format.

[Pa.B. Doc. No. 21-325. Filed for public inspection March 5, 2021, 9:00 a.m.]

RULES AND REGULATIONS

Title 37—LAW MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 241]

Law Enforcement Background Investigations; Temporary Regulations

The Municipal Police Officers' Education and Training Commission (Commission), under the authority in 44 Pa.C.S. § 7312 (relating to regulations) enacted by the act of July 14, 2020 (P.L. 613, No. 57), adds Subpart C (relating to law enforcement officer hiring and separation), Chapter 241 (relating to law enforcement background investigations) to read as set forth in Annex A. The Commission's temporary regulations will be added to Part IV (relating to Municipal Police Officers' Education and Training Commission).

Purpose of the Temporary Rulemaking

The purpose of this temporary rulemaking is to implement the provisions of 44 Pa.C.S. Chapter 73 (relating to law enforcement background investigations and employment information) as required under section 7312. The temporary regulations will expire 2 years from the date of publication. The Commission intends to use the 2-year period during which the temporary regulations are effective to test and refine the regulations to assure compliance in carrying out the purposes for which 44 Pa.C.S. Chapter 73 provides.

The provisions of 44 Pa.C.S. Chapter 73 require the Commission to promulgate regulations regarding the following topics:

1. Procedures to guarantee the confidentiality of employment information and separation records (section 7312(c)(1)).
2. Procedures to guarantee the security of the database (section 7312(c)(2)).
3. Reportable disciplinary actions and criminal conduct falling within the scope of section 7311 (relating to hiring report) (section 7312(c)(3)).
4. Any other procedures deemed necessary by the Commission for implementation of the chapter (section 7312(c)(4)).

Summary of Significant Provisions

Section 241.3 (relating to confidentiality) addresses the dissemination of information received by affected agencies and people.

Section 241.4 (relating to law enforcement agency enrollment) provides for the enrollment of agencies subject to the act in the database.

Section 241.5 (relating to background investigations) sets forth the minimum requirements for a background investigation on an applicant by a prospective employing law enforcement agency.

Section 241.6 (relating to request of separation record) specifies the procedure for a prospective employing law enforcement agency to obtain separation records from the Commission.

Section 241.7 (relating to hiring information) sets forth the procedure for a prospective employing law enforcement agency to notify the Commission of an applicant's final employment status and the submission of a hiring report, if required.

Section 241.8 (relating to submission of separation record) sets forth the procedure for a law enforcement agency to notify the Commission of a law enforcement officer's separation and the submission of a hiring report, if required.

Section 241.9 (relating to officer review) sets forth procedures for a law enforcement officer to review their separation record(s) maintained by the Commission. It also provides for a process to allow the law enforcement officer to lodge a disagreement on the contents of the separation record with the previously employing law enforcement agency.

Section 241.10 (relating to amending separation records) sets forth the procedure for a law enforcement agency to provide the Commission with a corrected or amended separation record.

Section 241.11 (relating to officer statement of disagreement) specifies the procedure for a law enforcement officer to provide the Commission with a written statement of disagreement which will accompany the dissemination of the law enforcement officer's separation record to a requesting law enforcement agency.

Section 241.12 (relating to record retention by law enforcement agency) directs a law enforcement agency to maintain identified records in accordance with established retention and disposition schedules.

Section 241.13 (relating to record security procedures) sets forth the minimum requirements for a law enforcement agency to maintain records identified in the act.

Affected Parties

This temporary rulemaking will affect State, county, municipal agencies as well as certain school districts that employ peace officers. Internal procedures during the hiring and separation processes will be minimally impacted.

Fiscal Impact

Commonwealth. The Commission expects this temporary rulemaking will have the most fiscal impact on the Commission as the administrator. Technological upgrades and staff workload increases will comprise the majority of the impact. Other Commonwealth agencies are expected to experience minimal, if any, fiscal impact due to the required reporting procedures.

Political subdivisions. This temporary rulemaking will have minimal fiscal impact on political subdivisions of this Commonwealth.

Private sector. This temporary rulemaking is not anticipated to have a fiscal impact on the private sector.

General public. This temporary rulemaking is not anticipated to have a fiscal impact on the general public.

Paperwork Requirements

Multiple forms are required for the processing of information, verification of identity and sharing of records. All forms will be available on the Commission's public web site at mpoetc.psp.pa.gov at the time the temporary regulations become effective.

Effective Date

This temporary rulemaking will become effective July 14, 2021, in accordance with section 7312(c)(4)(1).

Public Comments

The Commission is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Sergeant Leslie Barr, Policy and Legislative Affairs Office, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110 or by e-mail at lesbarr@pa.gov. Reference “#17-87, Chapter 73” when submitting comments.

Contact Person

The contact person for questions about this rulemaking is Sergeant Leslie Barr, Policy and Legislative Affairs Office, Pennsylvania State Police, lesbarr@pa.gov.

Regulatory Review

Under section 7312, the Commission is authorized to promulgate temporary regulations which are not subject to section 612 of the Administrative Code of 1929 (71 P.S. § 232), 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, sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)) and the Regulatory Review Act (71 P.S. §§ 745.1—745.14). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

In accordance with 44 Pa.C.S. Chapter 73 and with the approval of the Commission on February 4, 2021:

- (1) The temporary regulations of the Commission, 37 Pa. Code, are amended by adding §§ 241.1—241.13 to read as set forth in Annex A.
- (2) The temporary regulations are effective July 14, 2021.
- (3) The temporary regulations will be posted on the Commission’s public web site and published in the *Pennsylvania Bulletin*.
- (4) The temporary regulations are subject to amendment as deemed necessary by the Commission.

COLONEL ROBERT EVANCHICK,
Chairperson

Annex A

TITLE 37. LAW

**PART IV. MUNICIPAL POLICE OFFICERS’
EDUCATION AND TRAINING COMMISSION**

**Subpart C. LAW ENFORCEMENT OFFICER
HIRING AND SEPARATION**

**CHAPTER 241. LAW ENFORCEMENT
BACKGROUND INVESTIGATIONS—TEMPORARY
REGULATIONS**

(Editor’s Note: The following temporary regulations are added and printed in regular type to enhance readability.)

GENERAL PROVISIONS

Sec.	
241.1.	Scope.
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- 241.5. Background investigations.
- 241.6. Request for separation record.
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SEPARATION INFORMATION

- 241.8. Submission of separation record.
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- 241.10. Amending separation records.
- 241.11. Officer statement of disagreement.

RECORD RETENTION

- 241.12. Record retention by law enforcement agency.

SECURITY OF RECORDS

- 241.13. Record security procedures.

GENERAL PROVISIONS

§ 241.1. Scope.

This chapter sets forth regulations for the hiring and separation of a law enforcement officer by a law enforcement agency. This chapter is applicable to law enforcement agencies within the Commonwealth that are required to report information, or that may request information or records in accordance with the act.

§ 241.2. Definitions.

In addition to the definitions contained in the act, the following words and terms, when used in this chapter, have the following meanings:

Act—44 Pa.C.S. Chapter 73 (relating to law enforcement background investigations and employment information).

Coercion of a false confession—A violation of 18 Pa.C.S. § 2906 or § 5301 (relating to criminal coercion; and official oppression); an equivalent offense in another jurisdiction or behavior in violation of applicable agency policies.

Criminal conviction—A finding, verdict of guilt or the entering of a plea of guilty or nolo contendere, whether or not judgement of sentence has been imposed, including, without limitation, comparable dispositions as provided in other State or Federal laws. The term does not include a conviction which has been overturned, expunged pursuant to 18 Pa.C.S. Chapter 91 (relating to criminal history record information) or comparable process in another jurisdiction, or for which a person has been pardoned.

Discrimination—A violation of 18 U.S.C.A. § 242, regarding deprivation of rights under color of law, or behavior in violation of applicable agency policies prohibiting different treatment based on, but not limited to: race; color; religion; sex, including pregnancy, transgender status and sexual orientation; national origin; age, consisting of those 40 years of age or older; disability or genetic information.

Domestic violence—Conduct which includes but is not limited to:

(1) Conduct which could form the basis for an arrest pursuant to 18 Pa.C.S. § 2711 (relating to probable cause arrests in domestic violence cases).

(2) An act that meets the definition of abuse in 23 Pa.C.S. § 6102 (relating to definitions).

(3) A violation of applicable agency policies prohibiting the use of physical, psychological or emotional abuse of a family or household member, sexual or intimate partner, or person who shares biological parenthood.

Employment status—Information indicating whether a law enforcement officer has been offered employment, is currently employed or was previously employed by the law enforcement agency.

Excessive force—A use of force by an individual within his or her scope of official law enforcement duties not otherwise permitted under 18 Pa.C.S. § 508 (relating to use of force in law enforcement), equivalent behavior in another jurisdiction or behavior in violation of applicable agency policies.

Filing a false report—Intentionally and knowingly submitting an official report or document the law enforcement officer knows to be false. This includes, but is not limited to, conduct which would be a violation of 18 Pa.C.S. §§ 4101, 4104(a), 4904, 4905, 4906.1, 4910, 4911 or behavior in violation of applicable agency policies.

Harassment—A violation of 18 Pa.C.S. § 2709 or § 2709.1 (relating to harassment; and stalking), an equivalent offense in another jurisdiction, or behavior in violation of applicable agency policies.

Judicial finding of dishonesty—A finding by a court or judicial body that a law enforcement officer has engaged in conduct constituting a crime that involves deceit or falsification.

Sexual abuse—Conduct or behavior which would constitute a violation of 18 Pa.C.S. Chapter 31, Subchapter B (relating to definition of offenses), also including, but not limited to, 18 Pa.C.S. §§ 2910, 3011(a)(1), 3011(a)(2), 5902(b), 5902(b.1), 5902(d), 6301(a)(1)(ii), 6312, 6318, 6320, or 7507.1, or an equivalent offense in another jurisdiction.

Sexual misconduct—Behavior of a sexual nature in violation of applicable agency policies.

Theft—A violation of 18 Pa.C.S. Chapter 39 (relating to theft and related offenses), an equivalent offense in another jurisdiction or a violation of applicable agency policies.

TACS—Training and Certification System—The secure web-based electronic database used to collect and retain information for programs managed by the Commission.

§ 241.3. Confidentiality.

Information furnished under this chapter by an applicant, law enforcement agency, or collected by the Commission under this chapter, is confidential and not subject to public disclosure, with the exception of information expressly identified within the act as eligible under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104). Secondary dissemination of confidential information is strictly prohibited.

§ 241.4. Law enforcement agency enrollment.

(a) The Commission will publish information on the Commission's public web site regarding procedures for agencies to enroll in TACS.

(b) A law enforcement agency shall enroll in TACS as directed on the Commission's public web site within 30 days of a determination by the law enforcement agency that the law enforcement agency is subject to the act.

(c) A law enforcement officer who is employed with a law enforcement agency and whose information is contained in TACS will be eligible to participate in the Commission's annual in-service training program.

EMPLOYMENT INFORMATION

§ 241.5. Background investigations.

(a) *Request for disclosure of employment information.*

(1) A prospective employing law enforcement agency shall request employment information from an applicant's former employing law enforcement agencies. The request shall be on a form promulgated by the Commission and signed by the prospective employing law enforcement agency's chief of police or other authorized representative. The request shall include an authorization and release signed by the applicant.

(2) An applicant's former employing law enforcement agency shall:

(i) Maintain employment information and records specified in section 7308 of the act (relating to maintenance of records) in accordance with the applicable retention and disposition schedules established by law.

(ii) Provide the prospective employing law enforcement agency access to the requested records within 30 days of receipt of the request.

(b) *Request for background information.*

(1) All prospective employing law enforcement agencies shall conduct:

(i) A criminal history check, including the submission of fingerprints to the State Police Central Repository and the Federal Bureau of Investigation.

(ii) A check of the applicant's credit history.

(iii) Personal interviews with at least three people who have personal knowledge of the applicant but are not related to the applicant, nor are a member of the applicant's household.

(iv) Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history.

(v) A review of the applicant's employment information from each previous law enforcement employer to determine the applicant's law enforcement work history.

(vi) A check of the applicant's driving history that includes a review of all traffic violations and verification that the applicant has a valid driver's license.

(vii) A verification of the applicant's eligibility to lawfully possess a firearm.

(2) A prospective employing law enforcement agency may establish higher standards for background investigations of applicants if those standards are not contrary to State or Federal law.

(3) If an applicant is prohibited from possessing, using or controlling a firearm under State or Federal law, the applicant may not be employed as a law enforcement officer in a position which requires possession, use or access to a firearm, except as provided for under section 925 of the Gun Control Act of 1968 (18 U.S.C.A. § 925), regarding exceptions: relief from disabilities.

§ 241.6. Request of separation record.

A prospective employing law enforcement agency shall request an applicant's separation record from the Commission when a conditional offer of employment is made to an applicant.

(1) A request for a separation record shall be submitted in TACS and shall include a notarized waiver form signed by the applicant.

(2) The Commission will provide the separation record for the applicant or certification that a separation record does not exist. If an applicant is currently employed by a law enforcement agency within the Commonwealth, the Commission will provide a prospective employing law enforcement agency with the current employing law enforcement agency information.

§ 241.7. Hiring information.

(a) Within 7 days of completion of the selection or hiring process, a prospective employing law enforcement agency shall notify the Commission of the applicant's final employment status in TACS.

(b) A hiring report shall be submitted to the Commission by a prospective law enforcement agency when an applicant who is hired has a history of either final and binding disciplinary action or a criminal conviction, or both, for:

- (1) Excessive force.
- (2) Harassment.
- (3) Theft.
- (4) Discrimination.
- (5) Sexual abuse.
- (6) Sexual misconduct.
- (7) Domestic violence.
- (8) Coercion of a false confession.
- (9) Filing a false report.
- (10) Judicial finding of dishonesty.

(c) When a hiring report is required, the hiring report form shall:

- (1) Be on a form promulgated by the Commission, and which is available on its publicly available web site.
- (2) Contain a notarized signature of the prospective law enforcement agency's chief of police or designated representative.
- (3) Include the reasoning and rationale for hiring the applicant.
- (4) Be submitted to the Commission in TACS.
- (5) Be made part of the applicant's electronic record within TACS.

SEPARATION INFORMATION

§ 241.8. Submission of separation record.

(a) A law enforcement agency shall update the employment status of a law enforcement officer and submit a separation record in TACS no more than 15 days after the law enforcement officer's separation from employment.

(b) A separation record shall be on a form promulgated by the Commission and shall include a notation of final and binding disciplinary action or a criminal conviction.

(c) If a separation record form is incomplete, the Commission will notify the submitting law enforcement agency that the separation record form has been rejected. The submitting law enforcement agency shall submit a corrected separation record form to the Commission within 15 days of receiving the rejection notice.

§ 241.9. Officer review.

(a) A law enforcement officer may request their separation record form from the Commission.

(1) A request to review a separation record form shall be made on a notarized waiver form and submitted to the Commission in TACS.

(2) A request to review a separation record form shall include the employing law enforcement agency name and dates the law enforcement officer was employed by the law enforcement agency.

(3) The Commission will provide the law enforcement officer a copy of the requested separation record form upon receipt of the request.

(b) A law enforcement officer who disagrees with the contents of a separation record may submit to the previous employing law enforcement agency a request for correction or removal of the portion of the separation record believed to be incorrect.

(1) A request for correction or removal of a portion of a separation record shall be submitted directly to the previous employing law enforcement agency on the correction request form promulgated by the Commission.

(2) A law enforcement agency shall respond to a request for correction or removal of records by providing the requesting law enforcement officer with a written response on the correction request form within 15 days. The response shall include the reasons for the correction or removal of a portion of the record or the refusal to do so.

§ 241.10. Amending separation records.

A law enforcement agency may submit a corrected or amended separation record form to the Commission for a law enforcement officer who was previously employed by the agency, and for whom the agency has previously submitted a separation record form.

(1) A corrected or amended separation record form shall be submitted in TACS and shall be accompanied by the correction request form from the law enforcement officer requesting the change.

(2) If a law enforcement agency submits a corrected or amended separation record form that is not based on a request from a law enforcement officer, the law enforcement agency shall notify the affected law enforcement officer.

(i) The law enforcement agency shall notify the affected law enforcement officer by certified mail that a previously submitted separation record form will be changed and submitted to the Commission.

(ii) The law enforcement agency shall attach documentation of the notification to the affected law enforcement officer to the submission of the corrected or amended separation record form in TACS.

§ 241.11. Officer statement of disagreement.

A law enforcement officer who disagrees with a law enforcement agency determination regarding the correction or removal of a portion of a separation record, may submit a written statement of disagreement to the Commission and to the previously employing law enforcement agency.

(1) The written statement of disagreement shall be submitted to the Commission by the law enforcement officer in TACS and shall be accompanied by the correction request form that was submitted to and returned by the previously employing law enforcement agency.

(2) The law enforcement officer's written statement of disagreement will be provided by the Commission with any future requests for the law enforcement officer's separation record form.

(3) The previously employing law enforcement agency shall maintain the law enforcement officer's written statement of disagreement with, and as part of, the law enforcement officer's separation records maintained pursuant to the act.

RECORD RETENTION

§ 241.12. Record retention by law enforcement agency.

A law enforcement agency shall maintain employment information and records specified in section 7308 of the act (relating to maintenance of records) in accordance with the applicable retention and disposition schedules established by law.

SECURITY OF RECORDS

§ 241.13. Record security procedures.

(a) A law enforcement agency shall maintain employment information and records specified in section 7308 of the act (relating to maintenance of records) in accordance with security protocols to ensure the security of those records.

At a minimum, a law enforcement agency shall:

(1) Ensure only authorized personnel have access to employment information, including separation records.

(2) Maintain employment information, including separations records, in a manner and location that protects against loss, damage and unauthorized alteration, removal or destruction.

(3) Ensure employment information, including separation records, are accessible for dissemination to or review by a prospective law enforcement agency in accordance with section 7304 of the act (relating to disclosure of employment information).

(b) The Commission will ensure TACS is in compliance with the most current *Criminal Justice Information Service Security Policy* from the Federal Bureau of Investigation.

[Pa.B. Doc. No. 21-326. Filed for public inspection March 5, 2021, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 1131—1230 AND
1141a—1230a]

Medical Marijuana

The Department of Health (Department) proposes to promulgate permanent regulations in 28 Pa. Code Part IXa (relating to medical marijuana) by replacing the current temporary regulations at 28 Pa. Code Part IX. The proposed permanent regulations are set forth in Annex A.

A. Purpose of the Proposed Rulemaking

Under the authority of section 1107 of the Medical Marijuana Act (35 P.S. § 10231.1107) regarding temporary regulations, the Department promulgated temporary regulations to facilitate the prompt implementation of the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110) published at 46 Pa.B. 3254 (June 25, 2016); 46 Pa.B. 6829 (October 29, 2016); 46 Pa.B. 8036 (December 24, 2016); 47 Pa.B. 73 (January 7, 2017); 47 Pa.B. 74 (January 7, 2017); 47 Pa.B. 199 (January 14, 2017); 47 Pa.B. 217 (January 14, 2017); 47 Pa.B. 269 (January 14, 2017); 47 Pa.B. 3096 (June 3, 2017); 47 Pa.B. 6938 (November 11, 2017); and 48 Pa.B. 1508 (March 17, 2018). Under section 1107 of the act, the Department's authority to adopt temporary regulations was to expire May 12, 2018, 2 years after the effective date of section 1107 of the act. Prior to the expiration of its authority to adopt temporary regulations, the Department promulgated a second set of temporary regulations, with an expiration date of May 12, 2020, published at 48 Pa.B. 2767 (May 12, 2018); 48 Pa.B. 2793 (May 12, 2018); 48 Pa.B. 2801 (May 12, 2018); 48 Pa.B. 2806 (May 12, 2018); 48 Pa.B. 2810 (May 12, 2018); 48 Pa.B. 2814 (May 12, 2018); and 48 Pa.B. 2767 (May 12, 2018). Act 10 of 2020, section 1736-A.1, extended the expiration date of the temporary regulations to November 20, 2021.

On June 22, 2018, the General Assembly amended Chapter 20 of the act (35 P.S. §§ 10231.2000—10231.2004) and provided the Department with authority to issue new temporary regulations to implement the revised Chapter 20. Under section 2004 of the act (35 P.S. § 10231.2004), the Department's authority to issue Chapter 20 temporary regulations was to expire 2 years after initial publication of the amended Chapter 20 temporary regulations. The Department rescinded the initial Chapter 20 temporary regulations on July 28, 2018, at 48 Pa.B. 4493 (July 28, 2018), and promulgated revised Chapter 20 temporary regulations at 48 Pa.B. 5072 (August 18, 2018) and 48 Pa.B. 7778 (December 22, 2018).

This proposed rulemaking is intended to revise and replace the current temporary regulations found in Part IX to implement permanent regulations governing the medical marijuana program in proposed Part IXa. These proposed regulations will further the purpose of the act by providing access to medical marijuana for patients with serious medical conditions; ensuring a safe and effective method of distribution; and promoting high-quality research into the efficacy of medical marijuana.

As a prefatory note, the current temporary regulations include Chapter 1131 (relating to safe harbor letter—temporary regulations). Chapter 1131 has expired and will be reserved.

B. Requirements of the Regulation

Chapter 1141a. General Provisions

This proposed chapter replaces the current Chapter 1141 (relating to general provisions—temporary regulations). Proposed new sections and amendments to sections of the current temporary regulations are discussed more fully as follows.

§ 1141a.21. Definitions

This proposed section replaces the current § 1141.21 (relating to definitions). In addition to including all definitions currently in § 1141.21, this proposed section consolidates all definitions under this proposed part in this section instead of defining the terms separately in each chapter.

Beyond consolidating terms that are defined elsewhere, this section proposes to revise the definitions of the following terms defined in the current temporary regulations. The definition of “ACRC” is proposed to mirror the definition of “Academic Clinical Research Center” in the act and the definition of “certified ACRC” is proposed to be deleted as redundant. The definition of “added substance” is proposed to be revised by replacing “and” with “or” to clarify that either an “additional ingredient” or “any substance” constitutes an “added substance.” Additionally, “any substances” is proposed to be revised to the singular “any substance.” The definition of “applicant” is proposed to be revised to include persons who apply to become an approved laboratory, an ACRC, or a clinical registrant and to move subsections (ii) and (iii) from subsection (C) to subsection (B), as initial placement in subsection (C) was an error.

The definition of “CBD” is proposed to be revised to add the substance's Chemical Abstracts Service (CAS) number to conform to scientific standards of substance identification. The definition of “clinical registrant” is proposed to be revised to add proposed subsection (iii) because the unnecessary definition of “approved clinical registrant” was deleted. The definition of “continuing care” is proposed to be revised to mirror the definition in the act by adding “including an in-person consultation with the patient” to the end. The definition of “controlling interest” is proposed to mirror the definition in the act by changing “company” to “entity” in subsection (i).

The definition of “laboratory applicant” is proposed to be deleted as the definition of “applicant” is revised to include persons who apply to become an approved laboratory. The definition of “marijuana” is proposed to be revised to exclude synthetic marijuana. The definition of “medical marijuana organization” is proposed to be revised to remove the exclusion of a clinical registrant, to comport with section 2002(b)(5) of the act (35 P.S. § 2002(b)(5)). The definition of “municipality” is proposed to be revised to add “county” and “or any similar general purpose unit of government which shall hereafter be created by the General Assembly.” The definition of “permit” is proposed to be revised by changing “applicant” to “medical marijuana organization” to reflect the definition of “permit” in the act.

The definition of “serious medical condition” is proposed to be revised to add “anxiety disorders,” “Tourette's Syndrome” and any other condition recommended by the Medical Marijuana Advisory Board (Board) and approved by the Secretary. These revisions follow from section 1202 of the act (35 P.S. § 10231.1202), which charged the

Board with issuing a final report making various recommendations in section 1201(j) of the act (35 P.S. § 10231.1201(j)). The Board issued its final report and, in accordance with section 1201(j)(6) of the act, adopted the report at a public meeting on April 9, 2018. The Board's final report 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 Secretary approved this recommendation at 48 Pa.B. 2898 (May 12, 2018). The definition of "THC" is proposed to be revised to clarify that the term refers to "Delta-9" tetrahydrocannabinol.

Further, this proposed section defines these previously undefined terms: "added substance," "CAS number," "CBC," "CBDA," "CBDV," "CBG," "CBN," "cannabinoids," "D8," "medical marijuana extract," "professional disciplinary action," "THCA," "THCV" and "terpenes." The addition of these terms and corresponding definitions is meant to provide greater clarity in identifying the chemical compounds used in medical marijuana products.

Finally, due to revising the definition of "applicant," the Department proposes to delete the definitions of "approved clinical registrant" and "certified ACRC" as unnecessary. To correspond to these changes, the Department proposes to revise the definitions of "IRB," "RAC" and "Research contract" to delete the reference to "certified" ACRC.

§ 1141a.22. Records subject to disclosure; confidentiality

This proposed section replaces the current § 1141.22 (relating to records subject to disclosure; confidentiality). The Department proposes to revise subsection (b) and to add subsections (f) and (g), as detailed as follows.

Subsection (a).

This proposed subsection mirrors the current subsection (a). This proposed subsection lists what records are public records subject to disclosure under the Right-to-Know Law (RTKL) (65 P.S. §§ 67.101—67.3104).

Subsection (b).

This proposed subsection lists what information is considered confidential and not subject to the RTKL. The Department proposes to revise paragraph (11) of this subsection to replace the phrase "The names and any other information relating to" with "Any information that would identify." This amendment is being proposed to clarify any ambiguity relating to the confidentiality of individuals who review permit applications to protect the identities of, and any other information pertaining to, those individuals.

Section 306 of the RTKL (65 P.S. § 67.306) provides that "[n]othing in [the RTKL] shall supersede or modify the public or nonpublic nature of a record or document established in. . . regulation." To score the permit applications, the Department collaborated with a multitude of Commonwealth agencies. In an effort to dissuade applicants from attempting to exert any improper influence—an unfortunate but realistic concern when introducing a new billion-dollar industry—the Department protected the confidentiality of individuals who scored the applications by promulgating the temporary regulation, and the Department has determined that this protection remains necessary to carry out the provisions of the act.

Subsection (c).

This proposed subsection mirrors the current subsection (c). This proposed subsection provides that applicants are

responsible for marking confidential proprietary information contained in their applications prior to submission.

Subsection (d).

This proposed subsection mirrors the current subsection (d). This proposed subsection provides that an applicant's failure to redact confidential proprietary information contained in the application will result in the disclosure of that information if requested under the RTKL.

Subsection (e).

This proposed subsection mirrors the current subsection (e), except for adding language to clarify that an applicant is responsible for defending only those redactions it makes to protect its confidential proprietary or trade secret information. This proposed subsection provides that applicants are responsible for defending those redactions in their applications in any administrative or court hearing and that unsuccessful defense thereof may result in full disclosure of the application in unredacted form.

Subsection (f).

This proposed subsection is new and provides that the Department may release de-identified data for research purposes that are subject to approval and oversight by the Department and an Institutional Review Board (IRB). The nascent nature of the medical marijuana program requires not only constant review of the efficacy of the program for its current purposes, but also research into potential areas of improvement. The addition of this proposed new subsection serves to effectuate those goals.

Subsection (g).

This proposed subsection is new and permits the Department to collaborate with other Commonwealth agencies for purposes of investigating and enforcing violations of the act and regulations. This is necessary because other agencies have regulatory authority outside of the act, such as the Department of State in the licensing and professional conduct of practitioners, and collaboration is required by the act.

§ 1141a.23. Limitation on number of permits

This proposed section mirrors the current § 1141.23 (relating to limitation on number of permits), except for changing "Notwithstanding" to "Except as provided in" as the introduction to the section and revising incorrect citations in paragraph (3). This proposed section sets the limits on the amount of grower/processor and dispensary permits the Department may issue and the limit of permits that may be received by one person.

§ 1141a.24. Medical marijuana regions

This proposed section mirrors the current § 1141.24 (relating to medical marijuana regions). This proposed section outlines the geographic areas contained in each of the six medical marijuana regions in this Commonwealth. Further, this proposed section provides factors the Department will consider when issuing a permit and that the Department may change the number or boundaries of the regions every 2 years.

§ 1141a.25. General requirements for permits

This proposed section mirrors the current § 1141.25 (relating to general requirements for permits). This proposed section outlines the general guidelines and prohibitions with respect to permits.

§ 1141a.26. Privilege and nontransferability

This proposed section mirrors the current § 1141.26 (relating to privilege and nontransferability). This pro-

posed section provides that the issuance or renewal of a permit is a revocable privilege, and that permits are nontransferable.

§ 1141a.27. *General requirements for application*

This proposed section replaces the current § 1141.27 (relating to general requirements for application). The Department proposes to revise subsections (a), (c) and (d), as detailed as follows.

Subsection (a).

This proposed subsection lists the types of applications to be submitted to the Department. The Department proposes to revise subsections (a)(3), (a)(4) and (a)(5) by deleting the phrase “as authorized by a permit.” This phrase is unnecessary because the definitions of “medical marijuana organization” and “facility” make clear that a permit has been issued. The Department proposes to additionally revise subsection (a)(4), which currently provides for “[a]n application for approval of a change of location of a facility.” This proposed rulemaking revises subsection (a)(4) to add that an application to change location may be submitted only for an “operational” facility. This revision clarifies that the regulation was never intended to apply to non-operational facilities, as permit applications are scored based upon the location provided within the application itself, and a successful applicant’s attempt to relocate before operationalizing the location provided in the application undercuts the application and scoring processes. Beyond these revisions, this proposed subsection mirrors the current subsection (a).

Subsection (b).

This proposed subsection mirrors the current subsection (b). This proposed subsection provides that, by submitting an application, an applicant consents to any necessary investigations to ensure the applicant’s ability to meet the requirements under the act.

Subsection (c).

This proposed section mirrors the current subsection (c), except for changing the citation in proposed subsection (c)(1) to refer to this proposed chapter and adding “for an initial permit or for a permit renewal” after “application” to clarify that this provision applies to medical marijuana permit applications. This proposed subsection lists the information that is required with the submission of an application. If this required information is not included, the application will be rejected as incomplete.

Subsection (d).

This proposed subsection provides that an incomplete application will be rejected. This proposed subsection revises the language in the current subsection (d), which provides that “[a]n 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.” This proposed subsection removes the requirement on the Department to return an incomplete application, making for a more efficient and cost-effective operation. Additionally, the language regarding refunding the initial permit fee has been relocated to proposed § 1141a.28(a)(2) and (b)(2). This proposed section also adds “for an initial permit” after “application” to clarify that this provision applies only to initial permit applications.

§ 1141a.28. *Fees*

This proposed section replaces the current § 1141.28 (relating to fees), with revisions to subsections (a), (b) and (c), as detailed as follows.

Subsection (a).

This proposed subsection provides the fee amounts for initial and renewal grower/processor permits, and to whom initial permit fee refunds will be refunded. The current subsection (a) provides that the fee for these permits must be paid by “certified check or money order.” This proposed subsection expands the acceptable forms of payment to include cashier’s checks. This revision provides applicants greater flexibility in their choice of payment. Proposed subsection (a)(2) is revised to clarify that the permit fee will be refunded if the application is rejected, as well as if the permit is not granted. Beyond these revisions, this proposed subsection mirrors the current subsection (a).

Subsection (b).

This proposed subsection provides the fee amounts for initial and renewal dispensary permits, and to whom initial permit fees will be refunded. The current subsection (b) provides that the fee for these permits must be paid by “certified check or money order.” This proposed subsection will expand the acceptable forms of payment to include cashier’s checks. This revision will provide applicants greater flexibility in their choice of payment. Proposed subsection (b)(1) is revised to match the language in subsection (a)(1) and proposed subsection (b)(2) is revised to clarify that the permit fee will be refunded if the application is rejected, as well as if the permit is not granted. Beyond these revisions, this proposed subsection mirrors the current subsection (b).

Subsection (c).

This proposed subsection provides that a medical marijuana organization shall pay a \$250 fee for: (1) “an application for approval of a change in ownership;” (2) an application for approval of a change of location of a facility; and (3) an application for approval of alteration of a facility. The proposed subsection makes three changes to the current subsection. First, the Department proposes to add “cashier’s check” as an acceptable form of payment in subsection (c), consistent with the revisions to proposed subsections (a) and (b). Second, the Department proposes to delete the unnecessary phrase “authorized by permit” in current subsection (a)(2) and (3). Finally, the Department proposes to revise the current subsection (c)(2) to add the word “operational” before “facility,” consistent with the revision to § 1141a.27(a)(4) (relating to general requirements for application) to provide that a permittee must operationalize a facility at the location included in its application before it may attempt to move location.

§ 1141a.29. *Initial permit application*

This proposed section replaces the current § 1141.29 (relating to initial permit application). While this proposed section largely tracks the current § 1141.29, this proposed section includes amendments to subsections (a) and (b), as detailed as follows.

Subsection (a).

This proposed subsection mirrors the current subsection (a), except for changing the citation in proposed subsection (a)(2) to refer to this proposed chapter. This proposed subsection provides that the Department will publish notice of initial application availability in the *Pennsylvania Bulletin*; that the applicant may only use the application form prescribed by the Department; that applicants are required to redact their applications; and that untimely submissions will not be accepted.

Subsection (b).

This proposed subsection requires certain information from an applicant in addition to that required by pro-

posed § 1141a.27. Beyond the revisions detailed as follows, proposed subsection (b) mirrors the current regulatory provisions.

This proposed subsection revises the citations in proposed subsections (b), (b)(6)(iii), (b)(9)(iv), (b)(12)(xii) and (b)(13) to refer to this proposed chapter.

Further, this proposed subsection revises the language of the current subsection (b)(6)(iv) by adding “financial backer” to the introductory phrase for consistency throughout the subsection. Currently, subsection (b)(6)(iv)(B) requires an affidavit from each principal or operator of the applicant setting forth “[w]hether the principal, operator or financial backer has been convicted of a criminal offense graded higher than a summary offense.” This proposed subsection revises this language to reflect that applicants must disclose if they had previously been convicted of a criminal offense graded higher than a summary offense “in this Commonwealth or the lowest-graded criminal offense in another State or country.” This revision clarifies standards for reporting criminal convictions to the Department in light of the differing gradations of crimes in other states and countries. Proposed subsection (b)(6)(iv) also adds subsections (C) and (D), which are reworded and relocated from current subsection (b)(9)(vi) and (vii), because that subsection is more appropriately located in the section of the application requiring disclosures by means of affidavit.

Last, this proposed subsection revises the language in current subsection (b)(9)(v). Currently, subsection (b)(9) outlines the types of evidence that would factor into the Department’s determination of an applicant’s ability to establish and operate a facility. Subsection (v) was deleted as duplicative of background check requirements in subsection (b)(6). Subparagraphs (vi) and (vii) are moved as reworded to § 1141a.29(b)(6)(iv) because they are more appropriately located in the section of the application requiring disclosures by means of affidavit.

Current subsection (b)(9)(v) provides that the Department will factor in evidence of criminal actions graded higher than a summary offense under the laws of (1) Pennsylvania, (2) any other state, (3) the United States, or (4) a military, territorial or tribal authority. Consistent with amendments in proposed subsection (b)(6)(iv)(B), this proposed revision requires that the criminal conviction must be graded higher than a summary offense “in this Commonwealth or the lowest-graded criminal offense in another State or country.” This proposed change provides the same clarity to applicants as the proposed change to subsection (b)(6)(iv)(B).

Subsection (c).

This proposed subsection mirrors the current subsection (c). It provides that if the Department determines that an initial permit application is complete but lacking information, the Department may, but is not obligated to, request the additional information from the applicant. Once contacted, an applicant has 30 days to provide the additional documentation.

Subsection (d).

This proposed subsection mirrors the current subsection (d). It provides that the Department may, in its discretion, extend the deadline in proposed subsection (c) for up to an additional 15 days.

Subsection (e).

This proposed subsection mirrors the current subsection (e). It specifies the Department’s investigatory authority to inspect different facets of an applicant’s site and

compliance with the act and regulations, in addition to potentially interviewing individuals affiliated with the applicant’s facility.

§ 1141a.30. Capital requirements

This proposed section mirrors the current § 1141.30 (relating to capital requirements). This proposed section provides that a medical marijuana organization applicant must provide an affidavit, confirming that the applicant has the necessary amount of funds on deposit with one or more financial institutions.

§ 1141a.31. Background checks

This proposed section replaces the current § 1141.31 (relating to background checks). While this proposed section largely tracks the current § 1141.31, this proposed section includes revisions to subsections (a) and (c), as detailed as follows.

Subsection (a).

This proposed subsection mirrors the provisions of the current subsection (a), except for changing the citation to refer to this proposed chapter. This proposed subsection provides the way the Department will conduct criminal background checks on applicants and their affiliates.

Subsection (b).

This proposed subsection mirrors the current subsection (b). This proposed subsection provides that the Department will only use the criminal background check for the limited purpose of determining character, fitness and suitability to serve in the individual’s designated capacity.

Subsection (c).

This proposed subsection exempts from its provisions an owner of a publicly traded company, except in certain circumstances. The current subsection (c) provides that § 1141.31 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.” The Department proposes to revise this subsection to omit the previously-quoted language. In making this revision, the Department proposes that proposed § 1141a.31 will not apply to an owner of securities in a publicly traded company “unless the owner holds 5% or more of the company’s securities or the owner has voting rights to elect or appoint one or more members of the board of directors or other governing board.” This proposed change provides clarity with respect to who is exempt from background checks.

§ 1141a.32. Diversity goals

This proposed section mirrors the current § 1141.32 (relating to diversity goals), except for changing the citation in proposed subsection (g) to refer to this proposed chapter. This proposed section outlines the Department’s intent that medical marijuana organizations establish practices and procedures for promoting and ensuring diversity. Under this proposed section, applicants are required to include in their application a diversity plan, including contracts with diverse vendors, efforts to recruit diverse participants, and the diversity in the applicant’s workforce. The Department will review the diversity plans submitted by applicants for viability. Applicants must also include in the renewal applications information of their efforts to meet their diversity goals and the effectiveness of its diversity plan.

§ 1141a.33. Review of initial permit applications

This proposed section mirrors the current § 1141.33 (relating to review of initial permit applications), except

for changing the citation in proposed subsection (a) to refer to this proposed chapter. This proposed section provides that the Department will review initial permit applications in accordance with section 603(a.1) of the act (35 P.S. § 10231.603(a.1)) and the factors in proposed § 1141a.24(b) (relating to medical marijuana regions). Further, the Department will publish the number of permits and the locations thereof in the *Pennsylvania Bulletin*.

§ 1141a.34. *Denial of permit*

This proposed section mirrors the current § 1141.34 (relating to denial of a permit), except for changing the citations in proposed paragraphs (3) and (8) to refer to this proposed chapter. This proposed section delineates the grounds upon which the Department will deny the issuance of a permit to an applicant.

§ 1141a.35. *Notice of denial*

This proposed section mirrors the current § 1141.35 (relating to notice of denial), except for amending a citation to refer to proposed Chapter 1230a (relating to practice and procedure). Under this proposed section, the Department will provide written notice of denial to an applicant, and the applicant may then appeal a notice of denial.

§ 1141a.36. *Permit renewal applications*

This proposed section mirrors the current § 1141.36 (relating to permit renewal applications), except for changing the citation in proposed subsection (b) to refer to this proposed chapter. This proposed section provides the procedure for medical marijuana organizations applying for a permit renewal, in addition to specifying the information that must be included in the application.

§ 1141a.37. *Denial of renewal of a permit*

This proposed section mirrors the current § 1141.37 (relating to denial of renewal of a permit), except for changing the citations in proposed subsections (b), (d) and (e) to refer to this proposed chapter. This proposed section provides the grounds upon which the Department will deny the renewal of a medical marijuana organization's permit and outlines the obligations of a medical marijuana organization should it fail to file a permit renewal application or should the Department deny its application for a renewal permit.

§ 1141a.38. *Duty to report*

This proposed section largely tracks the provisions in current § 1141.38 (relating to duty to report), with two exceptions, as detailed as follows. This proposed section outlines the circumstances under which an applicant must report changes of information during the application process to the Department.

First, consistent with the revisions to proposed § 1141a.39 (relating to application for change in ownership of a medical marijuana organization), the Department proposes to amend subsection (b) to reflect that medical marijuana organizations only need to submit an application for a change in ownership, as opposed to an application for approval of a change of ownership. This revision reflects the fact that the Department does not approve equity transactions of medical marijuana organizations. Instead, the Department only approves the suitability of the individuals affiliated with medical marijuana organizations. Second, the citations in subsections (b) and (c) are revised to refer to this proposed chapter.

§ 1141a.39. *Application for change in ownership of a medical marijuana organization*

This proposed section replaces the current § 1141.39 (relating to application for approval of a change in ownership of a medical marijuana organization). This proposed section substantially amends the provisions in current § 1141.39, as detailed as follows.

Title.

This proposed section omits the words "approval of a" from the title of current § 1141.39. Consistent with the proposed amendments to § 1141a.38 discussed previously, the Department proposes to clarify that it only determines the suitability of the individuals affiliated with medical marijuana organizations and does not approve a medical marijuana organization's equity transaction.

Subsection (a).

This proposed subsection provides that medical marijuana organizations are required to submit an application for change in ownership to the Department in the event of an impending change in ownership involving a change in control. This proposed subsection deviates from the current subsection (a) in two ways: (1) it omits the words "approval of a" when discussing the application for a change in ownership, for the same reasons as discussed previously; and (2) it revises the citation to refer to this proposed chapter.

Subsection (b).

This proposed subsection provides that an application for a change of ownership will not be considered complete until the applicant pays the necessary fees. In replacing this subsection, the Department proposes to omit the current subsection (b) in its entirety, as it does not reflect the internal process currently used to evaluate affiliation of individuals with a medical marijuana organization. Proposed subsection (b) tracks the substantive requirements of the current subsection (c). This proposed subsection deviates from the current subsection (c) in three ways: (1) it omits the words "approval of a" when discussing the application for a change in ownership, for the same reasons discussed previously; (2) it revises the citation to refer to this proposed chapter; and (3) it deletes "the Department may reject an incomplete application" as this language does not reflect current practice.

Subsection (c).

This proposed subsection mirrors the current subsection (d), except for revising the citation to refer to this proposed chapter. Under this proposed subsection, medical marijuana organizations will be required to provide all of the information required by proposed § 1141a.29 (relating to initial permit application) for each individual involved in the change of ownership.

Subsection (d).

This proposed subsection provides that a medical marijuana organization's change in ownership without the Department's knowledge and written approval of all individuals affiliated with the medical marijuana organization would be a violation of the act and this proposed part. This proposed subsection is modeled after the current subsection (f). The Department works with the medical marijuana organization to obtain all necessary information. This proposed subsection revises the current subsection (f) and includes the amended language as proposed subsection (d). Current subsection (f) provides that a change in ownership occurring without the Department's "prior written approval of the change as provided

in this section” is a violation, whereas this proposed subsection omits that language and provides that a change in ownership that occurs without the Department’s “knowledge and written approval of all individuals affiliating with the medical marijuana organization” is a violation. This revision reinforces the fact that the Department only determines the suitability of the individuals affiliated with a medical marijuana organization and does not approve a medical marijuana organization’s equity transactions.

Finally, in proposing to replace current subsection (d), the Department proposes to delete current subsection (e) in its entirety to eliminate a process that is not currently utilized.

§ 1141a.40. *Application for approval of a change in location of an operational facility*

This proposed section mirrors the current § 1141.40 (relating to application for approval of a change in location of a facility), with three exceptions, as detailed as follows. This proposed section provides the procedure in which an operational facility may apply to relocate. This proposed section outlines the applicant’s responsibilities with respect to the content of the application, duties after receiving approval, and grounds for denial of an application. Compared to the current § 1141.40, this proposed section deviates in three ways: (1) it adds the word “operational” to the title and to subsections (a) and (b), consistent with the proposed revisions to §§ 1141a.27 and 1141a.28 (relating to general requirements for applications; and fees); (2) it deletes “authorized under a permit” from subsections (a) and (b), as the language is unnecessary; and (3) it revises subsection (a) to refer to this proposed chapter.

§ 1141a.41. *Application for approval of alteration of a facility*

This proposed section mirrors the current § 1141.41 (relating to application for approval of alteration of a facility), except for changing the citation in proposed subsection (b) to refer to this proposed chapter. This proposed section provides that, as a general rule, a medical marijuana organization may not alter its facility after the issuance of a permit. This proposed section further provides that a medical marijuana organization wishing to make such an alteration must submit an application to do so if the proposed alteration involves one or more of the scenarios delineated in proposed subsection (b)(1)–(3).

§ 1141a.42. *Failure to be operational*

This proposed section mirrors the current § 1141.42 (relating to failure to be operational), except for changing the citation in proposed subsection (d) to refer to this proposed chapter. This proposed section requires a medical marijuana organization to notify the Department that it is operational within 6 months from the date the Department issues the permit. The Department will then conduct an inspection to determine whether the medical marijuana organization is operational. Failure to adhere to its operational timeline will require the medical marijuana organization to create a plan of correction to become operational. If the medical marijuana organization fails to comply with its plan of correction within 90 days of the Department approving the plan, the Department may take disciplinary action.

§ 1141a.43. *Closure of a facility*

This proposed section mirrors the current § 1141.43 (relating to closure of a facility), except for changing the

citations in proposed subsections (c)(3) and (d) to refer to this proposed chapter. This proposed section outlines the procedure for a medical marijuana facility to close a facility. A medical marijuana organization that intends to close a facility must provide proper notice and a closure plan to the Department, which must be approved by the Department. This proposed section also lists activities in which a medical marijuana organization is prohibiting from engaging after providing notice of its intention to close a facility.

§ 1141a.44. *Insurance requirements*

This proposed section mirrors the current § 1141.44 (relating to insurance requirements). This proposed section requires a medical marijuana organization to obtain and maintain an adequate amount of insurance coverage for its activities, facilities and equipment. This proposed section further provides that a medical marijuana organization must obtain and maintain adequate workers’ compensation insurance coverage.

§ 1141a.45. *Inspection and investigation*

This proposed section mirrors the current § 1141.45 (relating to inspection and investigation). This proposed section provides that the Department may conduct announced or unannounced inspections to ensure a medical marijuana organization’s compliance with its permit, the act, and this proposed part, and specifies the elements of the inspections. This proposed section further provides the extent to which the Department and its authorized agents may inspect a facility. The proposed section also outlines the penalty for a medical marijuana organization’s failure to provide immediate access to its facility.

§ 1141a.46. *Reports*

This proposed section largely mirrors the current § 1141.46 (relating to reports), except for proposed revisions to subsection (a), as detailed as follows.

Subsection (a).

This proposed subsection outlines the ongoing reports medical marijuana organizations must provide to the Department and details the required contents of the reports. Proposed revisions to subsection (a)(1) and (2) require dispensaries and growers/processors to report the “average price per unit of medical marijuana products sold” rather than the “per-dose price.” These revisions are necessary because a “dose” varies from one patient to another and from one product to another.

Subsection (b).

This proposed subsection mirrors the current subsection (b), which provides that the Department will aggregate the information submitted through these reports and publish it on the Department’s web site.

Subsection (c).

This proposed subsection mirrors the current subsection (c), which provides that the Department may require ongoing reporting of operational and financial information.

Subsection (d).

This proposed subsection mirrors the current subsection (d), which provides that the Department may require any reports necessary to carry out its responsibilities under the act and this proposed part.

§ 1141a.47. *General penalties and sanctions*

This proposed section mirrors the current § 1141.47 (relating to general penalties and sanctions), except for

two revisions, as detailed as follows. This proposed section outlines the penalties and sanctions the Department may impose for violations of the act and this proposed part, which range from a written warning to revocation of a permit. This proposed section further provides that individuals who assist in the violation of the act or this proposed part are subject to civil penalties.

Proposed subsection (a) augments the list of reasons for which the Department may suspend or revoke a medical marijuana organization's permit by adding falsification of information on any application submitted to the Department. This proposed addition serves to underscore the Department's expectation that applicants be truthful in all submissions to the Department. The Department also proposes to delete the words "temporary regulations" from subsection (d). As this proposed rulemaking promulgates Chapter 1230a as permanent regulations, this deletion is a necessary byproduct.

§ 1141a.48. Training

This proposed section mirrors the current § 1141.48 (relating to training), except that the content is reorganized to clarify that principals, as well as employees, who have direct contact with patients or caregivers or who physically handle medical marijuana plants, seeds and products must complete the training. This proposed section outlines who must undergo a 2-hour training course developed by the Department, in addition to the information that must be included in the training. This proposed section further provides that the Department will make its training course available at no cost to medical marijuana organizations, and medical marijuana organizations must retain the attendance records for the training and make them available to the Department upon request.

§ 1141a.49. Zoning

This proposed section mirrors the current § 1141.49 (relating to zoning). This proposed section provides that medical marijuana organizations must meet the same municipal zoning and land use requirements as other similar facilities located in the same zoning district.

§ 1141a.50. Advertising by a medical marijuana organization

This proposed section mirrors the current § 1141a.50 (relating to advertising by a medical marijuana organization). This proposed section provides that medical marijuana organizations must be consistent with applicable Federal regulations when advertising or marketing medical marijuana products, and before use, these materials must first be approved by the Department. This proposed section further provides that it 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.

§ 1141a.51. Technical advisories

This proposed section mirrors the current § 1141.51 (relating to technical advisories). This proposed section provides that the Department may publish technical advisories in the *Pennsylvania Bulletin* to provide guidance with respect to the Department's interpretation of the act and this proposed part, but that the advisories would not have the force of law or regulation.

Chapter 1151a. Growers/Processors

This proposed chapter replaces the current Chapter 1151 (relating to growers/processors—temporary regula-

tions). Proposed new sections and amendments to sections of the current temporary regulations are discussed more fully as follows.

§ 1151a.21. Growers/processors generally

This proposed section mirrors the current § 1151.21 (relating to growers/processors generally) except for changing the citation in proposed subsection (b)(1) to refer to this proposed chapter. This proposed section provides that a grower/processor is under a continuing obligation to meet the qualifications necessary to receive a permit. This proposed section further provides that a grower/processor may not engage in growing/processing operations prior to being deemed operational by the Department; nor may a grower/processor employ someone under the age of 18 to work at its facility.

§ 1151a.22. Plans of operation

This proposed section contains three proposed amendments to the current § 1151.22 (relating to plans of operation), as detailed as follows. This proposed section provides that at the time the Department determines a grower/processor to be operational, the grower/processor must provide the Department a full and complete plan of operation for review. This proposed section also delineates the required components of this plan of operation and provides that a grower/processor shall make the plan of operation available to the Department upon request.

This proposed section adds subsection (c), requiring a grower/processor to comply with its plan of operation. This addition will ensure that growers/processors comply with the plans of operation submitted to the Department, which provide guidance as to how a grower/processor will handle specific events. Further, this proposed section revises the language in subsection (a)(2)(ii) by replacing the word "visitors" with the phrase "individuals requiring access to the facility." The Department proposes this revision to emphasize that grower/processor facilities are not open to the public and are not permitted to have non-essential visitors. Finally, this proposed section revises the citation in proposed subsection (a)(12) to refer to this proposed chapter.

§ 1151a.23. Grower/processor facilities

This proposed section mirrors the current § 1151.23 (relating to grower/processor facilities), excepting a one-word change in subsection (b)(3). This proposed section provides that growing/processing operations must occur in a secure facility approved by the Department. This proposed section further delineates areas that must be marked with proper signage, in addition to requiring that loading and unloading of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, or medical marijuana products into and from a transport vehicle must take place in an enclosed, secure, out of public sight area of the facility.

This proposed subsection revises subsection (b)(3) with respect to signage for limited access areas. Current subsection (b)(3) requires that limited access areas have a sign that states "Do Not Enter—Limited Access Area—Access Limited to Authorized Personnel and Escorted Visitors." This proposed subsection replaces the word "visitors" with "individuals." The Department proposes replacement of the term "visitor" to accentuate the fact that grower/processor facilities are not open to the public and are not permitted to have non-essential visitors.

§ 1151a.24. *Start-up inventory*

This proposed section replaces the current § 1151.24 (relating to start-up inventory). This proposed section contains multiple changes from the current provisions, as detailed as follows.

Subsection (a).

This proposed subsection provides that a grower/processor may obtain seeds from outside this Commonwealth to secure its start-up inventory. A grower/processor may obtain seeds from outside this Commonwealth during (1) the 30-day period after the Department deems the grower/processor operational or (2) any 30-day window established by the Department if the Department deems it necessary. This proposed subsection is revised to remove references to “immature medical marijuana plants” as section 702(a) of the act (35 P.S. § 10231.702(a)) only permits the importation of seeds from outside this Commonwealth. The Department proposes the additional 30-day window to provide growers/processors more flexibility in acquiring seeds if the Department determines that importation of additional seeds is necessary. Importation of additional seeds may be necessary to fulfill anticipated demand of medical marijuana products, and to ensure an ample supply of important medicine to persons in this Commonwealth in need of it.

Subsection (b).

Proposed subsection (b) mirrors the current subsection (b). This proposed subsection provides that a grower/processor may not obtain medical marijuana plants, as opposed to seeds, from outside this Commonwealth at any time.

Subsection (c).

Proposed subsection (c) requires that a grower/processor record in the electronic tracking system any seeds that it receives during a 30-day period under proposed subsection (a) within 24 hours of receiving the seeds. This proposed subsection is revised to remove “and immature medical marijuana plant” as section 702(a) of the act only permits the importation of seeds from outside this Commonwealth.

Subsection (d).

The current subsection (d) provides that “[a]fter 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.” The proposed subsection (d), necessitated by the change to proposed subsection (a), modifies existing language to incorporate any additional 30-day window that may be provided for the importation of seeds.

§ 1151a.25. *Access to grower/processor facilities*

The Department proposes several substantive changes to the current § 1151.25 (relating to visitor access to grower/processor facilities).

Title.

Current § 1151.25 is entitled “Visitor access to grower/processor facilities.” This proposed section is entitled “Access to grower/processor facilities.” This change proposes removal of the term “visitor” to accentuate the fact that grower/processor facilities are not open to the public.

Subsection (a).

This proposed subsection provides that grower/processor facilities may not be open to the general public.

If someone who is not approved to enter a facility requires access to that facility for purposes related to the work of the facility, the individual will be required to sign a log detailing the need for entry and will also be required to wear a temporary identification badge while on site and in the facility. This proposed subsection clarifies who may have access to a facility and for what purpose.

Subsection (b).

This proposed subsection requires individuals to present a government-issued photo identification to enter a grower/processor facility. The current subsection (b) provides that “visitors” must present proper identification; this proposed subsection replaces “visitors” with “individuals,” consistent with the Department’s removal of the term “visitor” from the proposed regulations.

Subsections (c) and (d).

These proposed subsections mirror the current provisions. Proposed subsection (c) provides that individuals under the age of 18 are not permitted in a grower/processor facility. Proposed subsection (d) provides that a grower/processor must post proper signage at its facility.

Subsection (e).

This proposed subsection largely mirrors the current subsection (e), with some minor changes. This proposed subsection provides the Department’s expectations of a grower/processor that is admitting an individual into its facility. The changes from the current subsection include: (1) replacing the word “visitor” with “individual,” and (2) requiring that the individual detail the need for entry in the log. These changes are consistent with the Department’s intent to remove the word “visitor” where possible, and to ensure that individuals entering grower/processor facilities are entering for the proper reasons.

Subsection (f).

This proposed subsection provides the content and retention requirements for the log that individuals must sign upon entry to a grower/processor facility. Consistent with the rest of this proposed section, this proposed subsection changes the wording of the current regulations by replacing the word “visitor” with words or phrases similar to corresponding revisions to other subsections in this section.

Subsection (g).

This proposed subsection mirrors the current regulatory provision. This proposed subsection provides that nothing in proposed § 1151a.25 will limit the right of the Department or its authorized agents, State or local law enforcement or other Federal, State or local government officials, from entering any area of a grower/processor site or facility, if entrance is necessary to perform their functions and duties that pertain to the act or this proposed part.

Subsection (h).

This proposed subsection provides that grower/processor employees or other affiliated persons may not be compensated for granting access to a limited access area. The only change to the language of the current subsection (h) is the Department’s proposal to replace the word “visitor” with “individual,” consistent with the rationale explained previously.

§ 1151a.26. *Security and surveillance*

This proposed section mirrors the current § 1151.26 (relating to security and surveillance), except for two changes, as detailed as follows. This proposed section

details the requirements of a grower/processor's security and surveillance systems and the inspection and servicing requirements. This proposed section further provides requirements with respect to access to rooms containing security and surveillance monitoring equipment and access.

This proposed section amends the current regulation in two ways. First, proposed subsection (b)(5) permits more than one employee to be assigned to monitor the security system, whereas the current subsection only permits one employee to be assigned. Second, proposed subsection (d) requires that all entrances to and exits from a grower/processor facility must be securely locked "at all times," as opposed to only during nonworking hours, as provided by the current subsection. The Department proposes these changes to ensure the safety and security of a grower/processor facility.

§ 1151a.27. Requirements for growing and processing medical marijuana

This proposed section mirrors the current § 1151.27 (relating to requirements for growing and processing medical marijuana), except for amending two subsections, as detailed as follows. This proposed section provides that a grower/processor may only use pesticides, fungicides and herbicides approved by the Department of Agriculture and that the Department will periodically publish the list of approved pesticides, fungicides and herbicides in the *Pennsylvania Bulletin*. This proposed section also requires a grower/processor to use approved pesticides, fungicides and herbicides in a manner approved by the Department of Agriculture based on Federal law and regulations. A grower/processor must also log all actions taken to detect pests or pathogens and the measures taken for control. This proposed section requires a grower/processor to: use appropriate nutrient practices; use fertilizer as appropriate to support healthy plant growth; and maintain records of fertilizer and growth additives used.

This proposed section amends two subsections in the current § 1151.27. First, the phrase "additional active ingredients or materials" in current subsection (f) is replaced with the newly-defined term "added substance" for the purposes of clarity. Further, proposed subsection (f) adds subparagraphs (i) and (ii) to provide guidance on what the Department will consider when determining whether to approve an added substance. Second, the current subsection (h)(3) provides that growers/processors only process parts of the medical marijuana plant that "[c]ontain a level of mold, rot or other fungus or bacterial diseases acceptable to the Department." The proposed subsection changes that language to more clearly read that a grower/processor may only process parts of the medical marijuana plant that "[d]o not contain levels of mold, rot or other fungus or bacterial diseases above the minimum levels acceptable to the Department."

§ 1151a.28. Forms of medical marijuana

This proposed section mirrors the current § 1151.28 (relating to forms of medical marijuana). This proposed section lists the six acceptable forms of medical marijuana that a grower/processor may process, in addition to providing that a grower/processor may not manufacture, produce or assemble any medical marijuana product, instrument or device without the prior written approval of the Department.

§ 1151a.29. Limit on medical marijuana processing

This proposed section mirrors the current § 1151.29 (relating to limit on medical marijuana processing), ex-

cepting the revisions noted as follows. This proposed section provides that medical marijuana or medical marijuana products must have a specific concentration of total THC and total CBD, in addition to reporting the concentrations of delineated cannabinoids and listing them on the product's label. Further, this proposed section provides that within 6 months after the Department deems a grower/processor to be operational, a grower/processor must provide the Department a forecast of its medical marijuana production and form and notify the Department of potential increases or decreases within the following 6 months.

This proposed section differs from the current § 1151.29 in two ways. First, proposed subsection (a) is revised to replace the full name of each cannabinoid on the product label with the abbreviation—as each is a defined term—in addition to requiring that the amount of Delta-8 THC be disclosed on the product label. These revisions are aimed at providing transparency with respect to the cannabinoids in medical marijuana products.

Second, proposed subsection (b) requires a grower/processor to "promptly" notify the Department of anticipated increases or decreases in production; the current subsection (b) requires the grower/processor to notify the Department "immediately." This proposed amendment provides a slightly expanded time frame for a grower/processor to notify the Department of a potential increase or decrease in production of medical marijuana or medical marijuana products.

§ 1151a.30. Inventory data

This proposed section mirrors the current § 1151.30 (relating to inventory data). This proposed section specifies the data elements to be included in a grower/processor's inventory and requires a grower/processor to maintain the listed data in its electronic tracking system, in addition to requiring that a grower/processor establish inventory controls, and that the inventory information be maintained in an electronic record.

§ 1151a.31. Storage requirements

This proposed section mirrors the current § 1151.31 (relating to storage requirements), except for amending a citation in subsection (a) to refer to this proposed chapter. This proposed section requires a grower/processor to ensure that its facility maintains a locked storage area for its products, and that these areas are kept in a clean and orderly condition.

§ 1151a.32. Equipment, operation and maintenance

This proposed section mirrors the current § 1151.32 (relating to equipment, operation and maintenance). This proposed section requires a grower/processor to: have a written process in place to maintain the sanitation and operation of its equipment, which must be provided to the Department upon request; routinely calibrate equipment used in operations; and maintain a log regarding the maintenance, cleaning and calibration of its equipment.

§ 1151a.33. Sanitation and safety in a facility

This proposed section mirrors the current § 1151.33 (relating to sanitation and safety in a facility), except that "28 Pa. Code" is added to correct the incomplete citation in subsection (b). This proposed section requires that a grower/processor maintain sanitary conditions to limit potential for contamination, in accordance with the requirements listed in subsection (a), including, for example, frequent cleaning and sanitizing, proper removal of trash and protection against pests. Further, this proposed section states that any employee coming into direct

contact with medical marijuana is subject to restrictions in 28 Pa. Code § 27.153 (relating to restrictions on food handlers). This proposed section also requires a grower/processor to provide potable water, cleansers and hand-washing facilities, as well as clean restroom facilities. Finally, this proposed section requires a grower/processor to comply with State and local building codes.

§ 1151a.34. Packaging and labeling of medical marijuana products

This proposed section makes several substantive changes to the current § 1151.34 (relating to packaging and labeling of medical marijuana products), as described as follows.

Subsection (a).

This proposed subsection, which mirrors the current subsection (a), provides that a grower/processor must package and label its products at its facility, and that the original seal may not be broken except for testing purposes at an approved laboratory.

Subsection (b).

This proposed subsection lists the general requirements for medical marijuana product packaging. The current subsection (b)(3) provides that packaging must be “[l]ight resistant or opaque, or both.” This proposed subsection revises that provision and requires that packaging be opaque and removes the option to be “light resistant.” This revision effectuates the Department’s intent that packaging not be transparent.

Subsection (c).

This proposed subsection, which mirrors the current subsection (c), requires a grower/processor to identify each process lot of medical marijuana with a unique identifier.

Subsection (d).

This proposed subsection requires that all packaging and labeling be approved by the Department and sets out the information that must be included on each label. The Department proposes to expand upon the requirements in the current subsection (d) by: (1) requiring that all packaging receive prior written approval of the Department; (2) requiring labels to list the species and percentages of all cannabinoids and individual terpenes; (3) requiring that labels be firmly affixed to the container directly holding medical marijuana as well as outer packaging; and (4) requiring that THC be the first number in a THC:CBD ratio, when the labeling includes a ratio. These revisions minimize patient confusion caused by medical marijuana packaging, and also ensure that individuals and law enforcement officials can readily determine if a medical marijuana product was purchased at a dispensary. This proposed subsection otherwise mirrors the current subsection (d), except for technical revision to subsection (d)(2) to correct syntax.

Subsection (e).

This proposed subsection mirrors the current subsection (e). This proposed subsection specifies the design and other elements that may not be included on a label.

§ 1151a.35. Transportation of medical marijuana

This proposed section mirrors the current § 1151.35 (relating to transportation of medical marijuana), with one exception in subsection (b)(4).

Subsection (a).

This proposed subsection provides the guidelines for the transportation of medical marijuana and medical marijuana products—transporting only between specified hours; allowing for third-party contracting; prohibiting transport outside this Commonwealth; and requiring use of GPS tracking.

Subsection (b).

This proposed subsection requires the vehicles used to transport medical marijuana to be insured, unmarked and temperature controlled with secure cargo areas. The current subsection (b)(4) requires that vehicles engaged in the transportation of medical marijuana “[d]isplay current State inspection stickers and maintain a current State vehicle registration.” This proposed subsection revises that provision to read that transportation vehicles must “[m]aintain current State inspection and vehicle registrations.” This revision allows for the possible elimination of inspection stickers in the future, as has been done with registration stickers.

Subsection (c).

This proposed subsection requires medical marijuana transport vehicles to be staffed with at least two individuals, one of whom must always remain with the vehicle, who: are licensed drivers, wear plain clothing, carry identification and have access to communication.

Subsections (d)—(h).

These proposed subsections provide that transportation vehicles are subject to inspection and require: products in transport must be concealed from outside view; direct transportation from a grower/processor facility to a medical marijuana dispensary or laboratory where unloading must promptly occur; a grower/processor must immediately report to the Department any accidents, losses or diversions of product that occur during transport; and a grower/processor must daily notify the Department of its delivery schedule.

§ 1151a.36. Transport manifest

This proposed section mirrors the current § 1151.36 (relating to transport manifest), except for revising one citation in subsection (c) to refer to this proposed chapter. This proposed section requires a grower/processor to generate and maintain an electronic transport manifest, documenting information involved in all deliveries. This transport manifest is subject to inspection by the Department upon request. Proposed subsection (a) details the information that must be contained in the manifest. Proposed subsection (b) details specific chain of custody requirements for the transportation of seeds, plants and other medical marijuana products. Proposed subsection (c) specifies the transportation requirements for seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products. Proposed subsection (d) requires a grower/processor to provide a copy of the manifest to the delivery recipient. Subsection (e) requires a grower/processor to provide a copy of the manifest to the Department and other governmental officials if requested.

§ 1151a.37. Transportation of seeds, immature medical marijuana plants and medical marijuana plants

This proposed section mirrors the current § 1151.37 (relating to transportation of seeds, immature medical marijuana plants and medical marijuana plants), except for revising three cross-references in subsection (c) to refer to this proposed chapter. This proposed section

provides a that grower/processor may only transport seeds, immature medical marijuana plants and medical marijuana plants within this Commonwealth.

§ 1151a.38. *Evidence of adverse loss during transport*

This proposed section mirrors the current § 1151.38 (relating to evidence of adverse loss during transport), with one exception detailed as follows. This proposed section outlines a grower/processor's duties in the event of an unresolved discrepancy in the transport manifest upon delivery. This proposed section also requires a grower/processor to report suspected theft or diversion of product to the Department; to investigate a discrepancy in the transport manifest; to amend its plan of operation if necessary to prevent future discrepancies; and to submit a report of the investigation to the Department.

The current subsection (a) provides that a grower/processor must refuse acceptance of a delivery in the event of any discrepancy in the transport manifest. Proposed subsection (a) requires a grower/processor to refuse delivery only when the discrepancy has not been resolved. This revision eliminates unnecessary delay in product delivery to dispensaries and, ultimately, to patients.

§ 1151a.39. *Electronic Tracking System*

This proposed section provides that a grower/processor must use an electronic tracking system prescribed by the Department. This proposed section mirrors the current § 1151.39 (relating to electronic tracking system), except for omitting the obsolete language that the Department will provide notice of the electronic tracking system to be used by growers/processors, as the Department published this information in the *Pennsylvania Bulletin* at the time the system was implemented.

§ 1151a.40. *Management and disposal of medical marijuana waste*

This proposed section mirrors the current § 1151.40 (relating to management and disposal of medical marijuana waste). This proposed section provides the obligations of a grower/processor with respect to the collection, storage and disposal of medical marijuana waste. Specifically, all unused, surplus, returned, contaminated or expired medical marijuana waste must be rendered unusable and incapable of ingestion and composted or disposed of according to municipal waste procedures or according to laws pertaining to hazardous waste.

§ 1151a.42. *Complaints about or recall of medical marijuana products*

This proposed section mirrors the current § 1151.42 (relating to complaints about or recall of medical marijuana products), with two exceptions, as detailed as follows. This proposed section provides that in the event of a complaint of an adverse event from using medical marijuana, a dispensary must notify the Department and the grower/processor from which it purchased the medical marijuana and outlines the grower/processor's subsequent investigatory and reporting obligations. Further, this proposed section addresses processes and procedures in the event of a voluntary or mandatory recall of medical marijuana or medical marijuana products, subject to penalties for noncompliance; specifies the information that must be entered into the electronic tracking system; and specifies the requirements of a recall plan.

This proposed section includes two amendments to the current regulations. First, proposed subsection (a)(1) requires that growers/processors "immediately" investigate complaints; the current regulation does not impose this

immediacy requirement. Second, this proposed section adds subsection (h), authorizing the Department to initiate a mandatory recall upon receipt of information that any medical marijuana product poses a risk to public health and safety. These amendments underscore the Department's goals of product quality and patient safety.

§ 1151a.43. *Pesticides*

This proposed section mirrors the current § 1151.43 (relating to pesticides), except that language was added in subsection (d) to clarify that the Department of Agriculture, which enforces the Pennsylvania Pesticide Control Act of 1973 (Pesticide Control Act) (3 P.S. §§ 111.21—112), coordinates with the Department. This proposed section requires that the use of pesticides by a grower/processor be in accordance with the applicable laws in this Commonwealth, subject to oversight by the Department and the Department of Agriculture. Further, this proposed section outlines the recordkeeping, record retention and record production requirements associated with pesticide application, prescribes the pesticide active ingredients that a grower/processor may use, and defines terms relevant to this proposed section, including select terms used in the statutes cited in this proposed section.

§ 1151a.44. *Treatment and quarantine orders*

This proposed section mirrors the current § 1151.44 (relating to treatment and quarantine orders). This proposed section provides that the Department, in conjunction with the Department of Agriculture, may issue and carry out a treatment order against a grower/processor in the event that the grower/processor fails or refuses to eradicate a plant pest found at its facility. Further, this proposed section permits the Department of Agriculture, acting with the cooperation of the Department, to establish a quarantine if necessary to prevent the dissemination of plant pests and outlines the requirements in the event a quarantine is established.

Chapter 1161a. Dispensaries

This proposed chapter replaces the current Chapter 1161 (relating to dispensaries—temporary regulations). Proposed new sections and amendments to sections of the current temporary regulations are discussed more fully as follows.

§ 1161a.22. *Dispensaries generally*

This proposed section mirrors the current § 1161.22 (relating to dispensaries generally), except for revising a citation in subsection (b)(1) to refer to proposed Chapter 1141a. This proposed section provides that a dispensary is under a continuing obligation to meet the qualifications necessary to receive a permit. This proposed section further provides that a dispensary may not engage in dispensing operations prior to being deemed operational by the Department, may not employ someone under 18 years of age, and may not allow a patient to administer medical marijuana in the facility unless the patient is also an employee.

§ 1161a.23. *Dispensing medical marijuana products*

This proposed section mirrors the current § 1161.23 (relating to dispensing medical marijuana products). This proposed section provides that a dispensary may only dispense to individuals who present a valid identification card; specifies the necessary prerequisites the dispensary must complete before dispensing medical marijuana products and before completing a transaction, including information that must be listed on a receipt and recordkeeping requirements.

§ 1161a.24. *Limitations on dispensing*

This proposed section mirrors the current § 1161.24 (relating to limitations on dispensing). This proposed section provides that a dispensary may only dispense medical marijuana or medical marijuana in a quantity or form provided for on the patient's certification and permitted by the act or these proposed regulations. This proposed section also prohibits a dispensary from dispensing more than a 30-day supply of medical marijuana to a patient and not before the patient has exhausted all but a 7-day supply of medical marijuana.

§ 1161a.25. *Licensed medical professionals at facility*

This proposed section mirrors the current § 1161.25 (relating to licensed medical professionals at facility), with one addition, as detailed as follows. This proposed section provides that a physician or pharmacist must be present at the facility during operating hours and, if a permittee operates more than one facility under the same permit, a physician assistant or certified nurse practitioner may cover the other sites. Further, this proposed section provides training requirements and continuing education standards for physicians, pharmacists, physician assistants and certified nurse practitioners. This section also prohibits a practitioner or physician from issuing patient certifications while at the facility.

Compared to the current § 1161a.25, proposed subsection (b) provides that a facility's "physician, pharmacist, physician assistant and certified registered nurse practitioner may rotate coverage of facilities as long as a physician or pharmacist is always present at one of the facilities." This addition clarifies that a dispensary authorized to operate more than one facility may allow the physician and pharmacist to rotate coverage to the secondary and tertiary dispensaries, as opposed to being limited to covering only the primary location.

§ 1161a.26. *Dispensary facilities*

This proposed section modifies the current § 1161.26 (relating to dispensary facilities) in two ways, as detailed as follows. This proposed section imposes restrictions with respect to dispensary facilities and amenities. It also provides that individuals under 18 years of age may not enter a dispensary unless the individual is a patient or accompanied by a parent, guardian or caregiver. This proposed section further provides signage requirements for specific areas of the facility.

This proposed section amends the current regulations in two ways. First, proposed subsection (b)(1) provides that a dispensary may not be located within 1,000 feet of "a public, private or parochial school, or a day-care center providing services to children under 18 years of age, measured from the property line of a public, private or parochial school nearest to the dispensary to the nearest physical wall of the dispensary." This change clarifies that "school" is not intended to mean post-secondary schools and further defines how the 1,000-foot setback will be measured. This proposed section retains the authority of the Department to waive this requirement.

Second, proposed subsection (e)(1) provides that signage in limited access areas must state that access is limited to authorized personnel and escorted "individuals," as opposed to the word "visitors" found in the current subsection (e)(1). This change is proposed to remove references to "visitors" wherever possible, as discussed elsewhere in this preamble.

§ 1161a.27. *Items and services provided at a dispensary*

This proposed section substantially revises the current § 1161.27 (relating to items and services provided at a dispensary), as detailed as follows.

Subsection (a).

Beyond amending the regulatory citation to refer to this proposed chapter, this proposed subsection mirrors the current regulatory provision. This proposed subsection provides that a dispensary may only dispense medical marijuana in forms prescribed in proposed § 1161a.23(b)(2) (relating to dispensing medical marijuana products).

Subsections (b) and (c).

These proposed subsections mirror the current subsections (b) and (c). These proposed subsections respectively provide that a dispensary may only purchase medical marijuana products from a grower/processor and that, with prior written approval from the Department, a dispensary may sell instruments, devices and services related to the use of medical marijuana products.

Subsection (d).

Aside from revising one citation to refer to proposed Chapter 1151a (relating to growers/processors), this proposed subsection mirrors the current subsection (d). This proposed subsection provides that dispensaries may dispense a medical marijuana product with a THC concentration of less than 0.3% if purchased from a grower/processor that has obtained prior Department approval.

Subsection (e).

This proposed subsection delineates prohibited actions for a dispensary. Specifically, dispensaries may not (1) provide medical marijuana product at no cost unless the patient is approved for financial assistance by the Department; (2) make purchases conditional upon the patient purchasing a medical device at the facility or a separate facility; (3) deliver, or contract with a third party to deliver medical marijuana; and (4) sell items and services unrelated to the use of medical marijuana products. This proposed subsection removes the current prohibition on advertising activities, as that provision caused confusion. The removal of this subsection does not, however, negate the general requirement in proposed § 1141a.50(b) (relating to advertising by a medical marijuana organization) that all promotional, advertising and marketing materials must be approved by the Department prior to use. Further, this proposed subsection revises the prohibition on delivering medical marijuana products by prohibiting a dispensary from contracting delivery to third parties, in addition to prohibiting a dispensary from delivering to a patient or caregiver, and by adding a prohibition on the sale of items unrelated to the use of medical marijuana. These revisions seek to limit the services a dispensary may provide to a patient or caregiver that are unrelated to the sale of medical marijuana products.

§ 1161a.28. *Labels and safety inserts*

This proposed section mirrors the current § 1161.28 (relating to labels and safety inserts), with two exceptions, as detailed as follows. This proposed section sets forth the requirements of what must, and what may not, be listed on a label, in subsections (c) and (d), respectively, in addition to requiring, in subsection (b), that any product sold to a patient be fully sealed and labeled. Further, proposed subsection (c) requires a dispensary to inspect labels to ensure that the label contains all required information and is firmly affixed to the container

holding medical marijuana, and proposed subsection (e) prescribes standards for safety inserts.

Compared to the requirements in current § 1161.28, this proposed section adds the requirements that that all cannabinoids and terpenes and corresponding percentages be listed on the label and that a label be firmly affixed to a container directly holding medical marijuana. These revisions seek to ensure that law enforcement may readily discern the difference between packaging containing legitimate medical marijuana and illegal substances, in the event of a patient's interaction with law enforcement. In addition, the changes provide patients and caregivers with more information regarding the products they seek to purchase.

§ 1161a.29. *Plans of operation*

This proposed section mirrors the current § 1161.29 (relating to plans of operation), with two exceptions, as detailed as follows. This proposed section provides that upon the Department determining a dispensary to be operational, the dispensary must provide the Department with its plan of operation. This proposed section outlines what must be included in a plan of operation and requires that a dispensary provide its plan of operation to the Department during inspections of the site and facility and at any time upon request.

Proposed subsection (a)(2)(ii) replaces the word "visitors" with "individuals requiring access to the facility." This change is proposed to remove references to "visitors" wherever possible, as discussed elsewhere in this preamble. Proposed subsection (c) adds the requirement that a dispensary comply with its plan of operation. This addition ensures that a dispensary adheres to the plan of operation submitted to the Department, in addition to informing the Department as to how a dispensary would handle specific events.

§ 1161a.30. *Access to dispensary facilities*

The Department proposes several substantive changes to the current § 1161.30 (relating to visitor access to dispensary facilities), as detailed as follows.

Title.

Current § 1161.30 is entitled "Visitor access to dispensary facilities." This proposed section is entitled "Access to dispensary facilities." This change proposes removal of the term "visitor" to emphasize that dispensaries are not open for general visitation.

Subsection (a).

The current subsection (a) provides that a dispensary must post a sign at each entrance indicating that the premises are under constant video surveillance and that no one under 18 years of age is permitted to enter unless the individual is a patient or accompanied by a parent, guardian or caregiver. The proposed amendments include adding language to the sign indicating that only employees, patients and caregivers may enter, and that anyone under 18 years of age entering the dispensary must be a patient and accompanied by a parent. This proposed section clarifies that a dispensary is open only to employees, cardholders and individuals requiring access to provide goods or services.

Subsection (b).

Proposed subsection (b) mirrors the current subsection (b) and provides that only authorized employees may enter limited access areas in a dispensary.

Subsection (c).

Proposed subsection (c) requires individuals to present a government-issued photo identification to enter a dis-

pensary. The current subsection (c) provides that "visitors" must present proper identification; this proposed subsection eliminates the word "visitor" consistent with the Department's removal of the term "visitor" from the regulations. The proposed new language clarifies that the subsection applies to any individual who is not approved to enter the facility who requires access to provide goods and services to the facility and requires the individual to sign a log and detail the need for entry to the facility.

Subsection (d).

Proposed subsection (d) details a dispensary's obligations when admitting an individual to its facility, such as requiring the entrant to sign a log detailing the need for entry and to wear a temporary identification badge while in the facility. Similar to proposed § 1151a.25 (relating to access to grower/processor facilities), proposed subsection (d) revises the current subsection (d) to replace the term "visitor" with "individual."

Subsection (e).

This proposed subsection provides the content and retention requirements for the log that individuals must sign upon entry to a dispensary. Consistent with the rest of this proposed section, this proposed subsection (e) changes the wording of the current subsection (e) by replacing the word "visitor" with words or phrases similar to corresponding revisions to other subsections in this section.

Subsection (f).

Proposed subsection (f) mirrors the current subsection (f). This proposed subsection provides that nothing in proposed § 1161a.30 will limit the right of the Department or its authorized agents, or State or local law enforcement or other Federal, State or local government officials from entering any area of a grower/processor site or facility, if entrance is necessary to perform their functions and duties that pertain to the act or this proposed part.

Subsection (g).

Proposed subsection (g) provides that dispensary employees or other affiliated persons may not be compensated for granting access to a limited access area. The only change to the language of the current subsection (d) is the Department's proposal to replace the word "visitor" with "individual," consistent with the rationale explained previously.

§ 1161a.31. *Security and surveillance*

This proposed section mirrors the current § 1161.31 (relating to security and surveillance), except for the changes detailed as follows. This proposed section requires that a dispensary establish and maintain security and surveillance systems to the specifications provided within this proposed section. Further, this proposed section prescribes lighting requirements and limits access to rooms containing surveillance monitoring equipment.

This proposed section amends the current § 1161.31 in three ways. First, this proposed section allows dispensaries to designate multiple employees to continuously monitor the security and safety of a facility, whereas the current requirement only permits the designation of one employee. This revision provides dispensaries greater flexibility in ensuring the efficacy of their security systems while also not requiring the monitoring of these systems by a single person. Second, this proposed section requires that a dispensary install "commercial grade, nonresidential doors and door locks" on all external doors

of the facility, which is not currently required by subsection (c). This change ensures the safety and security of each facility. Third, this proposed section requires that entrances to and exits from a dispensary be locked at all times, as opposed to just during nonworking hours, as currently required by subsection (d). This change seeks to ensure the safety and security of facilities.

§ 1161a.32. *Inventory data*

This proposed section mirrors the current § 1161.32 (relating to inventory data). This proposed section lists the inventory information that must be maintained in the electronic tracking system, in addition to requiring a dispensary to establish inventory controls and conduct monthly reviews and annual comprehensive inventories, and specifies what information must be recorded as a result of inventory reviews.

§ 1161a.33. *Storage requirements*

This proposed section mirrors the current § 1161.33 (relating to storage requirements), except for revising a citation in subsection (a) to refer to proposed Chapter 1151a. This proposed section provides that dispensaries must have separate and locked limited access areas for the storage of defective medical marijuana products, as described in this proposed section. This proposed section also provides that all storage areas must be maintained in a clean and orderly condition.

§ 1161a.34. *Sanitation and safety in a facility*

This proposed section mirrors the current § 1161.34 (relating to sanitation and safety in a facility), except that except “28 Pa. Code” was added to correct the incomplete citation in subsection (b) and the word “visitor” was deleted from subsections (c) and (d) for the reasons explained elsewhere in this preamble. Proposed subsections (a) and (b) prescribe sanitation requirements and expectations for a dispensary facility and employees therein; proposed subsections (c) and (d) require adequate bathroom and hand-washing facilities; and proposed subsection (e) requires a dispensary to comply with all State and local building codes.

§ 1161a.35. *Transportation of medical marijuana products*

This proposed section mirrors the current § 1161.35 (relating to transportation of medical marijuana products), with two exceptions, as detailed as follows. This proposed section provides that a dispensary may deliver medical marijuana products to medical marijuana organizations, subject to requirements delineated in proposed subsection (a). This proposed section also outlines the requirements with respect to the storage of medical marijuana products during transportation in proposed subsection (b); delivery drivers in proposed subsection (c); and transportation in proposed subsections (d) and (e). Further, proposed subsections (f) and (g) impose reporting requirements for specified events, and proposed subsection (h) subjects transport vehicles to inspection at the Department’s request.

The only amendments from the current regulation are in proposed subsection (b). Subsection (b)(1) requires that vehicles transporting medical marijuana products be “equipped with a secure lockbox located within a locking cargo area,” as opposed to the requirement in current subsection (b) that these vehicles be “equipped with a secure lockbox or locking cargo area.” This change clarifies that medical marijuana products are to be securely transported in a lockbox located within a locking cargo area to minimize opportunity for diversion. Further,

proposed subsection (b)(4) requires that these vehicles maintain current State inspection and vehicle registrations, whereas the current regulation requires current vehicle registration and the display of a State inspection sticker. This revision allows for the possible elimination of inspection stickers in the future, as has been done with registration stickers.

§ 1161a.36. *Transport manifest*

This proposed section mirrors the current § 1161.36 (relating to transport manifest), with one exception, as detailed as follows. Proposed subsections (a) and (b) provide that every transport vehicle shall generate a transport manifest, specifies the information that must be contained in the manifest and details requirements for delivery to multiple facilities. The one amendment to the current regulation is that proposed subsection (c) requires that seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products be transported in a secure lockbox located within a locked cargo area, whereas the current regulation requires that the product be packaged in a shipping container. Proposed subsection (d) requires a dispensary to provide a copy of the manifest to the delivery recipient. Subsection (e) requires a dispensary to provide a copy of the manifest to the Department and other governmental officials if requested. This amendment harmonizes this proposed section with the amendments to the requirements of proposed § 1161a.35 (relating to transportation of medical marijuana products) to prevent diversion.

§ 1161a.37. *Evidence of adverse loss during transport*

This proposed section mirrors the current § 1161.37 (relating to evidence of adverse loss during transport), with one exception detailed as follows. This proposed section outlines a dispensary’s duties in the event of an unresolved discrepancy in the transport manifest upon delivery. This proposed section also requires a dispensary to report suspected theft or diversion of product to the Department; to investigate a discrepancy in the transport manifest; to amend its plan of operation if necessary to prevent future discrepancies; and to submit a report of the investigation to the Department.

The current subsection (a) provides that a dispensary must refuse acceptance of a delivery in the event of any discrepancy in the transport manifest. This proposed subsection (a) requires a dispensary to refuse delivery only when the discrepancy has not been resolved. This revision eliminates unnecessary delay in product delivery to dispensaries and, ultimately, to patients.

§ 1161a.38. *Complaints about or recall of medical marijuana products*

This proposed section mirrors the current § 1161.38 (relating to complaints about or recall of medical marijuana products), except for revising a citation to refer to proposed Chapter 1151a. This proposed section provides that dispensaries must notify the Department and the grower/processor from which it purchased the medical marijuana product immediately upon becoming aware of a complaint made to the dispensary by an individual who experienced an adverse event resulting from interaction with a medical marijuana product. If the grower/processor were to recall the product, the dispensary is required to cease dispensing the item in question and coordinate a return of the recalled product.

§ 1161a.39. *Electronic tracking system*

This proposed section provides that a dispensary must use an electronic tracking system prescribed by the

Department. This proposed section mirrors the current § 1161.39 (relating to electronic tracking system), except for omitting the obsolete language that the Department will provide notice of the electronic tracking system to be used by growers/processors, as the Department published this information in the *Pennsylvania Bulletin* at the time the system was implemented.

§ 1161a.40. *Application for additional dispensary locations*

This proposed section mirrors the current § 1161.40 (relating to application for additional dispensary locations), except for revising a citation to refer to proposed Chapter 1151a. This proposed section provides that an applicant for a dispensary permit may identify a primary location and up to two additional dispensary locations in its application or at a later date, using a form prescribed by the Department and following the initial permitting requirements set forth in proposed § 1114a.29 (relating to initial permit application), subject to subject to the payment of fees specified in subsection (c) and the Department's approval.

Chapter 1171a. Laboratories

This proposed chapter replaces the current Chapter 1171 (relating to laboratories—temporary regulations). Proposed new sections and amendments to sections of the current temporary regulations are discussed more fully as follows.

§ 1171a.22. *Laboratories generally*

This proposed section mirrors the current § 1171.22 (relating to laboratories generally), except for revising citations in subsection (a) to refer to this proposed chapter. This proposed section prohibits a laboratory from collecting or testing medical marijuana samples unless the laboratory has been approved by the Department under § 1171a.23 (relating to approval of laboratories) and has entered into a written contract with the grower/processor under § 1171a.29 (relating to testing requirements). This proposed section requires the Department to post a list of approved laboratories on its web site and provides general requirements with respect to: (1) laboratory duties; (2) director responsibilities and employee qualifications; (3) prohibitions on ownership; (4) duration of the Department's approval; and (5) nontransferability of the Department's approval.

§ 1171a.23. *Approval of laboratories*

This proposed section mirrors the current § 1171.23 (relating to approval of laboratories), except for revising a citation in subsection (b)(8) to refer to this proposed chapter. This proposed section provides that a laboratory wishing to become an approved laboratory must submit a completed application to the Department, including the information required in proposed subsections (b) and (d), the submission of which amounts to consent to an investigation of any person, information, or location the Department deems appropriate to approve or deny the application. Under this proposed section, the Department may grant approval based upon its determination that the applicant is financially and professionally suitable to conduct the required testing.

§ 1171a.24. *Suspension or revocation of an approval issued to a laboratory*

This proposed section mirrors the current § 1171.24 (relating to suspension or revocation of an approval issued to a laboratory). This proposed section provides that the Department may suspend or revoke a laboratory's approval if the laboratory engages in unethical

practices, fails to maintain proper standards for reporting accuracy, or fails to comply with the act or this proposed part. Further, this proposed section delineates other conduct for which the Department may revoke a laboratory's approval.

§ 1171a.25. *Renewal of an approval issued to a laboratory*

This proposed section mirrors the current § 1171.25 (relating to renewal of an approval issued to a laboratory), except for revising a citation to refer to this proposed chapter. This proposed section provides the timeframe in which an approved laboratory must submit an application for renewal.

§ 1171a.26. *Stability testing and retention of samples*

This proposed section mirrors the current § 1171.26 (relating to stability testing and retention of samples). This proposed section provides that an approved laboratory must conduct required stability testing of samples collected from growers/processors to ensure product potency and purity and accurate expiration dating, and that the laboratory must properly store those tested samples for 1 year.

§ 1171a.27. *Sampling procedures for testing*

This proposed section mirrors the current § 1171.27 (relating to sampling procedures for testing). Proposed subsection (a) requires a laboratory to ensure its employees follow established sample preparation procedures. Proposed subsections (b) and (c) outline the elements that a laboratory's policies and sampling procedures must include.

§ 1171a.28. *Selection protocol for samples*

This proposed section mirrors the current § 1171.28 (relating to selection protocol for samples). This proposed section provides that an employee of an approved laboratory may only enter a grower/processor facility for the purpose of identifying and collecting samples, subject to procedures regarding chain of custody. This proposed section also specifies the samples that a laboratory employee must identify and collect from a grower/processor facility.

§ 1171a.29. *Testing requirements*

The Department proposes several changes to the current § 1171.29 (relating to testing requirements), as detailed as follows.

Subsections (a) and (b).

These proposed subsections mirror the current regulatory provisions. These proposed subsections provide that an approved laboratory must enter into a written contract with a growers/processor prior to conducting testing and submit a request for testing through the electronic tracking system.

Subsection (c).

The current subsection (c) specifies that an approved laboratory must minimally test two samples at harvest and at process stages. This proposed subsection (c) amends the current subsection (c) by providing that one approved laboratory must conduct testing on the harvest sample and a different approved laboratory must conduct testing on the processed sample. This revision creates checks and balances in the testing process.

Subsections (d)—(f).

These proposed subsections mirror the current regulatory provisions. These proposed subsections provide the

minimum elements for which a laboratory must test; that testing samples must be conducted with a statistically significant number and size of samples and methodologies approved by the Department; and that testing is prohibited on samples in the delineated circumstances.

Subsection (g).

This proposed subsection (g) specifies tracking and disposal requirements. Where the current subsection (g) requires that all tests be entered into the electronic tracking system, this proposed subsection (g) provides that only testing performed on samples of harvest lots and process lots must be entered into the electronic tracking system, which and allows for additional tests to be performed without being entered into the electronic tracking system. Many permittees have requested the ability to conduct additional testing prior to harvesting. Additionally, a citation has been amended to refer to this proposed chapter and the proposed Chapter 1151a.

§ 1171a.30. *Standards for testing*

This proposed section mirrors the current § 1171.30 (relating to standards for testing). This proposed section requires that an approved laboratory 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.

§ 1171a.31. *Test results and reporting*

The Department proposes several changes to the current § 1171.31 (relating to test results and reporting), as detailed as follows, in addition to changing citations to reflect this proposed chapter and proposed Chapter 1151a.

Subsection (a).

Aside from revising citations to refer to this proposed chapter, this proposed subsection (a) mirrors the current subsection (a). This proposed subsection lists the tests to which the testing requirements of the proposed chapter apply: testing on harvest lots and process lots.

Subsection (b).

This proposed subsection (b) has been amended to clarify that only testing performed on harvest lots and process lots are required to be entered into the electronic tracking system. The current subsection (b) requires all test results to be entered into the system. This amendment allows a permittee to conduct additional testing outside of the two required to be entered into the system. Further, this proposed subsection (b) revises a citation to refer to this proposed chapter.

Subsection (c).

This proposed subsection (c) mirrors the current subsection (c), except as detailed as follows. This proposed subsection (c) provides the procedure for a sample that fails testing. This proposed subsection allows a failed sample to be re-tested by the same laboratory. If the initially failed sample were then to pass re-testing, proposed subsection (c)(2) requires a different laboratory to confirm that passing test. Proposed subsection (c)(3) allows the Department to opt to reject the confirming result from the approved laboratory. The term “confirming” was added to subsection (c)(3) as a grammatical clarification. If the Department rejects the confirming result, or if the sample were to fail again, under proposed paragraph (3), the lot is required to be disposed of in accordance with proposed § 1151a.40 (relating to management and disposal of medical marijuana waste). Proposed paragraph (4) had been added to clarify the expectation

that a re-tested sample that fails is required to be disposed of in accordance with proposed 1151a.40. Finally, citations have been amended to refer to this proposed chapter and proposed Chapter 1151a.

Subsection (d).

This proposed subsection (d) mirrors the current subsection (d). This proposed subsection requires that a laboratory notify the Department and the approved laboratory of its intent to re-test a sample that failed a test or test another sample from the same harvest batch, harvest lot or process lot.

Subsection (e).

This proposed subsection (e) requires a laboratory to provide a grower/processor a certificate of analysis that reports the results of the testing, which must include the delineated information. Compared to the current subsection (e), paragraph (1) of this proposed subsection utilizes defined abbreviations for certain chemical compounds, including compounds that have been added to the proposed paragraph (1), that must be included in the analysis, whereas the current subsection (e) provides the full names.

§ 1171a.32. *Quality assurance program*

This proposed section mirrors the current § 1171.32 (relating to quality assurance program). This proposed section requires that an approved laboratory establish and implement a quality assurance program to ensure accuracy and delineates the components that the quality assurance program must include.

§ 1171a.33. *Transporting samples*

This proposed section mirrors the current § 1171.33 (relating to transporting samples), except for revising citations in subsection (a) to refer to proposed Chapter 1151a. This proposed section requires that the samples must be transported in accordance with proposed §§ 1151a.35 and 1151a.36 (relating to transportation of medical marijuana; and transport manifest). Further, this proposed section requires that samples be transported from a grower/processor to an approved laboratory in a manner that adequately protects the integrity and composition of the samples from outside interference.

§ 1171a.34. *Department request for testing*

This proposed section mirrors the current § 1171.34 (relating to Department request for testing). This proposed section provides that the Department, in its discretion, may identify and collect samples for testing by an approved laboratory, and the approved laboratory must provide a written report of the results within 7 days or sooner if requested by the Department.

§ 1171a.35. *Laboratory reporting*

The Department proposed to make several changes to the current § 1171.35 (relating to laboratory reporting), as detailed as follows.

Subsection (a).

This proposed subsection (a) lists the specific information a laboratory must enter into the electronic tracking system when testing a sample collected under proposed § 1171a.28(c) (relating to testing of samples from harvest lots and process lots). Compared to the current subsection (a), this proposed subsection (a) requires that only those tests conducted under proposed § 1171a.28(c), as opposed to all tests conducted, must be entered into the electronic tracking system. Additionally, citations are amended to refer to this proposed chapter.

Subsection (b).

This proposed subsection provides that an approved laboratory maintain a certificate of analysis for 4 years and amends the current subsection to include those test results not required to be entered into the electronic tracking system. Additionally, proposed amendments to this subsection add paragraph (1), which requires an approved laboratory to immediately provide to the Department an electronic copy of a certificate of analysis for those test results that are not required to be entered into the electronic tracking system, and paragraph (2), which modifies the current subsection (b) to apply only to results entered into the electronic tracking system.

Subsection (c).

This proposed subsection (c) provides that the Department may conduct an investigation based on the results of any certificate of analysis. This proposed subsection is added to ensure product quality and patient safety.

§ 1171a.36. Advertising.

This proposed section mirrors the current § 1171.36 (relating to advertising). This proposed section prohibits a laboratory from advertising or promoting its services to the general public. This proposed section clarifies that personal solicitation by a laboratory employee is considered advertising or promotional marketing. It also provides that a laboratory may only advertise to a grower/processor those services performed on site, subject to prior Department approval. Further, this proposed section provides that a laboratory may erect signage at its facility, subject to compliance with local zoning requirements and this proposed section.

§ 1171a.37. Ownership prohibition

This proposed section mirrors the current § 1171.37 (relating to ownership prohibition). This proposed section delineates those individuals who may not have a management, financial (direct or indirect) or other ownership interest in an approved laboratory.

§ 1171a.38. Appeals

This proposed section mirrors the current § 1171.38 (relating to appeals), except for amending a citation to refer to proposed Chapter 1230a (relating to practice and procedure). This proposed section provides that all actions of the Department under this proposed chapter are governed by Chapter 5, Subchapter A of 2 Pa.C.S. (relating to practice and procedure of Commonwealth agencies) and its accompanying regulations, as modified by proposed Chapter 1230a.

Chapter 1181a. Physicians and Practitioners

This proposed chapter replaces the current Chapter 1181 (relating to physicians and practitioners—temporary regulations). Proposed new sections and amendments to sections of the current temporary regulations are discussed more fully as follows.

§ 1181a.22. Practitioners generally

This proposed section mirrors the current § 1181.22 (relating to practitioners generally), excepting three technical amendments, as detailed as follows. This proposed section requires that a practitioner meet continuing qualifications to be registered with the Department and may not issue patient certifications prior to becoming registered. This proposed section also requires a practitioner to notify a dispensary of a patient's adverse reaction to medical marijuana dispensed by that dispensary. Further, this proposed section permits a practitioner to petition the Board to review any proposed change to the currently

listed serious medical conditions for which medical marijuana could be beneficial. Where the current § 1181a.22 provides that the Board will establish a procedure to effectuate this review process, this proposed section no longer contains that language, as the Board has already created that process. Additionally, a citation in proposed subsection (b) has been amended to refer to this proposed chapter, and a reference to the statute has been deleted in proposed subsection (d).

§ 1181a.23. Medical professionals generally

This proposed section mirrors the current § 1181.23 (relating to medical professionals generally), except for revising a citation in subsection (b) to refer to this proposed chapter. This proposed section provides that, like the requirements for a registered practitioner, the requirements to be a registered medical professional are an ongoing responsibility to maintain. The proposed section also provides that a medical professional may not assume any duties at a dispensary until all requirements are satisfied. This proposed section further requires that a medical professional notify the practitioner listed on the patient certification of any adverse reaction suffered by the patient as a result of interaction with a medical marijuana product purchased at the dispensary.

§ 1181a.24. Physician registration

The language in this proposed section substantively mirrors the current § 1181.24 (relating to physician registration), except for revising a citation in subsection (c) to refer to this proposed chapter but is reorganized for clarification. This section as currently written in the temporary regulation implies that a physician may not apply for registration as a practitioner unless the physician holds an active, unrestricted medical license and is determined by the Department to be qualified to treat patients with serious medical conditions. The proposed section relocates the physician licensing requirement in current subsection (a)(1) to proposed subsection (a); deletes the current subsection (a)(2) and replaces it with proposed new subsection (c), to clarify that the Department determines approval to issue patient certifications based on the information submitted in the application; and revises the current subsection (c) to be proposed subsection (d). With this reorganization, the section more clearly provides for licensing qualifications to apply in subsection (a), followed by application requirements in subsection (b), and ending with a determination of approval to issue patient certifications based on the submitted application in subsection (c). This proposed section further provides that the Department may only list a physician on the practitioner registry after the physician has completed the training course required in proposed § 1181a.32 (relating to training) and met all other requirements for registration.

§ 1181a.25. Practitioner registry

This proposed section mirrors the current § 1181.25 (relating to practitioner registry). This proposed section provides that the Department will maintain a practitioner registry for use by patients or caregivers, and that inclusion in the registry is subject to annual review by the Department to ensure that the practitioner remains qualified.

§ 1181a.26. Denial, revocation or suspension of a practitioner registration

This proposed section mirrors the current § 1181.26 (relating to denial, revocation or suspension of a practitioner registration), except for revising a citation in subsection (c) to refer to this proposed chapter. This

proposed section provides the grounds upon which the Department may deny, revoke or suspend a practitioner's registration. The proposed section also prohibits a physician who has been denied registration or has had that registration revoked or suspended from accessing, issuing, modifying or copying a patient's certification. Further, this proposed section provides that a physician may reapply if the circumstances leading to registration denial, revocation or suspension have resolved.

§ 1181a.27. *Issuing patient certifications*

This proposed section mirrors the current § 1181.27 (relating to issuing patient certifications). This proposed section specifies the conditions under which a practitioner may issue a patient certification, as well as specifying the information that is required on a patient certification. This proposed section also requires a practitioner to provide a copy of a completed patient certification to the patient or the patient's caregiver and to the Department, as well as to retain a copy in the patient's file.

§ 1181a.28. *Modifying a patient certification*

This proposed section mirrors the current § 1181.28 (relating to modifying a patient certification). This proposed section provides that a practitioner may not modify the form of medical marijuana products specified on a patient certification for 30 days from the date the receipt is entered into the electronic tracking system unless the practitioner notifies the Department. This proposed section also requires a practitioner to provide a copy of a modified patient certification to the patient or the patient's caregiver and to the Department, as well as to retain a copy in the patient's file.

§ 1181a.29. *Revocation of a patient certification*

This proposed section mirrors the current § 1181.29 (relating to revocation of a patient certification). This proposed section provides that a practitioner must immediately notify the Department that a patient's circumstances have changed in a manner that would affect the patient's certification, for example, the patient no longer has the serious medical condition for which he or she was certified. The proposed section also provides that the Department will revoke the patient's certification upon receiving this notification. Further, this proposed section provides that a practitioner may withdraw the issuance of a patient certification at any time. The proposed section also provides that the Department will immediately notify the medical marijuana cardholder of a certification revocation and enter the information into the electronic tracking system.

§ 1181a.30. *Prescription drug monitoring program*

This proposed section mirrors the current § 1181.30 (relating to prescription drug monitoring program). This proposed section requires a practitioner to review the Prescription Drug Monitoring Program prior to issuing or modifying a patient certification to determine whether the controlled substance history of the patient would impact the patient's use of medical marijuana products. The proposed section also specifies the reasons for which a practitioner may access the Prescription Drug Monitoring Program.

§ 1181a.31. *Practitioner prohibitions*

This proposed section mirrors the current § 1181.31 (relating to practitioner prohibitions), except for adding subsection (g). This proposed section lists the prohibitions for practitioners, including: (1) accepting any form of remuneration for issuing patient certifications other than a fee for the patient consultation; (2) holding a direct or

economic interest in a medical marijuana organization; (3) advertising as a certifying physician; (4) issuing a patient certification for personal use or for a family or household member; (5) acting as a caregiver for a patient certified by the practitioner; and (6) receiving or providing medical marijuana samples. In addition, proposed subsection (g) prohibits a practitioner from charging patients excessive fees. The Department is proposing the change due to patient complaints of practitioners taking advantage of the certification process by charging excessive lab testing, follow-up, or other fees not initially disclosed. Section 301(a)(11) of the act (35 P.S. § 10231.301(a)(11)) provides that the Department "shall collaborate as necessary with other Commonwealth agencies or contract with third parties as necessary to carry out the provisions of this act." The Department will collaborate with the Department of State (DOS), which licenses physicians, and refer for investigation complaints that a practitioner is engaging in unscrupulous billing practices. The DOS will investigate and, if the DOS finds a violation of 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), the DOS will impose sanctions. If the DOS suspends, revokes, limits or otherwise restricts the practitioner's license, the practitioner will be removed from the medical marijuana physician registry under proposed § 1181a.26(a).

§ 1181a.32. *Training*

This proposed section mirrors the current § 1181.32 (relating to training), except for revising a citation in subsection (a) to refer to this proposed chapter. This proposed section specifies those individuals who must complete a 4-hour training course prescribed by the Department and the requirements of that training course. Further, this proposed section provides that completion of the training course qualifies as continuing education credits by certain medical boards, and that individuals who completed the training course must submit documentation to that effect to the Department. Finally, this proposed section provides that the Department will provide on its web site a list of approved training providers.

§ 1181a.33. *Appeals*

This proposed section mirrors the current § 1181.33 (relating to appeals), except for revising a citation to reflect proposed Chapter 1230a (relating to practice and procedure). This proposed section provides that all actions of the Department under this proposed chapter are governed by Chapter 5, Subchapter A of 2 Pa.C.S. and its accompanying regulations, as modified by proposed Chapter 1230a.

Chapter 1191a. Patients and caregivers

This proposed chapter replaces the current Chapter 1191 (relating to patients and caregivers—temporary regulations). Proposed new sections and amendments to sections of the current temporary regulations are discussed more fully as follows.

§ 1191a.22. *Patient and caregiver registry*

This proposed section mirrors the current § 1191.22 (relating to patient and caregiver registry), except for revising a citation in subsection (b) to refer to this proposed chapter. This proposed section provides that the Department will maintain a registry of patients and caregivers and lists the information that must be included in the registry. This proposed section also provides that the information contained in that registry is confidential and not subject to disclosure. Further, this proposed section provides that a caregiver may waive this

confidentiality requirement and consent to providing the caregiver's name and contact information to the patient.

§ 1191a.23. *Patients and caregivers generally*

This proposed section mirrors the current § 1191.23 (relating to patients and caregivers generally), except for revising a citation in subsection (b) to refer to this proposed chapter. This proposed section provides that the qualifications to become a patient or caregiver are ongoing qualifications, and the Department may issue a certification card to those individuals who meet those qualifications. Further, this proposed section provides that the Department may, with sufficient showing of suitability, allow a person under the age of 21 to serve as a caregiver. Finally, this proposed section provides that a minor patient shall have a caregiver who meets the criteria specified in subsection (d).

§ 1191a.24. *Medical marijuana cardholder responsibilities*

The Department proposes several changes to the current § 1191.24 (relating to medical marijuana cardholder responsibilities), as detailed as follows.

Subsection (a).

This proposed subsection (a) lists the circumstances under which a medical marijuana cardholder must immediately contact the Department. Specifically, those instances include: (1) change of the cardholder's name or address; (2) practitioner withdrawal of a patient certification; (3) a patient's decision to discontinue the services of a caregiver; (4) a decision of a caregiver to no longer serve in such a capacity for the patient; and (5) a decision by patient to discontinue treatment from the practitioner who issued the patient certification. This proposed subsection (a) amends the current subsection (a) in two ways: (1) corrects a typographical error (changing "withdraw" to "withdrawal"); and (2) revises a citation to refer to the proposed § 1181a.29 (relating to revocation of a patient certification).

Subsection (b).

This proposed subsection (b) replaces the current subsection (b) in its entirety and removes the current regulatory requirement that the cardholder must return the identification card upon receiving notification from the Department that the cardholder has been removed from the registry or the patient certification has been revoked. Returning the card is not necessary because the card will be inactivated and rendered unusable. This proposed subsection (b) provides that a medical marijuana cardholder must apply for a replacement identification card within 10 business days of discovering the loss or defacement of the identification card. This provision was moved from the current § 1191.28(f) (relating to identification cards) as it is more appropriate under this section detailing cardholder responsibilities.

§ 1191a.25. *Application for, and issuance or denial of, identification cards*

This proposed section mirrors the current § 1191.25 (relating to application for, and issuance or denial of, identification cards), except for revising citations throughout to refer to this proposed chapter and proposed Chapters 1181a (relating to practitioners). This proposed section requires patient or caregiver identification card applicants to submit the proper application, complete with the information required in proposed subsections (b) and (d). Proposed subsection (c) details the procedure where an application designates a caregiver who is not authorized to serve as a caregiver. Applicants for a

caregiver identification card are subject to a criminal background check and subsection (e) provides the grounds upon which an application may be denied.

Proposed subsection (f) provides that the Department will notify the applicant of an incomplete application and of the additional information that is required. Proposed subsection (g) provides the applicant with 60 days to submit the requested information. Finally, proposed subsections (h) and (i) provide that the Department will notify an applicant in writing of the reasons for denial of an application, allow the applicant to submit a new application following that denial, and permit the Department to decline consideration of a re-application that does not correct previously identified deficiencies.

§ 1191a.26. *Application fees*

This proposed section mirrors the current § 1191.26 (relating to application fees), except for two amendments, as detailed as follows.

Subsections (a) and (b).

These proposed subsections (a) and (b) mirror the current subsections (a) and (b). These proposed subsections provide that an applicant may pay no more than one \$50 fee in a 12-month period for an identification card, unless the applicant is submitting a renewal application within the same 12-month period or the applicant requires a replacement card, in which case the cardholder will pay \$25 for a replacement card.

Subsection (c).

This proposed subsection (c) provides that the Department may establish higher fees for the issuance of a second and subsequent replacement cards by publishing notice thereof in the *Pennsylvania Bulletin*. The current subsection (c) requires the Department to publish these fees every January. This proposed subsection eliminates the annual publication requirement if no changes are made.

Subsection (d).

This proposed subsection (d) allows the Department to waive or reduce card fees for financial hardship and provides that the Department will publish on its web site the qualification for financial hardship. The current subsection (d) provides that this will occur every January. This proposed subsection eliminates the annual publication requirement if no changes are made.

§ 1191a.27. *Criminal background checks*

This proposed section mirrors the current § 1191.27 (relating to criminal background checks). This proposed section requires an individual applying for an identification card as a caregiver submit to fingerprints to the Pennsylvania State Police for the purpose of obtaining a criminal background check. This proposed section also provides that the Department reviews the individual's criminal history only to determine the caregiver's character, fitness and suitability to serve in such a capacity.

§ 1191a.28. *Identification cards*

This proposed section mirrors the current § 1191.28 (relating to identification cards), with one exception, as detailed as follows. This proposed section provides that the Department will issue identification cards as soon as practicable, and requires that the card contain certain delineated information, including a photograph of the cardholder. Subsection (c) provides that the Department will not require a photograph if the applicant submits a statement that a photograph cannot be provided due to the applicant's religious beliefs. Further, this proposed

section outlines the circumstances under which an identification card issued to a patient or caregiver will expire. This proposed section omits the requirement in current subsection (f) that cardholders apply for a replacement card within 10 business days of discovering the loss or defacement of the card, as this requirement has been moved to proposed § 1191a.24(b) (relating to cardholder responsibilities).

§ 1191a.29. Renewing an identification card

This proposed section mirrors the current § 1191.29 (relating to renewing an identification card), with two exceptions, as detailed as follows. This proposed section provides that a cardholder shall submit an application for card renewal no later than 30 days prior to the expiration of the current card, and that a cardholder shall obtain a new or updated certification. Further, this proposed section provides that the identification card will not be valid beyond the stated expiration date and the Department may remove the individual from the patient and caregiver registry if the Department denies a renewal application or if the cardholder fails to submit a renewal application.

Compared to the current § 1191.29, proposed subsection (a) has been revised to require a medical marijuana cardholder to submit a new patient certification at the time the cardholder submits an application for a new identification card only if the certification is expired. This change is proposed because the time in which a patient must submit a new certification may not coincide with the time in which the patient must obtain a new identification card. Additionally, the citation in subsection (a) has been revised to refer to the proposed Chapter 1181a (relating to practitioners).

§ 1191a.30. Revocation or suspension of identification card

This proposed section mirrors the current § 1191.30 (relating to revocation or suspension of identification card), except for the few revisions detailed as follows. This proposed section provides the instances in which the Department may suspend or revoke a cardholder's identification card and that, in such an instance, the Department will notify the cardholder of the Department's action. Further, this proposed section provides that if a patient's practitioner's registration has been revoked or suspended under proposed § 1181a.26 (relating to denial, revocation or suspension of a practitioner registration), or if a patient's practitioner withdraws the patient's patient certification under proposed § 1181a.29(c) (relating to revocation of a patient certification), the cardholder is required to obtain a new patient certification within 90 days of receiving notice from the Department or prior to the expiration of the identification card, whichever is sooner.

Compared to the current § 1191.30, proposed subsection (c) has been revised to reflect that a patient does not need to apply for a new medical marijuana identification card when a practitioner's registration has been revoked or suspended or a practitioner withdraws the patient's certification under proposed § 1181a.29(c). Instead, proposed subsection (c) provides that a patient is required to obtain a new patient certification as explained previously. Additionally, citations have been amended throughout this section to refer to proposed Chapter 1181a (relating to practitioners).

§ 1191a.31. Obtaining medical marijuana products from a dispensary

This proposed section mirrors the current § 1191.31 (relating to obtaining medical marijuana products from a

dispensary), except for amending citations have been amended throughout this section to refer to proposed Chapters 1161a and 1181a (relating to practitioners; and dispensaries). This proposed section provides that a medical marijuana cardholder may only obtain medical marijuana products from a dispensary in accordance with proposed § 1161a.24 (relating to limitations on dispensing), and that the cardholder may only obtain medical marijuana products from a dispensary based on the recommendation provided in a valid patient certification that the dispensary may access through the electronic tracking system.

§ 1191a.32. Medical marijuana patient authorization letters

This proposed section mirrors the current § 1191.32 (relating to medical marijuana patient authorization letters), except for revising a citation to refer to this proposed chapter and adding clarifying language to subsection (b), as detailed as follows. This proposed section provides that the Department will issue a medical marijuana patient authorization letter to a minor patient and may issue a patient authorization letter to an adult patient, instead of issuing an identification card. Proposed subsection (b) adds language to clarify that a patient authorization letter may be issued to an adult patient only when the patient's illness or infirmity permanently prevents the patient from visiting a dispensary. Further, this proposed section provides that when the minor patient who has been issued a patient authorization card turns 18 years of age, the patient is entitled to apply for an identification card. This proposed section also provides that a medical marijuana patient authorization letter confers the same rights and obligations, and is subject to the same terms and conditions, as apply to a medical marijuana cardholder, except that an identification card will be required for entry into a dispensary. Further, this proposed section provides that a patient who has been issued a medical marijuana patient authorization letter will not be required to pay an identification card application fee or an identification card renewal application fee.

The medical marijuana patient authorization letter is not intended to, and may not be, a substitute for a medical marijuana identification card, which is required to access a dispensary. The patient authorization letter may be used only to signify authorization to be in possession of, or to consume, medical marijuana. It was developed because schools and child care programs have requested documentary evidence that minor patients, who cannot get a photo identification card from the Department of Transportation (PennDOT), the agency that verifies addresses in this Commonwealth for the issuance of a medical marijuana identification card, are permitted to consume medical marijuana. The letter does not afford access to a dispensary or authorize a caregiver to dispense medical marijuana. All patients holding a patient authorization letter must have a caregiver, who has an identification card, who visits the dispensary and obtains medical marijuana on the patient's behalf and delivers the medication to the patient. This letter is also used to accommodate homebound patients who also cannot obtain a PennDOT photo identification card. The Department also developed the patient authorization letter because it does not want to require payment for an identification card (\$50 fee) from a patient who will never independently access a dispensary due to the patient's minor age or due to illness or infirmity that permanently prevents the patient from visiting a dispensary.

§ 1191a.33. *Appeals*

This proposed section mirrors the current § 1191.33 (relating to appeals), except for revising a citation to reflect proposed Chapter 1230a (relating to practice and procedure). This proposed section provides that all actions of the Department under this proposed chapter are governed by Chapter 5, Subchapter A of 2 Pa.C.S., as modified by proposed Chapter 1230a.

Chapter 1211a. Clinical Registrants and Academic Research Centers

This proposed chapter replaces the current Chapter 1211 (relating to clinical registrants and academic research centers—temporary regulations). Consistent with deleting the definition of “certified ACRC” from proposed Chapter 1141a, references to “certified” ACRC are removed from proposed §§ 1211a.25(b) and (d), 1211a.27(b)—(d), 1211a.27a, 1211a.30(c), 1211a.31(b), 1211a.32, 1211a.34 and 1211a.35. Other proposed amendments to sections of the current temporary regulations are discussed more fully as follows.

§ 1211a.22. *Clinical registrants generally*

This proposed section mirrors the current § 1211.22 (relating to clinical registrants generally), except for revising citations to refer to this, and other, proposed chapters. This proposed section provides that the qualifications to be a clinical registrant are ongoing qualifications. Further, this proposed section outlines the process of becoming a clinical registrant, including holding or applying for dispensary and grower/processor permits. This proposed section provides that the Department will not approve more than eight clinical registrants, and the clinical registrant may not engage in dispensing activities until it receives Department approval. Further, this proposed section provides that an approved clinical registrant may not dispense medical marijuana products until determined to be operational by the Department and the clinical registrant demonstrates ability to begin research within 6 months of becoming operational. Finally, this proposed section provides that clinical registrants may dispense to a cardholders regardless of whether the patient is participating in a research study.

§ 1211a.23. *Limitation on permits*

This proposed section mirrors the current § 1211.23 (relating to limitation on permits). This proposed section provides that an approved clinical registrant may not hold more than one dispensary and one grower/processor permit. Further, this proposed section provides that an approved clinical registrant may dispense medical marijuana at up to six separate locations, each of which must dispense medical marijuana to conduct research, and that no more than three of those locations may be in the same medical marijuana region or county.

§ 1211a.24. *Capital requirements*

This proposed section mirrors the current § 1211.24 (relating to capital requirements), except for revising citations to refer to proposed chapters. This proposed section outlines the capital requirements for a clinical registrant applicant, which must be affirmed by means of affidavit submitted with the application to become a clinical registrant, along with a release to allow the Department to verify this information.

§ 1211a.25. *Certifying ACRCs*

This proposed section mirrors the current § 1211.25 (relating to certifying ACRCs). This proposed section provides that the qualifications to become an ACRC are

ongoing qualifications. This proposed section also provides that an accredited medical school may become approved to be an ACRC by application and that the Department will publish a notice in the *Pennsylvania Bulletin* announcing the availability of the application and the time period for applying. This proposed section specifies the information that must be included in an application and provides that the Department will publish a list of the certified ACRCs on its publicly available web site and in the *Pennsylvania Bulletin*.

§ 1211a.26. *Revocation of a certification of an ACRC*

This proposed section mirrors the current § 1211.26 (relating to revocation of a certification of an ACRC). This proposed section outlines the circumstances under which the Department will revoke the certification of an ACRC. Further, should such an event occur, the Department will provide written notice of the action, and the ACRC will receive an opportunity to retain its certification by submitting proof of corrective action within 90 days of receiving the notice from the Department.

§ 1211a.27. *Application for approval of a clinical registrant*

This proposed section mirrors the current § 1211.27 (relating to application for approval of a clinical registrant), except for revising citations to refer to this, and other, proposed chapters. This proposed section provides that an entity wishing to become a clinical registrant must apply to do so by means of application. This proposed section specifies the information that must be included in an application, some of which is confidential under the RTKL and not subject to disclosure. This proposed section also provides that the Department will publish a notice in the *Pennsylvania Bulletin* announcing the availability of the application and the time period for applying. This proposed section further provides that an applicant may only include one certified ACRC in its application for approval as a clinical registrant.

§ 1211a.27a. *Research contracts*

This proposed section mirrors the current § 1211.27a (relating to research contracts). This proposed section provides that an applicant for approval as a clinical registrant shall provide with its application either (1) an executed agreement or (2) a letter of intent to enter into an agreement with a certified ACRC. This proposed section further provides that an applicant may submit more than one application, with separate applications identifying distinct certified ACRCs, and that although a certified ACRC may enter into a letter of intent with more than one clinical registrant applicant, it may only execute a research contract with one approved clinical registrant. Further, this proposed section provides that if more than one applicant for approval as a clinical registrant submits an application that includes a letter of intent with the same certified ACRC, the Department will follow the outlined prioritization in approving applications. Finally, this proposed section provides the minimum acceptable scores for a grower/processor and a dispensary permit application.

§ 1211a.28. *Request for conversion of an existing permit*

This proposed section replaces the current § 1211.28 (relating to request for conversion of an existing permit), except for revising citations to refer to this, and other, proposed chapters. This proposed section provides that a dispensary or grower/processor permittee must submit a request for conversion of an existing grower/processor or dispensary permit with its application for approval as a clinical registrant. This proposed section further provides

that upon approval as a clinical registrant, the clinical registrant will surrender its current dispensary or grower/processor permit, which will increase the number of available grower/processor or dispensary permits available to the commercial market. Finally, this proposed section provides that an applicant may include additional dispensary locations in its request for conversion of an existing permit or may request additional dispensary locations at a later date.

§ 1211a.29. Practices and procedures of research programs, projects or studies

This proposed section mirrors the current § 1211.29 (relating to practices and procedures of research programs, projects or studies). This proposed section requires medical marijuana to be dispensed to a patient or caregiver as part of a research program in a form that conforms to the act or this proposed part. This proposed section further provides that medical marijuana may be dispensed from a clinical registrant directly to an ACRC in any form deemed safe by an IRB. This proposed section further provides requirements for research approval committees and IRBs, including (1) establishing policies and procedures, (2) reviewing research studies and (3) ensuring each research study addresses the issues specified in proposed subsection (e).

§ 1211a.30. Approval or denial of an application for approval of a clinical registrant

This proposed section mirrors the current § 1211.30 (relating to approval or denial of an application for approval of a clinical registrant), except for revising citations to refer to this and other proposed chapters. This proposed section provides that an applicant shall be an approved clinical registrant upon the Department's approval of an application under proposed § 1211a.27 (relating to application for approval of a clinical registrant). This proposed section further provides that the Department may deny the application if the applicant has disclosed prior payments to a certified ACRC. This proposed section also specifies that prior to denying an application, the Department will issue written notice to the applicant and the applicant will have the opportunity to cure the prohibited payments by submitting to the Department a supplemental affidavit indicating that the certified ACRC or its affiliate has refunded to the applicant the prohibited payment. Further, this proposed section provides that an approved clinical registrant will have the same rights and obligations as a grower/processor or dispensary permittee, and a clinical registrant's dispensary and grower/processor permits will expire upon expiration, revocation or nonrenewal of the clinical registrant's approval.

§ 1211a.31. Renewal of approval of a clinical registrant

This proposed section mirrors the current § 1211.31 (relating to renewal of approval of a clinical registrant), except for revising a citation to reflect proposed Chapter 1141a (relating to general provisions). This proposed section provides that the term of an approval of a clinical registrant will coincide with the term of the clinical registrant's grower/processor permit and dispensary permit, and that an approved clinical registrant will be required to renew its approval as part of its dispensary and grower/processor permit renewals. This proposed section further provides that the renewal application must be submitted on a form prescribed by the Department, must include the information specified in subsection (b), and is subject to Department approval. Finally, this proposed section provides that the Department will

not renew approval for a clinical registrant if the Department determines that none of the clinical registrant's dispensary locations is engaging in research and does not intend to engage in research within 6 months of renewal.

§ 1211a.32. Revocation of approval of a clinical registrant

This proposed section mirrors the current § 1211.32 (relating to revocation of approval of a clinical registrant), except for revising a citation to refer to this proposed chapter. This proposed section outlines the circumstances under which a clinical registrant's approval will be revoked, including revocation or suspension of the clinical registrant's grower/processor or dispensary permit, revocation of the partnered ACRC certification and lack of a research contract. This proposed section provides that the Department will issue written notice of its intention to revoke approval. Thereafter, the clinical registrant will have 90 days to contract with another certified ACRC that is not already contractually committed or have its approval revoked.

§ 1211a.33. Dispensing and tracking medical marijuana products

This proposed section mirrors the current § 1211.33 (relating to dispensing and tracking medical marijuana products), except for revising a citation to refer to proposed Chapter 1161a (relation to dispensaries). This proposed section provides that the dispensary of an approved clinical registrant shall enter information into the electronic tracking system as required by the Department identifying patients who are enrolled in an approved research program or research study, in addition to entering information about medical marijuana products dispensed to all patients and caregivers.

§ 1211a.34. Prohibition

This proposed section mirrors the current § 1211.34 (relating to prohibition). This proposed section provides that, except for reasonable remuneration specified in a research contract for the services to be performed or costs to be incurred by the certified ACRC, a certified ACRC may not solicit or accept anything of value from an approved clinical registrant or a principal or financial backer of an approved clinical registrant. Further, this proposed section clarifies that the prohibition does not apply to charitable contributions that are part of a history of giving to a certified ACRC established 1 year or more prior to the effective date of the act.

§ 1211a.35. Reporting requirements

This proposed section mirrors the current § 1211.35 (relating to reporting requirements). This proposed section outlines when an approved clinical registrant must provide the Department a report of the findings of a research activity. This proposed section further provides that the Department will publish these findings on its publicly available web site and share them with other approved clinical registrants, ACRCs or other persons the Department determines would benefit from the findings.

§ 1211a.36. Sale or exchange

This proposed section mirrors the current § 1211.36 (relating to sale or exchange), except for revising a citation to refer to this proposed chapter. This proposed section outlines the items a grower/processor of a clinical registrant may sell or exchange with another grower/processor and provides that a grower/processor of a clinical registrant may only sell its medical marijuana products to its own dispensary or to a dispensary owned by another clinical registrant. This proposed section further provides that an approved clinical registrant may

petition the Department to sell its medical marijuana products to a dispensary in the commercial market and specifies that the petition must include the report required by proposed § 1211a.35 (relating to reporting requirements).

§ 1211a.37. *Appeals*

This proposed section modifies the current § 1211.37 (relating to appeals), as detailed as follows. This proposed section provides that all actions of the Department under this proposed chapter are governed by Chapter 5, Subchapter A of 2 Pa.C.S. and its accompanying regulations, as modified by proposed Chapter 1230a (relating to practice and procedure). This proposed section amends the current § 1211.37 by adding the language that the accompanying regulations to 2 Pa.C.S. Chapter 5 (relating to practice and procedure), as modified by proposed Chapter 1230a, apply to the appeal process. This proposed section also revises the citation to refer to proposed Chapter 1230a.

Chapter 1230a. Practice and Procedure

This proposed chapter replaces the current Chapter 1230 (relating to practice and procedure—temporary regulations). Proposed amendments to sections of the current temporary regulations are discussed more fully as follows.

§ 1230a.21. *Scope*

This proposed section mirrors the current § 1230.21 (relating to scope). This proposed section provides that this proposed chapter and the General Rules of Administrative Practice and Procedure govern practice and procedure before the Department in medical marijuana appeals.

§ 1230a.22. *Definitions*

This proposed section mirrors the current § 1230.22 (relating to definitions). This proposed section provides definitions not referenced in proposed § 1141a.21 (relating to definitions) and supplements the definitions in 1 Pa. Code § 31.3 (relating to definitions).

§ 1230a.23. *Docket*

This proposed section mirrors the current § 1230.23 (relating to docket). This proposed section provides the general duties and address of the docket clerk for mailing of filings. Further, this proposed section provides that pleadings must be filed within prescribed time periods and are considered filed when received by the docket clerk. This proposed section also provides that the clerk will maintain the docket, that the docket is available for public inspection, and that proposed subsections (a) through (e) supersede 1 Pa. Code §§ 33.11 and 33.51 (relating to execution; and docket).

§ 1230a.24. *Filing generally*

This proposed section mirrors the current § 1230.24 (relating to filings generally). This proposed section provides the general requirements for a filing to be accepted by the Department and provides for rejection or correction of deficient pleadings. This proposed section further provides that redundant, immaterial or inappropriate pleadings may be stricken before being accepted for filing.

§ 1230a.25. *Effective date of adjudication, actions or order*

This proposed section mirrors the current § 1230.25 (relating to effective date of adjudication, actions or order). This proposed section provides that an adjudication, action or order is effective as of the date of mailing

unless specifically provided otherwise, and that proposed subsection (a) supersedes 1 Pa. Code § 31.14 (relating to effective dates of agency orders).

§ 1230a.26. *Representation*

This proposed section mirrors the current § 1230.26 (relating to representation). This proposed section provides that, except for an individual appearing on his own behalf, a party, corporation or group of individuals acting in concert must be represented by an attorney in good standing and outlines how that representation must be effected. This proposed section also provides that proposed subsections (a) through (d) supersede 1 Pa. Code §§ 31.21—31.23 (relating to appearance in person; appearance by attorney; and other representation prohibited at hearings).

§ 1230a.38. *Commencement, form and content of Notice of Appeal*

This proposed section mirrors the current § 1230.38 (relating to commencement, form and content of notice of appeal). This proposed section details the proper form of, and procedure for filing, a Notice of Appeal. This proposed section also provides that proposed subsections (a) through (g) supersede 1 Pa. Code §§ 35.5—35.7 and 35.20 (relating to informal complaints; and appeals from actions of the staff).

§ 1230a.39. *Timeliness of Notice of Appeal*

This proposed section amends the current § 1230.39 (relating to timeliness of Notice of Appeal), as detailed as follows. This proposed section provides that the timeliness of a Notice of Appeal is measured from the mailing date of the written notice of the action, and an untimely filed Notice of Appeal may be deemed an admission or be dismissed with prejudice. This proposed section further provides that the Department may file an answer and new matter to a Notice of Appeal within 30 days of service of the Notice, but is not required to do so.

This proposed section proposes two amendments. First, proposed subsection (a) provides that the timeliness of an appeal will be measured from the mailing date of the written notice of the action instead of the date the appellant receives the written notice, as specified in the current subsection (a). This proposed amendment removes ambiguity relating to timeliness of appeals and removes the possibility for differing time periods for appeal. Second, proposed subsection (b) provides that an untimely filed Notice of Appeal may be deemed an admission or may be dismissed by the Department, instead of the language in the current § 1230.39 that one's "failure to file" a timely Notice of Appeal results in the same. This proposed amendment is a technical clarification. This proposed section also provides that proposed 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).

§ 1230a.43. *Orders to Show Cause, orders or petitions filed by the Office*

This proposed section mirrors the current § 1230.43 (relating to Orders to Show Cause, orders or petitions filed by the Office), except for the revisions detailed as follows. This proposed section provides that the Office may start an action by filing an Order to Show Cause. Proposed subsection (b) revises the current subsection (b) to provide that the date of service is the date indicated on the certificate of service, regardless of the method of service, as opposed service being deemed complete 3 days after the date on the certificate of service if service is

affected by mail. This proposed amendment eliminates ambiguity as to the date of service. This proposed section also specifies the required content for an Order to Show Cause and provides the required format for a notice to respond. Finally, this proposed section provides that proposed subsections (a) through (d) supersede 1 Pa. Code § 35.14 (relating to orders to show cause).

§ 1230a.44. *Answers to Orders to Show Cause, orders or other petitions filed by the Office*

This proposed section mirrors the current § 1230.44 (relating to answers to orders to show cause, orders or other petitions filed by the Office), except for revising a citation to refer to this proposed chapter. This proposed section outlines the content, form, and substance of responses to Orders to Show Cause, orders or other petitions filed by the Office, in addition to providing penalties for failure to file a timely response. This proposed section also prohibits the filing of new matter or preliminary objections and specifies that proposed subsections (a) through (e) supersede 1 Pa. Code § 35.37 (relating to answers to orders to show cause).

§ 1230a.45. *Verifications and affidavits*

This proposed section mirrors the current § 1230.45 (relating to verifications and affidavits). This proposed section provides that a pleading or other document containing an averment of fact not appearing of record in the action or containing a denial of fact shall be personally verified in a manner prescribed by this proposed section by a party thereto or by an authorized officer of the party if a corporation or other business entity.

§ 1230a.46. *Entry of default judgment*

This proposed section mirrors the current § 1230.46 (relating to entry of default judgment). This proposed section provides that 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, to which the respondent may answer and have an opportunity to be heard; default judgment may not be granted prior to the hearing and the filing of an answer.

C. *Affected Persons*

Medical marijuana applicants, patients and their caregivers, as well as grower/processor and dispensary permittees and approved labs, will be required to comply with the provisions in this proposed rulemaking. Additionally, those individuals or entities that have not yet been issued a permit to receive, dispense or prescribe medical marijuana as well as successful future applicants will be required to comply with the provisions contained in this proposed rulemaking.

D. *Cost and Paperwork Estimate*

Cost

Commonwealth

The Department will experience increased demands to maintain compliance control over the Medical Marijuana Program. This increased demand will be handled by the existing Medical Marijuana Program complement. The Department does not expect that it will incur any cost increases as a result of this proposed rulemaking.

Local government

This proposed rulemaking will impose no additional costs and have no negative fiscal impact upon political subdivisions. Further, this proposed rulemaking does not impose any additional burden of enforcement or review on political subdivisions.

Regulated community

This proposed rulemaking will impose no additional costs upon medical marijuana cardholders and caregivers.

Grower/processor and dispensary permittees may experience minimal cost increases in complying with the revised policies regarding facility security and testing and reporting requirements imposed by this proposed rulemaking.

Practitioners will not experience any additional costs as a result of this proposed rulemaking.

General public

This proposed rulemaking will have no fiscal impact on the general public.

Paperwork Estimates

Commonwealth and the regulated community

This proposed rulemaking imposes no additional paperwork requirements on the Commonwealth or the regulated community.

Local government

This proposed rulemaking imposes no additional paperwork requirements on local government.

General public

This proposed rulemaking imposes no additional paperwork requirements on the general public.

E. *Statutory Authority*

The Department obtains its authority to promulgate regulations relating to the Medical Marijuana Program from the provisions of the act. Section 301(a)(3) and (b) of the act (35 P.S. § 10231.301(a)(3) and (b)) provides the Department with the authority to promulgate all regulations necessary to carry out the provisions set forth in the act. Further, under section 301 of the act, the Department has (1) regulatory and enforcement authority over the growing, processing, sale and use of medical marijuana in this Commonwealth, and (2) authority to promulgate all regulations necessary to carry out the provisions of the act.

F. *Effectiveness and Sunset Dates*

This proposed rulemaking becomes effective upon final-form publication in the *Pennsylvania Bulletin*. No sunset date will be established. The Department will continually review and monitor the effectiveness of these regulations after they are published as final.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act, the act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. § 745.5(a)), on February 16, 2020, the Department submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), IRRC may convey any comments, recommendations, or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations, or objections shall specify the regulatory review criteria that have not

been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly, and the Governor of comments, recommendation, or objections raised.

H. *Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to John J. Collins, Director, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, or by e-mail to RA-DHMMregulations@pa.gov within 30 days after publication of these proposed regulations in the *Pennsylvania Bulletin*. Persons with a disability who wish to submit comments, suggestions, or objections regarding the proposed regulations may do so by using the previously listed number or address. Speech or hearing-impaired persons, or both, may submit comments, suggestions or objections by calling the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,
Acting Secretary

Fiscal Note: 10-219. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IX. (Reserved)

CHAPTER 1131. (Reserved)

§§ 1131.1—1131.7. (Reserved).

CHAPTER 1141. (Reserved)

§§ 1141.21—1141.52. (Reserved).

CHAPTER 1151. (Reserved)

§§ 1151.21—1151.45. (Reserved).

CHAPTER 1161. (Reserved)

§§ 1161.21—1161.41. (Reserved).

CHAPTER 1171. (Reserved)

§§ 1171.21—1171.39. (Reserved).

CHAPTER 1181. (Reserved)

§§ 1181.21—1181.34. (Reserved).

CHAPTER 1191. (Reserved)

§§ 1191.21—1191.34. (Reserved).

CHAPTER 1211. (Reserved)

§§ 1211.21—1211.37. (Reserved).

CHAPTER 1230. (Reserved)

§§ 1230.21—1230.46. (Reserved).

(Editor's Note: The following Part is proposed to be added and printed in regular type to enhance readability.)

PART IXa. MEDICAL MARIJUANA

CHAPTER 1141a. GENERAL PROVISIONS

- Sec. 1141a.21. Definitions.
- 1141a.22. Records subject to disclosure; confidentiality.
- 1141a.23. Limitation on number of permits.
- 1141a.24. Medical marijuana regions.
- 1141a.25. General requirements for permits.
- 1141a.26. Privilege and nontransferability.
- 1141a.27. General requirements for application.
- 1141a.28. Fees.

- 1141a.29. Initial permit application.
- 1141a.30. Capital requirements.
- 1141a.31. Background checks.
- 1141a.32. Diversity goals.
- 1141a.33. Review of initial permit applications.
- 1141a.34. Denial of a permit.
- 1141a.35. Notice of denial.
- 1141a.36. Permit renewal applications.
- 1141a.37. Denial of renewal of a permit.
- 1141a.38. Duty to report.
- 1141a.39. Application for change in ownership of a medical marijuana organization.
- 1141a.40. Application for approval of a change in location of an operational facility.
- 1141a.41. Application for approval of alteration of a facility.
- 1141a.42. Failure to be operational.
- 1141a.43. Closure of a facility.
- 1141a.44. Insurance requirements.
- 1141a.45. Inspection and investigation.
- 1141a.46. Reports.
- 1141a.47. General penalties and sanctions.
- 1141a.48. Training.
- 1141a.49. Zoning.
- 1141a.50. Advertising by a medical marijuana organization.
- 1141a.51. Technical advisories.

§ 1141a.21. Definitions.

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

ACRC—Academic Clinical Research Center—An accredited medical school in this Commonwealth that operates or partners with an acute care hospital licensed and operating in this Commonwealth that has been approved and certified by the Department to enter into a contract with a clinical registrant.

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.

Accredited medical school—An institution that is:

(i) Located in this Commonwealth.

(ii) Accredited by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation.

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

Acute care hospital—A facility having an organized medical staff that provides equipment and services primarily for inpatient medical care and other related services to persons who require definitive diagnosis or treatment, or both, for injury, illness, pregnancy or other disability and is licensed by the Department to operate as a hospital in this Commonwealth under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b) and the regulations promulgated thereunder.

Added substance—Any additional ingredient added to medical marijuana during or after processing that is present in the final product or any substance used to change the viscosity or consistency of a cannabinoid product.

Adult patient—A patient who is 18 years of age or older.

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—Depending on the context the term may mean any of the following:

(i) 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.

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

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

(B) 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.

(C) A person who submits an application to the Department to become an approved laboratory, an ACRC or a clinical registrant.

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.

CAS number—The unique numerical identifier assigned to every chemical substance by Chemical Abstracts Service, a division of the American Chemical Society.

CBC—Cannabichromene, CAS number 20675-51-8.

CBD—Cannabidiol, CAS number 13956-29-1.

CBDA—Cannabidiolic acid, CAS number 1244-58-2.

CBDV—Cannabidivarin, CAS number 24274-48-4

CBG—Cannabigerol, CAS number 25654-31-3.

CBN—Cannabinol, CAS number 521-35-7.

Cannabinoids—The chemical compounds that are the active constituents of marijuana.

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)).

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 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, including enabling the patient to tolerate treatment for the serious medical condition.

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.

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; and

(iii) Is approved by the Department as a clinical registrant.

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, including an in-person consultation with the patient.

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 entity, 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 entity.

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

D8—Delta 8 Tetrahydrocannabinol, CAS number 5957-75-5.

Department—The Department of Health of the Commonwealth.

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.

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).

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 under a patient certification issued by a practitioner.

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.

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.

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.

IRB—Institutional review board—A board, committee, RAC or group designated by an ACRC that reviews and approves the anticipated scope of an approved clinical registrant's research study involving human subjects under the criteria in 45 CFR 46.111 (relating to criteria for IRB approval of research) and 21 CFR 56.111 (relating to criteria for IRB approval of research).

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.

Institution of higher education—A community college, State-owned institution, State-related institution, or private college or university approved by the Department of Education.

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

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.

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.

(iv) The term does not include synthetic cannabinoids as defined in section 4(1)(vii) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-104(1)(vii)).

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—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 cardholder—An adult patient or caregiver who possesses a valid identification card.

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 extract—A substance obtained by separating cannabinoids from a medical marijuana plant by a mechanical, chemical or other process.

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.

Medical marijuana patient authorization letter—A document issued by the Department under § 1191a.32 (relating to medical marijuana patient authorization letters).

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.

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.

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 county, city, borough, incorporated town or township, or any similar general-purpose unit of government which shall hereafter be created by the General Assembly.

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.

Office—The Department's Office of Medical Marijuana.

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.

Parent—The biological, natural or adoptive mother or father of a patient.

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.

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 § 1181a.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.

Permit—An authorization issued by the Department to a medical marijuana organization 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.

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 and section 2 of the Osteopathic Medical Practice Act.

Physician assistant—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).

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

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).

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.

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.

Professional disciplinary action—A disciplinary proceeding taken by the applicable Medical Board against a practitioner that results in a corrective action or measure.

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—78qq) 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. § 780(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).

RAC—Research approval committee—A board, committee or group created or designated by an ACRC to review and approve the scope and research protocols of a research program proposed by an approved clinical registrant.

Research—Any systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.

Research contract—A written agreement between an approved clinical registrant and an ACRC that contains the responsibilities and duties of each party with respect to the research program or research study that the approved clinical registrant and the ACRC intend to conduct under this chapter and under which the ACRC will provide medical advice to the approved clinical registrant regarding, among other areas, patient health and safety, medical applications, and dispensing and management of controlled substances. This term shall include a letter of intent to enter into an agreement for purposes of a clinical registrant application.

Research program—Research on the therapeutic or palliative efficacy of medical marijuana limited to the serious medical conditions defined by the act and this part.

Research project or study—Any other research on medical marijuana or its effectiveness in treating a medical or psychological condition.

Research protocol—A written procedure for conducting a research program or research study that includes all of the following information:

- (i) With respect to the investigator:
 - (A) Name and address.
 - (B) Institutional affiliation.
 - (C) Qualifications, including a curriculum vitae and list of publications, if any.
- (ii) With respect to the research program or research study:
 - (A) Title of the research program or research study.
 - (B) Statement of the purpose.
 - (C) Type of medical marijuana product involved and the amount needed.
 - (D) Description of the research to be conducted, including the number and type of medical marijuana product, the dosage, the route and method of administration, and the duration of the research program or research study.
 - (E) The locations of the dispensaries that will be participating in the research program or research study.

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.

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.
- (xxii) Anxiety disorders
- (xxiii) Tourette's Syndrome
- (xxiv) Any other condition recommended by the Medical Marijuana Advisory Board and approved by the Secretary.

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—Delta-9 Tetrahydrocannabinol, CAS number 1972-08-3.

THCA—Tetrahydrocannabinolic acid, CAS number 23978-85-0.

THCV—Tetrahydrocannabivarin, CAS number 31262-37-0.

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.

Terpenes—Naturally occurring hydrocarbons found in essential oil secreted from the marijuana plant.

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.

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).

§ 1141a.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 under 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 § 1141a.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) Any information that would identify persons reviewing permit applications, including a reviewer's name, 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 to protect confidential proprietary or trade secrets 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.

(f) Nothing in this section shall preclude the Department from releasing de-identified data for research purposes, subject to approval and oversight by the Department and an IRB to ensure that the use of the data is limited to the specified research purposes.

(g) Notwithstanding subsection (b), in accordance with section 301(a)(11) of the act (35 P.S. § 10231.301(a)(11)), the Department may collaborate with other Commonwealth agencies as necessary to carry out the provisions of the act and this part. Collaboration shall include the sharing of information, including information deemed confidential under the act and this part, with any other agency, when needed to investigate a potential violation of the act or this part. Any information shared under this section shall remain confidential and may not be disclosed except for investigatory or enforcement purposes.

§ 1141a.23. Limitation on number of permits.

Except as provided in 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 1201(j)(5)(iv) of the act (35 P.S. § 10231.1201(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.

§ 1141a.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*.

§ 1141a.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.

§ 1141a.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.

§ 1141a.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 change in ownership of a medical marijuana organization.
- (4) An application for approval of a change of location of an operational facility.
- (5) An application for approval of alteration of a facility.
- (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 for an initial permit or for a renewal permit is not complete and will be rejected by the Department unless:

(1) The payment of the applicable application fee in § 1141a.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 for an initial permit that is incomplete will be rejected by the Department.

(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. Chapter 49 (relating to falsification and intimidation).

§ 1141a.28. Fees.

(a) An applicant for an initial grower/processor permit or renewal permit shall pay the following fees by certified or cashier's 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 § 1141a.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 or the application is rejected.

(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 or cashier's 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 provided in § 1141a.29(a)(3).

(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 or the application is rejected.

(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 or cashier's check or money order to the Department with the submission of the following:

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

(2) An application for approval of a change of location of an operational facility.

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

§ 1141a.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 § 1141a.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 § 1141a.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 § 1141a.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, operator or financial backer 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 in this Commonwealth or the lowest-graded criminal offense in another State or country.

(C) Whether the principal, operator or financial backer has been a party in 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 the principal, operator or financial backer's profession, occupation or fraudulent practices, including fraudulent billing practices.

(D) Whether the principal, operator or financial backer has attempted 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.

(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 § 1141a.27.

(v) 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 § 1141a.32 (relating to diversity goals).

(13) The relevant financial information in § 1141a.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.

§ 1141a.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).

§ 1141a.31. Background checks.

(a) To provide the criminal history record check required under § 1141a.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 except where the owner holds 5% or more of the company's securities or the owner has voting rights to elect or appoint one or more members of the board of directors or other governing board.

(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.

§ 1141a.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 § 1141a.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.

§ 1141a.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 § 1141a.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 the initial permit applications are made available for submission.

§ 1141a.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 § 1141a.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 § 1141a.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.

§ 1141a.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 1230a (relating to practice and procedure).

§ 1141a.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 § 1141a.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.

§ 1141a.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 § 1141a.36 (relating to permit renewal applications) and remitted the required fees in accordance with § 1141a.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 § 1141a.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 equipment as set forth in § 1151a.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 § 1141a.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.

§ 1141a.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 change in ownership of a medical marijuana organization in accordance with § 1141a.39 (relating to application for 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 § 1141a.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.

§ 1141a.39. Application for 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 change in ownership, on a form prescribed by the Department, to the Department together with the fee required under § 1141a.28 (relating to fees).

(b) A medical marijuana organization's application for 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 § 1141a.28 is submitted.

(c) For each individual that is part of the proposed change in ownership, the medical marijuana organization shall include all of the information required under § 1141a.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.

(d) A change in ownership of a medical marijuana organization that occurs without the Department's knowledge and written approval of all individuals affiliating with the medical marijuana organization is a violation of the act and this part.

§ 1141a.40. Application for approval of a change in location of an operational facility.

(a) A medical marijuana organization wishing to change the location of an operational facility shall submit an application for approval of a change in location to the Department together with the fee required under § 1141a.28 (relating to fees).

(b) A change in location of an operational facility 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.

§ 1141a.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 § 1141a.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.

§ 1141a.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 § 1141a.47 (relating to general penalties and sanctions).

§ 1141a.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 § 1151a.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 § 1151a.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.

§ 1141a.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.

§ 1141a.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 under 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.

§ 1141a.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 average price per unit of medical marijuana products sold by the grower/processor to a medical marijuana organization.

(iii) The number or amount of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products sold by the 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 average price per unit of medical marijuana products purchased by the dispensary.

(iii) The average price per unit of an amount of medical marijuana products dispensed to a patient or caregiver by the 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.

§ 1141a.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.

(v) The medical marijuana organization submitted falsified information on any application submitted to the Department.

(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 1230a (relating to practice and procedure).

§ 1141a.48. Training.

(a) As required under the act, the principals and employees of a medical marijuana organization who either have direct contact with patients or caregivers or physically handle seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or

medical marijuana products shall complete a 2-hour training course developed by the Department.

(1) Principals must successfully complete the course prior to starting initial operation of a facility.

(2) Employees must successfully complete the course no later than 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.

§ 1141a.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.

§ 1141a.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.

§ 1141a.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*.

CHAPTER 1151a. GROWERS/PROCESSORS

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§ 1151a.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 § 1141a.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.

§ 1151a.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 individuals requiring access to the facility.

(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 § 1151a.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.

(c) A grower/processor shall comply with its plan of operation.

§ 1151a.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 Individuals.

(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.

§ 1151a.24. Start-up inventory.

(a) A grower/processor may obtain seeds from outside of this Commonwealth for the purpose of securing its start-up inventory. Seeds 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 or within any 30-day window established by the Department if the Department determines that the importation of additional seeds is necessary.

(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 that enters the site during the 30-day period under subsection (a).

(d) Outside any 30-day period permitted under 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.

§ 1151a.25. Access to grower/processor facilities.

(a) A grower/processor facility may not be open to the general public. When an individual who is not approved to enter the facility requires 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, a grower/processor shall require the individual to sign a log, detailing the need for entry, and to wear a temporary identification badge that is visible to others at all times while on the site and in the facility.

(b) A grower/processor shall require an individual 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 an individual to a site or facility:

(1) Require the individual to sign a log and detail the need for entry upon entering and to sign the log when leaving the facility.

(2) Check the individual's government-issued identification to verify that the name on the identification provided matches the name in the log. A photocopy of the identification must be retained with the log.

(3) Issue a temporary identification badge with the individual's name and company, if applicable, and a badge number.

(4) Escort the individual while the individual remains in the facility or on the site.

(5) Ensure that the individual 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 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 individual granted access to the facility, the temporary 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, State or local law enforcement 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 that pertain to the act or this part.

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

§ 1151a.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 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 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 five 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 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) 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.

(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 employees 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) At all times, 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.

§ 1151a.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 use any added substance 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. In determining whether to approve an added substance, the Department will consider:

(i) Whether the added substance is permitted by the United States Food and Drug Administration for use in food or is Generally Recognized as Safe (GRAS) under Federal guidelines.

(ii) Whether the added substance constitutes a known hazard such as, but not limited to, diacetyl, CAS number 431-03-8, and pentanedione, CAS number 600-14-6.

(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 may 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) Do not contain a level of mold, rot or other fungus or bacterial diseases higher than the minimum levels 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.

§ 1151a.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.

§ 1151a.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 (CAS numbers need not be displayed on the label):

- (1) THC.
- (2) THCA.
- (3) THCV.
- (4) CBD.
- (5) CBDA.
- (6) CBDV.

- (7) CBN.
- (8) CBG.
- (9) CBC.
- (10) D8.
- (11) 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 promptly upon becoming aware of a potential increase or decrease in the forecasted amount occurring within any subsequent 6-month period.

§ 1151a.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.

§ 1151a.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 § 1151a.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.

§ 1151a.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.

§ 1151a.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 28 Pa. Code § 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 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 effective nontoxic sanitizing cleansers and sanitary towel service or suitable drying devices.

(d) A grower/processor shall provide 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.

§ 1151a.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) Opaque.
- (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 all packaging and 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) Be 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, the species and percentage of THC and CBD and other cannabinoids enumerated in

§ 1151a.29 (relating to limit on medical marijuana processing), and the individual terpenes and corresponding percentages. CAS numbers need not be displayed on the label.

(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.

(17) Be firmly affixed to the container directly holding medical marijuana and be firmly affixed to outer packaging if used.

(18) List THC as the first number when THC and CBD are listed on a label as a ratio.

(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.

§ 1151a.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) Maintain current State inspection and vehicle registrations.

(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.

§ 1151a.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 § 1151a.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.

§ 1151a.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 §§ 1151a.35, 1151a.36 and 1151a.38 (relating to transportation of medical marijuana; transport manifest; and evidence of adverse loss during transport).

§ 1151a.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 that remains unresolved 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.

§ 1151a.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).

§ 1151a.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 one 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.

§ 1151a.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 immediately 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 § 1141a.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.

(h) The Department may initiate a mandatory recall upon receipt of information that a condition relating to the seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products grown, processed or dispensed by a medical marijuana organization poses a risk to public health and safety.

§ 1151a.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 of Agriculture, in coordination with 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.

§ 1151a.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.

CHAPTER 1161a. DISPENSARIES

Sec.

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§ 1161a.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 § 1141a.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.

§ 1161a.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).

§ 1161a.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 under the patient certification currently on file with the Department.

§ 1161a.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. The physician, pharmacist, physician assistant or certified registered nurse practitioner may rotate coverage of the facilities, provided that a physician or pharmacist is always present at one of the facilities.

(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.

§ 1161a.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 a public, private or parochial school, or a day-care center providing services to children under 18 years of age, measured from the property line of the public, private or parochial school, or day-care center nearest to the dispensary to the nearest physical wall of the dispensary.

(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 satisfactory 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 Individuals.

(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.

§ 1161a.27. Items and services provided at a dispensary.

(a) A dispensary shall dispense the form of medical marijuana products under § 1161a.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 § 1151a.28(b) (relating to forms of medical marijuana).

(e) A dispensary may not:

(1) Provide medical marijuana products at no cost or free, unless the patient is approved for financial assistance by the Department.

(2) 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.

(3) Deliver, or contract to a third party the delivery of, medical marijuana products to a patient or caregiver at the patient's or caregiver's home or any other location.

(4) Sell, offer for sale or provide at a facility, items and services unrelated to the use of medical marijuana products.

§ 1161a.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 and other cannabinoids enumerated in § 1151a.29 (relating to limit on medical marijuana processing), and the individual terpenes and corresponding percentages.

(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.

(15) Is firmly affixed to the container directly holding medical marijuana and is firmly affixed to outer packaging if used.

(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.

§ 1161a.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 individuals requiring access to the facility.

(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.

(c) A dispensary shall comply with its plan of operation.

§ 1161a.30. 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. ONLY EMPLOYEES, PATIENTS AND CAREGIVERS MAY ENTER. NO ONE UNDER THE AGE OF 18 IS PERMITTED TO ENTER UNLESS THE INDIVIDUAL IS A PATIENT AND IS ACCOMPANIED BY A PARENT, GUARDIAN OR CAREGIVER.

(b) Except as provided in subsection (c), only authorized employees of a dispensary may enter a limited access area.

(c) When an individual who is not approved to enter the facility requires access to a limited access area in the dispensary facility to provide goods or services to the facility, a dispensary shall require the individual to present government-issued identification, to sign a log for that specific facility, detailing the need for entry, and to wear a temporary identification badge that is visible to others at all times while in a limited access area.

(d) When admitting an individual under subsection (c) to a limited access area, a dispensary shall:

(1) Require the individual to sign a log and detail the need for entry upon entering and sign the log when leaving the limited access area.

(2) Check the individual's government-issued identification to verify that the name on the identification provided matches the name in the log. A photocopy of the identification must be retained with the log.

(3) Issue a temporary identification badge with the individual's name and company, if applicable, and a badge number.

(4) Escort the individual while the individual remains in a limited access area.

(5) Ensure that the individual does not touch any medical marijuana products located in a limited access area.

(e) The following requirements apply regarding the 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 individual granted access to the facility's limited access area, the temporary 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, State or local law enforcement 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 that pertain to the act or this part.

(g) A principal, financial backer, operator or an employee of a dispensary may not receive any type of consideration or compensation for allowing an individual to enter a limited access area.

§ 1161a.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 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.

(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 or employees 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 shall install commercial grade, nonresidential doors and door locks on each external door of the facility. Keys or key codes for all doors shall remain in the possession of designated authorized individuals.

(d) At all times, 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.

§ 1161a.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.

§ 1161a.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 § 1151a.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.

§ 1161a.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 28 Pa. Code § 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 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 effective nontoxic sanitizing cleansers and sanitary towel service or suitable hand drying devices.
- (d) A dispensary shall provide 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.

§ 1161a.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 located within a 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) Maintain current State inspection and vehicle registrations.

(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.

§ 1161a.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 labeled in accordance with §§ 1151a.34 and 1161a.28 (relating to packaging and labeling of medical marijuana products; and labels and safety inserts) and shall be transported in a secure lockbox located within a locking cargo area.

(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.

§ 1161a.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 that remains unresolved 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.

§ 1161a.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 § 1151a.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.

§ 1161a.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).

§ 1161a.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 § 1141a.29 (relating to initial permit application) and this part.

CHAPTER 1171a. LABORATORIES

Sec.

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§ 1171a.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 § 1171a.23 (relating to approval of laboratories) and has entered into a written contract with the grower/processor under § 1171a.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 be 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.

§ 1171a.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 § 1171a.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 inves-

tigation 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.

§ 1171a.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.

§ 1171a.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 § 1171a.23 (relating to approval of laboratories) and update the information required to be submitted with the application as necessary.

§ 1171a.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.

§ 1171a.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.

§ 1171a.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.

§ 1171a.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, testing, as prescribed by the Department, shall be performed as follows:

(1) An approved laboratory shall test samples from a harvest batch or harvest lot prior to using the harvest batch or harvest lot to produce a medical marijuana product.

(2) An approved laboratory other than the one that tested the harvest batch or harvest lot shall test 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 for samples collected under § 1171a.28(c) (relating to selection protocols for samples) into the electronic tracking system and, under § 1151a.40 (relating to management and disposal of medical marijuana waste), properly dispose of all tested and untested samples and test samples.

§ 1171a.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.

§ 1171a.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

§ 1171a.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 § 1171a.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 collected under § 1171a.28(c) (relating to selection protocols for samples) 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 § 1171a.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 confirming results from the approved laboratory, the sample shall be disposed of by the approved laboratory under § 1151a.40 (relating to management and disposal of medical marijuana waste).

(4) If the re-tested sample fails, the lot shall be disposed of under § 1151a.40.

(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) THCA.
- (iii) CBD.
- (iv) CBDA.
- (v) CBC.
- (vi) CBN.
- (vii) THCV.
- (viii) CBDV.
- (ix) CBG.
- (x) D8.

(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.

§ 1171a.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.

§ 1171a.33. Transporting samples.

(a) An employee of an approved laboratory, grower/processor or third-party contractor shall follow the transportation requirements under §§ 1151a.35 and 1151a.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.

§ 1171a.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.

§ 1171a.35. Laboratory reporting.

(a) An approved laboratory shall enter into the electronic tracking system the following information for each sample collected under § 1171a.28(c) (relating to selection protocols for samples) 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 § 1171a.31 (relating to test results and reporting).

(10) The date the testing results were provided to the grower/processor under § 1171a.31 or the Department under § 1171a.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 including test results not required to be entered into the electronic tracking system under § 1171a.29 (relating to testing requirements).

(1) Regarding tests results not entered into the electronic tracking system, the approved laboratory shall immediately provide to the Department an electronic copy of the certificate of analysis.

(2) Regarding test results entered into the electronic tracking system, 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.

(c) The Department may conduct an investigation based on the results shown on any certificate of analysis.

§ 1171a.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.

§ 1171a.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.

§ 1171a.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 1230a (relating to practice and procedure), apply to all actions of the Department under this chapter constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

CHAPTER 1181a. PHYSICIANS AND PRACTITIONERS

- Sec.
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- 1181a.23. Medical professionals generally.
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§ 1181a.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 § 1181a.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) 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.

§ 1181a.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 § 1181a.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.

§ 1181a.24. Physician registration.

(a) A physician who has an active and unrestricted 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) may file an application for registration with the Department as a practitioner on a form prescribed by the Department.

(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) Based on the information provided by the physician under subsection (b), the Department will determine whether to approve the physician to issue patient certifications.

(d) The Department may list a physician on the practitioner registry only after the physician has successfully completed the training course required under § 1181a.32

(relating to training) and any other requirements for registration under the act and this part.

§ 1181a.25. Practitioner registry.

(a) The Department will maintain a practitioner registry for use by a patient or caregiver registered by the Department. The practitioner registry will include only the practitioner's name, business address and medical credentials.

(b) 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.

§ 1181a.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.

(b) A practitioner registration may be denied, revoked or suspended if the practitioner is or 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 § 1181a.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.

§ 1181a.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 certifica-

tion 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.

§ 1181a.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.

§ 1181a.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.

§ 1181a.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.

§ 1181a.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.

(g) A practitioner may not excessively charge a patient for any expense related to the certification and follow-up process.

§ 1181a.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 § 1181a.24 (relating to physician registration).

(2) A medical professional prior to assuming any duties at a dispensary under § 1161a.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.

§ 1181a.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 1230a (relating to practice and procedure), apply to all actions of the Department under this chapter constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

CHAPTER 1191a. PATIENTS AND CAREGIVERS

Sec.

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§ 1191a.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 § 1191a.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.

§ 1191a.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 § 1191a.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.

§ 1191a.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 withdrawal of a patient certification by a practitioner under § 1181a.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 apply to the Department for a replacement identification card within 10 business days of discovering the loss or defacement of the identification card.

§ 1191a.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 § 1181a.27(d)(2) (relating to issuing patient certifications).

(6) The appropriate fee or proof of financial hardship as provided for in § 1191a.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 § 1181a.27(d)(2).

(5) A copy of the criminal history record information required under § 1191a.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 § 1191a.26 (relating to application fees).

(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 § 1191a.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.

§ 1191a.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 by publishing notice of those fees in the *Pennsylvania Bulletin*.

(d) Subject to § 1191a.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. 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*.

§ 1191a.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.

§ 1191a.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 identification 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.

§ 1191a.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. If a medical marijuana cardholder's patient certification is expired, the cardholder shall obtain a new or updated patient certification issued by the patient's practitioner, which will be provided by the practitioner to the Department under § 1181a.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.

§ 1191a.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 § 1181a.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 § 1181a.26 (relating to denial, revocation or suspension of a practitioner registration) or if a patient's practitioner withdraws the patient's patient certification under § 1181a.29(c), a medical marijuana cardholder shall obtain a new patient certification within 90 days of receiving written notice from the Department or prior to the expiration date on the identification card, whichever is sooner.

§ 1191a.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 § 1161a.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 § 1181a.29 (relating to revocation of a patient certification) and that may be accessed by a dispensary through the electronic tracking system.

§ 1191a.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 § 1191a.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 only when the patient's illness or infirmity permanently prevents the patient from visiting a dispensary.

(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.

§ 1191a.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 1230a (relating to practice and procedure), apply to all actions of the Department under this chapter constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

CHAPTER 1211a. CLINICAL REGISTRANTS AND ACADEMIC RESEARCH CENTERS

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§ 1211a.22. Clinical registrants generally.

(a) The qualifications that a clinical registrant shall meet to be approved by the Department are continuing qualifications.

(b) An applicant that has already been issued a grower/processor permit or a dispensary permit by the Department under sections 601—616 of the act (35 P.S. §§ 10231.601—10231.616) who wishes to become an approved clinical registrant shall:

(1) Submit a request to the Department under § 1211a.28 (relating to request for conversion of an existing permit) with the application for approval of a clinical registrant.

(2) Not be required to apply for, or be eligible to receive, an additional grower/processor permit or dispensary permit under the act, this chapter, Chapter 1141a, Chapter 1151a or Chapter 1161a (relating to general provisions; growers/processors; and dispensaries), as applicable.

(c) The Department will not approve more than eight clinical registrants.

(d) An approved clinical registrant may not dispense or offer to dispense, as a clinical registrant, any medical marijuana products at the clinical registrant dispensary location until:

(1) The Department has determined that an approved clinical registrant is ready, willing and able to operate as a grower/processor and a dispensary.

(2) The approved clinical registrant demonstrates to the satisfaction of the Department that it will be able to begin an approved research program or research study within 6 months following the date the Department determines the approved clinical registrant's dispensary to be operational.

(e) An approved clinical registrant may dispense medical marijuana products to a patient or caregiver who

presents a valid identification card to an employee who is authorized to dispense medical marijuana products at a dispensary location operated by an approved clinical registrant under this chapter regardless of whether the patient is a participant in a research study.

§ 1211a.23. Limitation on permits.

(a) An approved clinical registrant may not hold more than one grower/processor permit and one dispensary permit.

(b) A dispensary permit held by an approved clinical registrant for use under this chapter may be used to dispense medical marijuana products at no more than six separate locations as approved by the Department, each of which shall be dispensing medical marijuana for the purpose of conducting research.

(c) An approved clinical registrant may not locate more than three of its approved dispensaries in the same medical marijuana region or in the same county.

§ 1211a.24. Capital requirements.

An applicant shall provide all of the following information with its application under § 1211a.27 (relating to application for approval of a clinical registrant):

(1) An affidavit, on a form prescribed by the Department, stating that the applicant has at least \$15 million in capital, which must include evidence that the applicant meets the capital requirements of a medical marijuana organization under § 1141a.30 (relating to capital requirements).

(2) A release sufficient to obtain information from a state governmental agency, financial institutions, an employer or any other person to verify the requirements of paragraph (1). Failure to provide a release will result in the rejection of the application for approval of a clinical registrant.

§ 1211a.25. Certifying ACRCs.

(a) The qualifications that an ACRC shall meet to be approved by the Department are continuing qualifications.

(b) An accredited medical school may file an application with the Department to be certified as an ACRC using a form prescribed by the Department. The Department will publish a notice in the *Pennsylvania Bulletin* announcing the availability of the application and the time period during which the Department will accept applications.

(c) An application submitted under subsection (b) must include all of the following information:

(1) The legal name, address and telephone number of the accredited medical school and the name, telephone number and professional e-mail address of an individual at the accredited medical school who will be the primary contact for the Department during the Department's review of the application.

(2) The legal name, address and telephone number of the acute care hospital that is operated by or partnered with the accredited medical school and the name, telephone number and professional e-mail address of an individual at the accredited medical school who will be the primary contact for the Department during the Department's review of the application.

(3) An affidavit, on a form prescribed by the Department, disclosing any payments to the accredited medical school or any of its affiliates made by a person with whom the accredited medical school intends to enter into a research contract for purposes of operating as an

approved clinical registrant or by any principal or financial backer of the person, up to and including the date of the submission of the application. The affidavit must include the amount and purpose of each payment made.

(4) A statement that the accredited medical school is currently accredited by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation.

(5) A statement that the acute care hospital designated by the accredited medical school under paragraph (2) holds a valid license from the Department.

(6) The State and Federal tax identification numbers of the accredited medical school.

(7) A statement that a false statement made by the accredited medical school submitting the application is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(8) Any other information deemed necessary by the Department.

(d) The Department will publish a list containing the name and address of each ACRC on its publicly-accessible web site and in the *Pennsylvania Bulletin*.

§ 1211a.26. Revocation of a certification of an ACRC.

(a) The certification of an ACRC will be revoked by the Department upon the occurrence of any of the following:

(1) The ACRC is no longer accredited by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation, as applicable.

(2) The ACRC no longer operates or is partnered with the acute care hospital listed in its application for certification.

(3) The ACRC is no longer located in this Commonwealth.

(b) If the Department intends to revoke the certification of an ACRC under this section, the Department will provide written notice of its intention to the ACRC. Upon receipt of a notice under this subsection, the ACRC shall have 90 days from the date of the notice to provide the Department with evidence satisfactory to the Department that it has received reaccreditation by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation, as applicable, that it operates or is partnered with another acute care hospital or that it has relocated within this Commonwealth. If the ACRC does not comply with this subsection within 90 days from the date of the notice, the Department may revoke the certification of the ACRC.

§ 1211a.27. Application for approval of a clinical registrant.

(a) An applicant shall file an application for approval of a clinical registrant with the Department on a form prescribed by the Department. The Department will publish a notice in the *Pennsylvania Bulletin* announcing the availability of applications and the time period during which the Department will accept applications.

(b) An application for approval of a clinical registrant submitted under this section must include all of the following information:

(1) The legal name, address and telephone number of the applicant and the name, telephone number and professional e-mail address of an individual who will be the primary contact for the Department during the Department's review of the application.

(2) The name of the ACRC under § 1211a.25 (relating to certifying ACRCs).

(3) The applicant's State and Federal tax identification numbers.

(4) An affidavit, on a form prescribed by the Department, disclosing any payments made by the applicant, a principal or financial backer of the applicant to an ACRC or any affiliates of an ACRC, up to and including the date of the submission of the application. The affidavit must include the amount and purpose of each payment made.

(5) The name of an institution of higher education, if any, that will be participating in an approved research program or research study.

(6) An affidavit and release under § 1211a.24 (relating to capital requirements).

(7) Evidence that the applicant is responsible and capable of successfully operating as an approved clinical registrant, including all of the following:

(i) A copy of the research contract between the applicant and the ACRC.

(ii) A description of the research program or research study the applicant and the ACRC intend to conduct.

(iii) A statement that the applicant may not engage in the business of selling, dispensing or offering to dispense medical marijuana products at an applicant's dispensary as a clinical registrant until the clinical registrant dispensary is ready, willing and able to dispense medical marijuana products.

(8) Except as provided in § 1211a.28 (relating to request for conversion of an existing permit), an application for a grower/processor permit under Chapters 1141a and 1151a (relating to general provisions; and growers/processors).

(9) Except as provided in § 1211a.28, an application for a dispensary permit under Chapter 1141a and Chapter 1161a (relating to dispensaries).

(10) A statement that a false statement made by the applicant is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(11) Any other information deemed necessary by the Department.

(c) An applicant may only include one ACRC in its application for approval of a clinical registrant.

(d) The following documents provided to the Department under this chapter are confidential and not subject to disclosure under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104):

(1) A research contract.

(2) A description of a research program or research study.

(3) An ACRC's intellectual property.

(4) An approved clinical registrant's intellectual property.

§ 1211a.27a. Research contracts.

(a) An applicant for approval as a clinical registrant shall provide, with its application, either an executed agreement or a letter of intent to enter into an agreement, with an ACRC, the effective date of which shall be on or after the effective date of the ACRC certification.

(b) A clinical registrant applicant may submit more than one application, with separate applications identifying distinct ACRCs.

(c) An ACRC may enter into a letter of intent with more than one clinical registrant applicant but may only execute a research contract with one approved clinical registrant.

(d) If more than one applicant for approval as a clinical registrant submits an application that includes a letter of intent with the same ACRC, the Department shall follow the following process in approving the applications:

(1) Determine initially that the CR application meets the following qualifications:

(i) Is complete;

(ii) Complies with the act and this part, and

(iii) Meets the following minimum scoring requirements in each of the following application sections:

<i>Grower Processor Application</i>	<i>Max Points/Section</i>	<i>Minimum Acceptable Score</i>
8—Operational Timetable	75	31
9—Employee Qualifications, Description of Duties and Training	25	11
10—Security and Surveillance	50	21
11—Transportation of Medical Marijuana	25	11
12—Storage of Medical Marijuana	25	11
13—Packaging and Labeling of Medical Marijuana	25	11
14—Inventory Management	25	11
15—Management and Disposal of Medical Marijuana Waste	25	11
16—Diversion Prevention	50	21
17—Growing Practice	100	41
18—Nutrient and Additive Practices	100	41
19—Processing and Extraction	100	41
20—Sanitation and Safety	25	11
22—Recordkeeping	25	11
24—Business History and Capacity to Operate	75	31
Attachment D: Site and Facility Plan	50	21

<i>Dispensary Application</i>	<i>Max Points / Section</i>	<i>Minimum Acceptable Score</i>
8—Operational Timetable	100	41
9—Employee Qualifications, Description of Duties and Training	50	21
10—Security and Surveillance	100	41
11—Transportation of Medical Marijuana	50	21
12—Storage of Medical Marijuana	75	31
14—Inventory Management	75	31
15—Diversion Prevention	100	41
16—Sanitation and Safety	50	21
17—Recordkeeping	75	31
19—Business History and Capacity to Operate	75	31
Attachment D: Site and Facility Plan	50	21

(2) The Department shall approve clinical registrant applicants that meet the standards of paragraph (1) in the following order:

(i) A clinical registrant applicant that holds a grower/processor permit and a dispensary permit, both of which are in good standing, and both medical marijuana organizations have been deemed operational by the Department. In applying this preference, the Department will look at the clinical registrant's primary dispensary location only.

(ii) A clinical registrant applicant that holds a grower/processor permit only that is in good standing and the applicant's medical marijuana organization has been deemed operational by the Department.

(iii) A clinical registrant applicant that holds a dispensary permit only that is in good standing and the applicant's primary dispensary location has been deemed operational by the Department.

(iv) A clinical registrant applicant that holds a grower/processor permit only that is in good standing, but has not been deemed operational by the Department.

(v) A clinical registrant applicant that holds a dispensary permit only that is in good standing, but has not had its primary location deemed operational by the Department.

(vi) A clinical registrant applicant that is applying for both a grower/processor permit and dispensary permit under this chapter. Awarding of approval to these clinical registrant applications shall be prioritized by ranking the sum of the grower/processor permit and dispensary permit application scores highest to lowest.

§ 1211a.28. Request for conversion of an existing permit.

(a) An applicant holding a grower/processor permit or a dispensary permit, or both, under sections 601—616 of the act (35 P.S. §§ 10231.601—10231.616), shall submit a request for conversion of an existing permit under this section on a form prescribed by the Department when submitting an application for approval of a clinical registrant under § 1211a.27 (relating to application for approval of a clinical registrant).

(b) Upon approval of a clinical registrant under subsection (a), the clinical registrant shall surrender its grower/processor permit or dispensary permit, or both, previously issued under sections 601—616 of the act.

(c) A grower/processor permit or dispensary permit, or both, surrendered under subsection (b) will increase the number of grower/processor permits or dispensary per-

mits, as applicable, available to other persons applying for permits under sections 601—616 of the act, Chapter 1141a (relating to general provisions) and Chapter 1151a or Chapter 1161a (relating to growers/processors; and dispensaries), as applicable.

(d) An applicant may include additional dispensary locations in its request for conversion of an existing permit or may request additional dispensary locations at a later date under § 1161a.40 (relating to application for additional dispensary locations).

§ 1211a.29. Practices and procedures of research programs, projects or studies.

(a) Medical marijuana dispensed as part of a research program shall be dispensed only in a form permitted by the act or this part and only from a dispensary to a patient or to a caregiver.

(b) Marijuana dispensed under a research project or study may be dispensed, in any form deemed medically safe by an IRB, from a clinical registrant dispensary directly to an ACRC.

(c) A RAC or IRB shall adopt research procedures and shall review and approve each research program in accordance with the RAC or IRB established practices and procedures.

(d) An IRB shall review each proposed research project or study in accordance with the IRB's practices, procedures and protocols.

(e) A RAC or IRB shall, at a minimum, ensure that each research program, project or study addresses all of the following:

(1) Protecting the rights and welfare of patients involved in research programs conducted under this chapter.

(2) Minimizing the risk to patients by using procedures that are consistent with sound research design and that do not unnecessarily expose patients to risk being performed on subjects for diagnosis or treatment purposes.

(3) Determining that the risks to patients involved in research programs are reasonable in relation to the anticipated benefits (if any) to the patients, and the importance of the knowledge that may be expected to result from the research program.

(4) Guaranteeing that informed consent will be sought from each prospective patient or the patient's legally authorized representative and is properly documented.

(5) Protecting the privacy of every patient.

§ 1211a.30. Approval or denial of an application for approval of a clinical registrant.

(a) An applicant shall be an approved clinical registrant upon the Department's approval of an application under § 1211a.27 (relating to application for approval of a clinical registrant).

(b) The Department may deny the application for approval of a clinical registrant if the payments disclosed in the affidavit submitted under § 1211a.27(b)(4) violate the prohibition in § 1211a.34 (relating to prohibition).

(c) Before the Department denies an application for approval of a clinical registrant under subsection (b), the Department will provide the applicant with written notice specifying the violation. The applicant may submit to the Department, within 10 days following receipt of the Department's written notice, a supplemental affidavit indicating that the ACRC or its affiliate has refunded to the applicant or a principal or financial backer of the applicant that portion of payments in violation of § 1211a.34. Upon receipt of the supplemental affidavit, the Department may approve the application for approval of a clinical registrant. If the applicant fails to provide a supplemental affidavit within 10 days of the Department's written notice, the Department will deny the application for approval of a clinical registrant.

(d) An approved clinical registrant shall have the same rights and obligations as a medical marijuana organization that holds a grower/processor permit or a dispensary permit under sections 601—616 of the act (35 P.S. §§ 10231.601—10231.616) and Chapters 1141a, 1151a and 1161a (relating to general provisions; growers/processors; and dispensaries), as applicable, subject to any modifications or limitations in sections 2001—2003 of the act (35 P.S. §§ 10231.2001—10231.2003) and this chapter.

(e) A grower/processor permit and a dispensary permit issued to an approved clinical registrant will expire upon the nonrenewal, revocation or suspension by the Department of the approved clinical registrant's approval.

§ 1211a.31. Renewal of approval of a clinical registrant.

(a) The term of an approval of a clinical registrant will coincide with the term of the clinical registrant's grower/processor permit and dispensary permit.

(b) An approved clinical registrant shall renew its approval as part of the renewal for a grower/processor permit and a dispensary permit under § 1141a.36 (relating to permit renewal applications). The renewal application must be on a form prescribed by the Department and include all of the following:

- (1) A copy of the research contract.
- (2) A list of the approved research programs or research studies that are continuing or, if any of them are concluded, the dates they were concluded.
- (3) A report of the current status of active research programs or research studies being conducted under the research contract, including preliminary findings, if applicable, and any expectations and projections the approved clinical registrant and the ACRC have for future research programs or research studies over the course of the 2 years following the date of submission of the report.
- (4) A description of proposed research programs or research studies covered by the research contract that the approved clinical registrant intends to conduct within the

next year following submission of the renewal application including evidence of IRB approval for each research program or research study.

(5) A statement that a false statement made by the approved clinical registrant or the ACRC is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(6) Any other information deemed necessary by the Department.

(c) The Department will not renew an approval for a clinical registrant under this section if the Department determines that none of the dispensary locations under the dispensary permit held by the approved clinical registrant are participating in an approved research program or research study and the approved clinical registrant does not intend to begin any additional approved research programs or research studies within the first six months following the approval of its application for renewal.

§ 1211a.32. Revocation of approval of a clinical registrant.

(a) The approval of a clinical registrant will be revoked immediately by the Department upon the occurrence of any of the following:

(1) The Department revokes, suspends or does not renew the grower/processor permit or dispensary permit held by the approved clinical registrant.

(2) Subject to subsection (b), the Department revokes the certification of the ACRC listed in the clinical registrant's application under § 1211a.27 (relating to application for approval of a clinical registrant).

(3) The research contract between the approved clinical registrant and the ACRC expires without being renewed or is terminated by either party.

(b) If the Department intends to revoke the certification of the ACRC under subsection (a)(2), the Department will provide written notice of its intention to the approved clinical registrant. Upon receipt of a notice under this subsection, the approved clinical registrant shall have 90 days from the date of the notice to contract with another ACRC that is not already a party to a research contract with another approved clinical registrant and to provide the Department with all relevant information relating to the ACRC. If the approved clinical registrant does not comply with this subsection within 90 days from the date of the notice, the Department may revoke the clinical registrant's approval.

§ 1211a.33. Dispensing and tracking medical marijuana products.

In addition to the information to be entered in the electronic tracking system under § 1161a.39 (relating to electronic tracking system) with respect to medical marijuana products dispensed to all patients and caregivers, the dispensary of an approved clinical registrant shall enter information into the electronic tracking system as required by the Department that identifies patients that are enrolled in an approved research program or research study.

§ 1211a.34. Prohibition.

Except for reasonable remuneration specifically in a research contract for the services to be performed or costs to be incurred by an ACRC, an ACRC may not solicit or accept anything of value from an approved clinical registrant or a principal or financial backer of an approved clinical registrant. Reasonable remuneration may include up-front deposits or other payments to an ACRC under a

research contract to defray start-up and ongoing costs of the ACRC in connection with the establishment of the contractual relationship in the research contract. This section does not apply to charitable contributions that are part of a history of giving to an ACRC established 1 year or more prior to the effective date of the act.

§ 1211a.35. Reporting requirements.

(a) Except as provided in subsection (b), an approved clinical registrant shall provide a written report of the findings of its research program or research study to the Department within 365 days of the completion of an approved research program or research study.

(b) In the event the approved clinical registrant or its ACRC intends to submit a manuscript of the results of an approved research program or research study to a peer-reviewed medical journal for publication, the written report required under subsection (a) shall be provided to the Department within 30 days following publication.

(c) The Department may post the findings received under this section on its publicly-accessible web site and share them with other approved clinical registrants, ACRCs or any other person it determines would benefit from the findings.

§ 1211a.36. Sale or exchange.

(a) The grower/processor of an approved clinical registrant may sell or exchange the following items to another grower/processor:

- (1) Seeds.
- (2) Immature medical marijuana plants.
- (3) Medical marijuana plants.
- (4) Medical marijuana products.

(b) The grower/processor of an approved clinical registrant may only sell its medical marijuana products to either its own approved dispensaries or any other approved dispensaries of an approved clinical registrant.

(c) Notwithstanding subsection (b), an approved clinical registrant may petition the Department, on a form prescribed by the Department, to sell its medical marijuana products to a dispensary holding a permit under sections 601—616 of the act (35 P.S. §§ 10231.601—10231.616).

(d) A petition filed under subsection (c) must include either the report or manuscript required under § 1211a.35 (relating to reporting requirements). If a clinical registrant fails to provide the report or manuscript required under § 1211a.35, the petition will be denied.

§ 1211a.37. Appeals.

Chapter 5 of 2 Pa.C.S. (relating to practice and procedure) and its accompanying regulations, as modified by Chapter 1230a (relating to practice and procedure), apply to actions of the Department under this chapter constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

CHAPTER 1230a. PRACTICE AND PROCEDURE

Subchapter A. Preliminary Provisions

Subchapter B. Formal Proceedings

SUBCHAPTER A. PRELIMINARY PROVISIONS

Sec.

GENERAL

- 1230a.21. Scope.
 1230a.22. Definitions.
 1230a.23. Docket.
 1230a.24. Filing generally.

TIME

- 1230a.25. Effective date of adjudication, actions or order.
 1230a.26. Representation.

GENERAL

§ 1230a.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).

§ 1230a.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).

§ 1230a.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).

§ 1230a.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

§ 1230a.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).

§ 1230a.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 hac 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

Sec.

APPEALS

- 1230a.38. Commencement, form and content of Notice of Appeal.
- 1230a.39. Timeliness of Notice of Appeal.

SPECIAL ACTIONS

- 1230a.43. Orders to Show Cause, orders or petitions filed by the Office.
- 1230a.44. Answers to Orders to Show Cause, orders or petitions filed by the Office.
- 1230a.45. Verifications and affidavits.
- 1230a.46. Entry of default judgment.

APPEALS

§ 1230a.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	:	Docket No.: _____
Address of Appellant	:	
Telephone Number of Appellant,	:	
Appellant/Petitioner,	:	
v.	:	
	:	
The Pennsylvania Department of	:	
Health,	:	
	:	
Office of Medical Marijuana,	:	
Appellee/Respondent.	:	

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).

§ 1230a.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 mailing date on the written notice of the action.

(b) An untimely 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

§ 1230a.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. The date of service shall be the date specified on the certificate of service.

(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 § 1230a.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).

§ 1230a.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 § 1232.46 (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).

§ 1230a.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)

§ 1230a.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.

28 Pa. Code § 1151 Appendix A

§ 1151 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

PROPOSED RULEMAKING

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
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
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

[Pa.B. Doc. No. 21-327. Filed for public inspection March 5, 2021, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending February 23, 2021.

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

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
02-17-2021	Ameriserv Financial Bank Johnstown Cambria County	Filed
	Application for approval to purchase assets and assume liabilities of one branch of Riverview Bank, Marysville, PA, located at:	
	135 Center Street Meyersdale Somerset County, PA	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-23-2021	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	2002 West Liberty Street Allentown Lehigh County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-18-2021	S & T Bank Indiana Indiana County	<i>To:</i> 1349 Wilmington Pike West Chester Chester County <i>From:</i> 300 Oakland Road West Chester Chester County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
01-25-2021	S & T Bank Indiana Indiana County	5522 Shaffer Road DuBois Clearfield County	Closed
01-30-2021	Harleysville Bank Harleysville Montgomery County	695 Main Street Harleysville Montgomery County	Closed

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 21-328. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Kernel University to Operate a Location in this Commonwealth

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval for Kernel University to open a location in Elkins Park, PA. Kernel University has applied to open a location in Elkins Park, PA for the purpose of offering the following programs: Bachelor of Business Administration, Bachelor of Theology, Master of Divinity and Doctor of Ministry.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice

of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher Education, Access and Equity, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-6786 or write to the previously listed address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodations to participate, should contact the Division of Higher Education, Access and Equity at (717) 783-6786 to discuss accommodations.

NOE ORTEGA,
Acting Secretary

[Pa.B. Doc. No. 21-329. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. Additional information, including links to draft permits and fact sheets that explain the basis for DEP’s tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0473211	Industrial Waste Individual WQM Permit	Transfer	Energy Harbor Nuclear Corp 168 E Market Street Akron, OH 44308-2014	Shippingport Borough Beaver County	SWRO
0478201	Industrial Waste Individual WQM Permit	Transfer	Energy Harbor Nuclear Corp 168 E Market Street Akron, OH 44308-2014	Shippingport Borough Beaver County	SWRO
3915201	Industrial Waste Individual WQM Permit	Amendment	Nestle Purina Petcare Company 2050 Pope Road Allentown, PA 18104-9308	South Whitehall Township Lehigh County	NERO
0113832	Joint DEP/PFBC Pesticides Permit	Renewal	East Berlin Fish and Game P.O. Box 361 East Berlin, PA 17316-0361	Reading Township Adams County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1018807	Joint DEP/PFBC Pesticides Permit	Renewal	Cranberry Township Butler County 5601 Freshcorn Road Cranberry Township, PA 16066-3227	Cranberry Township Butler County	NWRO
1018809	Joint DEP/PFBC Pesticides Permit	Renewal	Treesdale CC Inc. 1 Arnold Palmer Drive Gibsonia, PA 15044-6133	Adams Township Butler County	NWRO
1519813	Joint DEP/PFBC Pesticides Permit	Amendment	Glenn Carlson 858 Glenville Road Cochranville, PA 19330	West Fallowfield Township Chester County	SERO
2116801	Joint DEP/PFBC Pesticides Permit	Renewal	Mark B Nolt 711 Ridge Road Shippensburg, PA 17257-9731	Hopewell Township Cumberland County	SCRO
2815802	Joint DEP/PFBC Pesticides Permit	Renewal	Charles Eichelberger 8197 Stone Bridge Road Greencastle, PA 17225-9786	Antrim Township Franklin County	SCRO
2817801	Joint DEP/PFBC Pesticides Permit	Renewal	Pat Crouse 11253 Hickory Run Road Orrstown, PA 17244-9554	Southampton Township Franklin County	SCRO
2818802	Joint DEP/PFBC Pesticides Permit	Renewal	Joe Palladino 7894 Upper Horse Valley Road Upperstrasburg, PA 17265-9716	Letterkenny Township Franklin County	SCRO
3113802	Joint DEP/PFBC Pesticides Permit	Renewal	William W Tucker II 4521 Hilltop Lane Kitty Hawk, NC 27949-5921	Barree Township Huntingdon County	SCRO
3613868	Joint DEP/PFBC Pesticides Permit	Renewal	The Lakes at Donegal Springs HOA 125 Charlan Boulevard Mount Joy, PA 17552-9055	East Donegal Township Lancaster County	SCRO
3616802	Joint DEP/PFBC Pesticides Permit	Renewal	Manheim Township Lancaster County 2040 Lititz Pike Lancaster, PA 17601-3802	Manheim Township Lancaster County	SCRO
5318801	Joint DEP/PFBC Pesticides Permit	Renewal	Brookland Club Inc. P.O. Box 429 Coudersport, PA 16915-0429	Ulysses Township Potter County	NCRO
5716802	Joint DEP/PFBC Pesticides Permit	New	John Stock 572 Berne Drive Schuylkill Haven, PA 17972-9125	Cherry Township Sullivan County	NCRO
5721801	Joint DEP/PFBC Pesticides Permit	New	David Krakoski 2042 Nature Park Lane Spring, TX 77386-2747	Cherry Township Sullivan County	NCRO
6021801	Joint DEP/PFBC Pesticides Permit	New	Mapa Corp 1310 Quarry Lane Lancaster, PA 17603-2424	Hartley Township Union County	NCRO
6716802	Joint DEP/PFBC Pesticides Permit	Renewal	Vicki Glatfelter 8295 Orchard Road Thomasville, PA 17364-9248	Paradise Township York County	SCRO
6716804	Joint DEP/PFBC Pesticides Permit	Renewal	Ben Engle 718a Range End Road Dillsburg, PA 17019-9465	Franklin Township York County	SCRO
6718818	Joint DEP/PFBC Pesticides Permit	Renewal	Emily Doxzon 16519 Kline Young Road Stewartstown, PA 17363-9333	East Hopewell Township York County	SCRO
PA0232602	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Amendment, Minor	Hummel Station LLC P.O. Box 518 Shamokin Dam, PA 17876-0518	Shamokin Dam Borough Snyder County	NCRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0080349	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Transfer	Thomasville MHC LLC 31200 Northwestern Highway Farmington Hills, MI 48334-5900	Jackson Township York County	SCRO
PA0260118	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Transfer	New Oxford MHC Group LLC 31200 Northwestern Highway Farmington Hills, MI 48334-5900	Mount Pleasant Township Adams County	SCRO
NOEXNC169	No Exposure Certification	New	National Oilwell Varco LP 7909 Parkwood Circle Drive Houston, TX 77036-6565	Fairfield Township Lycoming County	NCRO
NOEXSC360	No Exposure Certification	New	Syncreon US 609 Memory Lane York, PA 17402-2235	Springettsbury Township York County	SCRO
PAR800076	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Cleveland Cliffs Railways 139 Modena Road Coatesville, PA 19320-4036	South Coatesville Borough Chester County	SERO
PAG122217	PAG-12 NPDES General Permit for CAFOs	Renewal	Dwight Manbeck 917 Schwartz Valley Road Schuylkill Haven, PA 17972	Wayne Township Schuylkill County	SCRO
PAG123581	PAG-12 NPDES General Permit for CAFOs	Renewal	Elvin Nolt 11 Seth Erb Road Richland, PA 17087-9404	Millcreek Township Lebanon County	SCRO
PAG123675	PAG-12 NPDES General Permit for CAFOs	Renewal	Anthony Oberholtzer 1500 Pine Grove Road Bethel, PA 19507-9513	Bethel Township Berks County	SCRO
PAG123757	PAG-12 NPDES General Permit for CAFOs	Renewal	Esbensshade Farms Inc. 220 Eby Chiques Road Mount Joy, PA 17552-8800	Mount Joy Township Lancaster County	SCRO
PAG123814	PAG-12 NPDES General Permit for CAFOs	Renewal	James T King Sr 6028 Guintier Road Greencastle, PA 17225	Antrim Township Franklin County	SCRO
PAG123852	PAG-12 NPDES General Permit for CAFOs	Renewal	Country View Family Farms LLC 1301 Fulling Mill Road Suite 3000 Middletown, PA 17057-5990	Upper Bern Township Berks County	SCRO
PAG124825	PAG-12 NPDES General Permit for CAFOs	Renewal	Pine Hurst Acres 3304 Sunbury Road Danville, PA 17821-9454	Rush Township Northumberland County	SCRO
1503419	Sewage Land Application Individual WQM Permit	Renewal	Stonewall Links LP 375 Bulltown Road Elverson, PA 19520-8729	Warwick Township Chester County	SERO
0115403	Sewage Treatment Facilities Individual WQM Permit	Transfer	New Oxford MHC Group LLC 31200 Northwestern Highway Farmington Hills, MI 48334-5900	Mount Pleasant Township Adams County	SCRO
2021401	Sewage Treatment Facilities Individual WQM Permit	New	Stephanie & Thomas Hart 9945 Williamson Road Meadville, PA 16335-5157	West Mead Township Crawford County	NWRO
2106401	Sewage Treatment Facilities Individual WQM Permit	Transfer	Joshua F & Amy L Johnson 101 Shatto Drive Carlisle, PA 17013-2120	North Middleton Township Cumberland County	SCRO
2106406	Sewage Treatment Facilities Individual WQM Permit	Transfer	Mitchell A Ewert 210 South Second Street Dillsburg, PA 17019	Upper Frankford Township Cumberland County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4101402	Sewage Treatment Facilities Individual WQM Permit	Transfer	Whole Plant Real Estate Holdings LLC 5741 State Route 87 Williamsport, PA 17701-8645	Plunketts Creek Township Lycoming County	NCRO
5683411	Sewage Treatment Facilities Individual WQM Permit	Amendment	UMH Properties, Inc. 150 Clay Street Suite 450 Morgantown, WV 26501	Somerset Township Somerset County	SWRO
6384416	Sewage Treatment Facilities Individual WQM Permit	Amendment	South Franklin Township 100 Municipal Road Washington, PA 15301	South Franklin Township Washington County	SWRO
6772408	Sewage Treatment Facilities Individual WQM Permit	Transfer	Thomasville MHC LLC 31200 Northwestern Highway Farmington Hills, MI 48334-5900	Jackson Township York County	SCRO
0292415	Sewer Extensions and Pump Stations Individual WQM Permit	Transfer	Collier Township 2418 Hilltop Road Suite 100 Presto, PA 15142	Collier Township Allegheny County	SWRO
0219402	Sewer Extensions and Pump Stations Individual WQM Permit	Transfer	Collier Township 2418 Hilltop Road Suite 100 Presto, PA 15142	Collier Township Allegheny County	SWRO
0207406	Sewer Extensions and Pump Stations Individual WQM Permit	Transfer	Collier Township 2418 Hilltop Road Suite 100 Presto, PA 15142	Collier Township Allegheny County	SWRO
0289422	Sewer Extensions and Pump Stations Individual WQM Permit	Transfer	Collier Township 2418 Hilltop Road Suite 100 Presto, PA 15142	Collier Township Allegheny County	SWRO
0204402	Sewer Extensions and Pump Stations Individual WQM Permit	Transfer	Collier Township 2418 Hilltop Road Suite 100 Presto, PA 15142	Collier Township Allegheny County	SWRO
0291401	Sewer Extensions and Pump Stations Individual WQM Permit	Transfer	Collier Township 2418 Hilltop Road Suite 100 Presto, PA 15142	Collier Township Allegheny County	SWRO
0406402	Sewer Extensions and Pump Stations Individual WQM Permit	Transfer	Energy Harbor Nuclear Corp P.O. Box 4 Rt 168 Shippingport, PA 15077-0004	Shippingport Borough Beaver County	SWRO
1521402	Sewer Extensions and Pump Stations Individual WQM Permit	New	Upper Uwchlan Township Municipal Authority 140 Pottstown Pike Chester Springs, PA 19425-9516	Upper Uwchlan Township Chester County	SERO
2221401	Sewer Extensions and Pump Stations Individual WQM Permit	New	Lower Paxton Township Authority Dauphin County 425 Prince Street Suite 139 Harrisburg, PA 17109	Lower Paxton Township Dauphin County	SCRO
PA0248193	Single Residence STP Individual NPDES Permit	Transfer	Joshua F & Amy L Johnson 101 Shatto Drive Carlisle, PA 17013-2120	North Middleton Township Cumberland County	SCRO
PA0248321	Single Residence STP Individual NPDES Permit	Transfer	Mitchell A Ewert 210 South Second Street Dillsburg, PA 17019	Upper Frankford Township Cumberland County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0228362	Small Flow Treatment Facility Individual NPDES Permit	Transfer	Whole Plant Real Estate Holdings LLC 5741 State Route 87 Williamsport, PA 17701-8645	Plunketts Creek Township Lycoming County	NCRO
WQG02010903	WQG-02 WQM General Permit	Amendment	New Oxford Municipal Authority Adams County 409 Water Works Road New Oxford, PA 17350-0086	Oxford Township Adams County	SCRO
WQG02362101	WQG-02 WQM General Permit	New	East Donegal Sewer Authority Lancaster County 190 Rockpoint Road Marietta, PA 17547	East Donegal Township Lancaster County	SCRO

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

Northcentral Regional Office

PA0209449, Industrial, SIC Code 3399, **GKN Sinter Metals Emporium, Inc.**, 1 Airport Road, Emporium, PA 15834-2001. Facility Name: GKN Sinter Metals Emporium Auto. This existing facility is located in Emporium Borough, **Cameron 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), Driftwood Branch Sinnemahoning Creek (HQ-TSF, MF) and West Creek (HQ-CWF, MF), is located in State Water Plan watershed 8-A and is classified for Migratory Fishes, High Quality—Cold Water, Trout Stocking, and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001-008 are based on a design flow of 0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Outfall 107 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30

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

- Stormwater Requirements

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

The EPA Waiver is in effect.

PA0232661, Sewage, SIC Code 4952, **Gregory L. Daub**, 485 Greenville Road, Denver, PA 17517-9591. Facility Name: Gregory L Daub SFTF. This existing facility is located in Covington Township, **Clearfield 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 Sandy Creek (CWF, MF), is located in State Water Plan watershed 8-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 0.00155 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	0.75
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0062553, Industrial, SIC Code 4941, **PA American Water Co.**, 1799 Jumper Road, Wilkes-Barre, PA 18701-8031. Facility Name: PA American Water Crystal Lake WTP. This existing facility is located in Fairview Township, **Luzerne 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), Big Wapwallopen Creek (CWF), is located in State Water Plan watershed 5-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .12 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Duration of Discharge (minutes)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	1.3	2.0	XXX	1.3	2.0	2.6
Iron, Total	XXX	XXX	XXX	2.0	3.1	XXX
Manganese, Total	XXX	XXX	XXX	1.0	1.5	XXX

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

- Sedimentation Basin Cleaning
- Chemical Additives

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.

PA0276375, Storm Water, SIC Code 3443, **CVIP—A Division of Gardner Cryogenics (An Air Products & Chemicals, Inc. Business)**, 801 Broad Street, Emmaus, PA 18049-3600. Facility Name: CVIP—A Division of Gardner Cryogenics (An Air Products & Chemicals, Inc. Business). This proposed facility is located in Emmaus Borough, **Lehigh County**.

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

The receiving stream(s), Unnamed Tributary to Leibert Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

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

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

The EPA Waiver is in effect.

PA0060551, Sewage, SIC Code 4952, **Aqua Pennsylvania Wastewater Inc.**, 1 Aqua Way, White Haven, PA 18861. Facility Name: Rivercrest Development. This existing facility is located in Tunkhannock Township, **Wyoming County**.

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

The receiving stream(s), Susquehanna River (WWF, MF), is located in State Water Plan watershed 4-G 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 permitted flow of .175 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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	Inst Min	XXX	XXX	XXX
			5.0			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.0
			37			
Oxygen Demand (CBOD ₅)	44	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean	XXX	XXX
				Report		

The proposed effluent limits for Outfall 001 are based on a permitted flow of .175 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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	Inst Min	XXX	XXX	XXX
			5.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.6
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	37	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	44	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean	XXX	XXX
				Report		

The proposed effluent limits for Outfall 001 are based on a permitted flow of .175 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of permitted flow of .175 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Avg Qrtly	XXX	XXX
				Report		
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Avg Qrtly	XXX	XXX
				Report		
Total Phosphorus	XXX	XXX	XXX	Avg Qrtly	XXX	XXX
				Report		

Sludge use and disposal description and location(s): The September 2019 'Sewage Sludge/Biosolids Production and Disposal' supplemental form states that sludge was hauled to the Greater Hazleton Joint Sewer Authority.

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

- Solids Management

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0000736, Industrial, SIC Code 3499, **Keystone Powdered Metal Company**, 251 State Street, Saint Marys, PA 15857-1658. Facility Name: Keystone Powdered Metal. This existing facility is located in Saint Marys City, **Elk 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), Iron Run, Unnamed Tributary to Elk Creek and Elk Creek, are located in State Water Plan watershed 17-A and are classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfalls 002—007, 009, 010, and 012—017 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfalls 102, 106 and 115 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Total Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Internal Monitoring Point	Avg Mo					
Duration of Discharge (hours)	Report	XXX	XXX	XXX	XXX	XXX
Internal Monitoring Point						
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Internal Monitoring Point			Inst Min			
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point					Daily Max	

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

PA0090719, Sewage, SIC Code 4952, **Indiana County Municipal Service Authority**, 602 Kolter Road, Indiana, PA 15701-1755. Facility Name: Robindale Heights STP. This existing facility is located in East Wheatfield Township, **Indiana County**.

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

The receiving stream, an Unnamed Tributary to the Conemaugh River (CWF), is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.035 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Wkly Avg	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	Daily Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)			Daily Min			
Nov 1 - Apr 30	7.0	XXX	XXX	25.0	XXX	50.0
May 1 - Oct 31	5.0	XXX	XXX	16.0	XXX	32.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	Report
Total Suspended Solids Raw Sewage Influent	9.0 Report	XXX XXX	XXX XXX	30.0 Report	XXX XXX	60.0 Report
Ammonia-Nitrogen Nov 1 - Apr 30	4.4	XXX	XXX	15.0	XXX	30.0
May 1 - Oct 31	1.5	XXX	XXX	5.0	XXX	10.0
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

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

- Solids Management

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

The EPA Waiver is in effect.

PA0264351, Sewage, SIC Code 4952, 8800, **Timothy Lester**, 275 Hazeltine Avenue, Jamestown, NY 14701-7642. Facility Name: Timothy Lester SRSTP. This existing facility is located in Farmington Township, **Warren 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), Mud Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	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	XXX	1,000

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

The EPA Waiver is in effect.

PA0288896, Sewage, SIC Code 8800, **CL Holdings LLC**, 414 North Washington Street, Evans City, PA 16033. Facility Name: Cl Holdings SRSTP. This proposed facility is located in Muddycreek Township, **Butler 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), Little Yellow Creek (CWF), 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 .0004 MGD.—Limits.

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

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

Sludge use and disposal description and location(s): Septage will be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0245275, Sewage, SIC Code 4952, **Patricia A McVey & Alan S McVey**, 226 Valley Green Drive, Coatesville, PA 19320. Facility Name: 226 Valley Green Dr STP. This proposed facility is located in West Caln Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary of Rock Run (TSF, MF), is located in State Water Plan watershed 3-H and is classified for Migratory Fishes and Trout Stocking, aquatic life, and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	10.0	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- AMR to DEP
- DMR to DEP if Attached
- 1/year Measure Depth of Septage and Scum
- Septic Tanks Pumped Once Every Three Years
- Total Residual Chlorine Requirement
- No Stormwater
- Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP when Municipal Sewers Available

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0267155, Industrial, SIC Code 6021, **Fulton Financial Corporation**, 533 Fellowship Road, Mt. Laurel, NJ 08054. Facility Name: Fulton Bank Admin Service. This proposed facility is located in East Petersburg Borough, **Lancaster County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated industrial waste (from a groundwater remediation system).

The receiving stream(s), Unnamed Tributary to Little Conestoga Creek (TSF, MF), is located in State Water Plan watershed 7-J and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0216 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Lead, Total	XXX	XXX	XXX	0.015	0.030	0.037
cis-1,2-Dichloroethylene	XXX	XXX	XXX	0.07	0.14	0.17
Trichloroethylene	XXX	XXX	XXX	0.005	0.010	0.012

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

I. Other Requirements (standard)

II. Groundwater Cleanup—Granular Activated Carbon Filtration (standard)

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.

PA0088722, Industrial, SIC Code 2013, **JF Martin Family Corporation**, 55 Lower Hillside Road, P.O. Box 137, Stevens, PA 17578-9787. Facility Name: John F. Martin & Sons WWTP. This existing facility is located in West Cocalico Township, **Lancaster 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), Indian Run (TSF, MF), is located in State Water Plan watershed 7-J 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 .09 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.31	XXX	1.02
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	13.7	27.5	XXX	25	50	62.5
Total Suspended Solids	16.5	33	XXX	30	60	75
Oil and Grease	6.25	12.5	XXX	15	XXX	30
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	400 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX
Chloride	Report	XXX	XXX	Report	XXX	XXX
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	6.75	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	2.25	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of .09 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.25	XXX	0.81
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	13.7	27.5	XXX	25	50	62.5
Total Suspended Solids	16.5	33	XXX	30	60	75
Oil and Grease	6.25	12.5	XXX	15	XXX	30
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	400	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX
Chloride	Report	XXX	XXX	Report	XXX	XXX
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	6.75	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	2.25	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of .09 MGD.—Final Limits

<i>Parameters</i>	<i>Mass Units (lbs)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrite-Nitrate as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	XXX	Report	XXX	XXX	XXX
Net Total Phosphorus	XXX	Report	XXX	XXX	XXX

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

- I.—Other Requirements
- II.—Requirements for Total Residual Chlorine
- III.—Solids Management

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0255815, Industrial, SIC Code 1031, **Cyprus Amax Minerals Co.**, 333 N Central Avenue, Phoenix, AZ 85004-2189. Facility Name: American Zinc & Chemicals Smith Township Site. This proposed facility is located in Smith Township, **Washington County**.

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

The receiving stream(s), Burgetts Fork (WWF), is located in State Water Plan watershed 20-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 .00288 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	9.0
Cadmium, Total (ug/L)	XXX	XXX	XXX	10.70	16.70	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	3,090.0	4,821.0	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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.

PA0219142, Sewage, SIC Code 4952, **Westmoreland County Municipal Authority**, 124 Park and Pool Road, New Stanton, PA 15672. Facility Name: Sewickley Township Wastewater Treatment Plant. This existing facility is located in Sewickley Township, **Westmoreland 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), Little Sewickley Creek (TSF), is located in State Water Plan watershed 19-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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)						
Nov 1 - Apr 30	91.7	137.6	XXX	25.0	37.5	50
May 1 - Oct 31	73.4	110.1	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	110.2	165.2	XXX	30.0	45.0	60
Raw Sewage Influent	Report	Report Daily Max	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
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	52.8	79.3	XXX	14.4	21.6	28.8
May 1 - Oct 31	17.6	26.4	XXX	4.8	7.2	9.6
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

The EPA Waiver is in effect.

PA0219215, Sewage, SIC Code 4952, **Donegal Township**, P.O. Box 310, West Alexander, PA 15376-0310. Facility Name: Donegal Township STP. This existing facility is located in West Alexander Borough, **Washington County**.

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

The receiving stream(s), Little Wheeling Creek (WWF), is located in State Water Plan watershed 20-E 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 0.064 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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)	13.4	XXX	XXX	25	XXX	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	16.0 Report	XXX XXX	XXX XXX	30 Report	XXX XXX	60 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
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	2.7	XXX	XXX	5.0	XXX	10.0
May 1 - Oct 31	1.1	XXX	XXX	2.0	XXX	4.0
Total Nitrogen	XXX	Report	XXX	XXX	Report	XXX
Total Phosphorus	XXX	Daily Max Report	XXX	XXX	Daily Max Report	XXX

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

The EPA Waiver is in effect.

PA0252531, Sewage, SIC Code 4952, **Independence Cross Creek Joint Sewer Authority**, P.O. Box 156, Avella, PA 15312. Facility Name: Independence Cross Creek Joint Sewer Authority STP. This existing facility is located in Cross Creek Township, **Washington County**.

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

The receiving stream(s), Cross Creek (WWF), is located in State Water Plan watershed 20-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 0.354 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	70	115	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	85 Report	130 Report	XXX XXX	30.0 Report	45.0 XXX	60 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
Ultraviolet light transmittance (%)	XXX	XXX	Report	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Ammonia-Nitrogen						
Nov 1 - Apr 30	50.7	XXX	XXX	17.2	XXX	34.4
May 1 - Oct 31	16.9	XXX	XXX	5.74	XXX	11.4

The proposed effluent limits for Outfall 001 are based on a design flow of 0.354 MGD.

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

Sludge use and disposal description and location(s): The facility's dried sludge is disposed at landfill. Per the application 6.64 dry tons were disposed in the previous year.

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.

PA0254860, Sewage, SIC Code 8800, **William Raymond**, 5431 Yukon Court, Suite A, Frederick, MD 21703-7326. Facility Name: Raymond SRSTP. This existing facility is located in Indian Lake Borough, **Somerset 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 Rhoads Creek (CWF), is located in State Water Plan watershed 18-E 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 .0004 MGD.—Limits.

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

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

The EPA Waiver is in effect.

PA0255831, Sewage, SIC Code 6515, **Robert W. Jones**, 33 Emery Road, Eighty-Four, PA 15330-2109. Facility Name: Jones Properties SFTF. This proposed facility is located in Amwell Township, **Washington 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 Chartiers Creek (HQ-WWF), is located in State Water Plan watershed 20-F 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 .00198 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum Daily</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	15.0	XXX	30.0
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10.0

The treatment system will be constructed and operated per pending WQM Part II Permit 6320405.

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.

PA0000914, Industrial, SIC Code 8733, **Naval Reactors Lab Field Ofc**, P.O. Box 109, West Mifflin, PA 15122-0109. Facility Name: Bettis Atomic Power Lab. This existing facility is located in West Mifflin Borough, **Allegheny County**.

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

The receiving streams, Thompson Run (WWF) and Unnamed Tributaries of Thompson Run (WWF) are located in State Water Plan watersheds 19-A and 19-C and are 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 0.0317 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	Report	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	25.0	50.0	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Antimony, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Bromoform (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chlorodibromomethane (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Dichlorobromomethane (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chloroform (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0317 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.271	0.542	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110.0
Total Suspended Solids	XXX	XXX	XXX	25.0	50.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Antimony, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	20.0	31.0	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Lead Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

NOTICES

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Zinc, Total (ug/L)	XXX	XXX	XXX	236.0	251.0	XXX
Bromoform (ug/L)	XXX	XXX	XXX	10.0	16.0	XXX
Chlorodibromomethane (ug/L)	XXX	XXX	XXX	1.0	1.5	XXX
Dichlorobromomethane (ug/L)	XXX	XXX	XXX	1.3	2.0	XXX
Chloroform (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	0.75	XXX
Iron, Total	XXX	XXX	XXX	XXX	3.0	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0.778 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	75.0
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
trans-1,2-Dichloroethylene	XXX	XXX	XXX	0.005	XXX	0.0125
Tetrachloroethylene	XXX	XXX	XXX	0.0022	XXX	0.0055
Trichloroethylene	XXX	XXX	XXX	0.005	XXX	0.0125

The proposed effluent limits for Outfall 007 are based on a design flow of 0.778 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	75.0
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
trans-1,2-Dichloroethylene (ug/L)	XXX	XXX	XXX	5.0	XXX	12.5
Tetrachloroethylene (ug/L)	XXX	XXX	XXX	0.8	1.2	2.0
Trichloroethylene (ug/L)	XXX	XXX	XXX	2.9	4.5	7.2

The proposed effluent limits for Outfall 008 are based on a design flow of 0 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	0.75	XXX
Iron, Total	XXX	XXX	XXX	XXX	3.0	XXX

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD230050	New	Pennsylvania Department of Transportation, District 6-0 7000 Geerdes Blvd King of Prussia, PA 19406-1525	Upper Chichester Township Delaware County City of Chester Delaware County	SERO
PAD510199	New	Map Real Estate, LLC 25700 Science Park Drive Suite 270 Beachwood, OH 44122	City of Philadelphia Philadelphia County	SERO
PAD450131	Renewal	Pocono Manor Investors, LP P.O. Box 38 Pocono Manor, PA 18349	Pocono Township Monroe County	NERO
PAD400040	Renewal	M.A.C. Realty Company, Inc. 265 Magnolia Drive Dallas, PA 18612	Dallas Township Luzerne County	NERO
PAD480138	New	James H Seitz II 1700 Cherry Avenue Easton, PA 18040	Moore Township Northampton County	NERO
PAD500013	New	Fishing Creek Valley Associates, LP 4712 Smith Street Harrisburg, PA 17109	Marysville Borough Perry County	SCRO
PAD180025	New	Vision Investment Properties LLC 960 3rd Street Jersey Shore, PA 17740	Pine Creek Township Clinton County	NCRO
PAD680009	New	Covington-Karthaus-Girard Area Authority 777 Frenchville Road P.O. Box 104 Frenchville, PA 16836	Girard and Goshen Townships Clearfield County	Kelsey Q. Jones Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

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

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

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

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>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Country View Family Farms, LLC River Valley Farm 504 Doan Road Knoxville, PA 16928	Tioga County	445	3,271.50	Swine	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for 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 (35 P.S. §§ 721.1—721.17).

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

Permit No. 0221504 , Public Water Supply	
Applicant	Pittsburgh Water & Sewer Authority 1200 Penn Avenue Pittsburgh, PA 15222
Township or Borough	City of Pittsburgh
County	Allegheny County
Responsible Official	William Pickering Chief Executive Officer
Type of Facility	Water system

Consulting Engineer	Arcadis US, Inc. 6041 Wallace Road Ext. Suite 300 Wexford, PA 15090
Application Received Date	February 18, 2021
Description of Action	Pre-filter and post-filter sodium hypochlorite system improvements.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

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

WA26-596D, Water Allocations. North Fayette County Municipal Authority, 1634 University Drive, P.O. Box 368, Dunbar, PA 15431, **Fayette County**. The application requests the right to withdraw a maximum of 11.70 million (11,700,000) gallons of water per day, peak month (30-day average), from the Youghiogheny River. The applicant also requests an increase in the withdrawal amount to 12 million (12,000,000) gallons of water per day, peak month (30-day average) contingent upon the receipt of a water supply operation permit for their proposed water treatment plant.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Tesno Residence, 2582 Church Lane, Kitnersville, PA 18930, Nockamixon Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348 submitted a Notice of Intent to Remediate. A release of petroleum occurred at the site with impacts to shallow soil and groundwater. The current use and proposed future use of the property is residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on January 17, 2021.

Brown Residence, 2310 Rickert Road, Perkasio, PA 18944, Hilltown Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf Nathan Rochette, Truck Insurance Exchange, P.O. Box 268994, Oklahoma City, OK 73126 submitted a Notice of Intent to Remediate. Soil and groundwater have been impacted with the release of No. 2 fuel oil. The current use and proposed future use of the property is residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on January 17, 2021.

Keystone Trade Center—Lot 27, River Road, Fairless Hills, PA 19067, Falls Township, **Bucks County**. Jeffrey A. Smith, P.G., Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103 on behalf of Andy Mace, NP Falls Township Industrial, LLC, 4825 NW 41st Street, Suite 500, Riverside, MO 64150 submitted a Notice of Intent to Remediate. Soil samples were analyzed for VOCs, SVOCs, PCBs, and metals. The Keystone Trade Center (KTC) property, including the site, is currently zoned for Materi-

als Processing and Manufacturing (MPM). The future use is deed restricted to nonresidential. The current development plan for Lot 27 consists of construction of two, 1-million-square-foot industrial/warehouse buildings and stormwater detention basins. The proposed cleanup standard for the site is site-specific standard/Statewide health standard. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on February 12, 2021

Grease Monkey Facility, 819 North Easton Road, Doylestown, PA 18902, Plumstead Township, **Bucks County**. Heath A. Brown, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482 on behalf of Kenneth Lowther, Doylestown Properties, LP, 1400 Horizon Way, Suite 100, Mount Laurel, NJ 08054 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with free-phase petroleum product as a result of historical releases of new and used motor oil from underground storage tank systems which has contaminated groundwater on the site. The proposed future use of the property will be non-residential for commercial use. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in the *Intelligencer* on February 9, 2021.

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

Contact: Eric Supey, Environmental Program Manager.

Carlton Property, 388 Valley View Drive North, Stroudsburg, PA 18360, Stroud Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pipeline Petroleum, Inc., P.O. Box 159, Shippers Road, Macungie, PA 18062, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an underground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Pocono Record* on January 31, 2021.

Porter Tower Joint Municipal Authority, 860 West Grand Ave., Tower City, PA 17980, Porter Township, **Schuylkill County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of UGI Energy Services, 19 Richmond Dr., Mansfield, PA 16933, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by a historic release of petroleum hydrocarbons. Future use of the site will be non-residential. The Notice of Intent to Remediate was published in the *Republican Herald* on February 16, 2021.

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

Water Works Transport LLC Brine Spill Cleanup, 1022 Hoagland Run Road, Cogan Station, PA 17728, Lycoming Township, **Lycoming County**. Weaver Consultants Group, LLC, 175 Maple Hill Drive, Etters, PA 17319, on behalf of Water Works Transport LLC, 1912 John Brady Drive, Muncy, PA 17756, has submitted a Notice of Intent to Remediate. The applicant proposes to remediate soil and groundwater contaminated with produced water to meet the Background, Statewide health and site-specific standards. The intended future use of the property is residential. A summary of the Notice of Intent to remediate was published in the *Williamsport Sun-Gazette* on January 8, 2021.

Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Conrail North Yard MAIC, 789 Bessemer Street, Meadville, PA 16335, City of Meadville, **Crawford County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of Economic Progress Alliance of Crawford County, 789 Bessemer Street, Meadville, PA 16335 has submitted a Notice of Intent to Remediate. A historical release occurred an aboveground storage tank containing No. 2 fuel oil that resulted in contamination to site soil, site groundwater, and surface waters of French Creek. The intended future use of the property is residential and non-residential. The Notice of Intent to Remediate was published in *The Meadville Tribune* on January 21, 2021

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5960.

Permit Application No. 400246. Aqua Pennsylvania Wastewater Inc., 3201 West Front Street, Chester, PA 19013-1829. This application is for the solid waste permit reissuance from Delaware County Regional Water Quality Control Authority (DELCORA) to Aqua PA Wastewater, Inc., which regulates operation of the sewage sludge incinerator (SSI) facility at the Western Regional Treatment Plant (formerly DELCORA's Western Regional Wastewater Treatment Plant), located at 3201 West Front Street, Chester City, **Delaware County**. The application was received by the Southeast Regional Office on February 12, 2021.

Comments concerning the application should be directed to the Pennsylvania Department of Environmental Protection (DEP) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

Contact: Edward Wiener, Chief of Source Registration at 215-685-9426.

AMS Plan Approval No. IP20-000473: Ecolab Inc. (3501 S. Christopher Columbus Avenue, Philadelphia, PA 19148) for the installation and operation of Methyl Bromide (MeBr) fumigation operations in the **City of Philadelphia**.

The potential emissions from the fumigation operation are 9.9 tons of MeBr per 12-month rolling period, and 0.94 ton of Phosphine per 12-month rolling period.

The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

IP20-000422: Marshals NE Distribution Center (2760 Red Lion Rd, Philadelphia, PA 19114), **City of Philadelphia**, for installation of four (4) natural gas engines each rated at 1,114 HP, to be used as Standby and Demand Response.

AMS modified the plan approval issued on November 30, 2020. The modification includes operating hours of each engine from 1,500 hours per rolling twelve-month period to 2,000 hours per rolling twelve-month period.

The combined potential emissions from the engines are NO_x: 5.32 tons, VOC: 2.68 tons and CO: 2.68 tons per 12 rolling 12 months. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.

06-05036: NPX One (4275 Reading Crest Avenue, Reading, PA 19605) for their expandable polystyrene foam products manufacturing facility in Muhlenberg Township, **Berks County**. The Title V Operating Permit is undergoing a significant modification to renew the facility's VOC Plant Wide Applicability Limit (PAL). In accordance with 25 Pa. Code § 127.218(k)(4)(i), the VOC PAL is proposed to be renewed at the current limit of 650.0 tpy.

28-05045: EPP Renewable Energy, LLC (1660 Orchard Road, Scotland, PA 17257) to issue a Title V Operating Permit for the electric generating facility at the Blue Ridge Landfill located in Greene Township, **Franklin County**. This is for renewal of the Title V permit. Actual emissions reported in 2019 were as follows; 2.79 tons PM₁₀, 33.08 tons NO_x, 223.19 tons CO, 8.46 tons SO₂, 32.50 tons VOC, and 26.38 tons total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63 Subpart AAAA, National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills and 40 CFR 60 Subpart XXX—Standards

of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.

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

Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6328.

20-00194: Lord Corporation, Saegertown Operations (601 South St., Saegertown, PA 16433). In accordance with 25 Pa. Code §§ 127.441, 127.425, and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the adhesive and coating manufacturing facility located in Saegertown Borough, **Crawford County**. The manufacturing consists of several operations including pre-assembly, premix and reactions, pigment grinding or milling, product finishing, product filling, and equipment cleaning. The major emission source types at this facility are storage tanks, reactors, blend/mix tanks, grinders/mills, filters, scales, natural gas combustion sources, and other miscellaneous sources. The facility is a major facility due to its potential to emit HAPs and VOCs. Actual reported 2019 emissions of the major pollutants from the facility are as follows: 5.15 tons NO_x, 4.35 tons CO, 25.165 tons VOC, 0.13 ton PM₁₀, 0.10 tons PM_{2.5}, and 0.13 SO_x. The facility is limited to 160 tpy of VOC on a yearly basis. The facility is subject to the following NSPS of 40 CFR Part 60: Subpart IIII for Stationary CI ICE and Subpart JJJJ for Stationary SI ICE. The facility is also subject to the following NESHAPs of 40 CFR Part 63: Subpart G for Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, Subpart R for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), Subpart SS for Closed Vent Systems, Subpart TT and UU for Equipment Leaks, Control Devices, Recovery Devices and Routing to a Fuel Gas System or Process, Subpart GGG for Pharmaceuticals Production, Subpart FFFF for Miscellaneous Organic Chemical Manufacturing, Subpart HHHHH for Miscellaneous Coating Manufacturing, and Subpart DDDDD for Major Source ICI Boilers and Process Heaters. Several of the small emission units are subject to presumptive RACT under 25 Pa. Code § 129.97(c) relating to work practice requirements. Several other processes, including five reactors, are subject to alternative RACT under 25 Pa. Code § 129.99 relating to emission restrictions. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) 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, (484) 250-5920.

15-00101: Kendal Crosslands Communities (P.O. Box 100, Kennett Square, PA 19348) for the operation of sources at their facilities located in Kennett and Pennsbury Townships, **Chester County**. The permit is for a non-Title V (State Only) facility. The permit is for the operation of two (2) 1,500 kW diesel fuel-fired generators, six (6) dual fuel-fired boilers that can fire either natural gas or No. 2 fuel oil and each rated at less than

10 MMBtu/hr heat input capacity, three (3) emergency diesel fuel-fired generators and other insignificant processes and combustion sources. Based on the potential emissions of VOC and NO_x, which are less than major source threshold, the facility is a Synthetic Minor. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 3-3-2006 and was subsequently renewed on 4-5-2011 and again on 4-18-2016. The permit will include monitoring, record-keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit (or plan approval) can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

15-00068: Spring City Electrical Manufacturing Co. (1 South Main St., Spring City, PA 19475) for a non-Title V, State Only, Synthetic Minor Operating Permit in Spring City Borough, **Chester County**. The permit is for the operation of a foundry that manufactures iron and aluminum cast light posts. The facility's primary criteria pollutant sources are two (2) electric induction furnaces, two (2) natural gas-fired aluminum furnaces, two (2) spray paint booths and various molding, pouring and cooling operations. Based on the potential emissions of VOC and NO_x, which are less than major source threshold, the facility is a Synthetic Minor after limitations. This action is the third renewal of the State Only Operating Permit. The permit was initially issued on 8-16-2005 and was renewed on 2-9-2011 and on 1-21-2016. The permit will include monitoring, record-keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit (or plan approval) can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

30-00129: Morgan Technical Services, Inc. (2608 Smithtown Rd, Morgantown, WV 26508). In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Morgan Technical Services to authorize the continued operation of their miscellaneous metal parts finishing facility located in Perry Township, **Greene County**.

Morgantown Technical Services refurbishes carbon steel coal mining equipment including cleaning, abrasive blasting, painting, and welding repairs. The facility consists of a paint spray booth with fabric filter, an abrasive blasting booth controlled by a baghouse, welding stations, plasma and torch cutter, sixteen natural gas fired heaters, and a natural gas forced furnace. This facility has the potential to emit approximately 0.53 ton per year of PM₁₀, 4.28 ton per year of NO_x, 33.05 tons per year of VOC and 4.68 tons per year of HAPs. The proposed SOOP renewal contains emission restriction, testing, monitoring, record-

keeping, reporting and work practice conditions of the proposed permit have been derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (30-00129) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Morgan Technical Services, Inc. State Only Operating Permit Application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Morgan Technical Services, Inc. State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

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

10-00273: Puragen Activated Carbons Emlenton Plant (3539 Oneida Valley Road, Emlenton, PA 16373). The Department intends to issue a Natural Minor State Only Operating Permit renewal for the processing of activated carbon located in Allegheny Township, **Butler County**. The subject facility consists primarily of crushing, screening, and bagging. The potential emissions are estimated to be less than 11 tons of particulate matter. The facility is subject to State Regulations. The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

20-00295: Baillie Lumber Company, Inc., Titusville Yard (45529 State Highway 27, Titusville, PA 16354-5727). The Department intends to issue the renewal State-Only Operating Permit of a kiln-drying lumber facility located in Oil Creek Township, **Crawford County**. Permitted air contamination sources at the facility include a wood-fired boiler, natural gas-fired boilers, a natural gas-fired water heater, wood-drying kilns, miscellaneous woodworking operations, stenciling operation, a metal parts washer, a boiler evaporation pond, and a lumber dip tank. For permitting purposes, the facility is Natural Minor. In this renewal, the wood-drying kilns are reclassified and incorporated as a permitted source. A fuel restriction is added to the natural gas-fired boilers to ensure exemption from 40 CFR 63 Subpart JJJJJJ; 25 Pa. Code § 129.51 is removed as a permit requirement

for the lumber dip tank because no VOC limitations/requirements in 25 Pa. Code Chapter 129 apply to the source.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

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

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

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

Table 1

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

Alkalinity greater than acidity¹

¹ The parameter is applicable at all times.

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

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

Permit No. 10210101. Seneca Landfill, Inc. (P.O. Box 1080, Mars, PA 16046), commencement, operation, and restoration of a bituminous surface mine in Jackson and Lancaster Townships, **Butler County**, affecting 65.6 acres. Receiving stream(s): Unnamed tributary to Connoquenessing Creek classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is the Zelienople Water Company, 4.3 miles downstream. Application received: January 4, 2021.

Permit No. 33100105. Original Fuels, Inc. (P.O. Box 343, Punxsutawney, PA 15767), renewal of an existing bituminous surface mine in Perry Township, **Jefferson County**, affecting 139.8 acres. Receiving stream(s): Unnamed tributary to Big Run. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: February 8, 2021.

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

Permit No. 22851602R7. Rausch Creek Coal Preparation Lykens, LLC (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite coal preparation plant operation in Wiconisco Township, **Dauphin County** affecting 23.1 acres. Receiving stream: Wiconisco Creek, classified for the following uses: warm water and migratory fishes. Application received: February 4, 2021.

Noncoal Applications Received

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

Table 2

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

* The parameter is applicable at all times.

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

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

Permit No. 44030302 and NPDES Permit No. PA0224294, Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803, renewal of an NPDES permit, located in Armagh Township, **Mifflin County**. Receiving stream: Honey Creek, classified for the following use: high-quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2021.

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

Permit No. 4777SM1 and NPDES No. PA0269727. P-Stone, Inc., P.O. Box 254, Jersey Shore, PA 17740, renewal of an NPDES permit for a large noncoal mining site located in Limestone Township, **Lycoming County** affecting 90 acres. Receiving stream(s): Antes Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2021.

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

Permit No. 58210301. Powers Stone, Inc. (15644 SR 267, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County** affecting 44.3 acres. Receiving stream: Baldwin Creek, classified for the following uses: cold water and migratory fishes. Application received: January 27, 2021.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

*The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769.1100.

NPDES No. PA0236195 (Mining Permit No. 30121301) Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, a revision (to remove Outfall 004) and renewal to the NPDES and CMAP for Harvey Mine in Richhill Township, **Greene County**, affecting 300.95 surface acres and 11,220.0 underground acres. Receiving stream(s): Patterson Creek: HQ-WWF. Receiving stream(s): Browns Creek: HQ-WWF. The application was considered administratively complete: August 15, 2019. The application was received: June 20, 2019.

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

Outfall 001 discharges to: Patterson Creek

The proposed effluent limits for *Outfall 001* (Lat: 39° 56' 24.1" Long: -80° 19' 4.9") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	192	384	480
Total Dissolved Solids	(mg/l)	-	2,000	4,000	5,000
Sulfate	(mg/l)	-	183.2	366.4	458
Bromide	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

Outfall 002 discharges to: Browns Creek

The proposed effluent limits for *Outfall 002* (Lat: 39° 57' 13.8" Long: -80° 18' 22.7") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	2.0	4.0	5.0
Suspended Solids	(mg/l)	-	35	70	90
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect (Monongahela River Watershed and Bailey Central Mine Complex).

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

NPDES No. PA0279757 and Mining Permit No. 56200103. Wilson Creek Energy, LLC, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, new NPDES permit for bituminous surface mining in Lincoln Township, **Somerset County**, affecting 75.4 acres. Receiving stream(s): Unnamed Tributaries to Quemahoning Creek, classified for the following use(s): Cold Water Fishes (CWF). This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: September 8, 2020.

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 treated wastewater outfalls discharge to unnamed tributaries to Unnamed Tributary to Quemahoning Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond # 1)	Y
002 (Treatment Pond # 2)	Y

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

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (mOsm/kg)			Monitor and Report

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

Alkalinity must exceed acidity at all times.

The following stormwater outfalls discharge to Unnamed Tributary to Quemahoning Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003 (Sediment Pond # 1)	Y
004 (Sediment Pond # 2)	Y

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

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times.

NPDES No. PA0269506 and Mining Permit No. 56140105, Fieg Brothers, P.O. Box 38, Berlin, PA 15530, renewal of an NPDES permit for bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 36.3 acres. Receiving stream(s): unnamed tributaries to Tubs Run, classified for the following use(s): cold water fishes. This receiving stream is included in the Buffalo Creek TMDL. Application received: February 9, 2021.

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

The following treated wastewater outfalls discharge to unnamed tributaries to Tubs Run:

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

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

<i>Outfalls: 001 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times.

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

<i>Outfalls: 003 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times.

The following stormwater outfall discharges to unnamed tributary to Tubs Run:

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

<i>Outfalls: 002 (Dry Weather)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

<i>Outfalls: 002 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5

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

Outfalls: 002 (>10-yr/24-hr Precip. Event)
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
Alkalinity must exceed acidity at all times.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.

NPDES No. PA0257427 (Mining Permit No. 17100110), Black Cat Coal, LLC, 446 Wm. Cemetery Road, Curwensville, PA 16833, renewal of an NPDES permit for bituminous coal surface mining in Brady Township, **Clearfield County** affecting 28.0 acres. Receiving stream(s): Stump Creek, classified for the following use(s): CWF. This receiving stream is included in the Stump Creek Watershed TMDL. Application received: September 23, 2020.

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

The following outfalls discharge to Stump Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002 (TFB)	N	Treatment Facility B
001 (SPA)	N	Sediment Pond A

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

<i>Outfalls: 002 (TFB) (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.0	4.0	5.0
Total Suspended Solids (mg/L)	35.0	70.0	90.0

Sulfate (mg/L) Monitor & Report
Flow (gpm) Monitor & Report
Temperature (°C) Monitor & Report
Specific Conductivity (µmhos/cm) Monitor & Report

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

<i>Outfalls: 001 (SPA) (Dry Weather)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)			Monitor & Report
Total Suspended Solids (mg/L)	35.0	70.0	90.0

Sulfate (mg/L) Monitor & Report
Flow (gpm) Monitor & Report
Temperature (°C) Monitor & Report
Specific Conductivity (µmhos/cm) Monitor & Report

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

<i>Outfalls: 001 (SPA) (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	N/A	N/A	7.0
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report

<i>Outfalls: 001 (SPA) (≤10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

NPDES No. PA0269662 (Mining Permit No. 17130105), Corey L. Shawver DBA Hilltop Coal Company, 12 Dutchtown Road, Houtzdale, PA 16651, renewal of an NPDES permit for surface coal mining in Bigler Township, **Clearfield County** affecting 125.1 acres. Receiving stream(s): Japling Run and Unnamed Tributary to Beaver Run, classified for the following use(s): CWF, MF. Japling Run is included in the Clearfield Creek Watershed TMDL and Beaver Run is included in the Moshannon Creek Watershed TMDL. Application received: August 19, 2020.

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

The following outfalls discharge to Beaver Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Sediment Pond A
003	N	Sediment Pond C
004	N	Sediment Trap 1
005	N	Treatment Basin 1
007	N	Treatment Basin 3

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

<i>Outfalls: 001 and 004 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	2.7	5.4	6.7
Manganese (mg/L)	1.9	3.8	4.7
Aluminum (mg/L)	1.3	2.6	3.2
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

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

<i>Outfalls: 003 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	70.
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	1.7	3.4	4.2
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

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

<i>Outfalls: 005 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	2.4	4.8	6.0
Manganese (mg/L)	1.7	3.4	4.2
Aluminum (mg/L)	0.75	1.5	1.8
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

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

<i>Outfalls: 007 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	70.
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	0.75	1.5	1.8
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report

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

The following outfall discharges to Japling Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	N	Sediment Pond B

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

<i>Outfalls: 002 (All Weather Conditions) 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)	1.6	3.2	4.0
Aluminum (mg/l)			Monitor & Report
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report

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

NPDES No. PA0256838 (Mining Permit No. 17080109), Corey L. Shawver DBA Hilltop Coal Company, 12 Dutchtown Road, Houtzdale, PA 16651, renewal of an NPDES permit for surface coal mining in Bigler Township, **Clearfield County** affecting 141 acres. Receiving stream(s): Japling Run and Beaver Run classified for the following use(s): CWF, MF. Japling Run is included in the Clearfield Creek Watershed TMDL and Beaver Run is included in the Moshannon Creek Watershed TMDL. Application received: August 19, 2020.

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 outfall discharges to Beaver Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
007	N	Sediment Pond B

The following outfalls discharge to Japling Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
006	N	Sediment Pond A
008	N	Sediment Pond C
009	N	Sediment Pond D
010	N	Sediment Pond E
011	N	Sediment Pond F
012	N	Sediment Pond G

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

<i>Outfalls: 006, and 008—012 (All Weather Conditions) 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)	1.6	3.2	4.0
Aluminum (mg/l)			Monitor & Report
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report

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

Noncoal NPDES Draft Permits

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

NPDES No. PA0595128 (Mining Permit No. 6875SM5), New Enterprise Stone & Lime Company, Inc., P.O. Box 77, New Enterprise, PA 16664 for a renewal of an NPDES permit for sandstone quarry in Oliver Township, **Mifflin County**, affecting 57.8 acres. Receiving stream(s): unnamed tributary to Strodes Run, classified for the following use(s): high-quality cold-water fishes. Application received: August 10, 2020.

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 tributary to Strodes Run:

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

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

<i>Outfalls: 001 and 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	10.0	20.0	30.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.

NPDES Permit No. PA0223603. Pennsy Supply, Inc. (2400 Thea Drive, Suite 3A, Harrisburg, PA 17105), revision and renewal of NPDES Permit on Noncoal Surface Mine Permit No. 54950302, in Wayne Township, **Schuylkill County** affecting 172.3 acres. Receiving stream: Bear Creek Watershed classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Pottstown, PA. The revision consists of increasing the average monthly discharge to Bear Creek from 0.1 MGD to 1.0 MGD. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 in addition to the limits identified in Table 2. Application received: November 09, 2020.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		<i>Type</i>	
001	N		Quarry Pit Water	
002	N		Stormwater	
<i>Outfalls:</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instantaneous</i>
<i>Parameter</i>		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor and Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor and Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD) Outfall 001		1.0	2.0	
Oil and Grease (mg/L)			Monitor and Report	

¹ This Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may

contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

E4002221-002. Yatesville Borough, 33 Pittston Avenue, Yatesville, PA 18640, in Yatesville Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Yatesville Borough Park Flood Control Project:

1. An outfall along the eastern bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 12-inch diameter HDPE stormwater pipe, concrete endwall, and R-5 riprap apron.

2. A streambank retaining device along the western bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 100-ft long, 15-ft wide R-7 riprap apron having 2:1 side slopes.

3. A streambank retaining device along the eastern bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 120-ft long, 10.5-ft high stacked block retaining wall.

4. A streambank retaining device along the western bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 30-ft long, 10-ft wide R-7 riprap apron having 2:1 side slopes.

5. A streambank retaining device along the western bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 40-ft long, 8-ft wide R-7 riprap apron having 2:1 side slopes.

6. A streambank retaining device along the southern bank of UNT to the Susquehanna River # 2 (CWF, MF) consisting of a 90-ft long, 15-ft wide R-7 riprap apron having 2:1 side slopes.

7. An outfall rehabilitation within UNT to the Susquehanna River # 2 (CWF, MF) consisting of a concrete endwall and R-5 riprap apron.

8. A streambank retaining device along the western bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of an 80-ft long, 30-ft wide R-7 riprap apron having 2:1 side slopes.

9. To remove an existing structure and to construct and maintain a stream enclosure of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 137-inch high, 87-inch wide, 136-ft long polymer-coated arch pipe, concrete headwalls, concrete wingwalls, and R-6 riprap aprons.

10. An outfall within UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 12-inch diameter stormwater pipe, concrete endwall, and R-5 riprap apron.

The project is located directly east of the intersection of Hale Street and Teasdale Street (Pittston, PA Quadrangle Latitude: 41° 18' 17.6"; Longitude: -75° 47' 3.4") in Yatesville Borough, Luzerne County. (Pittston, PA Quadrangle, Latitude: 41° 18' 17.6"; Longitude: -75° 47' 3.4").

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

E5904121-003 PA DOT Engineering District 3-0, 715 Jordan Ave., Montoursville, PA 17754, SR 0249, Section 027, Segment 0222, Offset 0801, Bridge Replacement, Chatham Township, **Tioga County**, Baltimore ACOE (Knoxville, PA Quadrangle N: 41° 53' 25"; W: -77° 26' 55").

PA DOT propose to replace a Single Span Reinforced Concrete Slab Bridge with a Precast Concrete Box Culvert. The existing bridge has a span of 11.0 Ft., a skew of 90 degrees, an underclearance of 1.8 Ft., and a low chord of 1,483.84 Ft. and a hydraulic opening of 20 Ft². The proposed structure has a span of 12 Ft., a skew of 90 degrees, an underclearance of 4.0 Ft., and a low chord of 1,485.21 Ft. and a hydraulic opening of 48 Ft². The project is location in a depositional area of the stream. The project will include channel excavation approximately 25 Ft. upstream and 75 Ft. downstream to re-establish a normal channel width and depth. The project is beyond the 12 Ft. upstream and downstream limit of the GP-11. The project will temporarily and permanently impact 0.2 acre of jurisdictional wetlands. The Unnamed Tributary to Crooked Creek is classified as a Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards.

E5704221-001. Joe Walters, 975 Mountain Road, Newville, PA 17241. Walters Streambank Repair in Davidson Township, **Sullivan County**, ACOE Baltimore District (Laporte, PA Quadrangle; Latitude: 41° 22' 54"; Longitude: -76° 26' 22").

To construct and maintain 200-ft of streambank stabilization and the removal of a gravel bar approximately 80-ft x 40-ft in size, along Muncy Creek in Davidson Township, Sullivan County. The purpose of the project is to stabilize the streambank along Christian Camp Road, which has been failing to protect a recreational structure. The gravel bar will be removed and placed behind R-7 benched into the streambed. The total disturbed area along the embankment is 0.19 acre.

A PNDI search determined no species of concern to be present. There are no wetlands at the project site.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, telephone number: 717-787-3411.

D21-002. Pennsylvania Fish and Boat Commission, 595 East Rolling Lake Drive, Bellefonte, PA 16823. To modify, operate, and maintain to Children's Lake Dam across a Boiling Springs Run, (TSF, HQ-CWF) impacting 0 acre of wetlands and 0 feet of stream for the purpose of upgrading the dam to comply with Department Regulations. (Carlisle, PA Quadrangle N: 40.1475°; W: 77.1248°) in South Middleton Township, **Cumberland County**.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0001937	Industrial Waste Individual NPDES Permit, Minor	Issued	PA Transformer Tech Inc. 30 Curry Avenue Canonsburg, PA 15317-1786	Cecil Township Washington County	SWRO
PA0110655	Industrial Waste Individual NPDES Permit, Minor	Issued	North American Hoganas Inc. 111 Hoganas Way Hollsopple, PA 15935-6416	Quemahoning Township Somerset County	SWRO
0113822	Joint DEP/PFBC Pesticides Permit	Issued	Barry Towers 893 Stone Jug Road Biglerville, PA 17307-9790	Butler Township Adams County	SCRO
0117804	Joint DEP/PFBC Pesticides Permit	Issued	Richard Sharrer 2582 Oxford Road New Oxford, PA 17350-8850	Tyrone Township Adams County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0118803	Joint DEP/PFBC Pesticides Permit	Issued	Landon Rife 1039 Fleshman Mill Road New Oxford, PA 17350-9429	Oxford Township Adams County	SCRO
0119804	Joint DEP/PFBC Pesticides Permit	Issued	Wayne Orendorff 1050 Kilpatrick Road Gettysburg, PA 17325-8325	Mount Pleasant Township Adams County	SCRO
0916805	Joint DEP/PFBC Pesticides Permit	Issued	Tanglewood HOA 950 Town Center Drive Suite B25 Langhorne, PA 19047-1866	Lower Makefield Township Bucks County	SERO
1513885	Joint DEP/PFBC Pesticides Permit	Issued	Antony Lubrano 1610 Fairview Road Glenmoore, PA 19343-2626	East Nantmeal Township Chester County	SERO
1519813	Joint DEP/PFBC Pesticides Permit	Issued	Glenn Carlson 858 Glenville Road Cochranville, PA 19330	West Fallowfield Township Chester County	SERO
1521802	Joint DEP/PFBC Pesticides Permit	Issued	Ryan Haezebrouck 205 Nottingham Drive Spring City, PA 19475-3424	East Vincent Township Chester County	SERO
2113814	Joint DEP/PFBC Pesticides Permit	Issued	Robin J Stauffer 1 Grey Goose Circle Carlisle, PA 17015-8544	Middlesex Township Cumberland County	SCRO
2214802	Joint DEP/PFBC Pesticides Permit	Issued	Donna Rabenold 669 Feidt Road Millersburg, PA 17061-9264	Washington Township Dauphin County	SCRO
2216801	Joint DEP/PFBC Pesticides Permit	Issued	Susquehanna Township Dauphin County 1900 Linglestown Road Harrisburg, PA 17110-3302	Susquehanna Township Dauphin County	SCRO
2813802	Joint DEP/PFBC Pesticides Permit	Issued	Penn National Golf & CC 3720 Club House Drive Fayetteville, PA 17222-9683	Guilford Township Franklin County	SCRO
2813804	Joint DEP/PFBC Pesticides Permit	Issued	Penn National Golf & CC 3720 Club House Drive Fayetteville, PA 17222-9683	Guilford Township Franklin County	SCRO
3618831	Joint DEP/PFBC Pesticides Permit	Issued	Kevin A Lahn 200 Old Forge Lane Suite 201 Kennett Square, PA 19348-1895	Manheim Township Lancaster County	SCRO
4621802	Joint DEP/PFBC Pesticides Permit	Issued	Upper Gwynedd Township 1 Parkside Place North Wales, PA 19454-2526	Upper Gwynedd Township Montgomery County	SERO
5116802	Joint DEP/PFBC Pesticides Permit	Issued	Philadelphia Parks & Recreation Department 1515 Arch Street 10th Floor Philadelphia, PA 19102-1501	Philadelphia City Philadelphia County	SERO
5919801	Joint DEP/PFBC Pesticides Permit	Issued	Russell H Hastings 4071 Gurnee Road Westfield, PA 16950-9674	Clymer Township Tioga County	NCRO
6713813	Joint DEP/PFBC Pesticides Permit	Issued	James Rinker 870 Hershey Heights Road Hanover, PA 17331-9458	Penn Township York County	SCRO
6713827	Joint DEP/PFBC Pesticides Permit	Issued	Matthew R Shrob 150 S Sumner Street York, PA 17404-5451	Dover Township York County	SCRO
6713828	Joint DEP/PFBC Pesticides Permit	Issued	Matthew R Shrob 150 S Sumner Street York, PA 17404-5451	Dover Township York County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6719801	Joint DEP/PFBC Pesticides Permit	Issued	Marvin L Schroll 5078 W Canal Road Dover, PA 17315-3957	Paradise Township York County	SCRO
6720802	Joint DEP/PFBC Pesticides Permit	Issued	Paul Miller 523 Lisburn Road Dillsburg, PA 17365	Warrington Township York County	SCRO
PAI130051	MS4 Individual NPDES Permit	Issued	Upper Southampton Township Bucks County 939 Street Road Southampton, PA 18966-4728	Upper Southampton Township Bucks County	SERO
PA0011568	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Cleveland Cliffs Plate LLC 139 Modena Road Coatesville, PA 19320-4036	Coatesville City Chester County	SERO
PA0050326	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Cleveland Cliffs Plate LLC 900 Conshohocken Road P.O. Box 842 Conshohocken, PA 19428-1038	Plymouth Township Montgomery County	SERO
PA0020664	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Middletown Water Joint Venture LLC 9W 57th Street Suite 4200 New York, NY 10019	Middletown Borough Dauphin County	SCRO
PA0021067	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Mount Joy Borough Authority Lancaster County 21 E Main Street Mount Joy, PA 17552-1415	East Donegal Township Lancaster County	SCRO
PA0013862	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Corixa Corp dba Glaxosmithkline Vaccines 325 N Bridge Street Marietta, PA 17547-1134	East Donegal Township Lancaster County	SCRO
PA0063304	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Blythe Township Municipal Authority 375 Valley Street New Philadelphia, PA 17959-1218	Cass Township Schuylkill County	NERO
PA0033880	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Boyertown Area School District 1131 Montgomery Avenue Boyertown, PA 19512-9640	New Hanover Township Montgomery County	SERO
PA0061476	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Leon P Walczak 223r Maile Road Greenfiled Twp, PA 18407-3620	Glenburn Township Lackawanna County	NERO
PA0112534	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Stone Fortress Commercial LLC 100 E 8th Street Milton, PA 17847-1414	Delaware Township Northumberland County	NCRO
NOEXNC169	No Exposure Certification	Issued	National Oilwell Varco LP 7909 Parkwood Circle Drive Houston, TX 77036-6565	Fairfield Township Lycoming County	NCRO
NOEXNW098	No Exposure Certification	Issued	Samuel Son & Co. USA Inc. 6 Whitney Drive Harmony, PA 16037-7748	Harmony Borough Butler County	NWRO
NOEXNW212	No Exposure Certification	Issued	Ind Sales & Manufacturing Inc. 2609 W 12th Street Erie, PA 16505-4343	Millcreek Township Erie County	NWRO

NOTICES

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXNW213	No Exposure Certification	Issued	Ind Sales & Manufacturing Inc. 2609 W 12th Street Erie, PA 16505-4343	Millcreek Township Erie County	NWRO
NOEXSE278	No Exposure Certification	Issued	Powdersize Inc. 20 Pacific Drive Quakertown, PA 18951-3601	Richland Township Bucks County	SERO
NOEXSE279	No Exposure Certification	Issued	Powdersize Inc. 20 Pacific Drive Quakertown, PA 18951-3601	Quakertown Borough Bucks County	SERO
PAG032278	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Pretium Pkg 13515 Barrett Parkway St. Louis, MO 63021	Hazle Township Luzerne County	NERO
PAG034875	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	River Hill Coal Co. Inc. P.O. Box 141 Kylertown, PA 16847-0141	Karthaus Township Clearfield County	NCRO
PAG036292	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Kantner Iron & Steel Inc. 365 Bassett Road Hooversville, PA 15936-7608	Somerset Township Somerset County	SWRO
PAG046232	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	John A Shaytar 855 Seabright Road McDonald, PA 15057	Upper Turkeyfoot Township Somerset County	SWRO
1020415	Sewage Treatment Facilities Individual WQM Permit	Issued	Craig Gregory 107 Eckstein Road Renfrew, PA 16053	Forward Township Butler County	NWRO
1612402	Sewage Treatment Facilities Individual WQM Permit	Issued	PA American Water Co. 425 Waterworks Road Clarion, PA 16214-2343	Monroe Township Clarion County	NWRO
4989406	Sewage Treatment Facilities Individual WQM Permit	Issued	Stone Fortress Commercial LLC 100 E 8th Street Milton, PA 17847-1414	Delaware Township Northumberland County	NCRO
5070402	Sewage Treatment Facilities Individual WQM Permit	Issued	Loysville Village Municipal Authority Perry County P.O. Box 133 Loysville, PA 17047-0133	Tyrone Township Perry County	SCRO
5601408	Sewage Treatment Facilities Individual WQM Permit	Issued	John A Shaytar 855 Seabright Road McDonald, PA 15057	Upper Turkeyfoot Township Somerset County	SWRO
1320402	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Mahoning Township Municipal Authority Carbon County P.O. Box 609 Lehigton, PA 18235	Mahoning Township Carbon County	NERO
3499401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Twin Borough Sanitary Authority Juniata County P.O. Box 118 17 River Drive Mifflin, PA 17058-0118	Milford Township Juniata County	SCRO
4508404	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Pocono Township Monroe County 112 Township Drive Pocono Township Municipal Building Tannersville, PA 18372	Pocono Township Monroe County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0113433	Single Residence STP Individual NPDES Permit	Issued	Lanny R Fetterman 2074 Old Reading Road Catawissa, PA 17820-8115	Roaring Creek Township Columbia County	NCRO
PA0288802	Single Residence STP Individual NPDES Permit	Issued	Craig Gregory 107 Eckstein Road Renfrew, PA 16053	Forward Township Butler County	NWRO
WQG02152015	WQG-02 WQM General Permit	Issued	Oxford Borough Area Sewer Authority Chester County 863 West Locust Street Oxford, PA 19363	Oxford Borough Chester County	SERO
WQG02152103	WQG-02 WQM General Permit	Issued	Valley Township Chester County P.O. Box 467 1145 West Lincoln Highway Coatesville, PA 19320-0467	Valley Township Chester County	SERO
WQG02502002	WQG-02 WQM General Permit	Issued	Marysville Borough Perry County 200 Overcrest Road Marysville, PA 17053-1159	Marysville Borough Perry County	SCRO

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

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD130029	Individual NPDES	Issued	PPL Electric Utilities Corporation 2 N. Ninth St. GENN4 Allentown, PA 18101-1179	Washington Township Lehigh County East Penn Township Mahoning Township Summit Hill Borough Nesquehoning Borough Carbon County	NERO
PAD350022	Individual NPDES	Issued	PPL Electric Utilities Corporation Two North Ninth Street GENN 4 Allentown, PA 18101-1139	Blakely Borough Archbald Borough Mayfield Borough Jessup Borough Carbondale Township City of Carbondale Lackawanna County	NERO
PAD400036	Individual NPDES	Issued	PPL Electric Utilities Corporation 2 North 9th Street Allentown, PA 18101-1139	Salem Township Luzerne County	NERO
PAD010010	Individual NPDES	Issued	Mason Dixon Storage, LLC 6670 Baltimore Pike Littlestown, PA 17340	Germany Township Adams County	SCRO
PAC010016 A-2	PAG-02 General Permit	Issued	Cambrian Hills, LP 160 Ram Drive Hanover, PA 17331	Berwick Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC210226		Issued	Robert N. Zimmerman 406 Long Lane East Earl, PA 17519	North Newton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC440017		Issued	Hungry Run Distillery 57 Riden's Road Lewistown, PA 17044	Derry Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717.248.4695
PAC500029		Issued	Ryan J. Burkholder 200 Farm Lane Millerstown, PA 17062	Greenwood Township Perry County	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717.582.8988, ext. 4
PAC670447		Issued	Mid-Atlantic Interstate Transmission, LLC 2800 Pottsville Pike Reading, PA 19605	City of York West Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670459		Issued	Capitol View Development Co., Inc. 1300 Market Street Suite 307 Lemoyne, PA 17043	Fairview Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC080056	New	Issued	Joseph Gianini Insite Development Services, LLC 1400 16th St Suite 300 Oakbrook, IL 60523	Wysox Township Bradford County	NCRO
PAD140065	New	Issued	Christian L. L & Mary R. King 4712 Penns Valley Road Spring Mills, PA 16875	Penn Township Centre County	NCRO
PAC180019	New	Issued	RAM Avis LLC State Route 150 Lock Haven, PA 17745	Pine Creek Township Clinton County	NCRO
PAC630205	PAG-02 General Permit	Issued	Lynn Dairy Queens, Inc. 606 Wills Road Connellsville, PA 15425	Centerville Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAD650023	Individual NPDES	Issued	Pennsylvania Department of Transportation, Engineering District 12-0 825 North Gallatin Avenue Extension Uniontown, PA 15401	Mount Pleasant Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC160030	PAG-02 General Permit	Issued	Kory Wood 1279 Lakeview Drive Butler, PA 16002	Monroe Township Clarion County	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC430054	PAG-02 General Permit	Issued	Wish Development 26 Nesbit Road Suite 261 New Castle, PA 16105	Hermitage City Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC250067	PAG-02 General Permit	Issued	Lovett's Mobile Home Park 49 Lisa Lane Edinboro, PA 16414	Washington Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250124	PAG-02 General Permit	Issued	Hawley Development Corp 100 W Genesee Street Lockport, NY 14094	Venango Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC370038	PAG-02 General Permit	Issued	Custom Pallet and Mulch Inc. 1799 Countyline Road New Castle, PA 16101	Hickory Township Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC680040	PAG-02 General Permit	Issued	Eugene C. Trio PA DEP Bureau of Abandoned Mine Reclamation 286 Industrial Park Road Ebensburg, PA 15931	Paint Township Clarion County	PA DEP Bureau of Abandoned Mine Reclamation 286 Industrial Park Road Ebensburg, PA 15931 814.472.1800

SEWAGE FACILITIES ACT PLAN APPROVAL

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

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
South Centre Township	6260 Fourth Street Bloomsburg, PA 17815	Columbia County

Plan Description:

The plan proposes the construction of a Hybrid Bardenpho with Step Feed Process wastewater treatment plant and a collection system consisting primarily of gravity sewers to serve the villages of Almedia and Lime Ridge, Columbia County Industrial Park, commercial and industrial development along US Route 11, residential and commercial development along Old Bloom and Old Berwick Roads, the Central Columbia School District Complex, Columbia-Montour Area Vocational Technical School, the Scenic Knolls and Lime Ridge developments, and a developed area east of Interstate 80. These areas include approximately 1,600 EDUs of residential, commercial, and industrial flow. The plan will also eliminate five (5) privately owned sewage treatment plants. This proposal's projected cost for the construction of a new wastewater treatment plant is expected to be \$16,818,000 and the primary funding source identified is PENNVEST, with the potential for a grant or low interest loan through the Rural Utility Service (RUS) program, a grant through the Community Development Block Grants (CDBG) program, a Legislative grant, a grant through the Pennsylvania

Department of Community and Economic Development (DCED), tap-in fees and a municipal bond issue. The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations. No significant environmental or historical impacts were identified in the review of the plan.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup

plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

AESYS Technologies, 693 North Hills Road, York, PA 17402, Springettsbury Township, **York County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110, on behalf of SB2H Holdings LP, 2900 Westchester Avenue, Suite 207, Purchase, NY 10577 submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site contaminated with soil and groundwater with historic industrial impacts. The combined report is intended to document remediation of the site to meet the site-specific standard.

Harsco's Former Herr Street Facility, 1001 Herr Street, Harrisburg, PA 17101, Harrisburg City, **Dauphin County**. Independence Environmental Consulting LLC, 1750 Kaylor Road, Hummelstown, PA 17036, on behalf of CREDC, 3211 North Front Street, Harrisburg, PA 17110, submitted a Final Report concerning remediation of site soil and groundwater contaminated with metals and SVOCs. The Final Report is intended to document remediation of the site to meet the site-specific standard.

17 Eshbach Lane, Bechtelsville, PA 19505, Washington Township, **Berks County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Spring Valley Village LLC, 1590 Canary Road, Quakertown, PA 18951 and Betty Moyer, 17 Eshbach Lane, Bechtelsville, PA 19505 submitted Final Report concerning remediation of site soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide health standard.

BAE Systems Land & Armaments L.P., 1100 Bairs Road, West Manchester Township, **York County**. Hydro-Terra Group, 7420 Derry Street, Harrisburg, PA 17111, on behalf of BAE Systems, Inc., 1100 Bairs Road, York, PA 17408, submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Report is intended to document remediation of the site to meet the site-specific standard.

Former Alcoa Lebanon Works, 3000 State Drive, Lebanon, PA 17042, South Lebanon Township, **Lebanon County**. Liberty Environmental, Inc., 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of DHL, 1210 South Pine Island Road, Suite 400, Plantation, FL

33324, and Lotus Land, LLC, 411 East Chestnut Street, Lebanon, PA 17042 submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs, Petroleum Hydrocarbons, and Metals from aluminum manufacturing. The Report is intended to document remediation of the site to meet the site-specific standard.

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

Roughcut Oil & Gas Services 11-12-2020 Drilling Mud Release, 6046 PA 87, Forksville, PA 18515, Forksville Borough, **Sullivan County**. Penn Environmental & Remediation Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Roughcut, LLC, 66790 Executive Drive, Saint Clairsville, OH 43950, has submitted a Final Report concerning remediation of site soil contaminated with oil-based drilling mud. The report is intended to document remediation of the site to meet the Residential Statewide health standard.

Moore Trucking-Truck Rollover, near 250 Red Burn Road, Ralston, PA 17771, McIntyre Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Moore Trucking, 2784 Route 414, Canton, PA 17724, has submitted a Final Report concerning remediation of site soil contaminated with produced water and diesel fuel. The report is intended to document remediation of the site to meet the residential Statewide health standard.

Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Standard Bent Glass, 136 Lincoln Avenue, East Butler, PA 16029, East Butler Township, **Butler County**. Tetra Tech, Inc., 661 Andersen Drive, Suite 200, Pittsburgh, PA 15220 on behalf of SBG Holdings, Inc., 295A Delwood Road, Butler, PA 16001 has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with Trichloroethylene and Manganese; site groundwater contaminated with Trichloroethylene, cis 1,2-Dichloroethane, and Vinyl Chloride. The report is intended to document remediation of the site to meet the site-specific standard.

New Castle Power Station, 2189 State Route 168 South, West Pittsburgh, PA 16160, Taylor Township, **Lawrence County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of New Castle Power, LLC, 2189 State Route 168 South, West Pittsburgh, PA 16160 has submitted a Remedial Investigation/Cleanup Plan concerning remediation of site groundwater contaminated with Arsenic, Iron, Lithium, Manganese, Selenium, and Sulfate. The report/plan 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 Stan-

dards 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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Parkwood Fill Site, Dunks Ferry Road, Philadelphia, PA 19154, City of Philadelphia, **Philadelphia County**. Jennifer Gresh, PG, Duffield Associates, Inc., 211 North 13th Street, Suite 704, Philadelphia, PA 19107 on behalf of Daniel Harkins, Philadelphia Department of Public Property, City Hall-Room 784, Philadelphia, PA 19107 submitted a Remedial Investigation Report/Risk Assessment Report concerning the remediation of site soil contaminated with pesticides. The Report was disapproved by the Department on February 2, 2021.

Santoro Residence, 6178 Carversville Road, Carversville, PA 18913, Solebury Township, **Bucks County**. Eric White, PARS Environmental, Inc., 500 Horizon Drive, Robbinsville, NJ 08691 on behalf of John Tolleson, 3 Waterfall Lane, Barnegat, NJ 08005 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PAHs, PCBs and

inorganics. The Report was reviewed by the Department which issued a technical deficiency letter on February 5, 2021.

Folcroft West Business Park, 701A, 701B, 701C Ashland Avenue and 801 Carpenters Crossing, Folcroft, PA 19032, Folcroft Borough, **Delaware County**. Michael Edelman, PG, TRC Environmental Corporation, 1801 Market Street, Suite 1380, Philadelphia, PA 19103 on behalf of Brian Coyle, Henderson Ashland Carpenters Associates LLC, 112 Chesley Drive, Suite 200, Media, PA 19063 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Report was reviewed by the Department which issued a technical deficiency letter on February 8, 2021.

210 North Aberdeen Avenue, 210 North Aberdeen Avenue, Wayne, PA 19087, Radnor Township, **Delaware County**. Paul White, PG, Brickhouse Environmental, Inc., 515 South Franklin Street, West Chester, PA 19382 on behalf of Christy Flynn, 210 North Aberdeen Associates, LLC, 126 East State Street, Media, PA 19063 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning the remediation of site soil contaminated with PAHs. The Report was reviewed by the Department which issued a technical deficiency letter on February 8, 2021.

Former Cramp Shipyard Parcels B and C, 2001 and 2005 Richmond Street, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Craig Hoogstraten, Dyott Corporation/Columbus Boulevard Associates, LP, 6958 Torresdale Avenue, Philadelphia, PA 19135 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with SVOCs. The Report was reviewed by the Department which issued a technical deficiency letter on February 8, 2021.

Keystone Place at East Falls, LLC, 3310 Fox Street a/k/a 2905 Abbottsford Avenue, Philadelphia, PA 19129, City of Philadelphia, **Philadelphia County**. Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of Joseph A. Felici, Keystone Place at East Falls, LLC, 930 Henrietta Avenue, Suite B, Huntingdon Valley, PA 19106 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Report was reviewed by the Department which issued a technical deficiency letter on February 9, 2021.

Bramingham Estate, 6068 Stoney Hill Road, New Hope, 18938, Solebury Township, **Bucks County**. Staci Cottone, J & J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Janice Carney, 6068 Stoney Hill Road, New Hope, PA 18938 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on February 11, 2021.

Broad & Washington U-Haul Site, 1223-1245 Washington Street, 1301-1333 Washington Street, 1001-1029 South Broad Street, and 1300-1342 Carpenter Street, Philadelphia, PA 19147, City of Philadelphia, **Philadelphia County**. Shad Manning, REPSG, Inc., 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Tina Roberts, Broad & Washington Partners, LP, 817 North 3rd Street, Philadelphia, PA 19123 submitted a Cleanup Plan concerning the remediation of site ground-

water contaminated with PAHs and inorganics. The Report was reviewed by the Department which issued a technical deficiency letter on February 11, 2021.

PECO Former Chester Crosby MGP, 2nd and Crosby Street, Chester, PA 19013, City of Chester, **Delaware County**. William S. McCartney, PE, Wood Environmental & Infrastructure Solutions, Inc., 751 Arbor Way, Suite 180, Blue Bell, PA 19422 on behalf of Peter Farrand, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19013 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site groundwater contaminated with PAHs. The Report was reviewed by the Department which issued a technical deficiency letter on February 11, 2021.

1315 Grant Avenue, 1315 Grant Avenue, Woodlyn, PA 19094, Ridley Township, **Delaware County**. Michael Gonshor, PG, Roux Associates, Inc., 402 Heron Drive, Logan Township, NJ 08085 on behalf of Charles J. Catania Jr., Estate of Charles J Catania Sr., 520 West McDade Boulevard, Milmont Park, PA 19033 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on February 12, 2021.

1717 West Allegheny Avenue, 1717 West Allegheny Avenue, Philadelphia, PA 19132, City of Philadelphia, **Philadelphia County**. Stephen Huxta, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of John R. McConnell, Cristo Rey Philadelphia High School, 1717 West Allegheny Avenue, Philadelphia, PA 19132 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil contaminated with chlorinated solvents. The Report was disapproved by the Department on February 12, 2021.

Estate of Nicholas Abbonizio, 2528 Haverford Road, Ardmore, PA 19003, Haverford Township, **Delaware County**. Richard Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Francesca Abbonizio, Estate of Nicholas Abbonizio, 48 Conner Road, West Chester, PA 19380, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Report was reviewed by the Department which issued a technical deficiency letter on February 12, 2021.

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

Contact: Eric Supey, Environmental Program Manager.

Former Rainbow Market Property, 621 Northern Boulevard, Chinchilla, PA 18410, South Abington Township, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Rainbow Land Company, P.O. Box 716, Waverly, PA 18741, submitted a final report concerning remediation of soil and groundwater contaminated by historic releases of gasoline at a former service station. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on February 19, 2021.

Chestnut Ridge at Rodale (former Rodale Corporate HQ), 400 South 10th Street, Emmaus, PA 18049 Emmaus Borough, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Phoebe Richland Health Care Center, 1925 Turner

Street, Allentown, PA 18104, submitted a revised Final Report concerning remediation of soil contaminated with Arsenic, Beryllium, Cadmium, Lead, and Thallium from a historic iron mine that was later used as the Emmaus Borough dump. The Final Report demonstrated attainment of site-specific standards and was approved by DEP on February 18, 2021.

Lopatofsky WYO Well Pad, 152 Aukema Road, Meshoppen, PA 18630, Meshoppen Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated by a release of oil-based drilling mud. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on February 22, 2021.

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

Mechanicsburg North Petroleum Storage Terminal, 127 Texaco Road, Mechanicsburg, PA 17050, Silver Spring Township, **Cumberland County**. Sovereign Consulting, Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341, on behalf of Motiva Enterprises LLC, P.O. Box 4540, Houston, TX 77210, submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Final Report demonstrated attainment of the non-residential Statewide health and site-specific standards and was approved by the Department on February 17, 2021.

Mechanicsburg North Petroleum Storage Terminal, 127 Texaco Road, Mechanicsburg, PA 17050, Silver Spring Township, **Cumberland County**. Groundwater Services, International, Inc., 443 McCormick Road, Suite 5, Mechanicsburg, PA 17055, on behalf of Lucknow Highspire Terminals LLC, 900 South Eisenhower Boulevard, Middletown, PA 17057 submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with gasoline and diesel fuel. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on February 17, 2021.

620 Sycamore Drive, Columbia, PA 17512, West Hempfield Township, **Lancaster County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110, on behalf of 620 Sycamore Drive Associates, LLC, 100 Front Street, Suite 560, West Conshohocken, PA 19428, submitted a Remedial Investigation, Remedial Assessment; and Final Report concerning remediation of site soil contaminated with metals from an iron ore deposit. The Final Report did not demonstrate attainment of the site-specific standard and was disapproved by the Department on February 16, 2021.

Former AlcoIndustries/Miller Chemical & Fertilizer LLC, 120 Radio Road, Hanover, PA 17331, Conewago Township, **Adams County**. EnviroAnalytics Group, 1650 Des Peres Road, Suite 303, St. Louis, MO 63131, on behalf of INOHGA LLC, 1515 Des Peres Road, Suite 300, St. Louis, MO 63131, and Miller Chemical and Fertilizer, 120 Radio Road, Hanover, PA 17331 submitted a Final Report concerning remediation of site groundwater contaminated with VOCs and Organochlorine Pesticides. The Final Report was administratively incomplete and was disapproved by the Department on February 11, 2021.

Stumpf Field Properties, 1350 Fruitville Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Liberty Environmental, Inc., 315 West James

Street, Suite 205, Lancaster, PA 17603, on behalf of MAC Land Company, LLC, 1350 Fruitville Pike, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with metals. The combined Report was administratively incomplete and was disapproved by the Department on February 11, 2021.

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

Ingalls 710 Well Pad, 11759 Route 414, Ogdensburg, PA 17765, Liberty Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Rockdale Marcellus, LLC, 4600 J Barry Court, Suite 220, Canonsburg, PA 15317, has submitted a Final Report concerning site soil contaminated with production water. The Final Report demonstrated attainment of the Background and State-wide health standards for soil and was approved by the Department on February 9, 2021.

SWNPC-TI 19 Connolly B Well Pad, 535 Connolly Lane, Liberty, PA 16930, Liberty Township, **Tioga County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, has submitted a Final Report concerning remediation of site soil contaminated with production water. The Final report demonstrated attainment of the residential Statewide health standard and was approved by the Department on January 27, 2021.

Epler BRA Pad, 446 Ferris Wheel Farm Lane, New Albany, PA 18833, Albany Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with Ethylene glycol. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on February 19, 2021.

Hattie BRA Pad, Dietz Road, Sugar Run, PA 18846, Wilnot Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide health standard for soil and was approved by the Department on February 1, 2021.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP7-09-0066: Cleveland Steel Container Corporation (350 Mill Road, Quakertown, PA 18951) on February 17, 2021, for a sheet fee offset lithographic printing press (source ID 110) in Quakertown Borough, **Bucks County**.

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

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

AG5A-08-00006A: Chesapeake Appalachia, LLC (P.O. Box 18496, Oklahoma City, OK 73154) on February 18, 2021, to construct and operate one Caterpillar model G3516J 4-stroke ultra-lean burn natural gas-fired engine rated at 1,380 bhp and associated reciprocating compressor as well as continue to operate existing sources pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the McEnaney BRA Pad located in Terry Township, **Bradford County**.

GP3-08-330G: TMT Gravel & Contracting, Inc. (1609 Pennsylvania Avenue, Pine City, NY 14871) on February 22, 2021, received the authorization construct and operate a 2008 vintage Pegson model XA750 crusher rated at 827 US tons per hour, a 2018 vintage Power Screen Premier Track R400X crusher rated at 441 US tons per hour, a 2014 vintage KPI-JCI model KT4250 crusher rated at 400 US tons per hour, a 2010 vintage McCloskey model J50 crusher rated at 500 US tons per hour, a 2010 vintage Power Screen Warrior model 2400 screen rated at 881 US tons per hour, and a 2008 vintage Power Screen Chieftain model 2100 screen rated at 661 US tons per hour pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)) at their Brown Quarry located in Wells Township, **Bradford County**.

GP11-08-330G: TMT Gravel & Contracting, Inc. (1609 Pennsylvania Avenue, Pine City, NY 14871) on February 22, 2021, received authorization to construct and operate a 2008 Caterpillar model C13 diesel-fired engine rated at 400 bhp, a 2016 Scania model DC09 diesel-fired engine rated at 275 bhp, a 2014 Caterpillar model C13 diesel-fired engine rated at 440 bhp, a 2013 Caterpillar model C9 diesel-fired engine rated at 350 bhp, a 2006 Deutz model BF4M2012 diesel-fired engine rated at 100 bhp and a 2010 Deutz model TCD2012L06 diesel-fired engine rated at 192 bhp pursuant to the General Plan Approval and/or General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) to power portable non-metallic portable crushers and screeners at their Brown Quarry located in Wells Township, **Bradford County**.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

GP3-26-00611A: John Joseph (470 Vanderbilt Road, Connellsville, PA 15425) on February 17, 2021, to allow construction and operation of one (1) Vibratory Screen, manufactured by Astec, Model No. GT205S, rated at 300 tph at their Bryner Large non-coal facility located in Dunbar Township, **Fayette County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James Beach, New Source Review Chief—
Telephone: 484-250-5920.

15-0128A: Gateway US Holdings Inc. (126 Turner Lane, West Chester, PA 19380) on February 17, 2021 for the removal of two (2) Crawford Crematories (450-lb/hr, each) and the installation of three (3) B&L Crematories (250-lb/hr, each). The facility is located in West Goshen Township, **Chester County**.

15-0085C: Lincoln University (1570 Baltimore Pike, Lincoln University, PA 19352-9141) on February 16, 2021 for the permitting of four (4) 1,500-kW diesel generators and the modification of various boilers and smaller emergency generators, located at an existing Synthetic Minor facility in Lower Oxford Township and Upper Oxford Township, **Chester County**.

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

Contact: Raymond Kempa, New Source Review Chief—
Telephone: 570-826-2531.

39-00111A: Ricky Kulik Real Estate, LLC (6503 Lower Macungie Road, Allentown, PA 18106) issued on February 18, 2021 for the installation of a human remains cremation unit at the site located in Lower Macungie Twp., **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-03182B: Charles F. Snyder Funeral Home & Crematory, Inc. (3110 Lititz Pike, Lititz, PA 17543) on February 16, 2021, for the installation of a human crematory at the funeral home located in Manheim Township, **Lancaster County**.

06-05073B: Dyer Quarry, Inc. (P.O. Box 188, Rock Hollow Road, Birdsboro, PA 19508) on February 11, 2021, for the installation of a new vibratory screen and conveyors at the quarry facility in Robeson Township, **Berks County**. Specifically, the project is for the installation of a new 500 tph, 8' x 20' Cedarapids model 8203 vibratory screen and five conveyors. The screen and conveyors will be controlled by the existing wet-suppression system. Additionally, the rated capacity of the existing crushing facility (Source ID 102) is increasing from 850 to 1,250 tph due to modifications to various chutes to increase the volumetric capacities of material flow on the two Tyler Right F600 5' x 12' screens (Equipment ID 052 & 053) and from adjustments to various conveyor belt drive components.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

PA-04-00740B: Shell Chemical Appalachia LLC (300 Frankfort Road, Monaca, PA 15061-2210) plan approval issuance date effective March 1, 2021, to authorize installation and temporary operation of sulfur hexafluoride (SF₆)-insulated high voltage equipment associated with the cogen area of the Shell Polymers Monaca Site in Potter and Center Townships, **Beaver County**.

PA-04-00740C: Shell Chemical Appalachia LLC (300 Frankfort Road, Monaca, PA 15061-2210) plan approval issuance date effective March 1, 2021, for "as-built" changes in design and construction associated with

the Shell Polymers Monaca Site to be located on the site formerly occupied by Horsehead Corporation's Monaca Zinc Smelter plant in Potter and Center Townships, **Beaver County**.

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

Contact: David Balog, New Source Review Chief—
Telephone: 814-332-6940.

24-012K: GrafTech USA, LLC (800 Theresia Street, Saint Marys, PA 15857), on February 10, 2021 issued a Plan Approval to modify existing equipment and to install new equipment to allow for the manufacture of small diameter graphite electrodes at their facility in Saint Marys City, **Elk County**. This is a Title V facility.

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

Contact: Edward Wiener, Chief of Source Registration at
215-685-9426.

AMS Plan Approval No. IP21-000075: Ecolab Inc. (2201 S. Columbus Boulevard, Philadelphia, PA 19148) issued on 10/29/2020 for the installation and temporary operation of MeBr fumigation operations until April 29, 2022 in the City of Philadelphia, PA. The facility changed the ownership for the fumigation operations from Horizon Stevedoring Inc to Ecolab Inc.

The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James Beach, New Source Review Chief—
Telephone: 484-250-5920.

15-0013C: Loparex Inc. (2400 Continental Blvd, Malvern, PA 19355-2226) on February 16, 2021 for the installation of a heat set flexographic printing press, associated dryers and a Regenerative Thermal Oxidizer in Tredyffrin Township, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

06-03102B: The City of Reading (815 Washington Street, Reading, PA 19601) on February 19, 2021, for upgrades to the Reading Waste Water Treatment Plant on Fritz Island located in the City of Reading, **Berks County**. The plan approval was extended.

36-05158A: Perdue AgriBusiness, LLC (1897 River Road, Marietta, PA 17547) on February 22, 2021, for the construction and temporary operation of a grain elevator and a soybean oil extraction facility in Conoy Township, **Lancaster County**. The plan approval was extended.

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

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

08-00052B: REV LNG SSL BC, LLC (6603 W. Broad St., Richmond, VA 23230) on February 8, 2020, to extend the plan approval expiration date to August 22, 2021 to allow continued operation of the sources at the Towanda liquefied natural gas (LNG) facility located in Herrick Township, **Bradford County**.

14-00043A: University Area Joint Authority (1576 Spring Valley Road, State College, PA 16801) on February 9, 2021, to extend the plan approval expiration date to August 13, 2021 to allow continued operation of a biofilter for the treatment of malodors at the Authority's Spring Creek Pollution Control Facility's sludge handling operations located in College Township, **Centre County**.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief—Telephone: 412.442.4168.

PA-04-00439D Extension: Watco Transloading LLC (2701 Route 68 West, Industry, PA 15052-1709) on February 17, 2021, 180-day plan approval extension granted to extend the temporary operation to facilitate the shake-down of sources and air cleaning devices at their Lot No. 1 located in Industry Borough, **Beaver County**.

04-00741A: ETC Northeast Field Services, LLC (6051 Wallace Rd, Ste 300, Wexford, PA 15090-7386) on February 16, 2021, to allow continued temporary of the sources authorized at the Pike Compressor Station located in New Sewickley Township, **Beaver County**. The new expiration date is August 28, 2021.

PA-11-00356C: Equitrans, LP (2200 Energy Drive, Canonsburg, PA 15317-1001) on February 23, 2021, plan approval extension issued for approximately 180 days to facilitate the shake-down of sources and controls at their Laurel Ridge Compressor Station located in Jackson Township, **Cambria County**.

PA-11-00356E: Equitrans, LP (2200 Energy Drive, Canonsburg, PA 15317-1001) on February 23, 2021, plan approval extension issued for approximately 180 days to facilitate the shake-down of sources and controls at their Rager Mountain Compressor Station located in Jackson Township, **Cambria County**.

PA-11-00533B: Starprint Publication, Inc. (722 Dulancey Drive, Portage, PA 15946-6902) plan approval extension is issued for 180 days effective February 28, 2021, to review SOOP application pending with the Department for their Starprint Publication facility located in Portage Township, **Cambria County**.

65-00979B Extension: Laurel Mountain Midstream, LLC (2000 Commerce Drive, Park Place Corporation, CTR2, Pittsburgh, PA 15275) plan approval extension issuance effective February 28, 2021 to facilitate the shake-down of emission sources and associated air cleaning devices at their Herminie Compressor Station located in West Newton Borough, **Westmoreland County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

32-206C: Rosebud Mining Company, Clymer Tipple (653 Treese Road, Clymer, PA 15728) on January 15, 2021, effective January 15, 2021, has issued a plan approval extension to allow time for facility to submit an administrative amendment to roll plan approval into permit in Cherryhill Township, **Indiana County**. This is a State Only facility. This will expire on July 31, 2021.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

24-083Z: Mersen USA Saint Marys—PA Corporation (1032 Trout Run Road, Saint Marys, PA 15857) on January 29, 2021, effective January 31, 2021, has denied a December 21, 2020 request to extend this plan approval, based on the finding that Mersen did not commence construction of this project within 18 months of initial plan approval issuance, per 25 Pa. Code § 127.13(b) in Saint Marys City, **Elk County**. This plan approval expired on January 31, 2021. Mersen will need to obtain a new plan approval if they decide to proceed with this project.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

23-00089: Marcus Hook Energy, L.P. (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on February 22, 2021, for operation of three combined cycle combustion turbines with a combined output of 750 MW. The facility is located in the Borough of Marcus Hook, **Delaware County**. As a result of potential emissions of Nitrogen Oxides, Particulate Matter, Volatile Organic Compounds, Carbon Monoxide, and Sulfur Dioxide, it is a major stationary source (Title V facility) as defined in the Clean Air Act. There are no proposed changes to the potential emissions from the facility.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

28-05040: Ingenco Wholesale Power LLC (2250 Dabney Road, Richmond, VA 23230-3323) on February 17, 2021, for the landfill gas-to-energy facility associated with the Mountain View Landfill located in Peters Township, **Franklin County**. The Title V permit was renewed.

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

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

07-03064: Cove Mountain Wood Products (4168 Cove Mountain Road, Roaring Spring, PA 16673) on February 16, 2021, for the wood furniture and product

manufacturing facility located in Taylor Township, **Blair County**. This is the initial State-Only Operating Permit for this facility.

67-05137: Menasha Packaging, LLC (30 Grumbacher Road, York, PA 17406-8420) on February 10, 2021, for the lithographic printing facility located in Manchester Township, **York County**. The State-Only Permit was renewed.

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

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

55-00010: National Limestone Quarry, Inc. (P.O. Box 397, Middleburg, PA 17842) on February 22, 2021, was issued a renewal State Only Operating Permit for their Paxtonville Quarry facility located in Franklin Township, **Snyder County**. All applicable Federal and State regulations have been included in this operating permit including appropriate monitoring, recordkeeping and reporting conditions.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

04-00680: Georgetown Sand & Gravel, Inc. (P.O. Box 127, 3rd Street, Georgetown, PA 15043-0127) natural minor State-Only Operating Permit on February 23, 2021, the Department of Environmental Protection (DEP) authorized a renewed natural minor State-Only Operating Permit for a gravel and sand processing facility located in Georgetown Borough, **Beaver County**. The permit includes emission limits, operating requirements, monitoring requirements, and recordkeeping requirements for the site.

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

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

37-00331: RWE Holding Company (535 Rundle Rd, New Castle, PA 16101). On February 9, 2021, the Department issued the renewal State Only Operating Permit for the slag handling, anti-skid mining, coke screening, bulk carbon loading, and graphite drying operations located in Taylor Township, **Lawrence County**. The potential emissions of the major pollutants from the facility are as follows: PM₋₁₀: 6.97 TPY, NO_x: 4.058 TPY, VOC: 0.392 TPY, SO_x: 0.0138 TPY, and CO: 2.872 TPY; thus, the facility is a natural minor. The facility is also subject to operation under Plan Approval 37-331B. An engine for screening operations and one for a METSO Crusher are subject to General Permit GP-11 conditions for nonroad engines. The anti-skid processing and stone crushing operation are subject to General Permit GP-3 conditions for portable nonmetallic mineral processing plants, which includes references to 40 CFR 60 Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants. The permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.

09-00175: Hanson Aggregates Pennsylvania, LLC (7660 Imperial Way, Allentown, PA 18195) in Wrightstown Township, **Bucks County**. On February 19, 2021, this State-Only Operating Permit was administratively amended, in accordance with 25 Pa. Code § 127.450, for the change of ownership, from Hanson Aggregates BMC, Inc. to Hanson Aggregates Pennsylvania, LLC for operation of a nonmetallic mineral processing plant.

09-00050: Hanson Aggregates Pennsylvania, LLC (7660 Imperial Way, Allentown, PA 18195) in Wrightstown Township, **Bucks County**. On February 19, 2021, this State-Only Operating Permit was administratively amended, in accordance with 25 Pa. Code § 127.450, for the change of ownership, from Hanson Aggregates BMC, Inc. to Hanson Aggregates Pennsylvania, LLC for operation of a hot mix asphalt plant.

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

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

14-00038: Valley Enterprise Container, LLC (111 Eagleville Road, P.O. Box 230, Blanchard, PA 16826) on February 19, 2021, was issued a revised State-Only Operating Permit to incorporate the terms and conditions of GP9-14-00038B for their Valley Enterprise Container facility located in Liberty Township, **Centre County**.

41-00005: Lycoming Engines (652 Oliver Street, Williamsport, PA 17701) on February 22, 2021, was issued a revised Title V operating permit for their Oliver Street Plant located in the City of Williamsport, **Lycoming County** for updates to the equipment inventory for several sources at the facility. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) has modified and issued a Title V/State Only Operating Permit for the following facility:

OP20-000050: Host at Philadelphia LLC (70th & Essington Avenue, Philadelphia, PA 19145) for the operation of a petroleum products storage tank facility in the City of Philadelphia, Philadelphia County, the Title V operating permit has been modified, and the modification includes the following changes in the operating permit:

- Change in operational control of SRTF Terminal from PESRM to Host at Philadelphia (Host),
- Change in name, address, and phone number of the Responsible Official from, and
- Incorporation of requirements from General Plan Approvals that were issued but not yet included in the SRTF Title V. These include:
 - AMS Permit # 17000361-62 (issued on September 28, 2017; Reactivation of Tank GP SR 43 (P-26).
 - AMS Permit # 17000272 (issued on July 21, 2017; Reactivation of Tank GP SR 37 (P-20).
 - AMS Permit # 17000061 (issued on February 15, 2017; Reactivation of Tank SR 64 (P-34) with internal floating roof tank to store Alkylate.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Issued

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

Permit No. 30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to renew and revise the permit and related NPDES Permit to delete subsidence control plan area and delete 70 HMR points from monitoring plan for Bailey Mine & Prep Plant located in Richhill, Aleppo, and Gray Townships, Greene County and West Finley Township, Washington County affecting -3,524.44 subsidence control plan acres. No additional discharges. The application was considered administratively complete on October 4, 2017. Application received: December 9, 2016. Permit issued: January 12, 2021.

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

Permit No. 17020103 and NPDES PA0243221. RES Coal, LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Transfer of an existing bituminous surface coal mine from River Hill Coal Company, Inc. located in Chest and Ferguson Townships, Clearfield County affecting 560.7 acres. Receiving stream(s): Wilson Run and McMasters Run classified for the following use(s): CWF, MF. These receiving streams are included in the Chest Creek Watershed TMDL. Application received: June 15, 2020. Permit issued: February 9, 2021.

Permit No. 17150101. EnerCorp, Inc., 1310 Allport Cutoff, Morrisdale, PA 16858, permit renewal for reclamation only of a bituminous surface coal mine located in Cooper Township, Clearfield County affecting 6.9 acres. Receiving stream(s): Crawford Run and Moshannon Creek classified for the following use(s): CWF, MF, and TSF. There are no potable water supply intakes within 10 miles downstream. Application received: October 19, 2020. Permit issued: February 17, 2021.

Permit No. 59880301. Michael R. Ackley, 323 Beechwood Lake Road, Westfield, PA 16950. Permit revision to increase from 4.41 acres to 6.6 acres located in Clymer Township, Tioga County. Receiving stream(s):

Tributary to Mill Creek classified for the following use(s): TSF. There are no potable water supply intakes within 10 miles downstream. Application received: September 9, 2019. Permit issued: February 17, 2021.

Permit No. 17940107 and NPDES PA0219801. River Hill Coal Company, Inc., P.O. Box 141, Kylertown, PA 16847, permit renewal for continued operation and restoration of a bituminous surface coal mine/coal refuse disposal located in Karthaus Township, Clearfield County affecting 531.0 acres. Receiving stream(s): Unnamed Tributaries to Sattlick Run, Unnamed Tributaries to Upper Three Runs, and Unnamed Tributaries to West Branch Susquehanna River classified for the following use(s): HW-CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: August 12, 2019. Permit issued: February 17, 2021.

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

Permit No. 26030102 and NPDES Permit No. PA0250457. AEC Services Company, LLC, 525 Plymouth Road, Suite 320, Plymouth Meeting, PA 19462. Transfer of permit formerly issued to Steve Patterson Excavating for continued operation and reclamation of a (bituminous or noncoal) surface mining site located in Dunbar Township, Fayette County, affecting 75.5 acres. Receiving streams: unnamed tributary to Gist Run. Application received: June 15, 2020. Transfer permit issued: February 11, 2021.

Noncoal Permits Issued

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

Permit No. 4275SM19 and NPDES No. PA0599204. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, in Spruce Creek Township, Huntingdon County. Receiving stream: Little Juniata River, unnamed tributary to Little Juniata River and Gensimore Run, classified for the following use: trout stocked fishes, warm water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Permit received: December 21, 2020. Permit issued: February 17, 2021.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

Permit No. 14214101. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141. Blasting for Highway/Road located in Marion Township, Centre County with an expiration date of December 31, 2021. Permit issued: February 10, 2021.

Permit No. 08214101. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345. Blasting for Pipeline located in Leroy and Franklin Townships, Brad-

ford County with an expiration date of February 9, 2022. Permit issued: February 16, 2021.

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

Permit No. 63214101. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141-2018. Blasting activity permit for the construction of the Waste Management Arden landfill, located in Chartiers Township, **Washington County** with an expiration date of December 31, 2026. Blasting permit issued: February 16, 2021.

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

Permit No. 67214102. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Kensington Estates in Windsor Township, **York County** with an expiration date of February 18, 2022. Permit issued: February 18, 2021.

Permit No. 38214102. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Transwestern Project TV in North Lebanon Township, **Lebanon County** with an expiration date of February 4, 2022. Permit issued: February 19, 2021.

Permit No. 38214103. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Elco Sewer in Jackson Township, **Lebanon County** with an expiration date of February 17, 2022. Permit issued: February 19, 2021.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

E3502220-024. Joseph Waters, 1658 Falls Road, Clarks Summit, PA 18411. Newton Township, **Lackawanna County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 14-foot wide, single-span, steel beam, concrete deck, single family bridge across Falls Creek (CWF, MF) having a 14-foot span and a 6-foot underclearance with concrete abutments and R-5 rip rap protection. Fill will also be placed within the floodway for the new driveway approaches. The project is located at 1658 Falls Road (Ransom, PA Quadrangle Latitude: 41.472601; Longitude: -75.781760) in Newton Township, Lackawanna County.

E4002220-028. Jerry Brown, 121 Maple Street, Dallas, PA 18618, Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 1,500 sq. ft., pile-supported dock within the normal pool elevation of Harveys Lake (HQ-CWF, MF). The project is located at Pole # 204 along Lakeside Drive (S.R. 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 45"; Longitude: -76° 3' 18") in Harveys Lake Borough, Luzerne County.

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

E4104220-032. Millers Run Greenway Trail—Phase 2, Miller Run Greenway Trail, Williamsport, PA 17754, Loyalsock Township, **Lycoming County**, U.S. Army Corps of Engineers Baltimore District (Montoursville North; Montoursville South, PA Quadrangles, Latitude: 41.25303°N; Longitude: 76.97275°W).

The applicant will connect Susquehanna River Walk to Bruce Henry Park. Which is phase 2 of the proposed Millers Run Greenway Trail. The proposed trail will consist of either plain cement concrete pavement or superpave asphalt mixture design. Work done will be along Millers run a Warm Water Fishery or WWF that supports Migratory Fish or MF. The total estimated permanent stream impact is 345 feet. There are .1 acre of wetlands within the vicinity of the project area that will not be impacted. Grading of trail begins at 10+07.03 and ends at 30+74.66. The entire project for phase 2 starts at station 10+00 and ends at station 48+00.

Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E6505220-032, SolRiver Capital, LLC, 475 17th St., Suite 570, Denver, CO 80202, Hempfield Township, **Westmoreland County**; Pittsburgh ACOE District.

The applicant proposes to:

Operate and maintain fill in 96 square feet of wetlands to construct a 3MW solar generation facility. This project will also temporarily impact 1 acre of wetlands. Permanent wetland impacts will be mitigated through the purchase of 0.2 wetland mitigation credits from the Shrader Hollow Mitigation Bank within the Youghiogheny River Sub-basin 19.

The project site is located approximately 1,500 feet east of the intersection of Russ More Rd and Hunker Waltz Mill Rd., (Smithton, PA USGS topographic quadrangle; N: 40°, 12', 55.9227"; W: -79°, 38', 42.4739"; Sub-basin 19D; USACE Pittsburgh District), in Hempfield Township, Westmoreland County.

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

E4206220-028, US Forest Service, 29 Forest Service Drive, Bradford, PA 16701. Mudlick Run Culvert Replacement, in Hamilton Township, **McKean County**, ACOE Pittsburgh District (Kinzua, PA Quadrangle N: 41°, 46', 53.43"; W: -78°, 54', 31.58").

To remove the existing structure and construct and maintain a 73 feet long metal plate arch having a span of 26 feet and an underclearance of 8 feet 7 inches carrying Longhouse Scenic Drive over Mudlick Run approximately 2.25 miles off of SR321 near the intersection of Longhouse Scenic Drive and Mudlick Road.

E4206220-026, US Forest Service, 29 Forest Service Drive, Bradford, PA 16701. UNT-Mudlick Run Culvert Replacement, in Hamilton Township, **McKean County**, ACOE Pittsburgh District (Kinzua, PA Quadrangle N: 41°, 47', 4.33"; W: -78°, 54', 31.96").

To remove the existing structure and to construct and maintain a 42 feet long, 21 feet 7 inch by 4 feet 11 inch metal plate arch culvert, a 30-inch diameter stormwater outfall pipe, and stream restoration and enhancement activities in a UNT to Mudlick Creek on Longhouse Scenic Drive 2.5 miles off of State Route 321.

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

Permit No. E5829220-031, Williams Field Services Company, LLC, 310 State Rt 29 N, Tunkhannock, PA 18657-6817, Natural Gas Pipeline. Middletown Township, **Susquehanna County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

1) a permanent access road crossing impacting 3,616 square feet (0.08 acre) of palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 51' 0.10", Longitude: -76° 02' 45"),

2) an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 5,614 square feet (0.13 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 50' 58", Longitude: -76° 02' 46"),

3) an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,533 square feet (0.04 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 50' 56", Longitude: -76° 02' 49"),

4) an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 25,503 square feet (0.59 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 50' 52", Longitude: -76° 02' 51"),

5) an 8-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 67 lineal feet of unnamed tributary to Middle Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 49", Longitude: -76° 02' 54"),

6) an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 350 square feet (0.01 acre) of palustrine forested wetlands (PFO) (Lawton, PA Quadrangle; Latitude: 41° 50' 49", Longitude: -76° 02' 54"),

7) an 8-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 51 lineal feet of unnamed tributary to Middle Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 49", Longitude: -76° 02' 55"),

8) an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 401 square feet (0.01 acre) of palustrine scrub-shrub wetlands (PSS) (Lawton, PA Quadrangle; Latitude: 41° 50' 48", Longitude: -76° 02' 55"),

9) an 8-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 73 lineal feet of unnamed tributary to Middle Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 44", Longitude: -76° 02' 59"),

10) an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 4,340 square feet (0.10 acre) of palustrine scrub-shrub wetlands (PSS) (Lawton, PA Quadrangle; Latitude: 41° 50' 44", Longitude: -76° 02' 59").

The Williams Guiton P. P1 Well Connect pipeline proposes to construct approximately 0.6 mile of 8-inch diameter pipeline Middletown Township, Susquehanna County. The project will result in 191 lineal feet of stream impacts, 36,286 square feet (0.83 acre) of PEM wetlands, 4,741 square feet (0.11 acre) of PSS wetlands, and 350 square feet (0.01 acre) of PFO wetlands for the purpose of providing safe reliable storage and conveyance of Marcellus Shale natural gas to market.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

EA2103220-021. Upper Allen Township, 100 Gettysburg Pike, Mechanicsburg, PA 17055. Upper Allen Township, **Cumberland County**, U.S. Army Corps of Engineers, Baltimore District.

To your proposal to restore and maintain 659 linear feet of an Unnamed Tributary to Yellow Breeches Creek (CWF, MF) by grading back high eroded stream banks to form stable banks and a stable floodplain bench, all within Spring Run Park in Upper Allen Township, Cumberland County (Latitude: 40.1717; Longitude: -76.9803). Permit issued February 22, 2021.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, telephone number: 717-787-3411.

D64-011A. Pennsylvania Fish and Boat Commission, 595 East Rolling Ridge Drive, Bellefonte, PA 16823. To modify, operate, and maintain Lower Woods Dam across East Branch of Dyberry Creek, (EV, MF) impacting 0.19 acre of wetlands (PEM, PSS) and 17 feet of stream and providing 0.21 acre of wetland mitigation, for the purpose of rehabilitating the dam to pass the required spillway design flood. (Aldenville, PA Quadrangle Latitude: 41.7369, Longitude: -75.270127) in Lebanon Township, **Wayne County**.

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.

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

ESCGP-3 # ESG290820029-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840-1567
County Bradford County
Township(s) Athens
Receiving Stream(s) and Classification(s) Mallory Creek (WWF, MF)
Secondary: Susquehanna River (WWF, MF)

ESCGP-3 # ESG295820052-00
Applicant Name SWN Production Company, LLC
Contact Person Sean Burke
Address 917 SR 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna County
Township(s) New Milford & Great Bend
Receiving Stream(s) and Classification(s) Little Egypt Creek (CWF-MF), UNT to Salt Lick Creek (HQ-CWF-MF), Smith Creek (HQ-CWF-MF)
Secondary: Susquehanna River (WWF-MF), Salt Lick Creek (HQ-CWF-MF), Salt Lick Creek (HQ-CWF-MF)

ESCGP-3 # ESG295820059-00
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275-1121
County Susquehanna County
Township(s) Bridgewater
Receiving Stream(s) and Classification(s) East Branch Wyalusing Creek (CWF)
Secondary: Wyalusing Creek (WWF)

ESCGP-3 # ESG295820055-00
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275-1121
County Susquehanna County
Township(s) Gibson
Receiving Stream(s) and Classification(s) UNT to Bear Swamp Creek (HQ-CWF-MF), UNT to Bear Swamp Creek # 57819 (HQ-CWF-MF), Bear Swamp Creek # 35258 (HQ-CWF-MF)
Secondary: Bear Swamp Creek (HQ-CWF-MF), Bear Swamp Creek (HQ-CWF-MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

PMG 2507, 46-14443, 312 Manatawny St., Pottstown, PA 19464, Pottstown Borough, **Delaware County**. Advantage Environmental Consultants, LLC, 3819 Germantown Pike, Suite B, Collegeville, PA 19426, on behalf of Petroleum Marketing Group, Inc., 2900 Telestar Court, Falls Church, VA 22042, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

Amer Auto Wash, 51-27103, 7885 Oxford Ave, Philadelphia, PA 19111, **City of Philadelphia County**. Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19046, on behalf of Fox Chase Holdings Company, 7539 Haverford Ave, Philadelphia, PA 19151 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standards.

Woodland Gardens, 23-34639, 553 Church Ln., Yeadon, PA 19050, Yeadon Borough, **Delaware County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Woodland Gardens, LLC, 553 Church Lane, Yeadon Borough, PA 19050 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standards.

PQ Chester PLT, 23-16475, 1201 W. Front St., Chester, PA 19013 Chester City, **Delaware County**. GZA GeoEnvironmental, Inc., 55 Lane Road, Ste 407, Fairfield, NJ 07004, on behalf of PQ Corporation, 300 Linderwood Drive, Malvern, PA 19355, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

Edward J Dougherty, 46-07027, 1780 Sumneytown Pike, Kulpsville, PA 19443 Towamencin Township, **Montgomery County**. Comstock Environmental Services, LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Former Sumneytown Gulf, 1780 Sumneytown Pike, Lansdale, PA 19446, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

Turkey Hill Minit Market 107, Storage Tank ID # 48-41672, 1060 Main Street, Northampton, PA 18067, Northampton Borough, **Northampton County**. Liberty Environmental, 505 Penn Street, Reading, PA 19601, has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil

contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Gregory Bowman, Environmental Group Manager.

Sunoco Marietta Avenue, Storage Tank Facility ID # 36-20447, 2141 Marietta Avenue, Lancaster, PA 17603, East Hempfield Township, **Lancaster County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Shahmeer Hissan, Inc., 6025 Carlisle Pike, Mechanicsburg, PA 17050 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The plan is intended to document remediation of the site to meet the site-specific standard.

Lakeside Food Mart, Storage Tank Facility ID # 21-26058, 101 Front Street, Boiling Springs, PA 17007, South Middleton Township, **Cumberland County**. Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ 08002, on behalf of Getty Properties Corporation, 292 Madison Avenue, 9th Floor, New York, NY 10017-6318 submitted a Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document remediation of the site to meet the site-specific standard.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.

Contact: Randy Farmerie, Environmental Program Manager.

Rich Tank Lines, Storage Tank Facility ID # 49-25326, 1072 Point Township Drive, Northumberland, PA 17857, Northumberland, **Northumberland County**. Quad Three Group Inc., 37 N. Washington Street, Wilkes-Barre, PA 16701, on behalf of Rich Tank Lines, 1072 Point Township Drive, Northumberland, PA 17857, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the non-residential Statewide health standard.

James Clark Property, Storage Tank Facility ID # 60-55284, 292 Bridge Avenue, Allenwood, PA 17810, Gregg Township, **Union County**. BlackRock Environmental, LLC, P.O. Box 288, Nazareth, PA 18064, on behalf of James Clark, P.O. Box 237, Lewisburg, PA 17837, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the non-residential site-specific standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Environmental Group Manager, Storage Tanks Program.

FedEx Freight, Storage Tank Facility ID # 02-38890, 2081 Kramer Rd., Gibsonia, PA 19044, Richland Township, **Allegheny County**. Terracon Consultants, Inc., 47 Runway Rd., Ste. 1, Levittown, PA 19057, on behalf of FedEx Freight, Inc., 2200 Forward Dr., Harrison, AR

72601, submitted a combined Site Characterization Report and Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

Larry Miller, Storage Tank Facility ID # 56-03788, 477 Horner Church Rd., Stoystown, PA 15563, Quemahoning Township, **Somerset County**. Letterle & Associates, Inc., 2022 Axemann Rd., Ste. 201, Bellefonte, PA 16823, on behalf of Larry Miller, 378 Miller Rd., Stoystown, PA 15563, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

Golden Oil Angotti Texaco, Storage Tank Facility ID # 02-03724, 1330 Banksville Rd., Pittsburgh, PA 15216, Pittsburgh City, **Allegheny County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf Golden Oil Co., P.O. Box 275, Oakdale, PA 15071, submitted a combined additional Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

TNT Enterprises Gas Station, Storage Tank Facility ID # 20-90351, 21779 State Highway 8, Centerville, PA 16404-2012, Bloomfield Township, **Crawford County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101-3630, on behalf of Howick's Auto Body, LLC, P.O. Box 369, Conneaut Lake, PA 16316-0369, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, methyl tert-butyl ether, cumene, and naphthalene. The report is intended to document remediation of the site to meet the site-specific standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated

substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Hertz Rent A Car, 51-38096, 8201 Bartram Ave., Philadelphia PA 19153, **City of Philadelphia**. Envirotrac Ltd., 602 S. Bethlehem Pike, Suite A2/A3, Ambler, PA 19002, on behalf of The Hertz Corporation, 8501 William Road, Estero, FL 33928, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report was acceptable to meet nonresidential Statewide health standards and was approved by DEP on February 18, 2021.

Clifton Fuels 67401, 23-23941, 501 W. Lancaster Ave., Strafford, PA 19087, Radnor Township, **Delaware County**. Petrodi, LLC Elmwood Drive, Tabernacle, NJ 08088, on behalf of Ramoco Marketing Group, P.O. Box 2218, Princeton, NJ 08540, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report was acceptable to meet nonresidential site-specific standards and was approved by DEP on February 18, 2021.

Lukoil 69708, 51-43620, 600 N. Delaware Ave., Philadelphia, PA 19123, **City of Philadelphia**. Envirotrac Ltd., 602 S. Bethlehem Pike, Suite A2/A3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet residential Statewide health standards and was approved by the DEP on February 18, 2021.

Cumberland Gulf 160755 L, 51-09165, 9699 Ashton Rd., Philadelphia, PA 19114, **City of Philadelphia**. Arcadis U.S., Inc., 6041 Wallace Road Ext, Suite 300, Wexford, PA 15090, on behalf of Durkin Contacting Company, Inc., 3030 Grant Avenue, Philadelphia, PA 19114 submitted a Remedial Action Completion concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of residential and

nonresidential Statewide health and site-specific standards and was approved by DEP on February 23, 2021.

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

Contact: Eric Supey, Environmental Program Manager.

Warner's Central Garage, Storage Tank ID # 13-23965, 8 Hudsonale Street, Weatherly, PA 18255 Weatherly Borough, **Carbon County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Mauch Chunk Trust Company, 1111 North Street, P.O. Box 289, Jim Thorpe, PA 18229, has submitted a revised, combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report was not acceptable to meet Statewide health standards and was disapproved by DEP on February 19, 2021.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.

Contact: Randy Farmerie, Environmental Program Manager.

James Clark Property, Storage Tank Facility ID # 60-55284, 292 Bridge Avenue, Allenwood, PA 17810, Gregg Township, **Union County**. BlackRock Environmental, LLC, P.O. Box 288, Nazareth, PA 18064, on behalf of James Clark, P.O. Box 237, Lewisburg, PA 17837, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of the non-residential site-specific standard and was approved by DEP on February 17, 2021.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Environmental Group Manager, Storage Tanks Program.

Former Dick Valley Texaco, Primary Facility ID # 02-23700, 8139 Bennet St., Pittsburgh, PA 15221, Pittsburgh City, **Allegheny County**. Flynn Environmental, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of Gino Aquiline, 4630 Sardis Rd., New Kensington, PA 15068, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard was approved by DEP on February 1, 2021.

Kwik Fill # S0035, Storage Tank Facility ID # 63-22429, 1794 Rt. 136, Eighty Four, PA 15330 Somerset Township, **Washington County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Dr., Cranberry Township, PA 16066, on behalf of United Refining Co. of PA, 814 Lexington Ave., Warren, PA 16365, submitted a revised Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan demonstrated attainment of the Statewide health standard was approved by DEP on February 1, 2021.

Bowser Texaco Service, Storage Tank Facility ID # 04-03781, 402 Delaware Ave., Rochester, PA 15074, Rochester Borough, **Beaver County**. Cribbs & Associates Inc., P.O. Box 44, Delmont, PA 15626, on behalf of F.G. Papa Asso., 300 S. Walnut Lane, Ste. 400, Beaver, PA

15009, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Site Characterization Report and Remedial Action Plan demonstrated attainment of the Statewide health standard was approved by DEP on February 10, 2021.

Mt. Lebanon Auto Service, Primary Facility ID # 02-80722, 301 Cochran Rd., Mt. Lebanon, PA 15229, Mt. Lebanon Township, **Allegheny County**. Flynn Environmental Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of James Malacki, Mt. Lebanon Auto Service, 301 Cochran Rd., Mt. Lebanon, PA 15228, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report did not demonstrate attainment of the Statewide health standard was disapproved by DEP on February 1, 2021.

Marie's Service Station, Primary Facility ID # 65-80800, 404 New Alexandria Rd., Greensburg, PA 15601, Hempfield Township, **Westmoreland County**. DMS Environmental Services, LLC, 103 S. Spring St., Bellefonte, PA 16823, on behalf of Douglas and Rita Semington, 5350 E. Deer Valley Dr., Unit 3432, Phoenix, AZ 85054, submitted a revised Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan demonstrated attainment of the Statewide health and site specific standard was approved by DEP on February 16, 2021.

Former Chippewa Buy-N-Fly # 4, Storage Tank Facility ID # 04-28195, 2561 Constitution Blvd., Beaver Falls, PA 15010, Chippewa Township, **Beaver County**. Flynn Environmental, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of Richard Blackwood, 644 Blackhawk Rd., Beaver Falls, PA 15010, submitted a combined Site Characterization Report and Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Site Characterization Report and Remedial Action Completion Report demonstrated attainment of the Statewide health standard was approved by DEP on February 22, 2021.

Former Uni-Mart, Primary Facility ID # 30-32254, 695 E. High St., Waynesburg, PA 15370, Waynesburg Borough, **Greene County**. Moody and Associates, Inc., 11548 Cotton Rd., Ste. 101, Meadville, PA 16335, on behalf of S.E.F. Inc., 743 E. High St., Waynesburg, PA 15370, submitted a Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan demonstrated attainment of the Statewide health and site specific standard was approved by DEP on February 1, 2021.

507 Allegheny, Primary Facility ID # 02-29688, 507 Allegheny Ave., Oakmont, PA 15139, Oakmont Borough, **Allegheny County**. Synergy Environmental, 155 Railroad Plaza, 1st Fl., Royersford, PA 19468, on behalf of CrossAmerica Partners, 600 W. Hamilton, Ste. 500, Allentown, PA 18101, submitted a Remedial Action Plan addendum concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan demonstrated attainment of the Statewide health standard was approved by DEP on February 16, 2021.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Ellwood City Borough Garage, Storage Tank Facility ID # 37-90061, 105 Sixth Street, Ellwood City, PA 16117, Ellwood City Borough, **Lawrence County**. Moody and Associates, Inc., 158 Cotton Road, Meadville, PA 16335, on behalf of Ellwood City Borough, 525 Lawrence Street, Ellwood City, PA 16117, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and methyl tert-butyl ether. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on February 17, 2021.

TSP 217, Storage Tank Facility ID # 10-06945, 20133 Route 19, Cranberry Township, **Butler County**. EnviroTrac Ltd, 176 Thorn Hill Rd, Warrendale, PA 15086, on behalf of Tri State Petroleum, 705 Lakeview Plaza Boulevard, Suite A, Worthington, OH 43085-4779, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, 1,2,4-trimethylbenzene (TMB), 1,3,4-TMB and methyl tert-butyl ether. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on February 17, 2021.

Kwik Fill M 176, Storage Tank Facility ID # 25-14853, 231 W. Main Street, Girard, PA 16417, Girard Borough, **Erie County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of United Refining Company of PA, P.O. Box 688, Warren, PA 16365, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, naphthalene, MTBE, cumene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on February 17, 2021.

SPECIAL NOTICES

WATER PROGRAMS

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).

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

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.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.

Natural Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16512, FM100 Project. The applicant is proposing the installation and maintenance of an approximately 29.5-mile-long, 20-inch diameter pipeline (line YM58), a 0.4 mile 12-inch diameter pipeline (extension of existing Line KL), and a 1.4-mile-long 24-inch diameter pipeline loop (YM 224) and appurtenant facilities in various municipalities within **Clinton County, McKean County and Potter County** for the purpose of transportation of natural gas. This includes the construction of one compressor station in McKean County and one compressor station in Clinton County. The applicant is also proposing to abandon in place approximately 44.9 miles of 12-inch diameter steel natural gas pipeline and appurtenant facilities in various municipalities within **Cameron County, Clearfield County, Elk County and Potter County**. The project consists of 5 Chapter 105 Water Obstruction and Encroachment Permits and one (1) project-wide Chapter 102 Erosion and Sediment Control Permit. Clinton County did not require a Chapter 105 permit. Below are the Chapter 105 permit applications being reviewed by the Department.

E1283219-001. The **Cameron County** portion of the project is located in Gibson Township, Grove Township, Lumber Township & Driftwood Borough, U.S. Army Corps of Engineers, Baltimore District. The proposed project starts at the Elk County line (Latitude: 41.323250°, Longitude: -78.249556°) and ends at the Potter County line (Latitude: 41.515417°, Longitude: -78.095556°).

The Cameron County portion consists of abandonment in place of approximately 18.8 miles of 12-inch pipeline and removal of approximately 0.3 mile of 12-inch pipeline and above-ground ancillary facilities. The proposed project impacts in Cameron County include a total of 0.026 acre of permanent impacts and 0.158 acre of temporary impacts to Boyer Run (CWF), Unnamed Tributaries (UNT) to Boyer Run (CWF), Colbert Hollow (EV), Driftwood Branch Sinnemahoning Creek (EV), UNT to Driftwood Branch Sinnemahoning Creek (EV), Johnson Run (EV), UNT to Johnson Run (EV), UNT to Berge Run (EV), UNT to Lick Island Run (EV), Little Dent Run (HQ-CWF), Mix Run (HQ-CWF), UNT to Mix Run (HQ-CWF), UNT to Grove Run (HQ-CWF), UNT to Miller Run (HQ-CWF), and Bennett Branch Sinnemahoning Creek (WWF); 0.104 acre of permanent impacts and 2.013 acres of temporary impacts to floodways; 0.039 acre of permanent impacts to PEM and PSS wetlands and 0.191 acre of temporary impacts to PEM and PSS wetlands. 0.008 acre of the permanent wetland impacts are to exceptional value (EV) wetlands. There are no impacts within Cameron County that require mitigation. All impacts associated with the abandonment activities in Cameron County will be restored to pre-construction conditions.

E1783219-001. The **Clearfield County** portion of the project is located in Hutson Township and Lawrence Township, U.S. Army Corps of Engineers, Baltimore

District. The proposed project starts near State Route 0255 in Huston Township (Latitude: 41.219783°, Longitude: -78.559056°) and ends at the Elk County line (Latitude: 41.240361°, Longitude: -78.431528°) in Lawrence Township.

The Clearfield County portion consists of abandonment in place of approximately 7.1 miles of 12-inch pipeline and removal of approximately 0.2 mile of 12-inch pipeline and above-ground ancillary facilities. The proposed project impacts in Clearfield County include a total of 0.014 acre of permanent and 0.080 acre of temporary water-course impacts to Bennett Branch Sinnemahoning Creek (CWF), UNT to Bennett Branch Sinnemahoning Creek (CWF), Lamb Hollow (CWF), UNT to Lamb Hollow (CWF), Laurel Run (HQ-CWF), UNT to Laurel Run (HQ-CWF), Saunders Run (HQ-CWF), and UNT to Little Medix Run (HQ-CWF); 0.055 acre of permanent and 1.693 acres of temporary impacts to floodways; 0.018 acre of permanent impacts to PEM and PSS wetlands and 0.196 acre of temporary impacts to PEM and PSS wetlands. 0.016 acre of the permanent wetland impacts are to exceptional value (EV) wetlands. The permittee shall mitigate for the temporal loss of 0.071 acre of EV PSS wetlands temporarily impacted along the ROW during construction within the Clearfield County portion of the project by providing 0.124 acre of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site located in Hamlin Township, McKean County (Latitude: 41.718655°, Longitude: -78.558228°).

E2483219-001. The **Elk County** portion of the project is located in Benezette Township & Jay Township, U.S. Army Corps of Engineers, Baltimore District. The proposed project starts at the Clearfield County Line in Jay Township (Latitude: 41.240361°, Longitude: -78.431528°) and ends at the Cameron County line (Latitude: 41.323250°, Longitude: -78.249556°) in Benezette Township.

The Elk County portion consists of abandonment in place of approximately 12.2 miles of 12-inch pipeline and removal of above-ground ancillary facilities. The proposed project impacts in Elk County include a total of 0.007 acre of permanent and 0.006 acre of temporary water-course impacts to Mix Run (EV), UNT to Mix Run (EV), Jack Dent Branch (HQ-CWF), Medix Run (HQ-CWF), UNT to Medix Run (HQ-CWF), UNT to Miller Run (HQ-CWF), and UNT to Sullivan Run (HQ-CWF); 0.021 acre of permanent and 0.052 acre of temporary impacts to floodways; and 0.125 acre of permanent impacts and 0.115 acre of temporary impacts to PEM wetlands. 0.072 acre of the permanent wetland impacts are to exceptional value (EV) wetlands. There are no impacts within Elk County that require mitigation. All impacts associated with the abandonment activities in Elk County will be restored to pre-construction conditions.

E4283219-001. The **McKean County** portion of the project is located in Liberty Township, Keating Township, Norwich Township & Sergeant Township, U.S. Army Corps of Engineers, Pittsburgh District. The McKean County portion of the YM58 pipeline begins at the Marvindale Interconnect (Latitude: 41.702°, Longitude: -78.499°) and ends at the Potter County line (Latitude: 41.733417°, Longitude: -78.202333°). The Line KL pipeline extension begins at existing Line KL (Latitude: 41.702694°, Longitude: -78.500067°) and ends at the

proposed Marvindale Compressor Station (Latitude: 41.705022°, Longitude: -78.493972°).

The McKean County portion consists of approximately 18.1 miles of 20-inch pipeline and ancillary facilities associated with Line YM58 and approximately 0.4 mile of 12-inch pipeline and ancillary facilities associated with the extension of existing Line KL. The proposed project impacts in McKean County include a total of 0.060 acre of permanent impacts and 1.926 acres of temporary impacts to Allegheny River (CWF), UNT to Allegheny River (CWF), Coleman Creek (CWF), UNT to Coleman Creek (CWF), Jordan Hollow (CWF), UNT to Jordan Hollow (CWF), UNT to Allegheny Portage Creek (CWF), UNT to Benson Hollow (CWF), UNT to Browns Mill Hollow Run (CWF), UNT to Irons Hollow (CWF), UNT to Larson Hollow (CWF), UNT to Potato Creek (CWF), UNT to Red Mill Brook (CWF), White Hollow (CWF), UNT to White Hollow (CWF), Bemis Hollow (HQ-CWF), UNT to Bemis Hollow (HQ-CWF), Coalbed Hollow (HQ-CWF), Donley Fork (HQ-CWF), UNT to Donley Fork (HQ-CWF), Robbins Brook (HQ-CWF), UNT to Robbins Brook (HQ-CWF), UNT to Boyer Brook (HQ-CWF), UNT to Warner Brook (HQ-CWF), Wernwag Hollow (HQ-CWF), UNT to Wernwag Hollow (HQ-CWF), Allegheny Portage Creek (TSF), UNT to Allegheny Portage Creek (TSF), Potato Creek (TSF), UNT to Potato Creek (TSF); 6.740 acres of permanent impacts and 9.640 acres of temporary impacts to floodways; 0.482 acre of permanent impacts to PEM, PSS, and PFO wetlands and 12.550 acres of temporary impacts to PUB, PEM, PSS, and PFO wetlands. 0.433 acre of the permanent wetland impacts are to exceptional value (EV) wetlands. The permittee shall mitigate for the function and value loss associated with permanently converting 0.206 acre of Palustrine Scrub-Shrub (PSS) and 0.021 acre of Palustrine Forested (PFO) wetlands to PEM wetlands; the temporal loss of 1.158 acres of EV PSS wetlands and 1.091 acres of EV and Other PFO wetlands temporarily impacted along the ROW during construction by providing 5.096 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site located in Hamlin Township, McKean County (Latitude: 41.718655°, Longitude: -78.558228°).

E5383219-001. The **Potter County** portion of the project is located in Pleasant Valley Township, Clara Township, Hebron Township, Allegheny Township, Portage Township, Roulette Township & Wharton Township, U.S. Army Corps of Engineers, Pittsburgh and Baltimore Districts. The modernization portion of proposed project in Potter County starts at the McKean County line (Latitude: 41.810981°, Longitude: -78.205392°) and ends in Allegany Township (Latitude: 41.886022°, Longitude: -77.950339°). The abandonment portion of proposed project in Potter County starts at the Cameron County line in Wharton Township (Latitude: 41.515417°, Longitude: -78.095556°) and ends in Portage Township (Latitude: 41.589986°, Longitude: -78.058367°).

The Potter County modernization portion of the project consists of approximately 11.4 miles of 20-inch pipeline, 1.41 miles of 24-inch pipeline and ancillary facilities associated with Line YM58 and Line YM224; the abandonment portion of the project in Potter County consists of the in place abandonment of approximately 5.5 miles of 12-inch pipeline and removal of ancillary facilities. The proposed project impacts in Potter County include a total

of 0.026 acre of permanent impacts and 0.388 acre of temporary impacts to Baker Hollow (CWF), UNT to Baker Hollow (CWF), Ernst Hollow (CWF), Fishing Creek (CWF), UNT to Fishing Creek (CWF), Jordan Hollow (CWF), UNT to Jordan Hollow (CWF), Sartwell Creek (CWF), UNT to Sartwell Creek (CWF), White Chopin Hollow (CWF), UNT to White Chopin Hollow (CWF), Bailey Run (EV), UNT to Bailey Run (EV), Brainard Hollow (EV), Little Bailey Run (EV), UNT to Little Bailey Run (EV), UNT to Colbert Hollow (EV), West Darian Run (EV), UNT to West Darian Run (EV), Whitney Creek (EV), UNT to Whitney Creek (EV), East Branch Fishing Creek (HQ-CWF), UNT East Branch Fishing Creek (HQ-CWF) ; 1.859 acres of permanent impacts and 1.556 acres of temporary impacts to floodways; 0.088 acre of permanent impacts to PEM and PSS wetlands and 1.009 acres of temporary impacts to PEM and PSS wetlands. 0.087 acre of the permanent wetland impacts are to exceptional value (EV) wetlands. The permittee shall mitigate for the function and value loss associated with permanently converting 0.040 acre of Palustrine Scrub-Shrub (PSS) wetlands to PEM wetlands; and the temporal loss of 0.296 acre of EV PSS wetlands temporarily impacted along the ROW during construction by providing 0.588 acre of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site located in Hamlin Township, McKean County (Latitude: 41.718655°, Longitude: -78.558228°).

EROSION AND SEDIMENT CONTROL

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.

ESG830019003-00. The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

FM100 Modernization/Abandonment Project—The applicant is proposing the installation and maintenance of an approximately 29.5-mile-long, 20-inch diameter pipeline (line YM58), a 0.4 mile 12-inch diameter pipeline (extension of existing Line KL), and a 1.4-mile-long 24-inch diameter pipeline loop (YM 224) and appurtenant facilities in various municipalities within **Clinton County, McKean County and Potter County** for the purpose of transportation of natural gas. This includes the construction of one compressor station in McKean County and one compressor station in Clinton County. The applicant is also proposing to abandon in place approximately 44.9 miles of 12-inch diameter steel natural gas pipeline and appurtenant facilities in various municipalities within **Cameron County, Clearfield County, Elk County and Potter County**. The proposed project will require approximately 538.1 acres of earth disturbance.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG830019003-00	National Fuel Gas Supply Corporation 1100 State Street Erie, PA 16512	McKean County Potter County Cameron County Elk County Clearfield County Clinton County	Regional Permit Coordination Office

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

[Pa.B. Doc. No. 21-330. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 32(4806)102.1, Abandoned Mine Reclamation Project, Canoe Ridge South, Canoe Township, Indiana County. The principal items of work and approximate quantities include: mobilization and demobilization, 1 lump sum; implementation of the erosion and sediment pollution control plan—compost filter sock 18" diameter, 2,000 linear feet; grading, 48,000 cubic yards; and seeding, 9 acres.

This bid issues on February 26, 2021, and bids will be opened on March 25, 2021, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D

format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. § 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-331. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sewage Advisory Committee Virtual Meeting Schedule for 2021

The Sewage Advisory Committee (Committee) will meet virtually at 9 a.m. on the following days: May 25, 2021; and September 14, 2021.

Individuals who wish to join the meetings may do so remotely. Information will be provided on the Committee's webpage. Individuals interested in providing public comments during a meeting must sign up prior to the start of that meeting by contacting Janice Vollero at jvollero@pa.gov or (717) 772-5157.

Information on how to join the meetings, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's

(Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Sewage Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions can be directed to Janice Vollero at jvollero@pa.gov or (717) 772-5157.

Persons in need of accommodations, as provided for in the Americans with Disabilities Act of 1990, should contact the Department at (717) 772-5157 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-332. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551—571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Allegheny Health Network Monroeville Surgery Center	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
Nazareth Endoscopy Center, LLC	28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of "classification levels," regarding Class B facilities PS III patients
Planned Parenthood Keystone—Bensalem	28 Pa. Code § 29.33(6) (relating to requirements for abortion)
Planned Parenthood Keystone—Wilkes-Barre	28 Pa. Code § 29.33(6)
Western Pa Surgery Center	28 Pa. Code § 551.21(d)(1)

The following ASFs have filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Field Guidelines Institute (FGI). The following list includes the citation to the section of the FGI *Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and relating to</i>	<i>Yr¹</i>
Allegheny Health Network Monroeville Surgery Center	A2.1-3.2.3.1(1) space requirements	18-O
Western Pa Surgery Center	A2.1-3.2.3.2(1) space requirements	18-O

¹ 2018 Year FGI Regulations were split into 2 books; *Hospitals*, and *Outpatient Facilities* as indicated by "-O."

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-333. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from February 1, 2021, through February 28, 2021. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelder, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Greater Pittsburgh Surgery, LLC	§ 569.35(7) (relating to general safety precautions)	02/03/2021	Granted w/Conditions
North Pointe Surgery Center—Lebanon	§ 571.1 (relating to minimum standards) regarding construction standards 3.7-3.3.1.2 operating room for surgical procedures that require additional personnel and/or large equipment	02/09/2021	Granted w/Conditions
	§ 571.1 A2.1-3.2.3.1(1) space requirements	02/09/2021	Granted w/Conditions
Penn Medicine Radnor Surgery Center	§ 551.21(d)(1)—(3) (relating to criteria for ambulatory surgery)	02/04/2021	Granted w/Conditions

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
The Chester County Hospital	§ 107.2 (relating to medical staff membership)	02/03/2021	Granted w/Conditions
	§ 143.3 (relating to podiatry surgical procedures)	02/03/2021	Granted w/Conditions
Lehigh Valley Hospital—Pocono	§ 153.1(a) (relating to minimum standards) 2.2-3.4.2.2(2)(a) space requirements	02/04/2021	Granted
Penn Highlands Dubois—Brookville Street	§ 153.1(a) 2.1-6.2.4.1 public toilet room	02/04/2021	Granted
Penn Highlands Dubois—St. Rimersburg	§ 153.1(a) 2.1-6.2.4.1	02/04/2021	Granted
Penn Highlands Huntingdon	§ 109.2(b) (relating to director of nursing services)	02/04/2021	Granted w/Conditions
Penn Highlands Tyrone	§ 109.2(b)	02/04/2021	Granted w/Conditions
Uniontown Hospital	§ 153.1(a) 2.1-8.7.3 dimensions	02/04/2021	Granted w/Conditions
UPMC Mercy	§ 103.31 (relating to the chief executive officer)	02/08/2021	Granted
UPMC Presbyterian Shadyside	§ 103.31	02/08/2021	Granted w/Conditions

Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Oil City Healthcare and Rehabilitation Center	§ 211.9(g) (relating to pharmacy services)	02/08/2021	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone 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).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-334. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
AHN Wexford Hospital	28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations)
Lecom Health Corry Memorial Hospital	28 Pa. Code § 51.23 (relating to positron emission tomography)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
ACMH Hospital	2.1-7.2.3.1(7)(a)(ii) flooring and wall bases	18
	2.2-3.4.2.5(1)(a) system component room	18
Meadville Medical Center	2.1-7.2.2.2 ceiling height	18
	2.1-7.2.2.2(1) ceiling height	18
St. Mary Medical Center	2.2-3.4.2.2(2)(a) space requirements	18
UPMC Muncy	2.8-1.1.1.1 applicable medical units	18

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-335. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Public Health Council Virtual Meeting Regarding the Preventive Health and Health Services Block Grant

The Public Health Council will be holding a virtual meeting on Wednesday, March 17, 2021, from 1:30 p.m. to

2:30 p.m. The meeting will be conducted virtually as a teleconference call by means of Skype, phone only, no video. The call-in information is (267) 332-8737. The conference ID is 832599063.

The purpose of the virtual meeting is to discuss the Preventive Health and Health Services Block Grant Federal Fiscal Year 2020 Distribution of Uncommitted Funds to be used before the expiration of the grant which is September 30, 2021.

For additional information contact Rashida Nasir, Administrative Officer 3, Bureau of Health Promotion and Risk Reduction, Health and Welfare Building, Harrisburg, PA, (717) 547-3204.

Persons with a disability who wish to attend the virtual meeting and require auxiliary aid, service or other special accommodations to do so should contact Rashida Nasir, Administrative Officer 3, at (717) 547-3204, 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 virtual meeting is subject to cancellation without notice.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-336. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Sexual Assault Victim Emergency Services Regulation Listing of Hospitals That May Not Provide Emergency Contraception and Hospitals That May Not Provide Any Sexual Assault Emergency Services

The Department of Health (Department) published final-form sexual assault victim emergency services regulations at 38 Pa.B. 573 (January 26, 2008). The sexual assault victim emergency services regulations became effective on January 26, 2008, and amended 28 Pa. Code Part IV, Subpart B (relating to general and special hospitals) to add specific requirements for hospitals relating to the provision of sexual assault emergency services. See 28 Pa. Code §§ 117.51—117.58 (relating to sexual assault victim emergency services).

Hospitals that decide they may not provide emergency contraception due to a stated religious or moral belief contrary to providing this medication are required to give notice to the Department of the decision. See 28 Pa. Code § 117.57 (relating to religious and moral exemptions). Hospitals that refer all emergency patients to other hospitals after institution of essential life-saving measures and decide not to provide any sexual assault emergency services are required to give notice to the Department of the decision. See 28 Pa. Code § 117.58 (relating to exemption for hospitals providing limited emergency services).

Sections 117.57(1)(ii) and 117.58(1)(ii) of 28 Pa. Code state that the Department will annually publish the lists of hospitals in the *Pennsylvania Bulletin* that have chosen not to provide emergency contraception under 28 Pa. Code § 117.57 or any sexual assault emergency services under 28 Pa. Code § 117.58. The following lists are published in accordance with those provisions and do not create any new obligations for hospitals or relieve hospitals of any existing obligations.

Hospitals that may not Provide Emergency Contraception

Under 28 Pa. Code § 117.57(1)(ii), the Department publishes the following list of hospitals that have provided notice to the Department that the hospital may not provide emergency contraception due to a stated religious or moral belief:

<i>Hospital Name</i>	<i>City, Zip Code</i>
Holy Spirit Hospital	Camp Hill, 17011
Geisinger Jersey Shore Hospital	Jersey Shore, 17740
Mercy Fitzgerald Hospital	Darby, 19023
Suburban Community Hospital	East Norriton, 19401
Muncy Valley Hospital	Muncy, 17756
Nazareth Hospital	Philadelphia, 19152
Physicians Care Surgical Hospital	Royersford, 19468
Regional Hospital of Scranton	Scranton, 18501
Sacred Heart Hospital	Allentown, 18102
St. Joseph Medical Center	Reading, 19603
St. Mary Medical Center	Langhorne, 19047
UPMC Mercy	Pittsburgh, 15219
Williamsport Regional Medical Center	Williamsport, 17701

Hospitals that may not Provide any Sexual Assault Emergency Services

Under 28 Pa. Code § 117.58(1)(ii), the Department publishes the following list of hospitals that have provided notice to the Department that the hospital may not provide any sexual assault emergency services due to the limited services provided by the hospital:

<i>Hospital Name</i>	<i>City, Zip Code</i>
Allied Services Institute of Rehabilitation—Scranton	Scranton, 18501
Holy Redeemer Hospital	Meadowbrook, 19046
John Heinz Institute of Rehabilitation Medicine—Wilkes-Barre	Wilkes-Barre Township, 18702
Kindred Hospital South Philadelphia	Philadelphia, 19145
OSS Health	York, 17402
Physicians Care Surgical Hospital	Royersford, 19468
Rothman Orthopedic Specialty Hospital	Bensalem, 19020
WellSpan Surgery & Rehabilitation Hospital	York, 17403

Additional information regarding the sexual assault victim emergency services regulations and emergency contraception and an up-to-date list of hospitals not providing emergency contraception under 28 Pa. Code § 117.57 or not providing any sexual assault emergency services under 28 Pa. Code § 117.58 is available on the Department's web site at www.health.pa.gov.

The notice in the *Pennsylvania Bulletin* or on the Department's web site of the lists of hospitals not providing emergency contraception under 28 Pa. Code § 117.57, or not providing any sexual assault emergency services under 28 Pa. Code § 117.58, may not be deemed an acknowledgement or confirmation by the Department that the hospitals are in compliance with the requirements of the regulations.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532,

Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 783-8980, fax (717) 772-2163 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).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-337. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Virtual Meeting

The Uniform Construction Code Review and Advisory Council will hold a virtual meeting on Thursday, April 29, 2021, at 10 a.m. Individuals can join the meeting by means of Zoom at <https://zoom.us/j/99121809216?pwd=aDIwUXdpay8yWGpWWjZSMHZWM3ErZz09>. The meeting ID is 991 2180 9216. The passcode is 170867. The one tap mobile is 13017158592,99121809216#,0#,170867#.

Individuals can download the software by clicking the previously listed link or by going to <https://zoom.us/downloads>. This allows use of the web cam on the computer, as well as additional options as screen sharing.

The Americans with Disability Act contact is Kristen Gardner at (717) 346-1497.

Questions concerning this meeting may be directed to Kristen Gardner at (717) 346-1497.

JENNIFER BERRIER,
Acting Secretary

[Pa.B. Doc. No. 21-338. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Realty Transfer Tax; 2019 Common Level Ratio; Real Estate Valuation Factors; Revised

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2019. These factors are the mathematical reciprocals of the actual common level ratio (CLR). For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2020, to June 30, 2021. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>CLR Factor</i>
Adams	.96
Allegheny	1.14
Armstrong	3.62
Beaver	5.52
Bedford	1.22

<i>County</i>	<i>CLR Factor</i>
Berks	1.78
Blair	1.04
Bradford	3.86
Bucks	11.24
Butler	11.63
Cambria	5.32
Cameron	3.52
Carbon	2.96
Centre	4.13
Chester	2.13
Clarion	2.92
Clearfield	8.20
Clinton	1.28
Columbia	4.76
Crawford	3.85
Cumberland	1.08
Dauphin	1.57
Delaware*	†2.00
	††1.00
Elk	3.70
Erie	1.16
Fayette	1.70
Forest	5.56
Franklin	9.09
Fulton	3.08
Greene	1.91
Huntingdon	5.56
Indiana	1.01
Jefferson	3.12
Juniata	8.00
Lackawanna	10.75
Lancaster	1.20
Lawrence	1.36
Lebanon	1.14
Lehigh	1.28
Luzerne	1.05
Lycoming	1.54
McKean	1.18
Mercer	6.10
Mifflin	2.86
Monroe	1.00
Montgomery	2.13
Montour	1.58
Northampton	3.68
Northumberland	6.94
Perry	1.14
Philadelphia	1.06
Pike	5.95

<i>County</i>	<i>CLR Factor</i>
Potter	3.95
Schuylkill	3.06
Snyder	7.09
Somerset	3.45
Sullivan	1.68
Susquehanna	3.89
Tioga	1.66
Union	1.52
Venango	1.32
Warren	4.41
Washington	1.17
Wayne	1.23
Westmoreland	7.63
Wyoming	6.10
York	1.24

* Adjusted by the Department of Revenue to reflect a county assessment base change effective January 1, 2021.

† Factor applicable for documents accepted between 7/1/2020 to 12/31/2020. Apply to prior county assessment.

†† Factor applicable for documents accepted between 1/1/2021 to 6/30/2021. Apply to new county assessment.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-339. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3) intends to sell certain land owned by the Department.

The following is the property available for sale by the Department.

Northumberland Borough, Northumberland County, near the southwest corner of Water and King Streets. The parcel contains 4,468 square feet (0.103 acre) of unimproved land. The estimated fair market value is \$10,500.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Jeffrey M. Wenner, PE, District Right-of-Way Administrator, Department of Transportation, P.O. Box 218, Montoursville, PA 17754.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-340. Filed for public inspection March 5, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Twelve Year Transportation Program; Public Comment Period

Every 2 years the State Transportation Commission (Commission) and the Department of Transportation (Department) update the Commonwealth's Twelve Year Transportation Program (Program). The public comment period for the update of the 2023 Program is scheduled to begin on Monday, March 1, 2021, and continue through Wednesday, April 14, 2021. The Commission and the Department will document, review and use the public feedback provided during the public comment period to help identify needs and prioritize transportation projects in the Program. This feedback will also be used to inform other Statewide and regional transportation plans and programs such as Commonwealth's Long Range Transportation Plan and the Freight Movement Plan. Opportunities to participate in the public comment period include a Transportation Survey and an Online Public Forum. The Online Public Forum is scheduled for Tuesday, March 23, 2021, from 6:30 p.m. to 7:30 p.m. The public is invited to take the survey and attend the Online Public Forum.

The Department will make all reasonable modifications to policies, programs and documents to ensure that people with disabilities and those with limited English proficiency have an equal opportunity to enjoy all of its programs, services and activities. In accordance with Governor Tom Wolf's novel coronavirus (COVID-19) mitigation efforts, the Public Forum will be held online only. Interested individuals who do not have Internet access should contact the Department at (717) 783-2262 to obtain the call-in number for listening-in only.

To request assistance to participate in the survey or Public Forum, contact the Department's Program Center by e-mailing RA-PennDOTSTC@pa.gov or calling (717) 783-2262 from 7:30 a.m. to 4 p.m. Requests for Public Forum assistance should be made as soon as possible, but no later than 7 days before the Public Forum. Individuals who have other questions or challenges, contact the Department's Bureau of Equal Opportunity to request help by e-mailing penndot_eoreports@pa.gov or calling (800) 468-4201; TTY (711).

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-341. Filed for public inspection March 5, 2021, 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 25 stream sections to its list of Class A Wild Trout Streams as set forth at 50 Pa.B. 6744 (November 21, 2020). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A

wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-342. Filed for public inspection March 5, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Additions, Revisions and Removal

The Fish and Boat Commission (Commission) approved the addition of 26 new waters to its list of wild trout streams, the revisions to the section limit of 8 waters currently listed, and an amendment to the name of 1 water currently listed, as set forth at 50 Pa.B. 6742 (November 21, 2020). 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>.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-343. Filed for public inspection March 5, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Exemptions to Allow for the Continued Stocking of Class A Stream Sections

The Fish and Boat Commission (Commission) has approved trout stocking to continue on each of the Class A wild trout streams listed as follows. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), the Executive Director will obtain approval of the Commission prior to granting permission to stock a Class A wild trout stream under 58 Pa. Code § 71.4 (relating to stocking of designated waters).

To date, Commission staff have identified 13 potential exemptions to 58 Pa. Code § 57.8a that meet the criteria to consider the continuance of trout stocking at 12 Class A stream sections. Of these 13 potential exemptions, 10 are associated with youth fishing derbies that occur on a small portion of the stream section. The general exemption classification, stream name, stream section, county, and commissioner district are listed as follows.

Youth fishing derbies

- Beaver Run (Section 01), Clearfield County, Commissioner District 3
- Freeman Run (Section 03), Potter County, Commissioner District 3

- McElhattan Creek (Section 02), Clinton County, Commissioner District 3

- Yellow Creek (Section 02), Bedford County, Commissioner District 4

- Letort Spring Run (Section 03), Cumberland County, Commissioner District 6 (two events)

- Laurel Run (Section 02), Berks County, Commissioner District 8

- Unnamed tributary to Tulpehocken Creek (Womelsdorf) (Section 02), Berks County, Commissioner District 8

- Wyomissing Creek (Section 03), Berks County, Commissioner District 8

General fishing derbies (adult and youth participants)

- Kishacoquillas Creek (Section 05), Mifflin County, Commissioner District 4

Children/Disabled Fishing Areas

- Marvin Creek (Section 01), McKean County, Commissioner District 3

Previous stocking exemption granted

- Cross Fork (Section 03), Potter County, Commissioner District 3

- Warriors Mark Run (Section 01), Huntingdon County, Commissioner District 4

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-344. Filed for public inspection March 5, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates or redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on April 12 and 13, 2021, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2022.

58 Pa. Code § 65.17. Catch and release lakes

The Commission will consider adding the following waters to the catch and release lakes program:

County	Water
Fulton	Meadow Grounds Lake
Somerset	Somerset Lake

At this time, the Commission is soliciting public input concerning the previously listed designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-345. Filed for public inspection March 5, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Designations

The Fish and Boat Commission (Commission) took the following actions with respect to waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.9. Big Bass

The Commission added the following water to its list of "Big Bass" waters regulated and managed under 58 Pa. Code § 65.9 (relating to big bass):

County	Water
Cumberland	Opossum Lake

58 Pa. Code § 65.11. Panfish Enhancement

The Commission added the following waters to its list of "Panfish Enhancement" waters regulated and managed under 58 Pa. Code § 65.11 (relating to panfish enhancement):

County	Water	Species
Cumberland	Opossum Lake	Crappie
Huntingdon	Lake Perez	Crappie and sunfish

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-346. Filed for public inspection March 5, 2021, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

Reg. No.	Agency/Title	Close of the Public Comment Period	IRRC Comments Issued
125-234	Pennsylvania Gaming Control Board Sports Wagering 50 Pa.B. 7277 (December 26, 2020)	1/25/21	2/24/21

**Pennsylvania Gaming Control Board Regulation
125-234 (IRRC # 3279)**

Sports Wagering

February 24, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the December 26, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Protection of the public health, safety and welfare; Implementation procedures.

Act 42 of 2017 amended Title 4 Pa.C.S., relating to Amusements, to expand gaming opportunities in the Commonwealth. As it pertains to this regulation, Act 42 offers slot machine licensees the opportunity to petition the Board to conduct sports wagering at a slot machine licensee's licensed facility, a temporary facility authorized under section 13C21(b) (relating to authorized locations for operation), an area authorized under section 13C21(c) or through an Internet-based system. 4 Pa.C.S.A. 13C21(a)

In order to implement sports wagering, the General Assembly granted the Board authority to promulgate temporary regulations which would expire two years after publication in the *Pennsylvania Bulletin*. The temporary regulations were published in three packages as follows:

- Chapter 1401 was published on June 23, 2018;
- Chapters 1401, 1402, 1403, 1404, 1405 and 1406 were published on July 28, 2018; and
- Chapter 1401, 1407, 1408, 1409, 1410, and 1411 were published on September 15, 2018.

The General Assembly, through Act 114 of 2020, extended the effective date of the temporary regulations for sports wagering to three years after the date of publication. The first of the three packages will expire on June 23, 2021; the second on July 28, 2021; and the last on September 15, 2021. This proposed regulation begins the process of converting the Board's temporary sports wagering regulations to permanent regulations. In response to Regulatory Analysis Form (RAF) question # 29, the Board indicates that the expected date of delivery of the final-form regulation is the second quarter of 2021.

While the temporary regulations for sports wagering are effective currently, the proposed rulemaking requires a sports wagering certificate holder or operator acting on behalf of a sports wagering certificate holder (certificate holder or operator) to also comply with all applicable provisions in Subpart L (relating to interactive gaming).

The temporary regulations for interactive gaming were published in five packages. Chapter 830 of Subpart L is the only regulation that remains in effect until March 9, 2021. All others have expired between January and May 2020. The proposed rulemaking for interactive gaming (Subpart L) was published in the *Pennsylvania Bulletin* on August 22, 2020. At that time, the Board indicated that the expected date of delivery of the final-form regulation would be the third-fourth quarter of 2021.

A cornerstone of the Pennsylvania Race Horse Development and Gaming Act (Act) (4 Pa.C.S. § 1101—4506) is the protection of the public health, safety and welfare and also the protection of the integrity of gaming. How will the Board protect the public and also the integrity of the

games it is charged with overseeing without temporary or permanent regulations in place? We urge the Board to return the regulatory packages for final review to the Independent Regulatory Review Commission (IRRC) and the designated standing committees of the General Assembly as quickly as possible to ensure that interactive gaming and sports wagering are properly regulated.

2. Compliance with RRA and regulations of IRRC.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs IRRC to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria such as economic or fiscal impact and reasonableness. To make that determination, IRRC must analyze the text of the proposed regulation and the reasons for the new or amended language. IRRC also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the RAF (71 P.S. § 745.5(a)).

There are several instances where the Board's responses to RAF questions are incomplete. We ask the Board to provide additional information as directed below.

- Identify what other states permit sports wagering and how those states administer sports wagering in response to RAF question # 12;

- Categorize those entities mentioned in response to RAF question # 15 as either small businesses or another size business; and

- RAF # 22 states that applications for licensure are required forms and the Board has submitted those forms with the proposed rulemaking. Subsections 1408a.3 (relating to internal controls), 1408a.8(c) (relating to Risk Management), 1408a.9(f) (relating to integrity monitoring), and 1408a.12(b) (relating to required reports) reference other forms that may be required. If they are required, copies of those forms should be submitted with the final-form regulation.

Chapter 1401a. General Sports Wagering Provisions

3. Section 1401a.1. Scope.—Protection of the public health, safety and welfare; and Reasonableness of requirements.

Subsection (b) requires any sports wagering certificate holder or sports wagering operator who offers interactive or mobile sports wagering as a form of interactive gaming to also comply with all applicable provisions in Subpart L (relating to interactive gaming) as it pertains to the development, implementation, and use of interactive or mobile sports wagering system operations.

The proposed language in this section is not appropriate because it does not limit the applicability of the Chapter or clarify use of the sections. Section 2.9 of the *Pennsylvania Code and Bulletin Style Manual*. Instead, the phrase "where applicable" is vague and does not create a binding norm or provide certainty for the regulated community. The Board should cross-reference specific Chapters and or sections within the body of the regulation that sports wagering certificate holders and operators must comply with.

This comment applies also to §§ 1407a.1 and 1408a.1 (relating to scope).

4. Section 1401a.2. Definitions.—Clarity.*“Sporting event”*

This definition should be made consistent with the permitted sports wagering activities identified in Section 1401a.6(b).

“Sports wagering area”

Under this definition, subsection (i) should include “At a Category 4 licensed facility, if the holder of the Category 4 slot machine license also holds a Category 1, 2 or 3 slot machine license and has acquired a sports wagering certificate under that Category 1, 2, or 3 license” since that is permitted under Section 1401a.5(b)(4).

5. Section 1401a.5. Conduct of sports wagering generally.—Clarity.*Subsection (d)*

The term “offer” is used in this subsection. What does the term entail? The Board should explain in the Preamble to the final-form regulation what constitutes an “offering” as it pertains to interactive or mobile sports wagering.

For consistency, subsection (d) should include “players located outside of Pennsylvania” or similar language.

Subsection (g)

For purposes of clarity this subsection should include “certified under Section 1405a.1(a)(4).”

Subsection (h)

For purposes of clarity this subsection should include, “certified under Section 1405a.1(a)(4).”

6. Section 1401a.6. Permitted sports wagering activities.—Statutory authority; and Clarity.*Subsection (b)*

The Board’s proposed definition and Act 42 define “Sporting event” as “a professional or collegiate sports or athletic event or a motor race event.” See 4 Pa.C.S.A. 13C01 (relating to Definitions). Under this subsection, the Board may authorize a sports wagering certificate holder or operator to offer wagering on professional athletic events, collegiate athletic events, professional motor race events, “international team and international individual athletic events, and any other sporting events as approved by the Board.” What is the Board’s statutory authority to expand the types of sporting events that may be wagered?

Subsection (c)

“In-game wagers” refers to wagers placed on the outcome of an “athletic event.” Should “athletic event” be replaced with “sporting event?” If not, we suggest the Board define “athletic event” in the final regulation. We also suggest the Board define the various types of wagers included in the definition of “Sports wagering.”

For reader ease, we suggest the Board consider relocating the definitions for “Exchange wagering,” “In-game wagers,” “Parlay wagers,” “Proposition wagering,” and “Straight wagers” to the Definitions section in § 1401a.2.

In Paragraph (3) pertaining to “Parlay wagers,” the Board proposes that a tie constitutes a loss for parlay purposes. Did the Board consider and reject permitting the certificate holder to determine its own rule regarding ties for parlays (i.e. either a loss or its simply eliminated from the parlay with appropriate adjustment for payout odds, etc)? The Board should include in the Preamble to the final rulemaking its rationale for this provision.

Subsection (f)

Must an entity acting as an authorized trader pursuant to a layoff wager agreement, under Paragraph (2) have licensure in Pennsylvania? The Board should clarify the intent of this provision in the final rulemaking.

7. Section 1401a.7. Prohibited and restricted sports wagering activities.—Statutory authority; and Clarity.*Subsection (b)*

Paragraph (2) prohibits wagering on amateur sporting events that have not otherwise been specifically approved by the Board.

The Preamble explains that the Board permits sports wagers to be placed on certain amateur events approved by the Board. Amateur events may be wagered upon when the participants involved are not minors and there is satisfactory oversight of the event to ensure the integrity of sports wagers placed on the event. What is the Board’s statutory authority to authorize certain amateur events? The Board should provide its statutory authority for this provision in the final-form regulation’s RAF and Preamble.

Subsection (c)

A commentator asserts that subsection (c) is written too broadly to determine whether an affiliate of a certificate holder or sports wagering operator that owns an athletic team would be prohibited from a 10 percent or more ownership interest in a certificate holder or operator. The commentator recommends the Board except affiliates of a sports wagering certificate holder or operator from § 1401a.7(c) if the sports wagering certificate holder or operator does not accept wagers involving the team owned by its affiliate. We ask the Board to clarify its intent and to make any necessary revisions in the final-form regulation.

In addition, we ask the Board to explain how it determined that a 10 percent ownership interest or control threshold is the appropriate percentage? How does this percentage compare to other states that allow sports wagering? The Board should provide this information in the Preamble to the final-form regulation.

8. Section 1401a.9. Physical characteristics of sports wagering areas; security and surveillance of sports wagering area; other requirements.—Clarity and lack of ambiguity.*Subsections (b) and (c)*

Commentators request the Board revise these sections to provide greater flexibility in the physical characteristics of sports wagering areas to allow for a “seamless application to nonprimary locations.” We would encourage the Board, as it formulates the final version of this rulemaking, to continue its dialogue with the regulated community in establishing these requirements.

Commentators also note that “satellite sports wagering areas” is not defined. The Board should define this term in the final version of this rulemaking.

Chapter 1402a. Sports Wagering Operators**9. Section 1402a.2. Sports wagering operator application and standards.—Clarity and lack of ambiguity.**

The phrase “unless otherwise directed by the Board” is vague. Under what circumstances would it be appropriate to deviate from the application process? We recommend that the phrase be removed from this section and §§ 1403a.2(a)(1) (relating to Sports wagering manufact-

urer license application and standards); 1404a.2(a)(1) (relating to Sports wagering supplier license application and standards); 1406a.1(a)(1) (relating to General provisions); and 1408a.6(c) (relating to Segregation of bank accounts) as it provides no certainty to the regulated community.

Similarly, the phrase “unless otherwise directed by the Bureau of Licensing” should also be deleted from §§ 1405a.2 (relating to Sports wagering gaming service provider certification applications) and 1405a.3 (relating to Sports wagering gaming service provider registration application).

10. Section 1402a.3. Sports wagering operator license term and renewal.—Clarity.

Subsection (c) provides that a sports wagering operator license renewal application and fee that has been received by the Board will continue to be in effect until acted upon by the Board. The Board should clarify in Preamble whether this provision applies only for renewal applications that are timely received by the Board. If this provision applies only for renewal applications received in a timely manner, we ask the Board to revise the language in the Annex to the final-form regulation to be consistent with the Board’s intent.

This comment applies also to renewal applications in §§ 1403a.3(c); 1404a.3(c); 1405a.5(c); 1406a.2(d); 1406a.3(d); 1406a.4(e); and 1406a.5(c).

11. Section 1402a.4. Sports wagering operator change of control.—Clarity.

Subsection (b)

We recommend the Board add “Bureau” to the Definitions section (§ 1401a.2) to make clear which Bureau must be notified under this section.

Chapter 1403a. Sports Wagering Manufacturer

12. Section 1403a.2. Sports wagering manufacturer license application and standards.—Clarity.

Subsection (a)

Under Paragraph (1), an applicant for a sports wagering manufacturer license must submit an original and one copy of the Enterprise Entity Application and Disclosure Information Form for the applicant and each of the applicant’s “principal affiliates” unless otherwise directed by the Board. What is a “principal affiliate?” The Board should define “principal affiliate.” It should also include its rationale for the requirement to apply only to the applicant’s principal affiliates. This same comment applies to § 1404a.2(a)(1) (relating to Sports wagering supplier application and standards).

Chapter 1405a. Sports Wagering Game Service Providers

13. Section 1405a.6. Authorized sports wagering gaming service providers list; prohibited sports wagering gaming service providers.—Clarity.

Subsection (a) requires the Board to maintain a list of authorized sports wagering gaming service providers and a list of prohibited gaming service providers. The authorized list must contain the names of “persons and entities” that have been registered or certified or are currently registered to conduct business with sports wagering certificate holders or operators. We ask the Board to review its use of “person” in subsections (c)—(e) and revise, if appropriate, to include “entities.”

14. Section 1405a.7. Permission to conduct business prior to certification or registration.—Clarity; and Implementation.

Subsection (c) requires the Bureau of Licensing to notify the applicant for certification or registration and the sports wagering certificate holder or operator “by regular mail or email, or both,” that permission for the applicant for certification or registration to conduct business under subsection (a) has been rescinded and that the certificate holder or operator must cease conducting business with the applicant by the date specified in the notice. How does the notification by regular mail provide assurance to the Board that the notifications have been received?

15. Section 1405a.9. Duty to investigate.—Clarity and Implementation procedures.

The requirement for a certificate holder or operator to investigate the background and qualifications of the applicants for sports wagering gaming service providers with whom it intends to have a contractual relationship appears to be in addition to the requirements in §§ 1405a.2 and 1405a.3. The Board should explain the need for this provision and how it will ensure that the investigations by a certificate holder or operator are conducted to its satisfaction?

Chapter 1406a. Sports Wagering Principals and Key, Gaming and Nongaming Employees

16. Section 1406a.1. General provisions.—Clarity.

Subsections (f) and (g)(1 through 5) do not appear to apply to nongaming employees. However, the inclusion of the term “registration” and similar word forms creates confusion because nongaming employees are the only ones who are registered under this Chapter. The Board should make the necessary revisions to eliminate any confusion regarding application to nongaming employees.

17. Section 1406a.5. Sports wagering nongaming employees.—Clarity.

Subsection (a) refers to submitting an application for “licensure.” Nongaming employees submit an application for “registration” not licensure. The Board should delete “licensure” and insert “registration.”

Chapter 1407a. Sports Wagering Testing and Controls

18. Section 1407a.2. Definitions.—Clarity.

“Sports wagering account”

Is it the Board’s intent to preclude patrons from utilizing their registered accounts for wagering at self-service kiosks? The Board should clarify its intent in the Preamble to the final-form regulation.

19. Section 1407a.3. Testing and approval generally.—Clarity.

Subsection (c)

What is an “interactive or mobile sportsbook?” This term appears in §§ 1409a.1, 1410a.1(a) and 1411a.1(a). The Board should define “interactive or mobile sportsbook” in the final-form regulation.

Subsection (d)

Under this subsection, “Submissions to the Office of Gaming Laboratory Operations of sports wagering devices and software used in conjunction with the operation of an onsite sportsbook or an online or mobile sportsbook should adhere to the requirements in § 461a.4 (relating to submissions for testing and approval) where applicable. (Emphasis added.)

“Should” is nonregulatory language. The Board should revise this subsection with language that sets a clear standard of compliance. It should also define “onsite sportsbook” in the final-form regulation. We ask the Board to make certain that terms are defined and consistently used throughout the body of the regulation.

20. Section 1407a.4. Wagering device requirements generally.—Clarity; and Reasonableness.

Subsection (g)

A commentator requests clarification from the Board on what is meant by “nonredeemable” under this provision. The commentator also suggests that the Board make clear that holders of voided tickets are entitled to a refund in the amount of their bet. We agree with the commentator’s suggestion and ask the Board to define the term “nonredeemable” in the final-form regulation.

Subsection (h)

A commentator asserts that wagering devices are not designed to automatically prevent the posting of wagers and the voiding or cancellation of wagers after the outcome of the event is known. These types of activities would likely entail human involvement. The Board should clarify the intent of this subsection and make any necessary revisions to the final rulemaking.

Subsection (i)

This subsection requires that “In the event, a patron has a pending sports wager and then is excluded or self-excludes, the wager shall be cancelled and the funds returned to the patron.” A commentator submits that it is not feasible to meet this requirement when sports bets are placed at retail locations. Sports wagers placed at retail locations may be placed anonymously. As such, a sports wagering certificate holder or operator would not know whether a patron that anonymously placed a wager is excluded or self-excluded after placing the anonymous bet.

The timing of the exclusion or self-exclusion and the outcome of the sporting event could make compliance with this provision “unduly burdensome” on sports wagering certificate holders and owners. The commentator requests that the Board eliminate this requirement and mandate that all persons, who self-exclude or the Board excludes, forfeit any pending sports wagers.

The Explanation in the Preamble to the proposed regulation does not provide sufficient information as to the need for or the Board’s rationale for this subsection. We ask the Board, when it submits the final rulemaking package, to include a revised Preamble that explains the need for and its rationale for this requirement.

21. Section 1407a.6. Ticket/Voucher requirements.—Clarity.

Subsection (g)

Under Paragraph (2), a sports wagering certificate holder or operator must include in its internal controls the policies and procedures for paying or writing tickets, or both, that are over the set limits, voiding tickets, issuing corrections to tickets and “ticket overrides.” Commentators remark that it is unclear what the Board intends with this provision. The Board should clarify its intent and define “ticket override” in the final version of the rulemaking.

22. Section 1407a.8. Sports wagering interactive system requirements.—Clarity.

Under Subsection (b), sports wagering interactive systems must adhere, where applicable, to the requirements

in Chapter 810a (relating to the interactive gaming testing and controls). The phrase “where applicable” is nonregulatory language and should be deleted in the final regulation.

Chapter 1408a. Sports Wagering Accounting and Internal Controls

23. Section 1408a.3. Internal controls.—Clarity.

Subsection (b)

In Paragraph (21) should “athletic event” be “sporting event” so that these provisions apply also to professional motor race events?

In addition, Paragraph (21) Subparagraph (iii) covers more than ownership interests in a team. Therefore, we suggest that the last proviso read: “. . .and, if the ownership interest is in a team, that the owner is not permitted to. . .”

Subsection (j)

A commentator seeks clarification on the procedure for submitting revisions to the Catalog of Events and Wagers. Is it the Board’s intent that a sports wagering certificate holder or owner would have to wait until Board approval to implement any revisions or may they implement revisions 72 hours after submitting them to the Board? The Board should clarify the intent of this subsection and make revisions, if necessary.

Subsection (o)

A commentator asks the Board to clarify what is meant by “cancelled” and suggests that the term be deleted and replaced by the phrase “reflected as claimed.” The Board should clarify this provision in the final rulemaking.

24. Section 1408a.8. Risk management.—Protection of the public interest, safety and welfare; and Implementation.

Under this section, risk management procedures may be provided in-house or by an independent third party. Section 1401a.5(h) requires a certificate holder or operator to employ the services of a third-party risk manager that is “licensed by the Board or otherwise demonstrate to the Board’s satisfaction that it has established in-house units capable of performing these functions with appropriate segregation of functions and reporting duties.”

This section should be made consistent with the requirements of § 1401a.5(h) as it pertains to the licensing, and segregation of duties and reporting. The Board should explain when it submits the final-form regulation how it will determine that a certificate holder or operator’s in-house unit has the capabilities and the appropriate segregation of functions to protect the public and the integrity of gaming.

Section 1408a.8(b)(10) requires internal controls to include “a description of the policies and procedures to be followed in the event that an error occurs in the offering of an event or wager, including the cancellation of the wagers placed due to error, which shall be *subject to Board approval.*” (Emphasis added.)

A commentator requests that the Board permit sports wagering certificate holders to cancel wagers, at their discretion if pre-approved criteria are met. This suggestion would appear to align with language in § 1408a.9(d) which permits a sports wagering certificate holder or operator receiving a report of unusual or suspicious wagering activity to suspend wagering on events related to the report and to cancel related wagers under procedures previously approved by the Board.

The Board should explain its rationale for requiring approval, in the event of an error, before the certificate holder or operator may cancel wagers rather than requiring policies with pre-approved criteria to be submitted under internal controls.

25. Section 1408a.9. Integrity monitoring.—Clarity; Protection of the public interest, safety and welfare; and Implementation.

Section 1401a.5(g) requires a certificate holder or operator to employ the services of a third-party integrity monitor that is “licensed by the Board or otherwise demonstrate to the Board’s satisfaction that it has established an in-house unit capable of performing these functions with the appropriate segregation of functions and reporting duties.”

We ask the Board to make this section consistent with the requirements of § 1401a.5(g) as it pertains to the licensing, segregation of functions and reporting duties. The Board should explain in the Preamble to the final-form regulation how it will determine that a certificate holder or operator’s in-house unit has the capabilities and the appropriate segregation of functions necessary to protect the public and the integrity of gaming. In addition, the Board should revise its response to RAF # 12 to provide a comparison of the Board’s approach to other states’ integrity monitoring procedures.

The Board should also explain how the procedures for information sharing and reporting suspicious or unusual wagering activity contained in this section are consistent with similar requirements in §§ 1408a.3 (relating to internal controls), and 1408a.7 (relating to sports wagering, certificate holder’s or sports wagering operator’s organization).

In § 1408a.9(b) a certificate holder or operator is required to share information regarding unusual or suspicious sports wagering activity in a “timely manner” with the Board and other sports wagering certificate holders or operators. In “a timely manner” is nonregulatory language that does not provide direction to those that must comply. We suggest the Board replace it with a specific time period.

Section 1408a.9(f) requires a sports wagering certificate holder or operator to file a report of any unusual or suspicious wagering activity with the Office of Sports Wagering. Reports are to be filed no later than 5 calendar days after a certificate holder or operator initially detects or discovers facts that constitute a basis of filing a report. We have the following questions:

- By what means will a sports wagering certificate holder or operator share information with other certificate holders and operators and the Board?
- Is the sharing of information with the Board and other certificate holders and operators considered “a report” under § 1408a.9(f)(1)?
- Did the Board consider and reject sharing information regarding unusual or suspicious sports wagering activity with other entities in addition to the Board and other certificate holders and operators?

In § 1408a.9(e), the certificate holder or operator must provide the Board remote access to its “integrity monitoring system.” The Board should define “integrity monitoring system” in the final version of this rulemaking.

Chapter 1409a. Sports Wagering Advertisements, Promotions and Tournaments

26. Section 1409a.2. Sports wagering contests, tournaments, pools or other organized events.—Clarity and lack of ambiguity.

Subsection (a)

Paragraph (5) prohibits collecting or paying out real money or any prize having a cash value for any tournament, etc. Section 1409a.2(b) discusses accounting procedures, etc, for cash prizes. Paragraph (5) directly conflicts with § 1409a.2(b). The Board should make consistent §§ 1409a.2(a)(5) and 1409a.2(b) in the final-form regulation. It should also define “sports wagering contest, tournament, pool or other organized event.”

Subsection (d)

This subsection requires a certificate holder or operator to discontinue, “as expeditiously as possible” a sports wagering contest, tournament, pool or other organized event “upon the receipt of written notice from the Board’s executive director that it has been determined that the conduct of a sports wagering contest, tournament, pool or other organized event could adversely impact the public or the integrity of gaming.”

The phrase “as expeditiously as possible” lacks clarity and does not provide a sports wagering certificate holder or operator with a definitive standard to follow. We recommend that the phrase “expeditiously as possible” be replaced with a specific time period. In addition, we ask the Board to clarify how the written notice requirement will be implemented? Will the written notice be sent via email or regular mail, or both?

27. Miscellaneous.—Clarity.

- The Board should ensure that it uses terms consistently throughout the final regulation (i.e. “sports wagering certificate holder or sports wagering operator” or “sports wagering certificate holder or sports wagering operator on behalf of a sports wagering certificate holder”);
- In § 1401a.9(c)(2)(vii) the lower case “(c)” should be deleted and replaced with an upper case (C);
- The Board should delete § 1405a.1(a)(5) since its purpose is unclear;
- In § 1407a.4(i) “patron” should be deleted and replaced with “person” or “individual” to be consistent with other language pertaining to exclusion and self-exclusion;
- In § 1408a.2 the term “Integrity monitoring” utilizes part of the term in the definition (§ 2.11(h) of the *Pennsylvania Code and Bulletin Style Manual*);
- In §§ 1408a.5 and 1408a.12 contain an introductory paragraph that is not designated by a letter;
- There is a typographical error in §§ 1409a.2(g) and 1409a.2(h) regarding the statutory citations for §§ 813a.3 and 811a.9. These sections should read: “§ 813.3(a)” and “§ 811.9(a)”; and
- In §§ 1410a.1(b) and 1411a.1(b) the phrase “and the like” is used. This phrase is not regulatory language and should be deleted.

[Pa.B. Doc. No. 21-347. Filed for public inspection March 5, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Fidelio Insurance Company

David Mele, an individual with his principal place of business in Glenside, PA, has filed an application for approval to acquire control of Fidelio Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Lori Bercher, lbercher@pa.gov. Comments received will be shared with the applicant for response and will become part of the public file.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-348. Filed for public inspection March 5, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Notice Regarding Coronavirus (COVID-19) Insurance Coverage; Notice 2021-03

The Insurance Department (Department) is issuing this Bulletin to assist individuals and entities regulated by the Department addressing health insurance related services that may arise in the context of the ongoing novel coronavirus (COVID-19) pandemic. All health insurers, other insurance industry representatives and other interested parties are encouraged to review the latest Commonwealth information about COVID-19 released by the Department of Health at www.health.pa.gov.

Effective January 21, 2021, the Federal public health emergency (PHE) was extended for an additional 90 days, and subsequent extensions are anticipated, likely to continue through all of 2021. See January 22, 2021 HHS Message to Governors. Recognizing the critical role that health insurance coverage plays in the public's actual and perceived access to and affordability of health care services, the Department urges health insurers providing coverage to residents in this Commonwealth to continue exercising flexibility to make both COVID-related services and non-COVID-related services available to enrollees.

The Department particularly draws attention to the following:

1. *Testing for COVID-19.* It is expected that insurers will continue to cover testing without cost-sharing as required under The Families First Coronavirus Response Act of 2020 (Pub.L. 116-127) (FFCRA) and Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) (CARES Act). As explained in the law and guidance, testing must be covered at no cost throughout the Federal PHE when an "attending provider" [described in the tri-agency FAQs Part 43 issued on June 23, 2020 as "an individual who is licensed (or otherwise authorized) under applicable law, who is acting within the scope of the

provider's license (or authorization), and who is responsible for providing care to the patient"] makes an "individualized clinical assessment to determine whether the test is medically appropriate for the individual in accordance with current accepted standards of medical practice." See <https://www.cms.gov/files/document/FFCRA-Part-43-FAQs.pdf> at Q.3. The Department urges insurers to be alert for any additional guidance that may be issued by the Federal agencies. See Executive Order 13996 of January 21, 2021, "Establishing the COVID-19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID-19 and Other Biological Threats," Sec. 3(a)(ii), 86 FR 7197—7199 (January 21, 2021) (directing the Departments of Treasury, Health and Human Services, and Labor to "clarify group health plans' and health insurance issuers' obligations to provide coverage for COVID-19 testing.").

2. *Vaccine for COVID-19.* It is expected that insurers will continue to cover vaccinations without cost-sharing and without consideration of the network status of the provider, as required under the CARES Act and further explained in the "Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency" Interim Final Rule with Request for Comments, 85 FR 71142 (November 6, 2020) et seq. (IFC). Additionally, the Department urges insurers to expeditiously work through any administrative or billing issues that may arise with respect to administration of vaccines by pharmacists.

3. *Telehealth Delivery of Services.* In Notice 2020-03, 50 Pa.B. 1788 (March 21, 2020), the Department encouraged health insurers to review their respective participating telehealth service provider arrangements, provide coverage of costs related to telehealth services and to be prepared to meet any increased demand for that means of delivery, given that COVID-19 is a communicable disease and therefore some insureds may prefer to use telehealth services instead of in-person health care services. The Department appreciates many health insurers' efforts to implement telehealth flexibilities, including those that were made a permanent part of the insurers' business operations, as well as insurer efforts to reimburse for telehealth visits in the same manner as they would for in-person appointments during the public health emergency. However, health insurers have taken different approaches both in the telehealth policy flexibilities implemented as well as the duration of such flexibilities. Unfortunately, this has caused both provider and consumer confusion. Therefore, the Department encourages health insurers to implement broader consistency across their telehealth flexibility policies, including consideration of, for example:

- Best practices for care management, including continuity of care as between telehealth and in-person care.
- Network flexibility for providers that offer both telehealth and in-person services.
- Language consistency and clarity so that providers and patients can easily understand the timing and substance of any changes in telehealth policies.
- 60 days' advance notice to providers and patients of any change in policy.

The Department also strongly encourages health insurers to extend such flexibilities through the end of the Federal PHE or the Commonwealth PHE, whichever occurs later, and to implement a 60-day wind-down period for an orderly transition for both patients and providers to adjust to a post-PHE environment, as contemplated by the Federal Administration. See January 22, 2021 HHS Message to Governors.

4. *Balance Billing and Surprise Balance Bills.* Health insurers are urged to assist insureds in accessing in-network or publicly funded health services to avoid balance billing and surprise balance bills. Taking steps now to effectuate processes as contemplated by the No Surprises Act is encouraged. See Consolidated Appropriations Act of 2021, Div. BB, Title I (P.L. 116-260, 134 Stat. 1182) (December 27, 2020). With respect to COVID testing and vaccines, we expect that health insurers already have in place mechanisms to avoid balance billing. See FFCRA section 6001, as amended by section 3201 of the CARES Act, CARES Act section 3202, and FAQs about FFCRA and CARES Act Implementation Part 43 (no balance billing for testing during PHE); Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency, Interim Final Rule with Request for Comments, 85 FR 71142 (November 6, 2020) et seq. (amending 45 CFR 147.130 (relating to coverage of preventive health services)) (no balance billing for vaccine during PHE).

5. *Coordination with Self-Funded Business.* While not under the Department's regulatory jurisdiction, the Department continues to encourage health insurers to coordinate closely with the business they administer on behalf of employers who self-fund their health benefits to ensure consistency in access across all forms of coverage.

The Department extends its appreciation to health insurers in working with the Commonwealth as all continue to address this public health challenge. Since the COVID-19 situation continues to evolve, health insurers should continually assess their readiness and be prepared to make any necessary adjustments.

Health insurers and other regulated individuals and entities are advised to contact the Office of the Commissioner, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, ra-in-commissioner@pa.gov with any questions regarding this Bulletin.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-349. Filed for public inspection March 5, 2021, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Virtual Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a virtual meeting of the Authority's Board to be held virtually on Thursday, March 18, 2021, at 1 p.m.

Advance registration for this virtual Board meeting is required. Individuals can register by going to https://zoom.us/meeting/register/tJwuduivpz4tHtEyp7M6JVHznuo_IZRpJum1.

After registering, individuals will receive a confirmation e-mail containing information about joining the meeting.

Individuals who are unable to sign in by the previously listed link may dial-in by using the following information:

Meeting ID: 983 1179 5745

Passcode: 641455

One tap mobile:

+1-312-626-6799, 98311795745#,,,,*641455# US (Chicago)
+1-646-558-8656, 98311795745#,,,,*641455# US (New York)

Dial by individual's location:

+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)

Meeting ID: 983 1179 5745

Passcode: 641455

Find individual's local number: <https://zoom.us/u/abmdy5kXvu>

Individuals with questions regarding this virtual meeting, which is open to the public, should contact the Authority at (717) 346-0469.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,
Executive Director

[Pa.B. Doc. No. 21-350. Filed for public inspection March 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction; Transfer of Indirect Control

A-2021-3024205. Clear Rate Holdings, Inc. and Clear Rate Communications, Inc. Joint application of Clear Rate Holdings, Inc. and Clear Rate Communications, Inc. for approval of a general rule transaction involving a transfer of indirect control of telecommunications public utilities.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 22, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Joint Applicants: Clear Rate Holdings, Inc.; Clear Rate Communications, Inc.

Through and By Counsel: Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921, (215) 963-5000, fax (215) 963-5001, catherine.vasudevan@morganlewis.com; Joshua M. Bobeck, Esquire, JiaZhen (Ivon) Guo, Esquire, Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue, NW, Washington, DC 20004-2541, (202) 739-3000, joshua.bobeck@morganlewis.com, ivon.guo@morganlewis.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-351. Filed for public inspection March 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 22, 2021. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting EService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by March 22, 2021. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2021-3024181. Forever Family Homecare Agency, LLC (3402 Lansing Street, Philadelphia, PA 19136) in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2021-3024182. BGP, LLC, t/a PA Transportation Services (2210 South Melrose Lane, Bethlehem, Northampton County, PA 18015) persons in paratransit service, from points in the Counties of Dauphin, Lancaster, Lebanon and York, to points in Pennsylvania, and return.

A-2021-3024183. Fortune Transportation Group, LLC (1818 Jericho Road, Warrington, Bucks County, PA 18976) persons in paratransit service, from points in the Counties of Bucks and Montgomery, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

A-2021-3024184. Integrated Medical Transport, LLC (322C East Allen Street, Suite C, Mechanicsburg, Cumberland County, PA 17055) for amendment of its common carrier certificate, which presently grants the right to transport persons in paratransit service, from points in the Counties of Adams, Allegheny, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York to points in

Pennsylvania, and return; *So as to permit:* the additional right to transport persons in paratransit service from points in the Counties of Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington and Westmoreland to points in Pennsylvania, and return. *To read:* to transport persons in paratransit service between points in Pennsylvania. *Attorneys:* Kevin J. McKeon, Todd S. Stewart, Bryce R. Beard, 100 North Tenth Street, Harrisburg, PA 17101.

A-2021-3024239. Vision of Love Homecare, LLC (119 Horning Road, Bethel Park, Allegheny County, PA 15102) in paratransit service, between points in the Counties of Allegheny and Washington.

A-2021-3024242. Martin Transportation Service, LLC (7244 Castor Avenue, # 1082, Philadelphia, PA 19149) in paratransit service, from points in the County of Montgomery, and the City and County of Philadelphia, to correctional facilities in Pennsylvania, and return.

Application of the following for the approval of the *transfer of stock as described under the application.*

A-2021-3024148. Class I Bus Company, Inc. (13420 Damar Drive, Unit M, Philadelphia, Philadelphia County, PA 19116) a corporation of this Commonwealth—for the approval of the transfer of 100% of issued and outstanding shares held by Cydna B. Shulman to Attridge Bus Corporation. *Attorney:* Jonathan Samel, Esquire, Hamburg Ruben Mullin Maxwell & Lupin, 375 Morris Road, Lansdale, PA 19446 (Seller) and Todd S. Stewart, Esquire and Bryce R. Beard, Esquire, 100 North Tenth Street, Harrisburg, PA 17101 (Buyer).

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-352. Filed for public inspection March 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due March 22, 2021, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Mirza Corporation One, Inc., t/a American Limo; Docket No. C-2020-3020810

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 del-

egated 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 Mirza Corporation One, Inc., t/a American Limo, (respondent) is under suspension effective June 18, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 551 General Muhlenberg Road, King of Prussia, PA 19406.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 04, 2005, at A-00121507.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00121507 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,
Kimberly M. Johnston, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Kimberly M. Johnston, 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: 8/7/2020

Kimberly M. Johnston, 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
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Better
Management Corporation of Ohio, Inc.;**
Docket No. C-2020-3022798

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 Better Management Corporation of Ohio, Inc., (respondent) is under suspension effective October 22, 2020 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P.O. Box 130, Columbiana, OH 44408.
3. That respondent was issued a Certificate of Public Convenience by this Commission on October 19, 2010, at A-8912546.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8912546 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,
Kimberly M. Johnston, Acting Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Kimberly M. Johnston, Acting 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: November 20, 2020

Kimberly M. Johnston, Acting
Chief
Motor Carrier Enforcement
Bureau of Investigation and En-
forcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist

from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-353. Filed for public inspection March 5, 2021, 9:00 a.m.]

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024194. Verizon Pennsylvania, LLC and MCImetro Access Transmission Services Corp. Joint petition of Verizon Pennsylvania, LLC and MCImetro Access Transmission Services Corp. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and MCImetro Access Transmission Services Corp., by their counsel, filed on February 17, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling 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. Documents filed in support of Verizon Pennsylvania, LLC and MCImetro Access Transmission Services Corp., joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-354. Filed for public inspection March 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024195. Verizon Pennsylvania, LLC and XO Communications Services, LLC. Joint petition of Verizon Pennsylvania, LLC and XO Communications Services, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and XO Communications Services, LLC, by their counsel, filed on February 17, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling 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. Documents filed in support of Verizon Pennsylvania, LLC and XO Communications Services, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-355. Filed for public inspection March 5, 2021, 9:00 a.m.]

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024196. Verizon North, LLC and MCImetro Access Transmission Services Corp. Joint petition of Verizon North, LLC and MCImetro Access Transmission Services Corp. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and MCImetro Access Transmission Services Corp., by their counsel, filed on February 17, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling 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. Documents filed in support of Verizon North, LLC and MCImetro Access Transmission Services Corp. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-356. Filed for public inspection March 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024260. Verizon Pennsylvania, LLC and Onvoy, LLC. Joint petition of Verizon Pennsylvania, LLC and Onvoy, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Onvoy, LLC, by their counsel, filed on February 24, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling 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. Documents filed in support of Verizon Pennsylvania, LLC and Onvoy, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-357. Filed for public inspection March 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024262. Verizon North, LLC and Onvoy, LLC. Joint petition of Verizon North, LLC and Onvoy, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Onvoy, LLC, by their counsel, filed on February 24, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling 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. Documents filed in support of Verizon North, LLC and Onvoy, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-358. Filed for public inspection March 5, 2021, 9:00 a.m.]

STATE HORSE RACING COMMISSION

Banning Lasix in 2-year Old Thoroughbred Horses and Graded Thoroughbred Stakes Races; Administrative Policy SHRC 2021-1

The State Horse Racing Commission (Commission), in accordance with 3 Pa.C.S. § 9312(6) (relating to additional powers of commission) of the Race Horse Industry Reform Act and 7 Pa. Code § 401.4(a) (relating to substances of therapeutic value), is authorized to adopt National standards relating to prohibited substances, uniform drug threshold levels or penalties and to regulate substances of therapeutic value, including the use of Furosemide (Lasix) in race horses.

The Commission recognizes that Lasix is helpful in the management of Exercise Induced Pulmonary Hemorrhage. In overseeing the race-day use of Lasix, the Commission has placed strict regulatory controls on the dose, route and time the medication is administered. These measures are designed to provide a complete regulation of Lasix and to prevent the misuse of the drug, including, where appropriate, the reasonable restriction on the use of Lasix.

The Commission hereby provides notice that it intends to follow the National racing standard by expressly banning the use of Lasix in 2-year-old thoroughbred horses racing in thoroughbred racetracks in this Commonwealth and banning the use of Lasix in Graded Stakes Races conducted in this Commonwealth effective April 1, 2021.

The Commission's specific administrative policy has been posted and published on the Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/commission/Pages/Publications.aspx>.

THOMAS F. CHUCKAS, Jr.,
Director
Bureau of Thoroughbred Horse Racing

[Pa.B. Doc. No. 21-359. Filed for public inspection March 5, 2021, 9:00 a.m.]